

By Senator Cowin

20-226-04

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, the term "public lodging establishment" is  
15 narrowly defined in chapter 509, Florida Statutes, to mean a  
16 privately owned establishment that is open to the public for  
17 the primary purpose of lodging, and

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

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

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

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1 distribution of handbills at public lodging establishments,  
2 and

3 WHEREAS, public lodging establishments in this state  
4 are important to the tourism industry, and the continued  
5 health of the tourism industry depends on the safety and  
6 security of visitors, NOW, THEREFORE,

7  
8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Subsection (13) is added to section  
11 509.013, Florida Statutes, to read:

12 509.013 Definitions.--As used in this chapter, the  
13 term:

14 (13) "Handbill" means a flier, leaflet, pamphlet, or  
15 other written material that advertises, promotes, or informs  
16 persons about an individual, business, company, or food  
17 service establishment.

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

20 509.144 Handbill distribution on premises of public  
21 lodging establishments prohibited.--

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

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

8           (3) A person who violates this section commits a  
9 misdemeanor of the first degree, punishable as provided in s.  
10 775.082 or s. 775.083.

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

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

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20           SENATE SUMMARY

21           Prohibits the distribution of handbills on the premises  
22           of public lodging establishments. Provides penalties.  
23           (See bill for details.)