

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Homan offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

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

9 509.144 Prohibited handbill distribution in a public
10 lodging establishment; penalties.--

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

12 (a) "Handbill" means a flier, leaflet, pamphlet, or other
13 written material that advertises, promotes, or informs persons
14 about an individual, business, company, or food service
15 establishment, but shall not include employee communications
16 permissible under the National Labor Relations Act.

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17 (b) "Without permission" means without the expressed
18 written or oral permission of the owner, manager, or agent of
19 the owner or manager of the public lodging establishment where a
20 sign is posted prohibiting advertising or solicitation in the
21 manner provided in subsection (4).

22 (2) Any individual, agent, contractor, or volunteer who is
23 acting on behalf of an individual, business, company, or food
24 service establishment and who, without permission, delivers,
25 distributes, or places, or attempts to deliver, distribute, or
26 place, a handbill at or in a public lodging establishment
27 commits a misdemeanor of the first degree, punishable as
28 provided in s. 775.082 or s. 775.083.

29 (3) Any person who, without permission, directs another
30 person to deliver, distribute, or place, or attempt to deliver,
31 distribute, or place, a handbill at or in a public lodging
32 establishment commits a misdemeanor of the first degree,
33 punishable as provided in s. 775.082 or s. 775.083. Any person
34 sentenced under this subsection shall be ordered to pay a
35 minimum fine of \$500 in addition to any other penalty imposed by
36 the court.

37 (4) For purposes of this section, a public lodging
38 establishment that intends to prohibit advertising or
39 solicitation, as described in this section, at or in such
40 establishment must comply with the following requirements when
41 posting a sign prohibiting such solicitation or advertising:

42 (a) There must appear prominently on any sign referred to
43 in this subsection, in letters of not less than 2 inches in

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44 height, the terms "no advertising" or "no solicitation" or terms
45 that indicate the same meaning.

46 (b) The sign must be posted conspicuously.

47 (c) If the main office of the public lodging establishment
48 is immediately accessible by entering the office through a door
49 from a street, parking lot, grounds, or other area outside such
50 establishment, the sign must be placed on a part of the main
51 office, such as a door or window, and the sign must face the
52 street, parking lot, grounds, or other area outside such
53 establishment.

54 (d) If the main office of the public lodging establishment
55 is not immediately accessible by entering the office through a
56 door from a street, parking lot, grounds, or other area outside
57 such establishment, the sign must be placed in the immediate
58 vicinity of the main entrance to such establishment, and the
59 sign must face the street, parking lot, grounds, or other area
60 outside such establishment.

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

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63 ===== T I T L E A M E N D M E N T =====

64 Remove everything before the enacting clause and insert:

65 A bill to be entitled

66 An act relating to public lodging establishments;
67 providing a popular name; creating s. 509.144, F.S.;
68 providing definitions; prohibiting the distribution, and
69 the direction of such distribution, of handbills in a
70 public lodging establishment in certain circumstances;
71 providing penalties; providing requirements for posting a

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72 sign that prohibits advertising or solicitation; providing
73 an effective date.

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75 WHEREAS, the Legislature recognizes that a private property
76 owner has the right to control activity upon such private
77 property and should be able to exercise this right, and

78 WHEREAS, public lodging establishments are narrowly defined
79 in chapter 509, Florida Statutes, and are privately owned either
80 by individuals or corporations and are open to be patronized by
81 the public for the primary purpose of lodging, and

82 WHEREAS, persons who are not patrons of a public lodging
83 establishment and have no legitimate business with the public
84 lodging establishment may be lawfully prohibited from such
85 private property, and

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

92 WHEREAS, the existing law against trespass poses
93 enforcement problems for law enforcement agencies and does not
94 adequately address the problems associated with unauthorized
95 distribution of handbills at public lodging establishments, and

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

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