Agenda Item #: 5C-1

#### PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

### AGENDA ITEM SUMMARY

Meeting Date: Jui	ne 11, 2024	=== ] ]	=== ] ]	Consent Ordinance	[X] [ ]	Regular Public Hearing
Department: Submitted By: Submitted For:	Department of Pu Department of Pu Division of Const	bli	c Sa	afety		

#### I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on preliminary reading and permission to advertise for a public hearing on July 2, 2024 at 9:30 a.m.: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 17, ARTICLE V, OF THE PALM BEACH COUNTY CODE, PERTAINING TO THE ADULT ENTERTAINMENT CODE; PROVIDING FOR WORK IDENTIFICATION CARD; PROVIDING FOR MINORS PROHIBITED; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**Summary:** During the 2024 Florida Legislative Session, House Bill 7063 passed, creating section 787.30, Florida Statute effective July 1, 2024. The bill requires persons working in adult entertainment establishments to be at least twenty-one (21) years of age. Section 17-153 of the of the Adult Entertainment Ordinance currently requires adult entertainers working in adult entertainment establishment to apply for a work identification (ID) card from the Public Safety Department and show proof that they are at least eighteen (18) years of age. Additionally, section 17-196 prohibits employment of persons under the age of eighteen (18) from working in an adult entertainment establishment. The proposed amendment aligns the age requirements of the Adult Entertainment Ordinance to conform to the new state law. There are approximately 1,400 Adult Entertainment work identification cards issued each year and about 6% are between the age of eighteen (18) and twenty-one (21) years of age. The proposed amendment to the ordinance was presented to the League of Cities on April 24, 2024 and Consumer Affairs Hearing Board on May 15, 2024 and was approved without objection. <u>Countywide</u> (RS)

**Background and Policy Issues:** Because of numerous concerns of minors performing in adult entertainment establishments, in July 1999, the Board of County Commissioners amended Chapter 17, Article V of the Palm Beach County Code (Adult Entertainment Ordinance) to require performers in adult entertainment establishment in Palm Beach County to obtain a work ID card from the Public Safety Department. The work ID card is valid for two (2) years and costs \$100 to cover expenses associated with administering the work ID card section of the ordinance.

#### Attachments:

- 1) Proposed Amendment to Adult Entertainment Ordinance: Redline Version
- 2) Proposed Amendment to Adult Entertainment Ordinance: Clean Version
- 3) PowerPoint presentation

Recommended By: _	Septe	5/8/24
	Department Director	Date
Approved By:	201 J. Ren	5(23)
	Assistant County Administrator	Date

#### 11. **FISCAL IMPACT ANALYSIS**

### A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>
Personal Services Operating Costs					
Capital Expenditures		·····	·		
External Revenues Program Income (County)	*	\$8,000*	\$8,000*	\$8,000*	\$8,000*
In-Kind Match (County) Net Fiscal Impact	*	\$8,000*	\$8,000*	\$8,000*	\$8,000*
# ADDITIONAL FTE POSITIONS (Cumulative)	0	0	0	0	0
Is Item Included In Curro Is this item using Federa Is this item using State Budget Account Exp No Rev No	al Funds? Funds?	Yes <u>X</u> Yes Yes Dept Uni Dept. <u>660</u> Uni	<b> </b>	<u>Prog.</u> 2906 Prog.	

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

\* There are 158 persons who are 18-20 with a valid ID badge as of 2/22/24. This represents about 80 applications per year with an estimated \$8,000 of yearly revenue loss. Before the bill was passed, the Adult Entertainer revenue was projected at \$145,000 for FY25. After the bill was passed, the budget was updated to \$137,000. For FY24, it is indeterminable as the new bill will take effect July 1st.

C. Departmental Fiscal Review:

**III. REVIEW COMMENTS** 

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

OFMB MD 5/14

**B. Legal Sufficiency:** 

Assistant County Attorney

C. Other Department Review:

Dev. And

**Department Director** 

This summary is not to be used as a basis for payment.

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### **ORDINANCE NO. 2024-**

1	ORDINANCE NO. 2024-
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 17, ARTICLE V, OF THE PALM BEACH COUNTY CODE, PERTAINING TO THE ADULT ENTERTAINMENT CODE; PROVIDING FOR WORK IDENTIFICATION CARD; PROVIDING FOR MINORS PROHIBITED; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.
10	WHEREAS, Chapter 17, Article V, Division 1, section 17-153 of the Palm Beach County
18	Code sets forth provisions relating to the requirement of work identification cards for individuals
19	performing in adult entertainment establishments; and
20	WHEREAS, Chapter 17, Article V, Division 1, section 17-153 of the Palm Beach County
21	Code provides that the Public Safety Department shall be responsible for screening applicants
22	requesting work identification cards performing in adult entertainment establishments; and
23	WHEREAS, Chapter 17, Article V, Division 1, section 17-153 of the Palm Beach County
24	Code provides that applicants must submit proof of identity and proof that applicant is at least
25	eighteen (18) years of age; and
26	WHEREAS, Chapter 17, Article V, Division 1, section 17-196 of the Palm Beach County
27	Code provides that a person under eighteen (18) years of age is prohibited from working in an adult
28	entertainment establishment; and
29	WHEREAS, on May 13, 2024, the Governor signed House Bill 7063, creating section
30	787.30, Florida Statutes, becoming effecting on July 1, 2024, and prohibiting adult entertainment
31	establishments from employing, contracting with, contracting with another person to employ, or
32	otherwise permitting a person younger than 21 years of age to perform or work in an adult
33	entertainment establishment; and
34	WHEREAS, in House Bill 7063 the Florida Legislature made specific findings that
35	restricting the employment of persons younger than 21 years of age furthers an important state
36	interest of protecting young and vulnerable individuals from sex trafficking, drug abuse, and other
37	harm, and

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1		WHEREAS, the Board of County Commissioners finds it to be in the best interest of the
2	Cor	unty to amend sections 17-153 and 17-196 of the Palm Beach County Code so that the age
3	requ	irement for a person to work at an adult entertainment establishment is not in conflict with
4	sect	ion 787.30, Florida Statutes, as amended.
5		NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF
6	CO	UNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:
7		
8	<u>SE(</u>	CTION 1. WORK IDENTIFICATION CARD. Section 17-153 of the Palm
9	Bea	ch County Code is hereby amended to read as follows:
10	(a)	Work Identification Card Required. Any person desiring to perform in an adult entertainment
11		establishment must obtain a work identification card from the Public Safety Department, and
12		no person shall act as a performer, as defined in this Code, in an adult entertainment
13		establishment without having previously obtained said Work Identification Card, except as
14		permitted during the Grace Period as set forth in Section 17-153(c). A featured performer, as
15		defined in Section 17-147, is exempt from the provisions of this Section.
16	(b)	Penalty. Any performer, as defined in this Code, who violates this Section shall be guilty of a
17		misdemeanor of the second degree.
18	(c)	Application for Work Identification Card. An application for a Work Identification Card shall
19		be created by and obtained from the Public Safety Department. The application shall be in
20		writing, signed, fully completed and submitted to the Public Safety Department together with
21		the nonrefundable application fee. Each applicant must submit proof of identity and proof that
22		applicant is at least eighteen (18) years of ageof the age permitted to work in an adult
23		entertainment establishment pursuant to F.S. § 787.30, as amended. Work Identification Cards
24		are valid for a term of two (2) years. Work Identification Cards issued prior to March 13, 2016
25		shall be renewed within one hundred twenty (120) days from the effective date of this section.
26		Performers with an expired Work Identification Card shall be permitted to perform for up to
27		five (5) consecutive business days (the "Grace Period") without a current Work Identification

Card. The Grace Period is available only one (1) time in connection with an expired Work 

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Identification Card. No performer having utilized the Grace Period shall be permitted to perform again until a current Work Identification Card is obtained.

3 (d) False statement or false information in applying for a work identification card. It shall be
4 unlawful for any person applying for a work identification card to make a false statement or
5 otherwise provide false information which is intended to facilitate the issuance of same.

6 (e) *Fees.* The applicant shall pay an application fee with each new request for a Work Identification
7 Card and with each renewal of a Work Identification Card. The fees shall not be prorated. The
8 applicant shall also pay a duplicate fee for each duplicate copy of an existing Work Identification
9 Card. The application, renewal and duplicate fees shall be established by the Board by
10 resolution.

11 (f) Issuance of work identification card. The Public Safety Department is responsible for verifying 12 all information contained on an application for a work identification card. Upon determining 13 that the work identification card should be issued, the Public Safety Department shall 14 immediately render a work identification card to the applicant. Said work identification card shall include the applicant's name, photograph, and card number. Should the Public Safety 15 16 Department determine that the proof submitted with the application for the work identification 17 card as required hereinabove is not satisfactory, the Public Safety Department shall deny 18 issuance of said work identification card and shall provide written notification to the applicant stating the reason(s) for any such denial. A work identification card issued to an applicant who 19 20 is not of the age permitted to work in an adult entertainment establishment pursuant to F.S. § 21 787.30, as amended, as of July 1, 2024, shall not be considered valid under this section.

(g) Retention of Performer Roster and Work 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 compile and retain a complete performer roster that
includes all performers performing at the establishment for a period of thirty (30) days from
each performer's most recent performance date. The performer roster shall be organized by date
and performer, including the performer's first and last name and stage name. The adult

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entertainment establishment shall also maintain a Work Identification Card file, organized 1 alphabetically by performer's last name, with legible photocopies of the Work Identification 2 Card of each performer performing at said establishment for a period of two (2) years from each 3 performer's most recent performance date. No performer shall perform until the performer roster 4 is updated to include the performer information, and the legible photocopy of the Work 5 6 Identification Card is placed on file as required herein. Performers performing within the Grace Period established in Section 17-153(c) shall provide a copy of the expired Work Identification 7 Card prior to performance. The performer roster and the Work Identification Card file shall be 8 made available to the Public Safety Department for inspection and/or copying upon request. 9

(h) *Appeal.* In the event that an applicant for a work identification card is denied, said applicant may request emergency injunctive relief from the Circuit Court of the Fifteenth Judicial Circuit of the State of Florida. Due to the overriding public interest in not having minors a person not of the age permitted to perform work in adult entertainment establishments pursuant to F.S. §
787.30, as amended, no provisional work identification cards shall be issued by the Public Safety Department.

16 (i) *Transfer of work identification card prohibited.* A work identification card shall not be
 17 transferred from one person to another; however, the person to whom the work identification
 18 card was issued may utilize same in any and all licensed adult entertainment establishments.

(j) *Alteration of work identification card prohibited.* It shall be unlawful for any person to alter or
otherwise change the contents of a work identification card without the written permission of
the Public Safety Department.

(k) Requirement of Managers, Owners and Operators to Verify Work Identification Cards of *Performers*. No person managing, owning or operating an adult entertainment establishment
shall permit, employ, or otherwise allow any person to perform at said establishment unless
such person has a valid, current, Work Identification Card issued in accordance herewith, unless
such performer is performing within the Grace Period established in Section 17-153(c). There
shall be separate violations issued to the establishment for each performer, and for each day that
a performer does not have the required Work Identification Card. It shall be prima facie evidence

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of a violation of this Code if the establishment does not have a legible photocopy of a current
 Work Identification Card on file for each performer as of the date of each performance, except
 that during the Grace Period, the expired card shall be on file.

4 (l) Requirement of managers, owners, and operators for featured performers. Persons managing, 5 owning, or operating an adult entertainment establishment may allow featured performers, as 6 defined hereinabove, to perform in said establishment without a work identification card. 7 However, any person managing, owning or operating an adult entertainment establishment shall 8 verify that any featured performer performing in said adult entertainment establishment is 9 eighteen (18) years of age or older of the age permitted to work in an adult entertainment 10 establishment pursuant to F.S. § 787.30, as amended. Upon discovery that a minor is performing as a featured performer in an adult entertainment establishment, the person managing, owning 11 or operating said adult entertainment establishment shall be subject to criminal prosecution and 12 may be prosecuted by the County Attorney or the State Attorney and punished as provided by 13 14 F.S. § 125.69. Upon conviction of such violation, the prosecuting officials shall notify the Occupational Licensing Department of said conviction. 15

(m) Violations subject to criminal prosecution. Any performer who violates subsection (a) of this
 section may be prosecuted by the State Attorney and punished as provided by F.S. § 125.69.
 Upon conviction of such violation, the prosecuting officials shall notify the Public Safety
 Department and the Occupational Licensing Department, if applicable of said conviction.

(n) *Violation Subject to Civil Prosecution*. Any owners, manager or operator of an adult
entertainment establishment who violates the provisions of subsections (g) or (k) of this Section
may be prosecuted by the Department of Public Safety or the Code Enforcement Division of the
County's Planning, Zoning and Building Department as provided in Palm Beach County
Ordinance No. 90-45, as amended. Upon adjudication of such violation, the prosecuting officials
shall notify the occupational licensing department of such adjudication.

(0) Violations Subject to All Legal Remedies. The violation of any provision of this Code may be
 prosecuted pursuant to the procedures and penalties of F.S. § 162.01 and Article 10 of the Palm
 Beach County Unified Land Development Code. In addition, to the sanctions contained herein,

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the County shall be authorized to take any appropriate legal action, including, but not limited
to, seeking cease and desist orders, and requesting temporary or permanent injunctive relief. It
is the purpose of this section to provide additional and cumulative remedies.

4 <u>SECTION 2</u>. <u>MINORS PROHIBITED</u>. Section 17-196 of the Palm Beach County Code is hereby
 5 amended to read as follows:

- It shall be unlawful for an operator of an adult entertainment establishment, regardless of
  whether it is licensed under this code, to knowingly, or with reason to know, permit, suffer or allow:
- 8 (1) Admittance to the establishment of a person under eighteen (18) years of age; or
- 9 (2) A person under eighteen (18) years of age to remain at the establishment; or
- 10 (3) A person under eighteen (18) years of age to purchase goods or services at the 11 establishment; or
- (4) A person to work at the establishment as an employee who is under eighteen (18) years of
   age not of the age permitted to work in an adult entertainment establishment pursuant to
   F.S. § 787.30, as amended.

#### 15 SECTION 3. 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.

#### 18 SECTION 4. SAVINGS CLAUSE.

Notwithstanding Section 3, Repeal of Laws in Conflict, all administrative and county orders,
 fines, and pending enforcement issued pursuant to the authority and procedures established by
 Ordinance 2018-021 shall remain in full force and effect.

#### 22 <u>SECTION 5.</u> <u>SEVERABILITY CLAUSE</u>.

If any section, paragraph, sentence, clause, phrase or word of this Ordinance or the application thereof, to any person or circumstance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, invalid or void, such holding shall not affect the remainder of this Ordinance or the application of any other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end, all the provisions of this Ordinance are 1 hereby declared to be severable.

2	SECTION 6. INCLUSION IN TH	HE CODE OF LAWS AND ORDINANCES.
3	The provisions of this Ordin	nance shall become and be made a part of the Code of Laws and
4	Ordinances of Palm Beach County	, Florida. The sections of this Ordinance may be renumbered or
5	re-lettered to accomplish such, and	the word "ordinance" may be changed to "section", "article", or
6	other appropriate word.	
7	SECTION 7. CAPTIONS.	
8	The captions, section head	lings, and section designations used in this Ordinance are for
9	convenience only and shall have no	o effect on the interpretation of the provisions of this Ordinance.
10	SECTION 8. EFFECTIVE DAT	<u>`E</u> .
11	The provisions of this Ordi	nance shall become effective upon filing with the Department of
12	State.	
13		
14 15	APPROVED and ADOPTED by the E	Board of County Commissioners of Palm Beach County, Florida, on this
16	the day of	
17 18 19	JOSEPH ABRUZZO, CLERK OF THE CIRCUIT COURT & COMPTROLLER	PALM BEACH COUNTY, FLORIDA, BY ITS
20 21		
22	By:	By:
23 24	By: Deputy Clerk	By: Maria Sachs, Mayor
25	APPROVED AS TO FORM AND	
26	LEGAL SUFFICIENCY	
27	D	
28 29	By: County Attorney	
30		
31	EFFECTIVE DATE: Filed v	with the Department of State of the day of,
32	2024	

#### **ORDINANCE NO. 2024-**1 2 AN ORDINANCE OF THE BOARD 3 OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, 4 AMENDING CHAPTER 17, ARTICLE V, OF THE PALM 5 BEACH COUNTY CODE, PERTAINING TO THE ADULT 6 7 ENTERTAINMENT CODE; PROVIDING FOR WORK **IDENTIFICATION** 8 CARD: **PROVIDING FOR MINORS** 9 PROHIBITED; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING 10 FOR **SAVINGS** CLAUSE; PROVIDING FOR SEVERABILITY; **PROVIDING FOR** 11 **INCLUSION IN THE CODE OF LAWS AND ORDINANCES;** 12 PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN 13 14 **EFFECTIVE DATE.** 15 16 WHEREAS, Chapter 17, Article V, Division 1, section 17-153 of the Palm Beach County 17 Code sets forth provisions relating to the requirement of work identification cards for individuals 18 performing in adult entertainment establishments; and 19 WHEREAS, Chapter 17, Article V, Division 1, section 17-153 of the Palm Beach County 20 Code provides that the Public Safety Department shall be responsible for screening applicants 21 requesting work identification cards performing in adult entertainment establishments; and 22 WHEREAS, Chapter 17, Article V, Division 1, section 17-153 of the Palm Beach County 23 Code provides that applicants must submit proof of identity and proof that applicant is at least 24 25 eighteen (18) years of age; and WHEREAS, Chapter 17, Article V, Division 1, section 17-196 of the Palm Beach County 26 27 Code provides that a person under eighteen (18) years of age is prohibited from working in an adult 28 entertainment establishment; and 29 WHEREAS, on May 13, 2024, the Governor signed House Bill 7063, creating section 30 787.30, Florida Statutes, becoming effecting on July 1, 2024, and prohibiting adult entertainment 31 establishments from employing, contracting with, contracting with another person to employ, or otherwise permitting a person younger than 21 years of age to perform or work in an adult 32 33 entertainment establishment; and WHEREAS, in House Bill 7063 the Florida Legislature made specific findings that 34 restricting the employment of persons younger than 21 years of age furthers an important state 35 interest of protecting young and vulnerable individuals from sex trafficking, drug abuse, and other 36 harm, and 37

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WHEREAS, the Board of County Commissioners finds it to be in the best interest of the 1 2 County to amend sections 17-153 and 17-196 of the Palm Beach County Code so that the age 3 requirement for a person to work at an adult entertainment establishment is not in conflict with 4 section 787.30, Florida Statutes, as amended. NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF 5 6 COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: 7 8 SECTION 1. WORK IDENTIFICATION CARD. Section 17-153 of the Palm 9 Beach County Code is hereby amended to read as follows: 10 (a) Work Identification Card Required. Any person desiring to perform in an adult entertainment establishment must obtain a work identification card from the Public Safety Department, and 11 12 no person shall act as a performer, as defined in this Code, in an adult entertainment 13 establishment without having previously obtained said Work Identification Card, except as 14 permitted during the Grace Period as set forth in Section 17-153(c). A featured performer, as 15 defined in Section 17-147, is exempt from the provisions of this Section.

(b) *Penalty.* Any performer, as defined in this Code, who violates this Section shall be guilty of a
 misdemeanor of the second degree.

(c) Application for Work Identification Card. An application for a Work Identification Card shall 18 19 be created by and obtained from the Public Safety Department. The application shall be in writing, signed, fully completed and submitted to the Public Safety Department together with 20 the nonrefundable application fee. Each applicant must submit proof of identity and proof that 21 22 applicant is of the age permitted to work in an adult entertainment establishment pursuant to F.S. § 787.30, as amended. Work Identification Cards are valid for a term of two (2) years. Work 23 Identification Cards issued prior to March 13, 2016 shall be renewed within one hundred twenty 24 (120) days from the effective date of this section. Performers with an expired Work 25 Identification Card shall be permitted to perform for up to five (5) consecutive business days 26 (the "Grace Period") without a current Work Identification Card. The Grace Period is available 27 28 only one (1) time in connection with an expired Work Identification Card. No performer having

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utilized the Grace Period shall be permitted to perform again until a current Work Identification
 Card is obtained.

3 (d) False statement or false information in applying for a work identification card. It shall be
4 unlawful for any person applying for a work identification card to make a false statement or
5 otherwise provide false information which is intended to facilitate the issuance of same.

6 (e) *Fees.* The applicant shall pay an application fee with each new request for a Work Identification
7 Card and with each renewal of a Work Identification Card. The fees shall not be prorated. The
8 applicant shall also pay a duplicate fee for each duplicate copy of an existing Work Identification
9 Card. The application, renewal and duplicate fees shall be established by the Board by
10 resolution.

Issuance of work identification card. The Public Safety Department is responsible for verifying 11 (f) all information contained on an application for a work identification card. Upon determining 12 that the work identification card should be issued, the Public Safety Department shall 13 immediately render a work identification card to the applicant. Said work identification card 14 shall include the applicant's name, photograph, and card number. Should the Public Safety 15 Department determine that the proof submitted with the application for the work identification 16 card as required hereinabove is not satisfactory, the Public Safety Department shall deny 17 issuance of said work identification card and shall provide written notification to the applicant 18 19 stating the reason(s) for any such denial. A work identification card issued to an applicant who 20 is not of the age permitted to work in an adult entertainment establishment pursuant to F.S. § 21 787.30, as amended, as of July 1, 2024, shall not be considered valid under this section.

(g) Retention of Performer Roster and Work 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 compile and retain a complete performer roster that
includes all performers performing at the establishment for a period of thirty (30) days from
each performer's most recent performance date. The performer roster shall be organized by date
and performer, including the performer's first and last name and stage name. The adult

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entertainment establishment shall also maintain a Work Identification Card file, organized 1 alphabetically by performer's last name, with legible photocopies of the Work Identification 2 Card of each performer performing at said establishment for a period of two (2) years from each 3 performer's most recent performance date. No performer shall perform until the performer roster 4 is updated to include the performer information, and the legible photocopy of the Work 5 Identification Card is placed on file as required herein. Performers performing within the Grace 6 Period established in Section 17-153(c) shall provide a copy of the expired Work Identification 7 8 Card prior to performance. The performer roster and the Work Identification Card file shall be made available to the Public Safety Department for inspection and/or copying upon request. 9

(h) *Appeal.* In the event that an applicant for a work identification card is denied, said applicant may request emergency injunctive relief from the Circuit Court of the Fifteenth Judicial Circuit of the State of Florida. Due to the overriding public interest in not having a person not of the age permitted to work in adult entertainment establishments pursuant to F.S. § 787.30, as amended, no provisional work identification cards shall be issued by the Public Safety Department.

16 (i) *Transfer of work identification card prohibited.* A work identification card shall not be
 17 transferred from one person to another; however, the person to whom the work identification
 18 card was issued may utilize same in any and all licensed adult entertainment establishments.

(j) Alteration of work identification card prohibited. It shall be unlawful for any person to alter or
otherwise change the contents of a work identification card without the written permission of
the Public Safety Department.

(k) Requirement of Managers, Owners and Operators to Verify Work Identification Cards of *Performers.* No person managing, owning or operating an adult entertainment establishment
shall permit, employ, or otherwise allow any person to perform at said establishment unless
such person has a valid, current, Work Identification Card issued in accordance herewith, unless
such performer is performing within the Grace Period established in Section 17-153(c). There
shall be separate violations issued to the establishment for each performer, and for each day that
a performer does not have the required Work Identification Card. It shall be prima facie evidence

of a violation of this Code if the establishment does not have a legible photocopy of a current
 Work Identification Card on file for each performer as of the date of each performance, except
 that during the Grace Period, the expired card shall be on file.

4 Requirement of managers, owners, and operators for featured performers. Persons managing, (1)5 owning, or operating an adult entertainment establishment may allow featured performers, as defined hereinabove, to perform in said establishment without a work identification card. 6 7 However, any person managing, owning or operating an adult entertainment establishment shall verify that any featured performer performing in said adult entertainment establishment is of the 8 9 age permitted to work in an adult entertainment establishment pursuant to F.S. § 787.30, as amended. Upon discovery that a minor is performing as a featured performer in an adult 10 entertainment establishment, the person managing, owning or operating said adult entertainment 11 establishment shall be subject to criminal prosecution and may be prosecuted by the County 12 Attorney or the State Attorney and punished as provided by F.S. § 125.69. Upon conviction of 13 such violation, the prosecuting officials shall notify the Occupational Licensing Department of 14 said conviction. 15

(m) Violations subject to criminal prosecution. Any performer who violates subsection (a) of this
 section may be prosecuted by the State Attorney and punished as provided by F.S. § 125.69.
 Upon conviction of such violation, the prosecuting officials shall notify the Public Safety
 Department and the Occupational Licensing Department, if applicable of said conviction.

(n) *Violation Subject to Civil Prosecution*. Any owners, manager or operator of an adult
entertainment establishment who violates the provisions of subsections (g) or (k) of this Section
may be prosecuted by the Department of Public Safety or the Code Enforcement Division of the
County's Planning, Zoning and Building Department as provided in Palm Beach County
Ordinance No. 90-45, as amended. Upon adjudication of such violation, the prosecuting officials
shall notify the occupational licensing department of such adjudication.

(o) Violations Subject to All Legal Remedies. The violation of any provision of this Code may be
 prosecuted pursuant to the procedures and penalties of F.S. § 162.01 and Article 10 of the Palm
 Beach County Unified Land Development Code. In addition, to the sanctions contained herein,

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the County shall be authorized to take any appropriate legal action, including, but not limited to, seeking cease and desist orders, and requesting temporary or permanent injunctive relief. It is the purpose of this section to provide additional and cumulative remedies.

4 <u>SECTION 2</u>. <u>MINORS PROHIBITED</u>. Section 17-196 of the Palm Beach County Code is hereby
5 amended to read as follows:

It shall be unlawful for an operator of an adult entertainment establishment, regardless of
whether it is licensed under this code, to knowingly, or with reason to know, permit, suffer or allow:

- 8 (1) Admittance to the establishment of a person under eighteen (18) years of age; or
- 9 (2) A person under eighteen (18) years of age to remain at the establishment; or
- (3) A person under eighteen (18) years of age to purchase goods or services at the
  establishment; or
- (4) A person to work at the establishment as an employee who is not of the age permitted to
   work in an adult entertainment establishment pursuant to F.S. § 787.30, as amended.

#### 14 SECTION 3. 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.

#### 17 <u>SECTION 4</u>. <u>SAVINGS CLAUSE</u>.

Notwithstanding Section 3, Repeal of Laws in Conflict, all administrative and county orders,
fines, and pending enforcement issued pursuant to the authority and procedures established by
Ordinance 2018-021 shall remain in full force and effect.

#### 21 SECTION 5. SEVERABILITY CLAUSE.

If any section, paragraph, sentence, clause, phrase or word of this Ordinance or the application thereof, to any person or circumstance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, invalid or void, such holding shall not affect the remainder of this Ordinance or the application of any other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

State.  APPROVED and ADOPTED by the E the day of JOSEPH ABRUZZO, CLERK OF THE CIRCUIT	Board of County Commissioners of Palm Beach County, Florida, on this , 2024. PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
APPROVED and ADOPTED by the E	
	Board of County Commissioners of Palm Beach County, Florida, on thi
State.	
State	
-	inance shall become effective upon filing with the Department of
SECTION 8. EFFECTIVE DAT	ГЕ.
convenience only and shall have no	o effect on the interpretation of the provisions of this Ordinance.
The captions, section head	dings, and section designations used in this Ordinance are fo
SECTION 7. CAPTIONS.	
other appropriate word.	
re-lettered to accomplish such, and	d the word "ordinance" may be changed to "section", "article", o
Ordinances of Palm Beach County	7, Florida. The sections of this Ordinance may be renumbered o
The provisions of this Ordi	

1 SECTION 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

-7-

**ATTACHMENT 3** 



# ADULT ENTERTAINMENT ORDINANCE AMENDMENT & PROGRAM OVERVIEW

### Public Safety Department Division of Consumer Affairs

Todd Bonlarron, Assistant County Administrator, County Administration Stephanie Sejnoha, Director, Public Safety Department Rob Shelt, Division Director, Consumer Affairs Division

# Adult Entertainment Ordinance Amendment

### House Bill 7063, Anti-Human Trafficking

Created FL Statute 787.30: Employing persons under the age of 21 years in adult entertainment establishment is prohibited.

### Amendment to Section 17-153 and 17-196 of Palm Beach County Adult Entertainment Code

Aligns minimum age requirement form 18 years to 21 years of age to conform to new state law.



# Background

- What: Adult Entertainment Ordinance
- When: Established July 1999
- Why: Ensure adult entertainers are ≥18 years old
- What: Work ID cards are issued to performers in adult entertainment establishments.

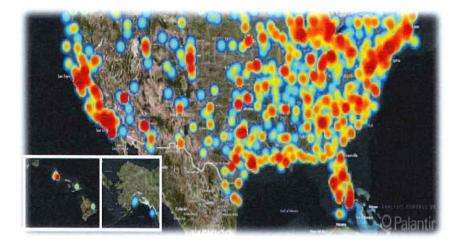
2,779 current valid work IDs; 166 are 18-20 y/o

Who: Administered by Public Safety Department



# Background cont.

- Polaris Project tracks the number of calls/tips to the Human Trafficking Hotline –
  - Florida had the third highest number of reported cases in the U.S. in 2020.
- Heightened local concern surrounding Human Trafficking and ways to identify victims.



# Highlights of <u>Current</u> Work ID Program

- All performers must have a work ID.
- Applicability: countywide, unless municipality opts out.
- ✓ All applicants must be at least 18 years of age.
- All persons required to obtain a work ID must have it on their persons OR with their personal belongings while performing.
- Photo copies of the work ID shall be retained by the adult entertainment establishment and subject to inspection.
- Establishments are prohibited from permitting, employing or allowing persons to perform unless they have a valid ID.



# Highlights of Current Work ID Program

### Work ID Cards valid for 2 years

- Applications Accepted M-F; 8am 4pm
- ID is \$100 and replacement ID is \$30
- No Appointment Required
- Government Issued Photo ID



### Club Record Keeping

- Copies of work ID cards
- Retention of performer log for 30 days from performan





# **Enforcement Highlights**

## Civil penalties

- \$400 fine for each performer that does not have a valid work.
- \$400 fine for failing to retain copies of work ID cards or performance rosters.

## Criminal Penalties

- First Degree Misdemeanor for employing persons under 21.
- Second Degree Felony for allowing persons to perform or work while nude.



# Palm Beach County Combats Human Trafficking

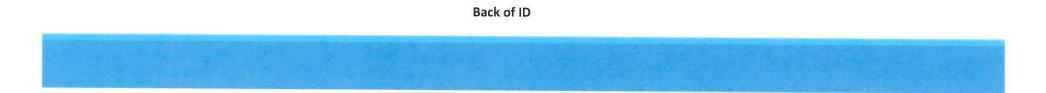
# Consumer Affairs Staff Trained on HT Awareness

# Staff are trained to observe HT warning signs.

- Who's paying for the ID badge?
- Who's controlling their ID?
- Is the applicant acting on their own free will?
- \* Was the applicant coached on what to say to licensing staff?
- Is there a history of multiple duplicate copies of work IDs requested?

# Staff make applicants aware of HT resources.

Applicant signs to acknowledge they received, read, and understand HT info.



# Adult Entertainer ID Badge

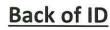


It is unlawful to perform as an adult entertainer without a valid Palm Beach County work identification card. While performing as an adult entertainer, you must have this card on your persons or with your personal belongings.

> If found, postage guaranteed Palm Beach County Consumer Affairs 50 S. Military Trail; Suite 201 West Palm Beach, FL 33415

Division of Consumer Affairs 561-712-6600 – www.pbcgov.com/consumer

Do you feel trapped and want to leave? National Human Trafficking Hotline: 1-888-373-7888 or text BEFREE



# PBC Combats Human Trafficking

- <u>1,447</u> Adult Entertainers made aware of HT resources.
- 11 Adult Entertainment establishments audited quarterly to ensure "BE FREE" sign is displayed.
- All county employees are required to receive HT training, 347 trained in FY23.
- 900+ VFH driver applicants provided HT point card.
- All County park restrooms include the "Be Free" signage.
- Every 30 minutes, Palm Beach International Airport (PBIA) issues a PSA over the intercom warning people to be on the lookout for victims.
- PBIA also has HT public awareness posters in the terminals.
- Victim Services Co-Leads HT Task Force.
- Victim Services participates in HT Coalition.

# Services to Victims of HT

- 24-hour crisis response
- Emergency housing and transportation
- Ongoing emotional support
- Assistance with filing FL Crime Victim Compensation and Human trafficking relocation
- Legal advocacy and legal referrals
- Court accompaniment

- Forensic Exam by Forensic Nurse Examiners(FNEs)
- Medical follow up
- Trauma informed therapy and support groups
- Follow up, linkage to community resources
- Assistance with expungement and advocacy involving forced criminality directly related to trafficking

# State and County Signage Requirements

# F.S 787.29 – State Signage Requirements

### HT Public Awareness Signs are required at the following locations

- Every rest area, turnpike service plaza, weigh station, primary airport, passenger rail station, and welcome center in the state which is open to the public.
- Emergency rooms at general acute care hospitals.
- Strip club or other adult entertainment establishment.
- A business or establishment that offers massage or bodywork services for compensation that is not owned by a health care practitioner regulated pursuant to chapter 456 and defined in s. 456.001.

### <u>Statute also authorizes counties to adopt an ordinance to enforce signage in</u> <u>strip clubs or adult entertainment establishments, massage parlors, and</u> <u>body work places.</u>



# PBC Adopts Ordinance to Enforce Signage

- On July 21, 2015, Palm Beach County adopted an ordinance effective January 1, 2016 to enforce signage in the following:
  - Strip club or other adult entertainment establishment.
  - A business or establishment that offers massage or bodywork services for compensation that is not owned by a health care practitioner regulated pursuant to chapter 456 and defined in s. 456.001.

### Facilities Inspected

- PBC Public Safety Department inspects adult entertainment establishments unannounced quarterly.
- FL Department of Health inspects massage parlors unannounced annually.

# **PBC Signage**

Pursuant to F.S. 787.29, 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 the required language in English and Spanish.

# be free

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.

#### ANONYMOUS AND CONFIDENTIAL

# sé libre

Si a usted, o alguien que conoce, lo están forzando a hacer algo y no lo dejan ir: Ya sea prostitución, trabajo doméstico, agrícola, de fábrica, en una tienda, restaurante o cualquier otra actividad – Llame al CENTRO NACIONAL DE RECURSOS CONTRA LA TRATA DE PERSONAS al 1-888-373-7888 o envíe un mensaje de texto al 233-733 con la palabra INFO o HELP para tener acceso a asistencia y servicios. Las víctimas de esclavitud y tráfico de personas están protegidas por las leyes de los Estados Unidos y Florida.

#### ANÓNIMO Y CONFIDENCIAL

dwe lib

Si oumenm oswa yon moun ou konnen gen moun kap fòse I pou lfè yon bagay epi li pa kapap sòti ladann bagay sa a: Ke se pwostitisyon, travay nan kay, travay nan jaden, travay nan faktori, travay nan kote kap vann an detay, travay restoran, oswa ankenn lòt bagay – Rele the SANT RESOUS NASYONAL POU EDE MOUN KE YAP FÒSE FÈ TRAVAY LI PA VLE FÈ nan 1-888-373-7888 oswa tèks INFO oswa HELP nan 233-733 pou jwen èd ak lòt bagay ou bezwen. Gen pwoteksyon sou lwa etazini ak nan Florid pou moun ki viktim esklavag ak moun yap fòse fè travay yo pa vle fè.

ANONIM AK KONFIDANSYÈL

1-888-373-7888 text BEFREE (233-733)

Posted pursuant to Palm Beach County Ordinance 2015-029 and s. 787.29 F.S.



# THANK YOU

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