



Staff Report

File #: 15-931, **Version:** 1

Agenda Date: 12/15/2015

Subject:

Authority to advertise a public hearing to be held on Tuesday, January 12, regarding a proposed ordinance relating to the health, peace, safety, and general welfare of the people of Pinellas County by establishing human trafficking signage display requirements and by establishing enforcement responsibilities and penalties.

Recommended Action:

Approve the authority to advertise the public hearing regarding the proposed ordinance.

Strategic Plan:

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to ensure a safe and secure community

Summary:

The proposed ordinance implements Section 787.29 Florida Statutes, signed into law in June 2015. The ordinance requires public awareness signs to be displayed at all adult entertainment and massage/bodywork establishments to alert employees and the public about the existence, remedies and protections related to human trafficking. The proposed ordinance further requires the posting of awareness signs at state-registered specialty salons performing nail services, and authorizes the County to enforce the signage requirements. The recently enacted statute and the provisions of the proposed ordinance are to become effective March 1, 2016.

Background Information:

Human Trafficking typically exploits individuals for commercial sex or forced labor while subjecting victims to force, fraud, and coercion. In June 2015, the state enacted a new statute (Section 787.29 Fla. Stat.) that requires businesses and locations throughout Florida to display public awareness signage to inform the public about human trafficking and resources for assistance. The new law also authorizes counties to adopt ordinances to enforce the public awareness requirements.

On September 22, 2015, the Board directed staff to prepare an ordinance on human trafficking pursuant to the new law. At the meeting, nail salons were referenced for inclusion in the ordinance. To date, County Consumer Protection has not learned of human trafficking involving local nail salons. However, news reports from other states specifically reference the specialty of nail salons for their potential for human trafficking and wage theft based on workforce demographics. Nail services are considered specialty salons within the Florida licensing category of cosmetology. While many cosmetology locations do not perform nail services, notification and assessment will be performed for all locations defined as specialty salons.

The business types included in the ordinance and the number of locations within Pinellas County are as follows:

Adult Use: 24 locations (15 unincorporated; 9 municipalities)
Number of Massage/Bodyworks: 479 locations
Number of Specialty Salons: Up to 1236 locations for notification (288 with “nail” in name)

Consumer Protection is developing enforcement partnerships with local law enforcement, the Florida Department of Business and Professional Regulation, and the Florida Department of Health to effectively manage the ongoing workload of sign verification. Each of the partners has complementary responsibilities for visiting some of the locations.

Fiscal Impact:

Human Services anticipates that the coordination and regulatory activities prompted by this proposed ordinance will require .20 FTE staff for eight (8) hours per week at an estimated cost of \$13,749.00 per year (includes fixed and variable fringe plus base salary). Funding for needed staff resources is available within Human Services' Fiscal Year 2016 budget.

Staff Member Responsible:

Lourdes Benedict, Director, Human Services

Partners:

Florida Department of Business and Professional Regulation, Florida Department of Health, local law enforcement agencies

Attachments:

Proposed Ordinance-Revised
Section 787.29 Fla. Statutes
National Human Trafficking Resource Center Fact Sheet
Proposed Ordinance-1st Draft

ORDINANCE NO. 2016 -

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.

757.29 Human trafficking public awareness signs.—

(1) The Department of Transportation shall display a public awareness sign developed under subsection (4) in 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.

(2) Emergency rooms shall display a public awareness sign developed under subsection (4) in the emergency rooms at general acute care hospitals.

(3) The employer at each of the following establishments shall display a public awareness sign developed under subsection (4) 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 and defined in s. 456.001.

(4) 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 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 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."

(5) The county commission may adopt an ordinance to enforce subsection (3). A violation of subsection (3) is a noncriminal violation and punishable by a fine only as provided in s. 775.083.

History.—s. 1, ch. 2015-172.

NATIONAL HUMAN TRAFFICKING RESOURCE CENTER (NHTRC) AT-A-GLANCE

WHO WE ARE: The National Human Trafficking Resource Center (NHTRC) is a national anti-trafficking hotline and resource center serving victims and survivors of human trafficking and the anti-trafficking community in the United States, 24 hours a day, 7 days a week, every day of the year. The NHTRC has been operated since December 7th, 2007 by Polaris, a non-profit, non-governmental organization. The NHTRC is not a law enforcement or immigration agency. Funding is provided by the Department of Health and Human Services (HHS) and other private donors and supporters.

OUR MISSION: To provide trafficking victims and survivors with access to critical support and services to get help and stay safe, and to equip the anti-trafficking community with tools to effectively combat human trafficking. The NHTRC offers confidential round-the-clock access to a safe space to report tips, seek services, and ask for help. The NHTRC also provides innovative trainings, technical assistance, and capacity building support. The NHTRC serves all victims and survivors of sex and labor trafficking.

WHAT WE DO:

Available services include:

- Comprehensive service referrals for victims and survivors of trafficking, including emergency and after-hours needs
- Tip reporting
- Training and technical assistance on a range of topics
- Comprehensive resources for the anti-trafficking field and anyone who wishes to get involved

NHTRC Resources:

- **Referral network** of more than 3,200 contacts, including anti-trafficking organizations, legal service providers, shelters, coalitions, task forces, law enforcement, and social service agencies serving human trafficking victims.
- **Online National Human Trafficking Referral Directory**, a searchable directory of local emergency, transitional, and long-term social services for victims and survivors of trafficking. It also connects individuals with training and technical assistance and opportunities to get involved in their communities.
- **Specialized local and national response protocols** comprised of local, state, and federal law enforcement, task forces, coalitions, and social and legal service providers trained on trafficking and designated to respond to NHTRC hotline cases.
- **Online Resource Library** containing diverse training and informational materials for community members, students, and professionals interested in learning more about the issue of human trafficking.
- **Hotline Statistics** based on aggregated non-personally identifiable information learned through signals -- phone calls, emails, and online tip reports -- received by the hotline.

WHO CAN CALL: The NHTRC serves the United States and the U.S. territories. Anyone in need of assistance and/or information and resources related to the issue of human trafficking can contact the NHTRC and access our services including, but not limited to: victims and survivors of trafficking and their friends and family, service providers, community members, law enforcement, medical professionals, legal professionals, students, and policy makers.

LANGUAGE CAPABILITY: The NHTRC can speak with callers in more than 200 languages through a 24-hour tele-interpreting service. Bilingual Spanish-speaking Call Specialists are also available. Hearing and speech-impaired individuals can contact the hotline by dialing 711, the free national access number that connects to Telecommunications Relay Services (TRS).

HOURS OF OPERATION: The NHTRC hotline is answered 24-hours a day, 7 days a week, every day of the year by specially trained Call Specialists. Emails and online tip reporting forms are reviewed daily. Please call the hotline for immediate assistance. Cases requiring urgent action receive an immediate response. The NHTRC responds to non-urgent requests within 1-3 business days.

NHTRC CONTACT INFORMATION: *All communications with the NHTRC are confidential*

Hotline: [1-888-373-7888](tel:1-888-373-7888) toll-free, 24 hours a day, 7 days a week, available in more than 200 languages

Tip Reporting Form: <http://traffickingresourcecenter.org/report-trafficking>

Email: nhtrc@polarisproject.org

Website: www.traffickingresourcecenter.org

TYPES OF CALLS RECEIVED BY THE NHTRC:

CRISIS CALLS

This category includes calls received from victims of trafficking in need of immediate assistance or from an individual calling on behalf of a victim in need of immediate assistance or emergency services. The NHTRC has developed extensive crisis protocols and local emergency referral and reporting networks to ensure that NHTRC staff are able to provide an immediate and tailored response to callers in crisis.

TIPS

This category includes calls received from individuals who wish to report tips related to potential trafficking victims, suspicious behaviors, and/or locations where trafficking is suspected to occur. Potential trafficking tips received by the NHTRC are reviewed by hotline supervisors and regional specialists before being passed on to the appropriate local, state, or federal investigative and/or service agency equipped to investigate and/or respond to the needs of victims.

TRAINING AND TECHNICAL ASSISTANCE (T&TA) REQUESTS

Training and Technical Assistance calls include, but are not limited to requests for: specialized information on issues related to human trafficking, in-person and web-based trainings and presentations, individualized technical assistance consultations, and support for law enforcement, service providers, and other first responder and frontline professionals who need immediate technical assistance on a human trafficking case and/or to help a victim of human trafficking.

REFERRALS

This call category includes requests for service referrals for victims and survivors of human trafficking. Referrals may include contact information for service providers, law enforcement, coalitions and other collaborative efforts, and other relevant agencies or field practitioners. The most commonly requested referrals are for case management services, shelter services, legal services, mental health and counseling services, and transportation.

GENERAL INFORMATION REQUESTS

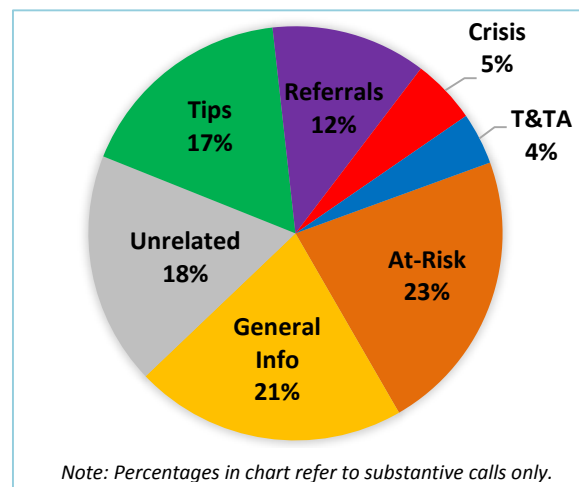
This category includes calls requesting general information on the issue of human trafficking, such as legal definitions, scope, statistics, trends, and prevalence.

AT-RISK

This category refers to calls referencing related forms of abuse and exploitation that may put individuals or specific populations at high risk for human trafficking, such as labor exploitation, domestic violence, sexual assault, child abuse, and runaway and homeless youth.

UNRELATED & MISCELLANEOUS

This call category refers to calls that are beyond the scope of NHTRC services. NHTRC Call Specialists refer callers to other national hotlines, other service providers, or other coalitions that are best equipped to fulfill the caller's request.



For questions about the NHTRC, please visit www.traffickingresourcecenter.org or email NHTRC@polarisproject.org.

**NOTICE OF PUBLIC HEARING
PROPOSED ORDINANCE AMENDING THE PINELLAS COUNTY CODE**

The Pinellas County Board of County Commissioners proposes to amend the Pinellas County Code by Ordinance.

A public hearing on the Ordinance will be held on Tuesday, January 12, at 9:30 a.m. in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida 33756.

Interested parties may appear at the hearing and be heard regarding the proposed Ordinance.

1. PROPOSED ORDINANCE TO AMEND THE PINELLAS COUNTY CODE:

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; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARING AND WITH RESPONSIBLE AUTHORITIES.

The proposed amendment to the Pinellas County Code can be inspected by the public at the Pinellas County Board Records Department, 315 Court Street, Fifth Floor, Clearwater, Florida 33756. Comments may be sent to this same address or call (727) 464-3458.

Persons are advised that if they decide to appeal any decision made at the meeting/hearing, they will need a record of the proceedings, and, for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE, PLEASE CONTACT THE OFFICE OF HUMAN RIGHTS, 400 SOUTH FORT HARRISON AVENUE, SUITE 500, CLEARWATER, FLORIDA 33756, (727) 464-4880 (VOICE), (727) 464-4062 (TDD).

KEN BURKE, CLERK TO
THE BOARD OF COUNTY COMMISSIONERS
By: Norman D. Loy, Deputy Clerk