

HOUSE MESSAGE SUMMARY

[s0280.hms]

BILL: CS/SB 280
SPONSOR: Criminal Justice Committee and Senators Cowin, Webster, and Haridopolos
SUBJECT: Public Lodging Establishments
PREPARED BY: Senate Committee on Commerce, Economic Opportunities, and Consumer Services
DATE: April 28, 2004

I. Amendments Contained in Message:

House Amendment 1 - 867565 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment 1 changes the definition of “without permission” to state that the term means “without the expressed **written or oral** permission of the owner, manager, or agent of the owner or manager of the public lodging establishment.” This difference is stylistic because the phrase “expressed permission,” as used in the Senate bill, would appear to include written or oral permission. Further, the amendment qualifies this definition by providing that a person acts “without permission” only in the situation when the owner has not provided expressed written or oral consent “*where* a sign is posted prohibiting advertising or solicitation.” The Senate bill provides that “without permission” may occur when the owner has not provided expressed permission *or* where a sign is posted prohibiting advertising or solicitation. Therefore, under the House amendment, it appears that a person commits a violation only when a sign is posted prohibiting advertising or solicitation.

This amendment also changes the penalty for a person distributing a handbill from a second-degree misdemeanor to a first-degree misdemeanor. A first-degree misdemeanor is punishable by a term of imprisonment not to exceed one year or a fine not to exceed \$1,000. A second-degree misdemeanor is punishable by a term of imprisonment not to exceed 60 days or a fine not to exceed \$500.

This amendment also provides for a minimum fine of \$500 for directing a person to distribute a handbill on a public lodging establishment. The maximum fine is \$1,000.

This amendment also provides that the scope of the bill covers the distribution of handbills “at or in” the public lodging establishment. The Senate bill covers distribution “in” the public lodging establishment.

Additionally, the amendment provides that a sign indicating “no advertising” or “no solicitation” must be posted conspicuously. The Senate bill states that the sign must be clearly noticeable.

The amendment provides a popular name for the act: “Tourist Safety Act of 2004.”

The amendment also provides certain whereas clauses in the title that express a number of reasons for the necessity of passing the act.