

CHAMBER ACTION

1 The Committee on Business Regulation recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to public lodging establishments;  
7 providing a popular name; creating s. 509.144, F.S.;  
8 providing definitions; prohibiting the distribution, and  
9 the direction of such distribution, of handbills in a  
10 public lodging establishment in certain circumstances;  
11 providing penalties; providing requirements for posting a  
12 sign that prohibits advertising or solicitation; providing  
13 an effective date.

14  
15 WHEREAS, the Legislature recognizes that a private property  
16 owner has the right to control activity upon such private  
17 property and should be able to exercise this right, and

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

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

HB 139

2004  
CS

24 lodging establishment may be lawfully prohibited from such  
25 private property, and

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

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

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

40

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

42

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

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

47 509.144 Prohibited handbill distribution in a public  
48 lodging establishment; penalties.--

49 (1) As used in this section, the term:

50 (a) "Handbill" means a flier, leaflet, pamphlet, or other  
51 written material that advertises, promotes, or informs persons

HB 139

2004  
CS

52 about an individual, business, company, or food service  
53 establishment, but shall not include employee communications  
54 permissible under the National Labor Relations Act.

55 (b) "Without permission" means without the expressed  
56 written or oral permission of the owner, manager, or agent of  
57 the owner or manager of the public lodging establishment where a  
58 sign is posted prohibiting advertising or solicitation in the  
59 manner provided in subsection (4).

60 (2) Any individual, agent, contractor, or volunteer who is  
61 acting on behalf of an individual, business, company, or food  
62 service establishment and who, without permission, delivers,  
63 distributes, or places, or attempts to deliver, distribute, or  
64 place, a handbill at or in a public lodging establishment  
65 commits a misdemeanor of the first degree, punishable as  
66 provided in s. 775.082 or s. 775.083.

67 (3) Any person who, without permission, directs another  
68 person to deliver, distribute, or place, or attempt to deliver,  
69 distribute, or place, a handbill at or in a public lodging  
70 establishment commits a misdemeanor of the first degree,  
71 punishable as provided in s. 775.082 or s. 775.083. Any person  
72 sentenced under this subsection shall be ordered to pay a  
73 minimum fine of \$500 in addition to any other penalty imposed by  
74 the court.

75 (4) For purposes of this section, a public lodging  
76 establishment that intends to prohibit advertising or  
77 solicitation, as described in this section, at or in such  
78 establishment must comply with the following requirements when  
79 posting a sign prohibiting such solicitation or advertising:

80        (a) There must appear prominently on any sign referred to  
 81 in this subsection, in letters of not less than 2 inches in  
 82 height, the terms "no advertising" or "no solicitation" or terms  
 83 that indicate the same meaning.

84        (b) The sign must be posted conspicuously.

85        (c) If the main office of the public lodging establishment  
 86 is immediately accessible by entering the office through a door  
 87 from a street, parking lot, grounds, or other area outside such  
 88 establishment, the sign must be placed on a part of the main  
 89 office, such as a door or window, and the sign must face the  
 90 street, parking lot, grounds, or other area outside such  
 91 establishment.

92        (d) If the main office of the public lodging establishment  
 93 is not immediately accessible by entering the office through a  
 94 door from a street, parking lot, grounds, or other area outside  
 95 such establishment, the sign must be placed in the immediate  
 96 vicinity of the main entrance to such establishment, and the  
 97 sign must face the street, parking lot, grounds, or other area  
 98 outside such establishment.

99        Section 3. This act shall take effect July 1, 2004.