

MEMORANDUM

Agenda Item No. 7(D)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

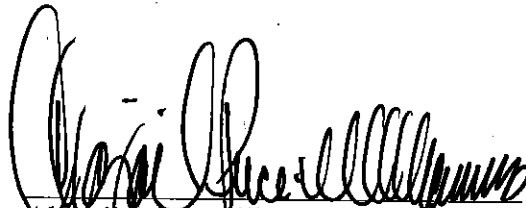
DATE: (Second Reading 2-6-18)
December 5, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to human trafficking public awareness signs; amending section 21-31.5 of the Code; providing that violations of the requirement to post signs at adult entertainment establishments and certain massage or bodywork services establishments are subject to civil enforcement proceedings under section 8CC; amending section 8CC

Ordinance No. 18-11

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Sally A. Heyman and Commissioner Jose "Pepe" Diaz, and Co-Sponsors Commissioner Daniella Levine Cava and Commissioner Barbara J. Jordan.

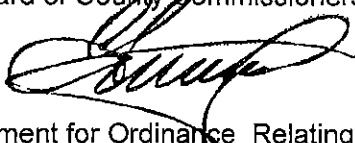


Abigail Price-Williams
County Attorney

APW/Imp

Memorandum



Date: February 6, 2018
To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners
From: Carlos A. Gimenez 
Mayor
Subject: Fiscal Impact Statement for Ordinance Relating to Human Trafficking Public
Awareness Signs

The implementation of this ordinance will not have a fiscal impact to the County. Current resources at the Miami-Dade Police Department (MDPD) will enforce this ordinance when establishments fail to post human trafficking public awareness signage as required.


Maurice Kemp
Deputy Mayor

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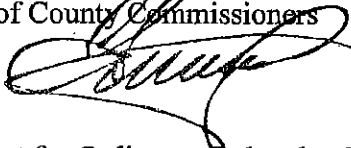
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Memorandum



Date: February 6, 2018

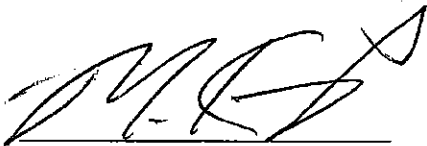
To: Honorable Chairman Esteban L. Boyo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance Related to Human Trafficking Public Awareness Signs

The proposed ordinance amends Section 21-31.5 of the Code of Miami-Dade County (Code) and provides that violations of the requirement to post human trafficking awareness signs at certain adult entertainment establishments and massage or bodywork services establishments are subject to civil enforcement and amends Section 8CC-10 of the Code by establishing civil penalties in an amount up to \$500.

Miami-Dade Police Department may cite violators when this violation is observed by the officer. The proposed ordinance will assist in streamlining enforcement of the sign posting requirement.

A handwritten signature in black ink, appearing to read "M. Kemp", written over a horizontal line.

Maurice L. Kemp
Deputy Mayor

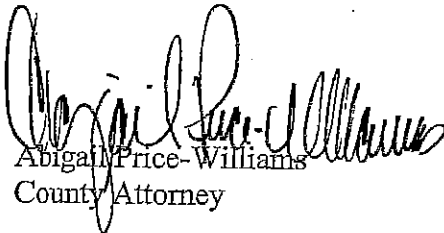


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: February 6, 2018

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(D)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(D)
2-6-18

ORDINANCE NO. 18-11

ORDINANCE RELATING TO HUMAN TRAFFICKING PUBLIC AWARENESS SIGNS; AMENDING SECTION 21-31.5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT VIOLATIONS OF THE REQUIREMENT TO POST SIGNS AT ADULT ENTERTAINMENT ESTABLISHMENTS AND CERTAIN MASSAGE OR BODYWORK SERVICES ESTABLISHMENTS ARE SUBJECT TO CIVIL ENFORCEMENT PROCEEDINGS UNDER SECTION 8CC; AMENDING SECTION 8CC; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, human trafficking is a form of modern-day slavery, which involves the exploitation of persons for commercial sex or forced labor and often subjects victims to force, fraud, and coercion; and

WHEREAS, while many victims of human trafficking are forced to work in prostitution or the sexual entertainment industry, trafficking also occurs in forms of labor exploitation, such as domestic servitude and restaurant, janitorial, sweatshop factory, and agricultural work; and

WHEREAS, traffickers often use various techniques to instill fear in victims to keep them enslaved such as isolation, threats of imprisonment and deportation, confiscation of passports or visas or other identification documents, and threats of violence toward victims or their families; and

WHEREAS, during the 2015 session, the Florida Legislature enacted Chapter No. 2015-172, Laws of Florida (HB 369), which created section 787.29, Florida Statutes and requires the placement of human trafficking awareness signs at: (1) transportation centers, such as rest areas, turnpike service plazas, weigh stations, airports, passenger rail stations, and welcome centers; (2)

strip clubs or other adult entertainment establishments; and (3) any business that provides massage or bodywork services for compensation that is not operated and regulated as a health care profession; and

WHEREAS, the awareness signs include contact information for the National Human Trafficking Resource Center (“NHTRC”), a national hotline funded by the United States Department of Health and Human Services that provides referral services to victims of human trafficking, tips to law enforcement, and information to raise public awareness; and

WHEREAS, in 2014, the NHTRC hotline received 1,428 phone calls and reported 364 human trafficking cases in Florida alone; and

WHEREAS, at least 25 other states require or encourage the NHTRC hotline number to be posted or promoted within the state; and

WHEREAS, section 787.29, Florida Statutes, also authorizes county commissions to adopt ordinances to enforce the posting of the human trafficking awareness signs at the previously specified adult entertainment, massage, or bodywork services establishments and specifies that a violation of the posting requirements constitutes a noncriminal violation punishable by a fine not to exceed \$500; and

WHEREAS, this Board previously adopted Ordinance No. 16-17 to enforce the requirements of posting human trafficking awareness signs at the previously specified adult entertainment, massage, or bodywork services establishments; and

WHEREAS, under Ordinance No. 16-17, violations of this requirement were subject to enforcement in County Court and the amount of the penalty for any conviction was subject to the discretion of the court; and

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WHEREAS, in order to streamline enforcement of the sign posting requirement, this Board now desires to have violations of this requirement subject to enforcement proceedings as set forth in Section 8CC and 1-5 of the Code of Miami-Dade County and that there be a uniform fine of \$500 for each offense,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 21-31.5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 21-31.5. Human Trafficking Awareness Signs at Adult Entertainment, Massage, and Bodywork Services Establishments.

* * *

(d) *Enforcement.* Any person violating any of the provisions of this section shall ~~[[, upon conviction of such offense, be punished by a fine not to exceed five hundred dollars (\$500.00) as provided in Section 775.083, Florida Statutes, which may be amended from time to time, in the discretion of the court]]~~ >>be subject to penalties, civil liability, attorney's fees and enforcement proceedings as set forth in chapter 8CC of the Code and shall be subject to any other such enforcement proceedings as may be allowed by law<<. Each day of continued violation shall be considered a separate offense.

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 8CC-10. Schedule of Civil Penalties.

* * *

Code Section	Description of Violation	Civil Penalty
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¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

* * *

21-31.4(B)	Obstructing traffic or aggressively begging	500.00
>>21-31.5<<	>>Failure to post human trafficking awareness signs<<	>>500.00 for each offense<<
21-34(a)	Obstructing, damaging, destroying, or interfering with canal, drain, ditch, watercourse, etc.	100.00

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: February 6, 2018

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Michael B. Valdes

APW
MBV

Co-Prime Sponsors: Commissioner Sally Heyman
 Commissioner Jose "Pepe" Diaz
 Co-Sponsors: Commissioner Daniella Levine Cava
 Commissioner Barbara J. Jordan

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