

**CITY OF BONITA SPRINGS  
ORDINANCE NO. 16-05**

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, ELECTING INTO THE APPLICABILITY PROVISION OF LEE COUNTY ORDINANCE NO. 16-04, PERTAINING TO HUMAN TRAFFICKING; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes §166.021 authorizes the City of Bonita Springs to establish, coordinate and enforce laws that are necessary for the protection of the public;

WHEREAS, Lee County Board of County Commissioners adopted the Lee County Human Trafficking Ordinance, Ordinance No. 16-04, which requires certain businesses, i.e., places offering massages or bodywork services not regulated as a health care professional's office, to post a public awareness sign to provide help to possible victims of Human Trafficking; and

WHEREAS, Section 9 states that the ordinance may apply to any municipality that elects to have the provisions of the ordinance apply within its respective jurisdiction; and

WHEREAS, City Council finds it is in the best interests of its citizens to elect into the Lee County ordinance.

**THE CITY OF BONITA SPRINGS HEREBY ORDAINS:**

**SECTION ONE: APPLICABILITY OF THE LEE COUNTY HUMAN TRAFFICKING  
ORDINANCE WITHIN BONITA SPRINGS**

1. The City of Bonita Springs hereby elects that the Lee County Human Trafficking Ordinance, Ordinance No. 16-04, shall apply within the corporate boundaries of the City of Bonita Springs.
2. A copy of Lee County Ordinance No. 16-04 is attached hereto, and is hereby incorporated into the Bonita Springs Code as set forth herein.
3. The City Clerk is hereby designated to transmit a copy of this ordinance to the Lee County Sheriff's Office and the Lee County Board of County Commissioners.

**SECTION TWO: CONFLICTS OF LAW**

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted City of Bonita Springs Ordinance or Florida Statutes, the more restrictive shall apply.

**SECTION THREE: SEVERABILITY**

If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reasons, such part, section, subsection, or other portion or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance, and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

**SECTION FOUR: CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS**

It is the intention of the City Council for the City of Bonita Springs that the provisions of this Ordinance shall become and be made a part of the Bonita Springs Code; and that sections of this Ordinance may be renumbered or re-lettered and that the word "Ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the City Manager, or the City Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

**SECTION FIVE: EFFECTIVE DATE**

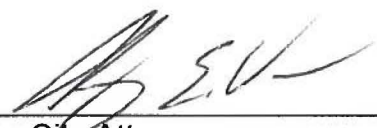
The effective date of this Ordinance shall be thirty (30) days from its adoption date.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 18<sup>th</sup> day of May, 2016.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:   
\_\_\_\_\_  
City Attorney

Vote:

|         |     |          |     |
|---------|-----|----------|-----|
| DeWitt  | Aye | Quaremba | Aye |
| Forbes  | Aye | Simmons  | Aye |
| Gibson  | Aye | Slachta  | Aye |
| O'Flinn | Aye |          |     |

Date filed with City Clerk: 5/19/16

**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 16<sup>th</sup> 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. Jauer  
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*