

1 Introduced by Council Member Cumber:
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4 **ORDINANCE 2023-161-E**

5 AN ORDINANCE AMENDING CHAPTER 150 (ADULT
6 ENTERTAINMENT AND SERVICES CODE), PART 1
7 (GENERAL PROVISIONS), SECTION 150.104
8 (RESERVED) AND PART 2 (ADMINISTRATION), SECTION
9 150.224 (PERFORMER WORK IDENTIFICATION CARD),
10 *ORDINANCE CODE*, TO REMOVE LANGAUAGE REGARDING
11 THE EFFECTIVE DATE OF THE PROHIBITION OF
12 PERFORMERS UNDER AGE TWENTY-ONE; AMENDING
13 CHAPTER 151 (DANCING ENTERTAINMENT
14 ESTABLISHMENT CODE), PART 1 (GENERAL PROVISIONS)
15 TO CREATE A NEW SECTION 151.104 (PERFORMER AGE
16 RESTRICTION) AND AMENDING PART 2
17 (ADMINISTRATION), SECTION 151.214 (PERFORMER
18 WORK IDENTIFICATION CARD), *ORDINANCE CODE*, TO
19 REMOVE LANGAUAGE REGARDING THE EFFECTIVE DATE OF
20 THE PROHIBITION OF PERFORMERS UNDER AGE TWENTY-
21 ONE AND THE DISQUALIFYING CRIME OF "HUMAN
22 TRAFFICKING RELATED CHARGE"; PROVIDING
23 CODIFICATION INSTRUCTIONS; REQUESTING EMERGENCY
24 PASSAGE UPON INTRODUCTION; PROVIDING AN
25 EFFECTIVE DATE.

26
27 **WHEREAS**, on February 27, 2023, in the case of *Wackos Too, Inc.,*
28 *et al. v. City of Jacksonville*, case no. 3:20-cv-00303-TJC-MCR
29 ("Wackos Lawsuit"), the federal judge ruled the City's ban on
30 performers under the age of twenty-one at adult and dancing
31 entertainment establishments is constitutional; and

1 Card shall be issued to any applicant who is under the age of twenty-
2 one (21) years of age; ~~however, this requirement shall not become~~
3 ~~effective unless and until the legality of this age restriction is~~
4 ~~determined to be valid or the City is otherwise not legally prevented~~
5 ~~from imposing this restriction.~~ No Work Identification Card shall
6 be issued to an applicant who has been convicted of human trafficking
7 ~~or any human trafficking-related charge~~ or who is currently on
8 suspension for any violation listed under subsection (l), below. Work
9 Identification Cards are valid for a term of one (1) year. Applicants
10 are required to update his or her application with changes to any of
11 the application information (except height and weight) within 60 days
12 of the change of such information. All current performers shall
13 complete and submit an application for a Work Identification Card
14 within ninety (90) days from the effective date of this section (the
15 "Grace Period"). Upon conclusion of the Grace Period, no performer
16 shall be permitted to perform until a current Work Identification
17 Card is obtained or without a valid copy of the application fee
18 payment check or receipt as specified in subparagraph (e), below.

19 * * *

20 **Section 2. Amending Chapter 151 (Dancing Entertainment**
21 **Establishment Code), Part 1 (General Provisions) to create a new**
22 **Section 151.104 (Performer age restriction) and amending Part 2**
23 **(Administration), Section 151.214 (Performer work identification**
24 **card), Ordinance Code.** Chapter 151 (Dancing Entertainment
25 Establishment Code), Part 1 (General Provisions) and Part 2
26 (Administration), Section 151.214 (Performer work identification
27 card), *Ordinance Code*, is hereby amended to read as follows:

28 **CHAPTER 151. DANCING ENTERTAINMENT ESTABLISHMENT CODE.**

29 * * *

30 **PART 1. GENERAL PROVISIONS**

31 * * *

1 **Sec. 151.104. Performer Age Restriction.**

2 No performer under twenty-one (21) years of age shall be
3 allowed to perform at any establishment regulated under this Chapter.

4 * * *

5 **PART 2. ADMINISTRATION**

6 * * *

7 **Sec. 151.214. Performer work identification card.**

8 * * *

9 (c) *Application for Work Identification Card.* An application
10 for a Work Identification Card shall be obtained from the Sheriff.
11 The application shall include: the applicant's full legal name
12 (including maiden name, if applicable); residential address; driver's
13 license number, government issued identification or passport number;
14 date of birth; natural hair and eye color; race; sex; height and
15 weight; place of birth (city, state or country); telephone number;
16 email address; a list of locations of and descriptions of any tattoos;
17 confirmation that the applicant has not been convicted within the
18 relevant periods of time of any violation listed in subparagraph (l),
19 and a list of each dancing entertainment establishment where the
20 applicant will be performing and each stage name used by the applicant
21 at each location. Each applicant shall affirm through either
22 attestation on the application or presentation of a certificate of
23 completion to the Sheriff that he or she has completed one, free-of-
24 charge, sex trafficking education program the Polaris Project
25 (<https://polarisproject.org/training/>) (approximately 45 min. in
26 length), or the U.S. Department of Homeland Security , Blue Campaign
27 Consequences Training ([https://www.dhs.gov/blue-](https://www.dhs.gov/blue-campaign/course_consequences_p01)
28 [campaign/course_consequences_p01](https://www.dhs.gov/blue-campaign/course_consequences_p01)) (approximately 15 min. in length).
29 The Sheriff shall maintain and make available to any Applicant each
30 sex trafficking education program free-of-charge in the event any
31 applicant does not have online access to the program(s). Additionally,

1 the applicant shall affirm that he or she understands that the Work
2 Identification Card may be immediately revoked if issuance of the
3 card is made illegal through order of any court. The application
4 shall be in writing, signed, fully completed and submitted to the
5 Sheriff together with the nonrefundable application fee. Each
6 applicant must submit proof of identity at the time the application
7 is submitted. ~~It is the Council's intent that no~~No Work Identification
8 Card shall be issued to any applicant who is under the age of twenty-
9 one (21) years of age; ~~however, this requirement shall not become~~
10 ~~effective unless and until the legality of this age restriction is~~
11 ~~determined to be valid or the City is otherwise not legally prevented~~
12 ~~from imposing this restriction.~~ No Work Identification Card shall
13 be issued to an applicant who has been convicted of human trafficking
14 ~~or any human trafficking-related charge~~ or who is currently on
15 suspension for any violation listed under subsection (1), below. Work
16 Identification Cards are valid for a term of one (1) year. All
17 current performers shall complete and submit an application for a
18 Work Identification Card within ninety (90) days from the effective
19 date of this section (the "Grace Period"). Upon conclusion of the
20 Grace Period, no performer shall be permitted to perform until a
21 current Work Identification Card is obtained or without a valid copy
22 of the application fee payment check or receipt as specified in
23 subparagraph (e), below.

24 * * *

25 **Section 3. Codification Instructions.** The Codifier and the
26 Office of General Counsel are authorized to make all chapter and
27 division "table of contents" consistent with the changes set forth
28 herein. Such editorial changes and any other necessary changes to
29 make the *Ordinance Code* consistent with the intent of this legislation
30 are approved and directed herein, and the changes to the *Ordinance*
31 *Code* shall be made forthwith and when inconsistencies are discovered.

1 **Section 4. Requesting Emergency Passage Upon Introduction**

2 **Pursuant to Council Rule 4.901 Emergency.** Emergency passage upon
3 introduction of this legislation is requested. The nature of the
4 emergency is that the Council identified that individuals under age
5 twenty-one are particularly susceptible to human and sex trafficking
6 at adult entertainment clubs. Implementation of this regulation has
7 been delayed due to the legal challenge filed by nearly every adult
8 entertainment club in Jacksonville, who unsuccessfully challenged the
9 constitutionality of this restriction, even though the same
10 restriction in the state of Louisiana was upheld. There is an ongoing
11 vulnerability for young performers every day in these clubs and
12 implementation of this regulation needs to begin immediately for the
13 health, safety and welfare of these at-risk individuals, and emergency
14 passage upon introduction of this legislation is necessary.

15 **Section 5. Effective Date.** This ordinance shall become
16 effective upon signature by the Mayor or upon becoming effective
17 without the Mayor's signature.

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19 Form Approved:

20
21 /s/ Jason R. Teal

22 Office of General Counsel

23 Legislation prepared by: Jason R. Teal

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