



HB 1469

2003  
CS

CHAMBER ACTION

The Committee on Commerce 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 lodging establishment may be lawfully prohibited from such private property, and



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

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

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

43  
44 Be It Enacted by the Legislature of the State of Florida:

45  
46 Section 1. Subsection (13) is added to section 509.013,  
47 Florida Statutes, to read:

48 509.013 Definitions.--As used in this chapter, the term:  
49 (13) "Handbill" means any flier, leaflet, pamphlet, or  
50 other written material that seeks to advertise, promote, or  
51 inform persons about an individual, business, company, or food  
52 service establishment.

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

55 509.144 Handbill distribution on premises of public  
56 lodging or food service establishments prohibited.--



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

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

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

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

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