

ORDINANCE NO 16-04

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, PERTAINING TO HUMAN TRAFFICKING; POSTING OF HUMAN TRAFFICKING PUBLIC AWARENESS SIGNS AT SPECIFIED LOCATIONS; 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 CITATIONS; PROVIDING FOR APPLICABILITY; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; 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, Florida law authorizes counties to enforce posting of human trafficking public awareness signs in certain establishments; and

WHEREAS, the Board of County Commissioners finds that it will serve the public health, safety and welfare of the citizens of Lee 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 LEE 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.

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

2. *Bodywork Services* means services involving therapeutic touching or manipulation of the body using specialized techniques.
3. *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 professional regulated pursuant to Chapter 456, Florida Statutes, and defined in Section 456.001, Florida Statutes, as may be amended.
4. *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 Section 787.06, Florida Statutes, as may be amended.
5. *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 of the human body of a chemical or herbal preparation.
6. *Lee County Sheriff's Office* means the designated authority charged with administration and enforcement of the Lee County Human Trafficking Ordinance.

SECTION 2: GENERAL REQUIREMENTS

1. 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:
 - a. A strip club or other adult entertainment establishment.
 - b. A business or establishment that offers massage or bodywork services for compensation that is not owned by a health care profession regulated pursuant to Chapter 456, Florida Statutes, and defined in Section 456.001, Florida Statutes.
2. 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, Creole and Spanish:

"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 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 Lee County Code Section (Insert Section #).

SECTION 3: ENFORCEMENT

The Lee County Sheriff's Office and/or Code Enforcement is empowered to investigate any situation where an establishment/person is alleged to be violating this Ordinance. The Lee County Sheriff's Office is authorized to enforce this Ordinance.

SECTION 4: PENALTIES

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.

SECTION 5: 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 6: 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 7: INCLUSION IN THE CODE OF LAWS AND ORDINANCES

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

SECTION 8: 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 9: APPLICABILITY

All provisions of this Ordinance shall apply to the unincorporated areas of Lee County, Florida and to all municipalities within Lee County that elect to have the provisions of this Ordinance apply within their respective jurisdictions.

SECTION 10: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION 11: EFFECTIVE DATE

This Ordinance, if adopted by the Board, shall take effect upon its filing with the Office of the Secretary of the Florida Department of State.

Commissioner Hamman made a motion to adopt the foregoing ordinance, seconded by Commissioner Manning. The vote was as follows:

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 16th day of February, 2016.

ATTEST:
LINDA DOGGETT, CLERK

BY: E. Gabnick
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Franklin B. Mann
Franklin B. Mann, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

By: Andrea K. Juer
Office of the County Attorney



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

February 17, 2016

Honorable Linda Doggett
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attention: Eileen Gabrick

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Lee County Ordinance No. 16-04, which was filed in this office on February 17, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

RECEIVED

By egabrick at 9:54 am, Feb 18, 2016