

ORDINANCE NO. 2016 - 01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, PERTAINING TO POSTING OF HUMAN TRAFFICKING PUBLIC AWARENESS SIGNS; PROVIDING FOR DEFINITIONS; PROVIDING FOR GENERAL REQUIREMENTS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AREAS EMBRACED; 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 cosmetology; 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, Florida law, pursuant to Section 787.29, Fla. Stat. authorizes counties to enforce posting of human trafficking public awareness signs in certain establishments; and,

WHEREAS, the County pursuant to its home rule powers may properly expand the scope of Section 787.29, Fla. Stat. to provide additional awareness to persons residing or employed in the County; and

WHEREAS, the Board of County Commissioners finds that it will serve the public health, safety and welfare of the citizens of Pinellas County to inform the public as to the existence of human trafficking and the reporting thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS of Pinellas County, Florida, that:

SECTION 1.

Section 42-426. Title

This Ordinance shall be known and may be cited as the Human Trafficking Ordinance.

SECTION 2.

Section 427. Authority.

This Ordinance is enacted pursuant to Section 125.66, Fla. Stat. and under the home rule powers of the County in the interest of the health, peace, safety and general welfare of the people of Pinellas County and section 2.04(i) of the Pinellas County Charter.

SECTION 3.

Section 428. Intent and Purpose.

It is the purpose and intent of this Ordinance to promote the health and general welfare of the residents of Pinellas County through the analysis of any impacts from human trafficking, the effectiveness of existing and emerging regulatory efforts and through consideration of addressing the problems associated with human trafficking within Pinellas County.

SECTION 4.

Section 429. 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 Entertainment Establishment* means adult uses as defined in Section 787.29(3)(a), Fla. Stat. as may be amended.

B. *Bodywork Services* means services involving therapeutic touching or manipulation of the body using specialized techniques consistent with Section 787.29, Fla. Stat. as may be amended.

C. *Specialty Salon* means any place of business wherein the practice of one or all of the specialties as defined in Fla. Stat. 477.013(6)(a) and (b) are engaged in or carried on.

D. *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 as provided for and consistent with the terms as defined in Section 787.29 Fla. Stat. as may be amended.

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, Fla. Stat., and defined in Section 787.06, Fla. Stat., as may be amended.

SECTION 5.

Section 430. General Requirements.

A. The employer at each of the following establishments shall display public awareness signs in a conspicuous location that is clearly visible to the public and employees of the establishment:

- (1) Adult entertainment establishments.
- (2) Any business or establishment that offers massage or bodywork services for compensation that is not owned by a health care professional regulated pursuant to Chapter 456, Fla. Stat., and defined in Section 456.001, Fla. Stat.
- (3) Any business or establishment operating as a specialty salon.

B. The required public awareness sign must be at least 8.5 inches by 11 inches in size, must be printed in at least a 16-point type, and must state substantially the following in English, Spanish and such other language as determined by industry demographic:

“If you or someone you know is being forced to engage in an activity and cannot leave—whether it is prostitution, housework, farm work, factory work, retail work, restaurant work, or any other activity—call the National Human Trafficking Resource Center at 1-888-373-7888 or text INFO or HELP to 233-733 to access help and services. Victims of slavery and human trafficking are protected under United States and Florida law.” Posted Pursuant to Section 787.29, Florida Statutes and Pinellas County Code Section (Section #42-430).

SECTION 6.

Section 431. Enforcement.

A. Pinellas County Consumer Protection and any law enforcement agency in Pinellas County are authorized to enforce the provisions of this ordinance.

B. Any law enforcement officer or code enforcement officer who is authorized by the head of that department shall, at any reasonable hour, have access to and shall have the right to inspect the premises of all permit holders under this article for compliance with any or all of the applicable codes, statutes, ordinances, and regulations in effect in the county.

C. It is unlawful to violate any provision of this Ordinance and any violation hereof shall be deemed a noncriminal violation, punishable by a fine only as provided in Section 775.083, Florida Statutes and section 1.8 of the Pinellas County Code.

SECTION 7. Severability. If any Section, Subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 8. 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 9. Inclusion in the Pinellas County Code. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made part of the Pinellas County Code and that the sections of this Ordinance may be renumbered or relettered and the word “ordinance” may be changed to section, article or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 10. Territory Embraced. All territory within the legal boundaries of the County, including all incorporated and unincorporated areas, shall be embraced by the provisions of this Ordinance.

SECTION 11. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. The provisions of this Ordinance shall become effective on March 1, 2016.

APPROVED AS TO FORM

By:



Office of the County Attorney