

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: October 21, 2015 (MAR) Department: County Attorney's Office

Bulk Item: Yes X No     Staff Contact /Phone #: Lisa Granger, (305) 292-3470

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**AGENDA ITEM WORDING:** Approval to advertise a public hearing for an ordinance pertaining to human trafficking by requiring that all adult entertainment workers obtain a worker identification card after providing age verification through the Tax Collector.

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**ITEM BACKGROUND:** On July 15 2015, the BOCC gave direction to the County Attorney's Office to draft an ordinance requiring adult entertainment workers to obtain a worker identification card to aid in the prevention of human trafficking of underage performers. The topic was raised by the Keys Coalition, Inc., a local non-profit formed to raise the awareness of domestic human trafficking.

The proposed ordinance would require adult entertainment workers to obtain a worker identification card from the Monroe County Tax Collector. In order to obtain a worker identification card, an applicant would need to provide various information including proof of that an applicant is at least 18 years of age.

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**PREVIOUS RELEVANT BOCC ACTION:** On July 15, 2015, BOCC directed staff to draft an Ordinance.

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**CONTRACT/AGREEMENT CHANGES:** Not applicable.

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**STAFF RECOMMENDATIONS:** Approval

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**TOTAL COST:** \_\_\_\_\_ **INDIRECT COST:** \_\_\_\_\_ **BUDGETED:** Yes X No \_\_\_\_\_

**DIFFERENTIAL OF LOCAL PREFERENCE:** N/A

**COST TO COUNTY:** \_\_\_\_\_ **SOURCE OF FUNDS:** \_\_\_\_\_

**REVENUE PRODUCING:** Yes \_\_\_ No X **AMOUNT PER MONTH** \_\_\_ **Year** \_\_\_\_\_

**APPROVED BY:** County Attorney  OMB/Purchasing \_\_\_ Risk Management \_\_\_

**DOCUMENTATION:** Included X Not Required \_\_\_\_\_

**DISPOSITION:** \_\_\_\_\_ **AGENDA ITEM #** \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_ - 2015**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, PERTAINING TO HUMAN TRAFFICKING; REQUIRING THAT ADULT ENTERTAINMENT WORKERS OBTAIN WORKER IDENTIFICATION CARDS AFTER PROVIDING AGE VERIFICATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR GENERAL REQUIREMENTS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; PROVIDING FOR APPLICABILITY; AND PROVIDING FOR 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 use various techniques to instill fear in victims to keep them enslaved such as isolation, threats of imprisonment and deportation, confiscation of passports, visas or other identification documents and threats of violence toward victims or their families; and

**WHEREAS**, under Article VIII, Section 1(f) of the Florida Constitution, the Board of County Commissioners has the authority to legislate on the an issue that impacts the health, safety and welfare of its citizens on a county-wide basis, except within the territorial jurisdiction of a municipality which has adopted an ordinance in conflict; and,

**WHEREAS**, the Board of County Commissioners finds that it will serve the public health, safety and welfare of the citizens of Monroe County to require adult entertainment performers to obtain a worker identification card after providing age verification; and,

**WHEREAS**, the Board of County Commissioners finds that it will serve the public health, safety and welfare of the citizens of Monroe County to ensure that minors are not employed in the adult entertainment establishments in Monroe County: and,

WHEREAS, Board of County Commissioners finds that requiring worker's identification cards will in the prohibition of human trafficking in Monroe County: and,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that:

**Section 1. Definitions**

The following words, phrases, or terms when used in this Ordinance shall, unless the content otherwise indicates, have the meanings provided below:

- A. **Adult** means a person 18 years of age or older.
- B. To the extent permitted by Florida law, the term **Adult Entertainment Establishment** shall have the same meaning as that term is defined in F.S. 847.001.
- C. **Bodywork Services** means services involving therapeutic touching or manipulation of the body using specialized techniques.
- D. **Business or establishment** means any place of business or any club, organization, person, firm, corporation or partnership, wherein massage or bodywork services are provided and such establishment is not owned by a health care profession regulated pursuant to Chapter 456, Florida Statutes, and defined in F.S. 456.001.
- E. **Human trafficking** means transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person regulated pursuant to Chapter 787, Florida Statutes, and defined in F.S. 787.06.
- F. **Massage services** means the manipulation of the soft tissues of the human body with the hand, foot, arm, or elbow, whether or not such manipulation is aided by hydrotherapy, including colonic irrigation, or thermal therapy; any electrical or mechanical device; or the application to the human body of a chemical or herbal preparation.
- G. **Performer** means any adult who provides services designed to appeal to erotic or sexual appetites or inclinations at an adult entertainment establishment in pursuance of a trade, calling, business or occupation.

**Section 2. Worker Identification Card**

- A. **Worker identification card required.** No adult shall act as a performer in an adult entertainment establishment without having previously obtained a worker identification card from the Monroe County Tax Collector.

**B. Application for worker identification card.** An application for worker identification card shall be submitted to the Monroe County Tax Collector on a form created by the Tax Collector which contains the following information:

- (1) The applicant's full name;
- (2) Any other names including "stage" names or aliases used by the applicant;
- (3) The applicant's date of birth;
- (4) The applicant's height and weight;
- (5) A photograph of the applicant, provided by the applicant of a size approximating a passport picture size;
- (6) The applicant's present residence address and telephone number;
- (7) Proof that the applicant is at least eighteen (18) years old by submittal of two (2) of the following:
  - a. Original birth certificate;
  - b. Original passport or visa which includes date of birth;
  - c. Original driver's license;
  - d. Original Florida ID Card;
  - e. Any other original photo ID, which includes the applicant's date of birth.

**C. False statement or false information in applying for a worker identification card.** It shall be unlawful for any person applying for a worker identification card to make a false statement or otherwise provide false information which is intended to facilitate the issuance of same.

**D. Fees.** The applicant shall pay an annual worker's identification card fee of \$225.00 with each new request for a worker identification card. The fee is payable each year starting July 1. The fee becomes delinquent on October 1 if not paid of every year. If the fee is not paid on or before October 1 then penalty fees as set forth by the Tax Collector shall apply.

**E. Issuance of worker identification card.** The Tax Collector is responsible for verifying all information contained on an application for a worker identification card. Upon determining that the worker identification card should be issued, the Tax Collector shall immediately render a work identification card to the applicant. Said worker identification card shall include the applicant's name, photograph, which was provided by the applicant, and card number. Should the Tax Collector determine that the proof submitted with the application for the worker identification card as required hereinabove is not satisfactory; the Tax Collector shall deny issuance of said worker identification card and shall provide written notification to the applicant stating the reason(s) for any such denial. The issuance of the Tax Collector's written notification shall be the final administrative action of the County.

- F. Retention of worker identification card.** All persons required pursuant to this Code to obtain a work identification card shall keep same on their person or with their personal belongings at all times while performing at an adult entertainment establishment. The adult entertainment establishment shall retain a photocopy of all worker identification cards issued to performers performing at said establishment. Worker identification cards and photocopies of worker identification cards shall be made available to law enforcement officers or code compliance officers for inspection upon reasonable notice and at reasonable times.
- G. Appeal.** In the event that an applicant for a worker identification card is denied, said applicant may request emergency injunctive relief from the Circuit Court of the Sixteenth Judicial Circuit of the State of Florida. Due to the overriding public interest in not having minors perform in adult entertainment establishments and to prohibit human trafficking, no provisional worker identification cards shall be issued by the Tax Collector.
- H. Transfer of worker identification card prohibited.** A worker identification card shall not be transferred from one person to another; however, the person to whom the worker identification card was issued may utilize that card in any and all licensed adult entertainment establishments.
- I. Alteration of worker identification card prohibited.** It shall be unlawful for any person to alter or otherwise change the contents of a worker identification card without the written permission of the Tax Collector.
- J. Requirement of managers, owners, and operators to verify worker identification cards of performers.** Persons managing, owning, or operating an adult entertainment establishment may not allow performers to perform in said establishment without a worker identification card. Any person managing, owning or operating an adult entertainment establishment shall verify that any performer performing in said adult entertainment establishment is eighteen (18) years of age or older.
- K. Enforcement.** Any state, county or municipal law enforcement officer is authorized to enforce this ordinance pursuant to F.S. 901.15(1).
- L. Penalties and Remedies.**
- (1) Any person who violates this ordinance shall, upon conviction, be punished by a maximum of 60 days in jail and/or \$500 fine. If the person convicted is an owner, manager, and/or operator of an adult entertainment establishment, the Clerk shall notify the Tax Collector, the County Attorney, and the City Attorney for the municipality in which the establishment is located, if any.
- (2) In addition to any penalty imposed upon a person found in violation of this ordinance, the County Attorney and/or the City Attorney for the municipality where the establishment in which the violation is alleged to have occurred may seek injunctive relief against the establishment.

**Section 3. Severability**

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

**Section 4. Repeal of Laws in Conflict**

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

**Section 5. Inclusion in the Code of Laws and Ordinances**

The provisions of this Ordinance shall become and be made a part of the Monroe County Code. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "chapter", "section," "article," or other appropriate word.

**Section 6. Captions**

The captions, section headings, and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

**Section 7. Applicability**

This Ordinance shall apply throughout Monroe County except within a municipality which has enacted an ordinance in conflict with this ordinance.

**Section 8. Effective Date**

This Ordinance shall take effect upon filing with the Department of State by the Clerk.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Monroe County, Florida, at a regular meeting of said board held on the \_\_\_\_\_ of \_\_\_\_\_, 2015.**

Mayor Danny L. Kolhage \_\_\_\_\_  
Mayor Pro Tem Heather Carruthers \_\_\_\_\_  
Commissioner George Neugent \_\_\_\_\_  
Commissioner David Rice \_\_\_\_\_  
Commissioner Sylvia Murphy \_\_\_\_\_

**BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA**

BY: \_\_\_\_\_  
Mayor Danny L. Kolhage

(SEAL)  
ATTEST: AMY HEAVILIN, CLERK

\_\_\_\_\_  
Deputy Clerk

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM  
*Lisa Granger*  
LISA GRANGER  
ASSISTANT COUNTY ATTORNEY  
Date 10/6/15

**DANISE D. HENRIQUEZ, CFC**  
**Monroe County Tax Collector**  
**1200 Truman Ave. Ste. 101 Key West, FL 33040**  
**P.O. Box 1129, Key West, FL 33041 (305)295-5063 or (305)295-5061 Fax (305)295-5020**

**WORKER IDENTIFICATION CARD**

Date: \_\_\_\_\_

Full Name: \_\_\_\_\_  
(First, middle, last)

Stage name or aliases: \_\_\_\_\_

Current Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Current Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone # \_\_\_\_\_ Email address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Sex: \_\_\_\_\_ Weight: \_\_\_\_\_

Height: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_

**IT SHALL BE UNLAWFUL FOR ANY PERSON APPLYING FOR A WORKER IDENTIFICATION CARD TO MAKE A FALSE STATEMENT OR OTHERWISE PROVIDE FALSE INFORMATION WHICH IS INTENDED TO FACILITATE THE ISSUANCE OF SAME.**

Applicant's Signature: \_\_\_\_\_

STAFF USE ONLY

\_\_\_\_ APPROVED      ISSUE DATE: \_\_\_\_\_      PROOF OF AGE: \_\_\_\_\_

\_\_\_\_ DENIED      ACCOUNT # \_\_\_\_\_      DRIVERS LICENSE # \_\_\_\_\_

STAFF INITIALS: \_\_\_\_\_      OTHER ID (type/#) \_\_\_\_\_