

By the Committee on Criminal Justice; and Senators Cowin and Webster

307-2236-04

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A bill to be entitled  
An act relating to public lodging establishments; creating s. 509.144, F.S.; defining terms; prohibiting the distribution of handbills in a public lodging establishment under certain circumstances; providing criminal penalties; providing requirements for posting a sign that prohibits advertising or solicitation; providing an effective date.

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

Section 1. Section 509.144, Florida Statutes, is created to read:

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

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

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

(b) "Without permission" means without the expressed permission of the owner, manager, or agent of the owner or manager of the public lodging establishment or the posting of a sign that prohibits advertising or solicitation in the manner provided in subsection (4).

(2) An individual, agent, contractor, or volunteer who is acting on behalf of an individual, business, company, or food service establishment and who, without permission,

1 delivers, distributes, or places, or attempts to deliver,  
2 distribute, or place, a handbill in a public lodging  
3 establishment commits a misdemeanor of the second degree,  
4 punishable as provided in s. 775.082 or s. 775.083.

5 (3) A person who, without permission, directs another  
6 person to deliver, distribute, or place, or attempt to  
7 deliver, distribute, or place, a handbill in a public lodging  
8 establishment commits a misdemeanor of the first degree,  
9 punishable as provided in s. 775.082 or s. 775.083.

10 (4) For purposes of this section, a public lodging  
11 establishment that intends to prohibit advertising or  
12 solicitation as described in this section in the establishment  
13 must comply with the following requirements:

14 (a) The words "no advertising" or "no solicitation,"  
15 or words that indicate the same meaning, must appear  
16 prominently on any sign required by this subsection in letters  
17 of not less than 2 inches in height.

18 (b) The sign must be clearly noticeable.

19 (c) If the main office of the public lodging  
20 establishment is immediately accessible by entering the office  
21 through a door from a street, parking lot, grounds, or other  
22 area outside the establishment, the sign must be placed on a  
23 part of the main office, such as a door or window, and the  
24 sign must face the street, parking lot, grounds, or other area  
25 outside the establishment.

26 (d) If the main office of the public lodging  
27 establishment is not immediately accessible by entering the  
28 office through a door from a street, parking lot, grounds, or  
29 other area outside the establishment, the sign must be placed  
30 in the immediate vicinity of the main entrance to the  
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1 establishment, and the sign must face the street, parking lot,  
2 grounds, or other area outside the establishment.

3 Section 2. This act shall take effect July 1, 2004.

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5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
6 COMMITTEE SUBSTITUTE FOR  
7 Senate Bill 280

- 8 - Redefines the term "handbill."  
9 - Defines the term "without permission."  
10 - Provides that an individual, agent, contractor, or  
11 volunteer who acting on behalf of an individual,  
12 business, company, or food service establishment and who,  
13 without permission, delivers, distributes, or places a  
14 handbill in a public lodging establishment, or attempts  
15 to do the same, commits a second degree misdemeanor.  
16 - Provides that a person who, without permission, directs  
17 another person to commit those acts commits a first  
18 degree misdemeanor.  
19 - Sets forth requirements for the posting of a sign  
20 prohibiting advertising or solicitation.  
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