

1 Introduced by Council Member Cumber:  
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3

4 **ORDINANCE 2023-161**

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           **WHEREAS**, the language adopted by the Council in 2022-172-E to  
2 effectuate the ban contained language that indicated the provision  
3 would not take effect until either the ban was determined to be  
4 legally constitutional in the litigation, or the City was otherwise  
5 not prohibited from enforcing the ban - such language now being  
6 superfluous and problematic for enforcement of the regulation;

7           **WHEREAS**, the intent of this legislation is to institute the ban  
8 on underage performers and remove the disqualification for performers  
9 convicted of a "human trafficking related charge" and is not meant  
10 to address any other provision in Chapters 150 and 151, *Ordinance*  
11 *Code* addressed by the Court in the Wackos Lawsuit; now therefore,

12           **BE IT ORDAINED** by the Council of the City of Jacksonville:

13           **Section 1.           Amending Chapter 150 (Adult Entertainment and**  
14 **Services Code), Part 1 (General Provisions), Section 150.104**  
15 **(Reserved) and Part 2 (Administration), Section 150.224 (Performer**  
16 **work identification card), Ordinance Code.** Chapter 150 (Adult  
17 Entertainment and Services Code), Part 1 (General Provisions),  
18 Section 150.104 (Reserved) and Part 2 (Administration), Section  
19 150.224 (Performer work identification card), *Ordinance Code*, is  
20 hereby amended to read as follows:

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

22                               \* \* \*

23                               **PART 1. GENERAL PROVISIONS**

24                               \* \* \*

25           **Sec. 150.104.   Reserved****Performer Age Restriction.**

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

28                               \* \* \*

29                               **PART 2. ADMINISTRATION**

30                               \* \* \*

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

\* \* \*

(c) *Application for Work Identification Card.* An application for a Work Identification Card shall be obtained from the Sheriff. The application shall include: the applicant's full legal name (including maiden name, if applicable); residential address; driver's license number or government issued identification or passport number; date of birth; natural hair and eye color; race; sex; height and weight; place of birth (city, state or country); telephone number; email address; a list of locations of and descriptions of any tattoos; confirmation that the applicant has not been convicted within the relevant periods of time of any violation listed in subparagraph (l), and a list of each adult entertainment establishment where the applicant will be performing and each stage name used by the applicant at each location. Each applicant shall affirm through either attestation on the application or presentation of a certificate of completion to the Sheriff that he or she has completed one, free-of-charge, sex trafficking education program presented by the Polaris Project (<https://polarisproject.org/training/>) (approximately 45 min. in length) or the U.S. Department of Homeland Security, Blue Campaign Consequences Training ([https://www.dhs.gov/blue-campaign/course\\_consequences\\_p01](https://www.dhs.gov/blue-campaign/course_consequences_p01)) (approximately 15 min. in length). The Sheriff shall maintain and make available to any applicant each sex trafficking education program in the event any applicant does not have online access to the program(s). Additionally, the applicant shall affirm that he or she understands that the Work Identification Card may be immediately revoked if issuance of the card is made illegal through order of any court. The application shall be in writing, signed and notarized, fully completed and submitted to the Sheriff together with the nonrefundable application fee. Each applicant must submit proof of identity at the time the application is submitted. ~~It is the Council's intent that no~~No Work Identification

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 (1),  
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.

18  
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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