

1 Introduced by Council Members Cumber and Carlucci:
2
3

4 **ORDINANCE 2022-172**

5 AN ORDINANCE AMENDING CHAPTER 150 (ADULT
6 ENTERTAINMENT AND SERVICES CODE), PART 2
7 (ADMINISTRATION), SECTION 150.224 (PERFORMER
8 WORK IDENTIFICATION CARD), *ORDINANCE CODE*, TO
9 AMEND THE PROCESS FOR ISSUANCE OF A PERFORMER
10 WORK IDENTIFICATION CARD FOR ALL PERFORMERS IN
11 ADULT ENTERTAINMENT ESTABLISHMENTS; AMENDING
12 CHAPTER 151 (DANCING ENTERTAINMENT
13 ESTABLISHMENT CODE), PART 2 (ADMINISTRATION),
14 SECTION 151.214 (PERFORMER WORK IDENTIFICATION
15 CARD), *ORDINANCE CODE*, TO AMEND THE PROCESS FOR
16 ISSUANCE OF A PERFORMER WORK IDENTIFICATION CARD
17 FOR ALL PERFORMERS IN DANCING ENTERTAINMENT
18 ESTABLISHMENTS; PROVIDING AN EFFECTIVE DATE.

19
20 **BE IT ORDAINED** by the Council of the City of Jacksonville:

21 **Section 1. Intent and severability.** The intent of this
22 legislation is to enact a scheme of uniform and non-discriminatory
23 time, place and manner regulations for performers at adult
24 entertainment establishments and dancing entertainment establishments
25 in the City. It is the Council's intent that these regulations be
26 interpreted and applied to not eliminate all forms of adult
27 entertainment, but instead, to be narrowly tailored and limited to
28 assist in reducing criminal activities occurring at these facilities.
29 The provisions of this Ordinance are intended to be severable, and
30 if any provision is declared invalid or unenforceable by a court of
31 competent jurisdiction, such provision shall be severed and the

1 remainder shall continue in full force and effect with the Ordinance
2 being deemed amended to the least degree legally permissible.

3 **Section 2. Amending Chapter 150 (Adult Entertainment and**
4 **Services Code), Part 2 (Administration), Section 150.224 (Performer**
5 **work identification card), Ordinance Code.** Chapter 150 (Adult
6 Entertainment and Services Code), Part 2 (Administration), Section
7 150.224 (Performer work identification card), *Ordinance Code*, is
8 hereby amended to read as follows:

9 **CHAPTER 150. ADULT ENTERTAINMENT AND SERVICES CODE.**

10 * * *

11 **PART 2. ADMINISTRATION**

12 * * *

13 **Sec. 150.224. Performer work identification card.**

14 (a) *Performer Work Identification Card required.* Any person
15 desiring to perform in an adult entertainment establishment licensed
16 under this Chapter must obtain a Work Identification Card from the
17 Sheriff. No person shall act as a performer in an adult entertainment
18 establishment without having previously obtained said Work
19 Identification Card, except as permitted during the Grace Period as
20 set forth in this section. Additionally, no license holder or
21 establishment manager shall employ, contract with or otherwise allow
22 any performer to perform in an adult entertainment establishment who
23 does not possess a valid and effective Work Identification Card except
24 as permitted during the Grace Period as set forth in this section.
25 Establishment managers shall be required to review all Performer
26 Rosters at the commencement of his or her shift to verify compliance
27 with this section.

28 (b) *Penalty.* Violations of this section shall be a civil
29 infraction. Any performer, license holder, owner, operator or manager
30 who violates or knowingly permits a violation of this section shall

1 be assessed a civil penalty of \$200 ~~guilty of a misdemeanor of the~~
2 ~~second degree.~~

3 (c) *Application for Work Identification Card.* An application
4 for a Work Identification Card shall be ~~created by and~~ obtained from
5 the Sheriff. ~~The Sheriff is authorized to include whatever information~~
6 ~~he or she deems relevant to the purposes established in this section~~
7 ~~for issuance of the Work Identification Card, including~~ The
8 application shall include: the applicant's full legal name (including
9 maiden name, if applicable); residential address; driver's license
10 number or government issued identification or passport number; date
11 of birth; natural hair and eye color; race; sex; height and weight;
12 place of birth (city, state or country); telephone number; email
13 address; a list of locations of and descriptions of any tattoos;
14 confirmation that the applicant has not been convicted within the
15 relevant periods of time of any violation listed in subparagraph (1),
16 and a list of each adult entertainment establishment where the
17 applicant will be performing and each stage name used by the applicant
18 at each location~~fingerprinting and photographs and proof of a valid~~
19 ~~and effective work permit or visa for non-U.S. citizens.~~ Each
20 applicant shall ~~demonstrate~~ affirm through either attestation on the
21 application or presentation of a certificate of completion to the
22 Sheriff that he or she has completed ~~a~~ one, free-of-charge, sex
23 trafficking education program. ~~Acceptable training programs include~~
24 ~~those developed and presented by the American Hotel & Lodging~~
25 ~~Association,~~ ~~the~~ Polaris ~~Project~~
26 (<https://polarisproject.org/training/>) (approximately 45 min. in
27 length), ~~ECPAT-USA, Business Ending Slavery & Trafficking and~~ or the
28 U.S. Department of Homeland Security, Blue Campaign Consequences
29 Training ([https://www.dhs.gov/blue-](https://www.dhs.gov/blue-campaign/course-consequences-p01)
30 campaign/course consequences p01) (approximately 15 min. in length).
31 The Sheriff shall maintain and make available to any applicant each

1 sex trafficking education program in the event any applicant does not
2 have online access to the program(s). Additionally, the applicant
3 shall affirm that he or she understands that the Work Identification
4 Card may be immediately revoked if issuance of the card is made
5 illegal through order of any court. ~~Other programs not listed may~~
6 ~~be approved by the Sheriff.~~ The application shall be in writing,
7 signed and notarized, fully completed and submitted to the Sheriff
8 together with the nonrefundable application fee. Each applicant must
9 submit proof of identity at the time the application is submitted.
10 ~~and proof that applicant is at least twenty-one (21) years of age.~~
11 ~~Work Identification Cards shall not be issued to any person under the~~
12 ~~age of twenty one.~~ Additionally, nNo 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 ~~probation~~suspension for any violation listed under subsection (1),
16 below. Work Identification Cards are valid for a term of one (1)
17 year. Applicants are required to update his or her application with
18 changes to any of the application information (except height and
19 weight) within 60 days of the change of such information. All current
20 performers shall ~~obtain~~complete and submit an application for a Work
21 Identification Card within ninety (90) days from the effective date
22 of this section (the "Grace Period"). Upon conclusion of the Grace
23 Period, no performer shall be permitted to perform until a current
24 Work Identification Card is obtained or without a valid copy of the
25 application fee payment check or receipt as specified in subparagraph
26 (e), below.

27 (d) *False statement or false information in applying for a Work*
28 *Identification Card.* It shall be unlawful for any person applying for
29 a Work Identification Card to make a false statement or otherwise
30 provide false information which is intended to facilitate the issuance
31 of same. In addition to any other penalties provided herein, the

1 Sheriff is authorized to petition the court for immediate revocation
2 of any Worker Identification Card that has been determined by the
3 Sheriff to have been issued based on fraudulent or false information.

4 (e) *Fees.* The applicant shall pay an application fee with each
5 new request for a Work Identification Card and with each renewal of
6 a Work Identification Card. The fees shall not be prorated. The
7 applicant shall also pay a duplicate card fee for each duplicate copy
8 of an existing Work Identification Card. The initial fee for an
9 initial Work Identification Card shall be \$100. The initial fee for
10 a renewal card shall be \$50. The initial fee for a duplicate
11 replacement card shall be \$35. The Sheriff shall be entitled to
12 impose a three percent (3%) annual increase of the fees. A copy of
13 the check, or of a receipt issued by the Sheriff, showing payment for
14 an application or duplicate card shall operate as a receipt for said
15 fees and shall allow the applicant to perform pending receipt of the
16 official Work Identification Card. ~~The initial and renewal~~
17 ~~application fee shall be \$150. The fee for issuance of a duplicate~~
18 ~~Work Identification Card shall be \$50. Fees are non-refundable.~~

19 (f) *Issuance of Work Identification Card.* The Sheriff is
20 responsible for verifying all information contained on a Work
21 Identification Card application. The Sheriff shall approve or deny
22 an application within fourteen (14) days of receipt of a completed
23 application and payment of the applicable fee. If the Sheriff fails
24 to approve or deny an application within the 14-day time limit, the
25 application shall be deemed granted and the applicant can continue
26 to rely on his or her receipt or check copy as a substitute for the
27 Work Identification Card to legally perform or can request the Sheriff
28 to issue an official card. ~~Upon determining that the Work~~
29 ~~Identification Card should be issued, the Sheriff shall immediately~~
30 ~~render a Work Identification Card to the applicant. Said~~An issued
31 Work Identification Card shall, ~~at a minimum,~~ include the performer's

1 name, photograph, date of birth, height, weight, natural eye and hair
2 color, and a unique card number. Should the Sheriff determine that
3 the proof submitted with the application for the Work Identification
4 Card as required hereinabove is not satisfactory or full payment of
5 the application fee is not received, the Sheriff shall deny issuance
6 of said Work Identification Card and shall provide written
7 notification to the applicant stating the reason(s) for any such
8 denial.

9 (g) *Retention of Performer Roster and Work Identification Card.*

10 All persons required pursuant to this Code to obtain a Work
11 Identification Card shall keep same on their person or with their
12 personal belongings at all times while performing at an adult
13 entertainment establishment. The adult entertainment establishment
14 shall compile and retain a complete performer roster that includes
15 all performers performing at the establishment for a period of thirty
16 (30) days from each performer's most recent performance date. The
17 performer roster shall be organized by date and performer, including
18 the performer's first and last name and stage name. The adult
19 entertainment establishment shall also maintain a Work Identification
20 Card file, organized alphabetically by performer's last name, with
21 legible photocopies of the Work Identification Card of each performer
22 performing at said establishment for a period of two (2) years from
23 each performer's most recent performance date. Other than performers
24 performing during the Grace Period established in this section, no
25 performer shall perform until the performer roster is updated to
26 include the performer information, and the legible photocopy of the
27 Work Identification Card is placed on file as required herein. The
28 performer roster and the Work Identification Card file shall be made
29 available to the Sheriff for inspection and/or copying upon request,
30 which shall only be made during normal business hours when the
31 establishment is open to the public.

1 (h) *Appeal.* In the event that an applicant for a Work
2 Identification Card is denied, said applicant may request emergency
3 injunctive relief from the Circuit Court of the Fourth Judicial
4 Circuit of the State of Florida. Due to the overriding public interest
5 in not having persons ~~under the age of twenty-one or~~ with criminal
6 convictions identified in paragraph (l) perform in adult
7 entertainment establishments, no provisional Work Identification
8 Cards shall be issued by the Sheriff.

9 (i) *Transfer of Work Identification Card prohibited.* A Work
10 Identification Card shall not be transferred from one person to
11 another; however, the person to whom the Work Identification Card was
12 issued may utilize same in any ~~and all~~ licensed adult entertainment
13 establishments ~~in the City~~ identified in the Work Identification Card
14 application.

15 (j) *Alteration of Work Identification Card prohibited.* It shall
16 be unlawful for any person to alter or otherwise change the contents
17 of a Work Identification Card without the written permission of the
18 Sheriff.

19 (k) *Requirement of Managers, License Holders, Owners and*
20 *Operators to Verify Work Identification Cards of Performers.* No person
21 managing, owning or operating or holding a license to operate an
22 adult entertainment establishment shall permit, employ, or otherwise
23 allow any person to perform at said establishment unless such person
24 has a valid, current, Work Identification Card issued in accordance
25 herewith, unless such performer is performing within the Grace Period
26 established in this section. Each owner and operator of the
27 establishment shall have a separate and independent duty to verify
28 that all performers are in compliance with this section. Each manager
29 of the establishment shall have a separate and independent duty to
30 verify that all performers are in compliance with this section during
31 all times the manager is working at the establishment. Separate

1 violations may be issued to the managers, owners and operators of the
2 establishment for each performer, and for each day that a performer
3 does not have the required Work Identification Card. It shall be
4 prima facie evidence of a violation of this Chapter if the
5 establishment does not have a legible photocopy of a current Work
6 Identification Card on file for each performer as of the date of each
7 performance, except during the Grace Period.

8 (1) Violations that are subject to criminal prosecution;
9 suspension. ~~Either while performing at or while present in any adult~~
10 ~~entertainment establishment, any performer who violates this section~~
11 ~~may be prosecuted by the State Attorney. Upon conviction of such~~
12 ~~violation, the prosecuting officials shall notify the Sheriff of said~~
13 ~~conviction.~~ ~~— Additionally, —~~ For any performer convicted of the
14 following violations either while performing at or while present in
15 any adult entertainment establishment, the performer's Work
16 Identification Card shall be suspended as follows:

- 17 i. Five (5) years for prostitution;
- 18 ii. Three (3) years for ~~violent~~forcible felonies;
- 19 iii. Three (3) years for narcotic sales or drug trafficking;
- 20 iv. One (1) year for lewd/obscene acts; and
- 21 v. One (1) year for possession of narcotics or narcotics
22 paraphernalia.

23 The suspensions authorized herein shall not be ordered as part of any
24 criminal penalties assessed in any criminal proceeding. It is the
25 Council's intent that the remedies established herein are civil in
26 nature and are not intended to be a criminal penalty in contravention
27 of those established in the Florida Statutes. The Sheriff is
28 authorized to petition the court for immediate suspension of any
29 Worker Identification Card as authorized herein.

30 (m) Violation Subject to Civil Prosecution. Any owners,
31 managers or operators of an adult entertainment establishment who

1 violates the provisions of ~~subsections (g), (k) or (l) of~~ this section
2 may be prosecuted by the Sheriff or the City. Upon adjudication of
3 such civil violation, the prosecuting officials shall notify the
4 Sheriff of such adjudication within five (5) business days. Violations
5 shall be ~~considered a Class F civil offense~~ assessed a fine of \$200,
6 with each day upon which a violation occurs constituting a separate
7 civil offense.

8 (n) *Violations Subject to ~~All~~ Legal Remedies.* The violation of
9 any provision of this section may be prosecuted pursuant to the civil
10 procedures and penalties of Chapter 609, *Ordinance Code*, or through
11 the issuance of notices to appear, at the discretion of the Sheriff
12 or the City. Additionally, the City shall be authorized to take any
13 appropriate legal action, including, but not limited to, seeking
14 cease and desist orders, and requesting temporary or permanent
15 injunctive relief. It is the intent and purpose of this section to
16 provide additional and cumulative remedies.

17 **Section 3. Amending Chapter 151 (Dancing Entertainment**
18 **Establishment Code), Part 2 (Administration), Section 151.214**
19 **(Performer work identification card), Ordinance Code.** Chapter 151
20 (Dancing Entertainment Establishment Code), Part 2 (Administration),
21 Section 151.214 (Performer work identification card), *Ordinance Code*,
22 is hereby amended to read as follows:

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

24 * * *

25 **PART 2. ADMINISTRATION**

26 * * *

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

28 (a) *Performer Work Identification Card required.* Any person
29 desiring to perform in a dancing entertainment establishment licensed
30 under this Chapter must obtain a Work Identification Card from the
31 Sheriff. No person shall act as a performer in a dancing

1 entertainment establishment without having previously obtained said
2 Work Identification Card, except as permitted during the Grace Period
3 as set forth in this section. Additionally, no license holder or
4 establishment manager shall employ, contract with or otherwise allow
5 any performer to perform in a dancing entertainment establishment who
6 does not possess a valid and effective Work Identification Card except
7 as permitted during the Grace Period as set forth in this section.
8 Establishment managers shall be required to review all Performer
9 Rosters at the commencement of his or her shift to verify compliance
10 with this section.

11 (b) *Penalty.* Violations of this section shall be a civil
12 infraction. Any performer, license holder, owner, operator or manager
13 who violates or knowingly permits a violation of this section shall
14 be assessed a civil penalty of \$200~~guilty of a misdemeanor of the~~
15 ~~second degree.~~

16 (c) *Application for Work Identification Card.* An application
17 for a Work Identification Card shall be ~~created by and~~ obtained from
18 the Sheriff. ~~The Sheriff is authorized to include whatever~~
19 ~~information he or she deems relevant to the purposes established in~~
20 ~~this section for issuance of the Work Identification Card, including~~
21 The application shall include: the applicant's full legal name
22 (including maiden name, if applicable); residential address; driver's
23 license number, government issued identification or passport number;
24 date of birth; natural hair and eye color; race; sex; height and
25 weight; place of birth (city, state or country); telephone number;
26 email address; a list of locations of and descriptions of any tattoos;
27 confirmation that the applicant has not been convicted within the
28 relevant periods of time of any violation listed in subparagraph (1),
29 and a list of each dancing entertainment establishment where the
30 applicant will be performing and each stage name used by the applicant
31 at each location~~fingerprinting and photographs and proof of a valid~~

1 ~~and effective work permit or visa for non-U.S. citizens. Each~~
2 ~~applicant shall demonstrate~~affirm through either attestation on the
3 application or presentation of a certificate of completion to the
4 Sheriff that he or she has completed ~~a~~one, free-of-charge, sex
5 trafficking education program. ~~Acceptable training programs include~~
6 ~~those developed and presented by the American Hotel & Lodging~~
7 ~~Association,~~ the Polaris Project
8 (<https://polarisproject.org/training/>) (approximately 45 min. in
9 length), ~~ECPAT-USA, Business Ending Slavery & Trafficking and/or~~ the
10 U.S. Department of Homeland Security, Blue Campaign Consequences
11 Training ([https://www.dhs.gov/blue-](https://www.dhs.gov/blue-campaign/course-consequences-p01)
12 [campaign/course consequences p01](https://www.dhs.gov/blue-campaign/course-consequences-p01)) (approximately 15 min. in length).
13 The Sheriff shall maintain and make available to any Applicant each
14 sex trafficking education program free-of-charge in the event any
15 applicant does not have online access to the program(s). Additionally,
16 the applicant shall affirm that he or she understands that the Work
17 Identification Card may be immediately revoked if issuance of the
18 card is made illegal through order of any court. Other programs not
19 ~~listed may be approved by the Sheriff.~~ The application shall be in
20 writing, signed and notarized, fully completed and submitted to the
21 Sheriff together with the nonrefundable application fee. Each
22 applicant must submit proof of identity at the time the application
23 is submitted. ~~and proof that applicant is at least twenty-one (21)~~
24 ~~years of age. Work Identification Cards shall not be issued to any~~
25 ~~person under the age of twenty-one. Additionally,~~ nNo Work
26 Identification Card shall be issued to an applicant who has been
27 convicted of human trafficking or any human trafficking-related
28 charge or who is currently on probation suspension for any violation
29 listed under subsection (1), below. Work Identification Cards are
30 valid for a term of one (1) year. Applicants are required to update
31 his or her application with changes to any of the application

1 information (except height and weight) within 60 days of the change
2 of such information. All current performers shall obtain complete
3 and submit an application for a Work Identification Card within ninety
4 (90) days from the effective date of this section (the "Grace
5 Period"). Upon conclusion of the Grace Period, no performer shall be
6 permitted to perform until a current Work Identification Card is
7 obtained or without a valid copy of the application fee payment check
8 or receipt as specified in subparagraph (e), below.

9 (d) *False statement or false information in applying for a Work*
10 *Identification Card.* It shall be unlawful for any person applying for
11 a Work Identification Card to make a false statement or otherwise
12 provide false information which is intended to facilitate the issuance
13 of same. In addition to any other penalties provided herein, the
14 Sheriff is authorized to petition the court for immediate revocation
15 of any Worker Identification Card that has been determined by the
16 Sheriff to have been issued based on fraudulent or false information.

17 (e) *Fees.* The applicant shall pay an application fee with each
18 new request for a Work Identification Card and with each renewal of
19 a Work Identification Card. The fees shall not be prorated. The
20 applicant shall also pay a duplicate card fee for each duplicate copy
21 of an existing Work Identification Card. The initial fee for an
22 initial Work Identification Cards shall be \$100. The initial fee for
23 a renewal card shall be \$50. The initial fee for a duplicate
24 replacement card shall be \$35. The Sheriff shall be entitled to
25 impose a three percent (3%) annual increase of the fees. A copy of
26 the check, or of a receipt issued by the Sheriff, showing payment for
27 an application or duplicate card shall operate as a receipt for said
28 fees and shall allow the applicant to perform pending receipt of the
29 official Work Identification Card. ~~The initial and renewal~~
30 ~~application fees shall be \$150. The fee for issuance of a duplicate~~
31 ~~Work Identification Card shall be \$50. Fees are non-refundable.~~

1 (f) *Issuance of Work Identification Card.* The Sheriff is
2 responsible for verifying all information contained on a Work
3 Identification Card application. The Sheriff shall approve or deny
4 an application within fourteen (14) days of receipt of a completed
5 application and payment of the applicable fee. If the Sheriff fails
6 to approve or deny an application within the 14-day time limit, the
7 application shall be deemed granted and the applicant can continue
8 to rely on his or her receipt or check copy as a substitute for the
9 Work Identification Card to legally perform or can request the Sheriff
10 to issue an official card. ~~Upon determining that the Work~~
11 ~~Identification Card should be issued, the Sheriff shall immediately~~
12 ~~render a Work Identification Card to the applicant. Said~~ An issued
13 Work Identification Card shall, at a minimum, include the performer's
14 name, photograph, date of birth, height, weight, natural eye and hair
15 color, and a unique card number. Should the Sheriff determine that
16 the proof submitted with the application for the Work Identification
17 Card as required hereinabove is not satisfactory or full payment of
18 the application fee is not received, the Sheriff shall deny issuance
19 of said Work Identification Card and shall provide written
20 notification to the applicant stating the reason(s) for any such
21 denial.

22 (g) *Retention of Performer Roster and Work Identification Card.*
23 All persons required pursuant to this Code to obtain a Work
24 Identification Card shall keep same on their person or with their
25 personal belongings at all times while performing at a dancing
26 entertainment establishment. The dancing entertainment establishment
27 shall compile and retain a complete performer roster that includes
28 all performers performing at the establishment for a period of thirty
29 (30) days from each performer's most recent performance date. The
30 performer roster shall be organized by date and performer, including
31 the performer's first and last name and stage name. The dancing

1 entertainment establishment shall also maintain a Work Identification
2 Card file, organized alphabetically by performer's last name, with
3 legible photocopies of the Work Identification Card of each performer
4 performing at said establishment for a period of two (2) years from
5 each performer's most recent performance date. Other than performers
6 performing during the Grace Period established in this section, no
7 performer shall perform until the performer roster is updated to
8 include the performer information, and the legible photocopy of the
9 Work Identification Card is placed on file as required herein. The
10 performer roster and the Work Identification Card file shall be made
11 available to the Sheriff for inspection and/or copying upon request,
12 which shall only be made during normal business hours when the
13 establishment is open to the public.

14 (h) *Appeal.* In the event that an applicant for a Work
15 Identification Card is denied, said applicant may request emergency
16 injunctive relief from the Circuit Court of the Fourth Judicial
17 Circuit of the State of Florida. Due to the overriding public interest
18 in not having persons ~~under the age of twenty-one or~~ with criminal
19 convictions identified in paragraph (l) perform in adult
20 entertainment establishments, no provisional Work Identification
21 Cards shall be issued by the Sheriff.

22 (i) *Transfer of Work Identification Card prohibited.* A Work
23 Identification Card shall not be transferred from one person to
24 another; however, the person to whom the Work Identification Card was
25 issued may utilize same in any ~~and all~~ licensed dancing entertainment
26 establishments ~~in the City~~ identified in the Work Identification Card
27 application.

28 (j) *Alteration of Work Identification Card prohibited.* It shall
29 be unlawful for any person to alter or otherwise change the contents
30 of a Work Identification Card without the written permission of the
31 Sheriff.

1 (k) *Requirement of Managers, License Holders, Owners and*
2 *Operators to Verify Work Identification Cards of Performers.* No person
3 managing, owning or operating or holding a license to operate a
4 dancing entertainment establishment shall permit, employ, or
5 otherwise allow any person to perform at said establishment unless
6 such person has a valid, current, Work Identification Card issued in
7 accordance herewith, unless such performer is performing within the
8 Grace Period established in this section. Each owner and operator of
9 the establishment shall have a separate and independent duty to verify
10 that all performers are in compliance with this section. Each manager
11 of the establishment shall have a separate and independent duty to
12 verify that all performers are in compliance with this section during
13 all times the manager is working at the establishment. Separate
14 violations may be issued to the managers, owners and operators of the
15 establishment for each performer, and for each day that a performer
16 does not have the required Work Identification Card. It shall be
17 prima facie evidence of a violation of this Chapter if the
18 establishment does not have a legible photocopy of a current Work
19 Identification Card on file for each performer as of the date of each
20 performance, except during the Grace Period.

21 (l) *Violations that are subject to criminal prosecution;*
22 *suspension. ~~Either while performing at or while present in any dancing~~*
23 *~~entertainment establishment, any performer who violates subsection~~*
24 *~~(a) of this section may be prosecuted by the State Attorney. Upon~~*
25 *~~conviction of such violation, the prosecuting officials shall notify~~*
26 *~~the Sheriff of said conviction. Additionally, fFor any performer~~*
27 *convicted of the following violations either while performing at or*
28 *while present in any dancing entertainment establishment, the*
29 *performer's Work Identification Card shall be suspended as follows:*

- 30 i. Five (5) years for prostitution;
- 31 ii. Three (3) years for ~~violent~~forcible felonies;

- 1 iii. Three (3) years for narcotic sales or drug trafficking;
- 2 iv. One (1) year for lewd/obscene acts; and
- 3 v. One (1) year for possession of narcotics or narcotics
- 4 paraphernalia.

5 The suspensions authorized herein shall not be ordered as part of any
6 criminal penalties assessed in any criminal proceeding. It is the
7 Council's intent that the remedies established herein are civil in
8 nature and are not intended to be a criminal penalty in contravention
9 of those established in the Florida Statutes. The Sheriff is
10 authorized to petition the court for immediate suspension of any
11 Worker Identification Card as authorized herein.

12 (m) *Violation Subject to Civil Prosecution.* Any owners,
13 managers or operators of a dancing entertainment establishment who
14 violates the provisions of ~~subsections (g), (k) or (l) of this section~~
15 may be prosecuted by the Sheriff or the City. Upon adjudication of
16 such civil violation, the prosecuting officials shall notify the
17 Sheriff of such adjudication within five (5) business days.
18 Violations shall be ~~considered a Class F civil offense~~ assessed a fine
19 of \$200, with each day upon which a violation occurs constituting a
20 separate civil offense.

21 (n) *Violations Subject to ~~All~~ Legal Remedies.* The violation of
22 any provision of this section may be prosecuted pursuant to the civil
23 procedures and penalties of Chapter 609, *Ordinance Code* or through
24 the issuance of notices to appear, at the discretion of the City or
25 the Sheriff. Additionally, the City shall be authorized to take any
26 appropriate legal action, including, but not limited to, seeking
27 cease and desist orders, and requesting temporary or permanent
28 injunctive relief. It is the intent and purpose of this section to
29 provide additional and cumulative remedies.

30 **Section 4. Effective Date.** This ordinance shall become
31 effective upon signature by the Mayor or upon becoming effective

1 without the Mayor's signature.

2

3 Form Approved:

4

5 /s/ Jason R. Teal

6 Office of General Counsel

7 Legislation prepared by: Jason R. Teal

8 GC-#1481549-v5-Dancer_Permit_.DOCX