

By the Committee on Commerce, Economic Opportunities, and Consumer Services; and Senator Cowin

310-2232-03

1 A bill to be entitled
 2 An act relating to public lodging
 3 establishments; amending s. 509.013, F.S.;
 4 defining the term "handbill"; creating s.
 5 509.144, F.S.; prohibiting the distribution of
 6 handbills on the premises of public lodging
 7 establishments; providing penalties; providing
 8 an effective date.

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

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

19 WHEREAS, persons who are not patrons of a public
 20 lodging establishment and have no legitimate business with the
 21 public lodging establishment may be lawfully prohibited from
 22 such private property, and

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

29 WHEREAS, the existing law against trespass poses
 30 enforcement problems for law enforcement agencies and does not
 31 adequately address the problems associated with unauthorized

1 distribution of handbills at public lodging establishments,
2 and

3 WHEREAS, public lodging establishments in Florida play
4 an important role in the tourism industry of the State of
5 Florida, and the continued health of the tourism industry
6 depends on the safety and security of visitors, NOW,
7 THEREFORE,

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9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Subsection (13) is added to section
12 509.013, Florida Statutes, to read:

13 509.013 Definitions.--As used in this chapter, the
14 term:

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

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

21 509.144 Handbill distribution on premises of public
22 lodging establishments prohibited.--

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

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1 prohibited on or about the premises of the public lodging
2 establishment.

3 (2) It is unlawful for any person to direct any
4 individual, agent, contractor, or volunteer to deliver,
5 distribute, or place, or attempt to deliver, distribute, or
6 place, a handbill on private property controlled by any public
7 lodging establishment without permission and whereupon it is
8 posted in a reasonably conspicuous manner that advertising or
9 solicitation is prohibited on or about the premises of the
10 public lodging establishment.

11 (3) Any person who violates this section commits a
12 misdemeanor of the first degree, punishable as provided in s.
13 775.082 or s. 775.083.

14 (4) Any person who violates this section and who also
15 commits a battery, as defined under s. 784.03(1)(a), on any
16 person who is on the premises of the public lodging
17 establishment while in violation of this section, commits a
18 felony of the third degree, punishable as provided in s.
19 775.082 or s. 775.083.

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

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22 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
23 COMMITTEE SUBSTITUTE FOR
24 Senate Bill 2438

25 The committee substitute differs from the original bill by: 1)
26 adding the term "leaflet" to the definition of a handbill; 2)
27 removing food service establishments from the areas where
28 handbill distribution is prohibited; 3) adding a general
29 permission provision and removing the specific provision
30 stating that the handbill prohibition does not apply to
31 handbill distribution by the owner of the premises or to
situations where specific permission was given by the owner to
an individual or group to distribute handbills; and 4)
changing the language describing the covered area where
handbill distribution is prohibited from "on or about the
premises" of a public lodging establishment to "on private
property controlled by" a public lodging establishment.