

HB 0139

2004

A bill to be entitled

An act relating to public lodging establishments;
 providing a popular name; 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 for enhanced penalties and crime severities when
 a battery occurs in the commission of the prohibition on
 distribution of handbills; providing an effective date.

WHEREAS, the 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
 adequately address the problems associated with unauthorized

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31 distribution of handbills at public lodging establishments, and
 32 WHEREAS, public lodging establishments in Florida play an
 33 important role in the tourism industry of the state of Florida,
 34 and the continued health of the tourism industry depends on the
 35 safety and security of visitors, NOW THEREFORE,

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

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 39 Section 1. This act shall be known by the popular name the
 40 "Tourist Safety Act of 2004."

41 Section 2. Subsection (13) is added to section 509.013,
 42 Florida Statutes, to read:

43 509.013 Definitions.--As used in this chapter, the term:

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

48 Section 3. Section 509.144, Florida Statutes, is created
 49 to read:

50 509.144 Handbill distribution on premises of public
 51 lodging establishments prohibited.--

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

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

69 (3) Any person who violates this section commits a
70 misdemeanor of the first degree, punishable as provided in s.
71 775.082 or s. 775.083.

72 (4) Any person who violates subsection (1) and who also
73 commits a battery, as defined under s. 784.03(1)(a), on any
74 person who is on the premises of any public lodging
75 establishment while in violation of this section, commits a
76 felony of the third degree, punishable as provided in s. 775.082
77 or s. 775.083.

78 (5) Any person who violates subsection (2), if the
79 directed individual, employee, agent, contractor, or volunteer
80 also commits a battery, as defined under s. 784.03 (1)(a), on
81 any person who is on the premises of any public lodging
82 establishment while in violation of subsections (1) or (2),
83 commits a felony of the third degree, punishable as provided in
84 s. 775.082 or s. 775.083.

85 Section 4. This act shall take effect July 1, 2004.