

HB 1469, Engrossed 1 2003

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

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

WHEREAS, the existing law against trespass poses enforcement problems for law enforcement agencies and does not



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adequately address the problems associated with unauthorized distribution of handbills at public lodging establishments, and

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

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

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

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

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

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

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

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



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solicitation is prohibited on private property controlled by any public lodging establishment.

- (2) It is unlawful for any person to direct any individual, agent, contractor, or volunteer to deliver, distribute, or place, or attempt to deliver, distribute, or place, a handbill on private property controlled by any public lodging establishment without permission and whereupon it is posted in a reasonably conspicuous manner that advertising or solicitation is prohibited on private property controlled by any public lodging establishment.
- (3) Any person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
- (4) Any person who violates this section and who also commits a battery, as defined under s. 784.03(1)(a), on any person who is on the premises of the public lodging establishment while in violation of this section, commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

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