

City of South Daytona

Office of the City Manager

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • 386/322-3014



MEMORANDUM

To: James L. Gillis Jr., City Manager

From: Becky Witte, Deputy City Clerk

Re: Consideration of approving the First Reading Ordinance No. 2023-09, amending the City of South Daytona Code of Ordinance, Chapter 10, Offenses and Miscellaneous Provisions to add Article VIII, Human Trafficking Public Awareness Signage and Distance Requirements, to create Section 10-100, adopting Section 78-5 of the Volusia County Code of Ordinances, "Human Trafficking Public Awareness Sign", by reference, and to create Section 10-101 to add minimum distance requirements between specified establishments identified within Section 78-5 of the Volusia County Code of Ordinances, "Human Trafficking Public Awareness Sign", and schools, churches, and parks. *First Reading. Public Hearing.*

Date: May 30, 2023

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.

Perpetrators of human trafficking use various methods to instill fear in their victims to keep them enslaved, including, but not limited to, isolation, threats of imprisonment or deportation, confiscation of personal documentation such as passports, and threats of violence against the victims and their families.

Section 787.29(5), Florida Statutes, authorizes counties and cities to enforce a requirement for certain establishments to post human trafficking public awareness signage. Volusia County created Section 78-5 of the Volusia County Code of Ordinance "Human Trafficking Public Awareness Signs" in 2021 which states public awareness signs must be placed in strip clubs or other adult entertainment establishments, and businesses that offer massage or bodywork services. As these establishments are high risk for human trafficking, establishing and minimum distance between schools, church and parks adds additional protection for the children of our city.

With the goal of following the lead from the State Legislature and Volusia County Council in enforcing public awareness signs as well as reducing the exposure that children have to these types of establishments, staff is recommending that Ordinance No. 2023-09 be approved so that our code can be amended to require signage and a minimum separation of 1,000 feet between those establishments that provide massage and bodywork services from school, churches and parks.

ORDINANCE NO. 2023-09

AN ORDINANCE OF THE CITY OF SOUTH DAYTONA, FLORIDA, AMENDING THE CITY OF SOUTH DAYTONA CODE OF ORDINANCES, CHAPTER 10, OFFENSES AND MISCELLANEOUS PROVISIONS TO ADD ARTICLE VIII, HUMAN TRAFFICKING PUBLIC AWARENESS SIGNAGE AND DISTANCE REQUIREMENTS, TO CREATE SECTION 10-100, ADOPTING SECTION 78-5 OF THE VOLUSIA COUNTY CODE OF ORDINANCES, “HUMAN TRAFFICKING PUBLIC AWARENESS SIGN”, BY REFERENCE, AND TO CREATE SECTION 10-101 TO ADD MINIMUM DISTANCE REQUIREMENTS BETWEEN ESTABLISHMENTS PROVIDING MASSAGE AND BODYWORK SERVICES, IDENTIFIED WITHIN SECTION 78-5 OF THE VOLUSIA COUNTY CODE OF ORDINANCES, “HUMAN TRAFFICKING PUBLIC AWARENESS SIGN”, AND SCHOOLS, CHURCHES, AND PARKS; AND PROVIDING FOR ADMINISTRATIVE ACTIONS, CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Chapters 166 and 163, *Florida Statutes*, include authority to enact regulations to protect the health, safety, and welfare, and in the interest of the citizens of the City; and

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, perpetrators of human trafficking use various methods to instill fear in their victims to keep them enslaved, including, but not limited to, isolation, threats of imprisonment or deportation, confiscation of personal documentation such as passports, and threats of violence against the victims and their families; and

WHEREAS, Florida law, pursuant to Section 787.29(5), *Florida Statutes*, authorizes counties and cities to enforce a requirement for certain establishments to post human trafficking public awareness signage; and

WHEREAS, the Council finds the amendment of the code is in the best interest of the protecting the health, safety, and welfare of the residents and guests of the City to inform the public as to the existence of human trafficking, the victims of the availability of assistance, and provide information for the reporting of human trafficking; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and ~~striketrough~~ shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, VOLUSIA COUNTY, FLORIDA, THAT:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. Adoption. The City Council of the City of South Daytona hereby amends Chapter 10, Offenses and Miscellaneous Provisions to add Article VIII. Human Trafficking Public Awareness Signs:

Chapter 10 - OFFENSES AND MISCELLANEOUS PROVISIONS

...

Article VIII. Human Trafficking Public Awareness Signage and Distance Requirements

Section 10-100. Human Trafficking Public Awareness Signage.

Section 78-5, Volusia County Code of Ordinances, "Human Trafficking Public Awareness Sign", is hereby adopted by reference, as amended from time to time.

Section 10-101. Distance Requirements for Specified Establishments Identified in Human Trafficking Public Awareness Signage Ordinance.

Establishments providing massage services, and establishments providing bodywork services, as defined in Section 78-5, Volusia County Code of Ordinances, "Human Trafficking Public Awareness Sign", shall not be located within one thousand (1,000) feet of any church, park, or school, as such terms are used in chapter 3 of this Code. Distance shall be measured as provided in section 3-7 of this Code.

SECTION 3. Administrative Actions. The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative forms, policies, procedures, processes and rules.

SECTION 4. Codification. The provisions of this Ordinance, including its recitals, shall become and be made a part of the City of South Daytona Code of Ordinances and the Sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 1, 3, 4, 5, 6, and 7 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 5. Conflicts. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. Effective Date. This Ordinance shall take effect immediately upon enactment.

APPROVED upon first reading on the 13th day of June 2023 at a regular meeting of the City Council of the City of South Daytona.

APPROVED AND ADOPTED upon second and final reading on the ____th day of _____ 2023 at the regular meeting of the City of South Daytona City Council.

CITY OF SOUTH DAYTONA:

ATTEST:

William C. Hall, Mayor

James L. Gillis, Jr., City Manager

CERTIFIED AS TO FORM:

Wade C. Vose, City Attorney