



HB 1469

2003
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CHAMBER ACTION

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The Committee on Public Safety & Crime Prevention recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to public lodging establishments; amending s. 509.013, F.S.; defining the term "handbill"; creating s. 509.144, F.S.; prohibiting the distribution of handbills on the premises of public lodging establishments; providing penalties; providing an effective date.

WHEREAS, the Florida Legislature recognizes that a private property owner has the right to control activity upon such private property and should be able to exercise this right, and

WHEREAS, "public lodging establishments" are narrowly defined in chapter 509, Florida Statutes, and are privately owned either by individuals or corporations and are open to be patronized by the public for the primary purpose of lodging, and

WHEREAS, persons who are not patrons of a public lodging establishment and have no legitimate business with the public



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28 lodging establishment may be lawfully prohibited from such
29 private property, and

30 WHEREAS, persons who enter private property that is a
31 public lodging establishment, who have not been provided
32 permission to be on the property either expressly or implicitly
33 by being a patron or having business with the lodging
34 establishment, pose a security risk to the patrons and
35 management of the lodging establishment, and

36 WHEREAS, the existing law against trespass poses
37 enforcement problems for law enforcement agencies and does not
38 adequately address the problems associated with unauthorized
39 distribution of handbills at public lodging establishments, and

40 WHEREAS, public lodging establishments in Florida play an
41 important role in the tourism industry of the state of Florida,
42 and the continued health of the tourism industry depends on the
43 safety and security of visitors, NOW THEREFORE,

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45 Be It Enacted by the Legislature of the State of Florida:

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47 Section 1. Subsection (13) is added to section 509.013,
48 Florida Statutes, to read:

49 509.013 Definitions.--As used in this chapter, the term:

50 (13) "Handbill" means any flier, leaflet, pamphlet, or
51 other written material that seeks to advertise, promote, or
52 inform persons about an individual, business, company, or food
53 service establishment.

54 Section 2. Section 509.144, Florida Statutes, is created
55 to read:



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56 509.144 Handbill distribution on premises of public
57 lodging or food service establishments prohibited.--

58 (1) It is unlawful for any individual, agent, contractor,
59 or volunteer who is acting on behalf of any individual,
60 business, company, or food service establishment to deliver,
61 distribute, or place, or attempt to deliver, distribute, or
62 place, any handbill on private property controlled by any public
63 lodging establishment without permission and whereupon it is
64 posted in a reasonably conspicuous manner that advertising or
65 solicitation is prohibited on or about the premises of the
66 public lodging establishment.

67 (2) It is unlawful for any person to direct any
68 individual, agent, contractor, or volunteer to deliver,
69 distribute, or place, or attempt to deliver, distribute, or
70 place, a handbill on private property controlled by any public
71 lodging establishment without permission and whereupon it is
72 posted in a reasonably conspicuous manner that advertising or
73 solicitation is prohibited on or about the premises of the
74 public lodging establishment.

75 (3) Any person who violates this section commits a
76 misdemeanor of the first degree, punishable as provided in s.
77 775.082 or s. 775.083.

78 (4) Any person who violates this section and who also
79 commits a battery, as defined under s. 784.03(1)(a), on any
80 person who is on the premises of the public lodging
81 establishment while in violation of this section, commits a
82 felony of the third degree, punishable as provided in s. 775.082
83 or s. 775.083.



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Section 3. This act shall take effect July 1, 2003.