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ORDINANCE 2021- 16

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA; PROVIDING FOR HUMAN TRAFFICKING PUBLIC AWARENESS SIGNS; BY CREATING SECTION 78-5, HUMAN TRAFFICKING; PROVIDING FOR COUNTY WIDE APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR REQUIRED DISPLAY; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AUTHORIZING INCLUSION IN CODE; AND PROVIDING 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, perpetrators of human trafficking use various methods to instill fear in their victims to keep them enslaved, including, but not limited to, isolation, threats of imprisonment or deportation, confiscation of personal documentation such as passports, and threats of violence against the victims and their families; and

WHEREAS, Florida law, pursuant to Section 787.29(5), Florida Statutes, authorizes counties to enforce a requirement for certain establishments to post human trafficking public awareness signage; and

WHEREAS, the county council finds that it will serve the public health, safety, and welfare of the citizens of Volusia County, Florida, to inform the public as to the existence of human trafficking, the victims of the availability of assistance, and provide information for the reporting of human trafficking.

BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

(Words in ~~strike-through~~ type are deletions; words in underline type are additions.)

SECTION I: Section 78-5 of chapter 78 of the Code of Ordinances of the County of Volusia is hereby created as follows:

Sec. 78-5 – Human Trafficking Public Awareness Sign

1 **(a) Applicability and authority.** This section shall apply within the unincorporated and
2 incorporated areas of Volusia County in accordance with Section 787.29, Florida Statutes.
3 This section constitutes an ordinance which enforces Section 787.29(3) as authorized by
4 787.29(5), Florida Statutes.

5 **(b) Definitions.** For the purposes of this article, the following terms, whether appearing in the
6 singular or plural form, shall have the following meanings:

7 Adult Entertainment Establishment means adult bookstores and theaters, special
8 cabarets and unlicensed massage establishments regulated pursuant to Chapter 847, Florida
9 Statutes, and defined in Section 847.001, Florida Statutes, as may be amended, and strip
10 clubs.

11 Bodywork Services means services involving therapeutic touching or manipulation of
12 the body using specialized techniques.

13 Business or establishment means any place of business or any club, person, firm,
14 corporation or partnership, wherein adult entertainment or massage or bodywork services are
15 provided and such establishment is not owned by a health care practitioner regulated pursuant
16 to Chapter 456, Florida Statutes, and defined in Section 456.001, Florida Statutes, as may be
17 amended.

18 Massage Services means the manipulation of the soft tissues of the human body with
19 the hand, foot, arm, or elbow, whether or not such manipulation is aided by hydrotherapy,
20 including colonic irrigation, or thermal therapy; any electrical or mechanical device; or the
21 application to the human body of a chemical or herbal preparation.

22 **(c) General requirements.**

1 (1) The employer at each of the following establishments shall display public
2 awareness signs in a conspicuous location that is clearly visible to the public and
3 employees of the establishment:

4 (i) A strip club or other adult entertainment establishment.

5 (ii) A business or establishment that offers massage or bodywork services for
6 compensation that is not owned by a health care practitioner regulated
7 pursuant to Chapter 456, Florida Statutes, and defined in Section 456.001,
8 Florida Statutes.

9 (2) The required public awareness sign must be at least 8.5 inches by 11 inches in
10 size, must be printed in at least 16-point type, and must state substantially the
11 following in English and Spanish:

12 "If you or someone you know is being forced to engage in an activity and cannot
13 leave - whether it is prostitution, housework, farm work, factory work, retail work,
14 restaurant work, or any other activity - call the National Human Trafficking
15 Resource Center at 1-888-373-7888 or text INFO or HELP to 233-733 to access
16 help and services. Victims of slavery and human trafficking are protected under
17 the United States and Florida law." Posted pursuant to Section 787.29, Florida
18 Statutes, and Volusia County Code 78-5.

19 **(d) Enforcement; Penalties.**

20 (1) It is unlawful to violate any provisions of this article. Any violation of this article
21 shall be a non-criminal violation punishable by a fine not to exceed \$500.00, as
22 provided in Section 787.29, Florida Statutes.

1 (2) The Volusia Sheriff's Office and County code enforcement officers are authorized
2 to investigate any situation where an establishment defined herein is alleged to
3 be in violation of this article. The Sheriff or County code enforcement are
4 authorized to enforce this article through the immediate issuance of a non-
5 criminal citation as provided in Section 787.29, Florida Statutes, and Section
6 775.083, Florida Statutes, upon discovery of a violation.

7 (3) Each and every municipal law enforcement agency and municipal code
8 enforcement department within Volusia County are authorized to investigate any
9 situation where an establishment defined herein within its municipal jurisdiction is
10 alleged to be in violation of this article. Each municipal law enforcement agency
11 and municipal code enforcement department is authorized to enforce this article
12 through the immediate issuance of a non-criminal citation as provided in Section
13 787.29, Florida Statutes, and Section 775.083, Florida Statutes, upon discovery
14 of a violation.

15 (4) The county court shall have jurisdiction to hear violations of this article. The
16 provisions set forth in Volusia County Code 2-394 and 2-397 shall apply to any
17 establishment cited for a violation of this article and cited to appear in county
18 court.

19 **SECTION II: SEVERABILITY** - Should any word, phrase, sentence, subsection or
20 section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or
21 unconstitutional, then that word, phrase, sentence, subsection or section so held shall be
22 severed from this ordinance and all other words, phrases, sentences, subsections, or sections
23 shall remain in full force and effect.

1 **SECTION III:** CONFLICTING ORDINANCES - All ordinances, or part thereof, in conflict
2 herewith are, to the extent of such conflict, repealed.

3 **SECTION IV:** AUTHORIZING INCLUSION IN CODE. The provisions of this ordinance
4 shall be included and incorporated into the Code of Ordinances of the County of Volusia, as
5 additions or amendments thereto, and shall be appropriately renumbered to conform to the
6 uniform numbering system of the Code.

7 **SECTION V:** EFFECTIVE DATE. This ordinance shall take effect on Monday, August
8 16, 2021.

9 **ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN**
10 **MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS**
11 **C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND,**
12 **FLORIDA, THIS _____ DAY OF _____ A.D., 2021.**

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ATTEST:

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

George Recktenwald
County Manager

Jeffrey S. Brower
County Chair