

1 A bill to be entitled
2 An act relating to public lodging establishments;
3 providing a popular name; creating s. 509.144, F.S.;
4 providing definitions; prohibiting the distribution, and
5 the direction of such distribution, of handbills in a
6 public lodging establishment in certain circumstances;
7 providing penalties; providing requirements for posting a
8 sign that prohibits advertising or solicitation; providing
9 an effective date.

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11 WHEREAS, the Legislature recognizes that a private property
12 owner has the right to control activity upon such private
13 property and should be able to exercise this right, and

14 WHEREAS, public lodging establishments are narrowly defined
15 in chapter 509, Florida Statutes, and are privately owned either
16 by individuals or corporations and are open to be patronized by
17 the public for the primary purpose of lodging, and

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

22 WHEREAS, persons who enter private property that is a
23 public lodging establishment, who have not been provided
24 permission to be on the property either expressly or implicitly
25 by being a patron or having business with the public lodging
26 establishment, pose a security risk to the patrons and
27 management of the public lodging 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
 31 distribution of handbills at public lodging establishments, and

32 WHEREAS, public lodging establishments in Florida play an
 33 important role in the tourism industry of the state, and the
 34 continued health of the tourism industry depends on the safety
 35 and security of visitors, NOW, THEREFORE,

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

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 39 Section 1. This act may be cited as the "Tourist Safety
 40 Act of 2005."

41 Section 2. Section 509.144, Florida Statutes, is created
 42 to read:

43 509.144 Prohibited handbill distribution in a public
 44 lodging establishment; penalties.--

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

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

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

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

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

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

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

80 (b) The sign must be posted conspicuously.

81 (c) If the main office of the public lodging establishment
 82 is immediately accessible by entering the office through a door
 83 from a street, parking lot, grounds, or other area outside such

HB 0121

2005

84 establishment, the sign must be placed on a part of the main
85 office, such as a door or window, and the sign must face the
86 street, parking lot, grounds, or other area outside such
87 establishment.

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

95 Section 3. This act shall take effect July 1, 2005.