

By Senator Webster

9-896-05

See HB 121

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

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13 WHEREAS, the Legislature recognizes that a private
14 property owner has the right to control activity upon his or
15 her private property and should be able to exercise this
16 right, and

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

22 WHEREAS, persons who are not patrons of a public
23 lodging establishment and have no legitimate business with the
24 public lodging establishment may be lawfully prohibited from
25 such private property, and

26 WHEREAS, persons who enter private property that is a
27 public lodging establishment and who have not been provided
28 permission to be on the property either expressly or
29 implicitly by being a patron or having business with the
30 public lodging establishment pose a security risk to the
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1 patrons and management of the public lodging establishment,
2 and

3 WHEREAS, the existing law against trespass poses
4 enforcement problems for law enforcement agencies and does not
5 adequately address the problems associated with unauthorized
6 distribution of handbills at public lodging establishments,
7 and

8 WHEREAS, public lodging establishments in Florida play
9 an important role in the tourism industry of the state, and
10 the continued health of the tourism industry depends on the
11 safety and security of visitors, NOW, THEREFORE,

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

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

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

19 509.144 Prohibited handbill distribution in a public
20 lodging establishment; penalties.--

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

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

28 (b) "Without permission" means without the expressed
29 written or oral permission of the owner, manager, or agent of
30 the owner or manager of the public lodging establishment where
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1 a sign is posted prohibiting advertising or solicitation in
2 the manner provided in subsection (4).

3 (2) Any individual, agent, contractor, or volunteer
4 who is acting on behalf of an individual, business, company,
5 or food service establishment and who, without permission,
6 delivers, distributes, or places, or attempts to deliver,
7 distribute, or place, a handbill at or 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 (3) Any person who, without permission, directs
11 another person to deliver, distribute, or place, or attempts
12 to deliver, distribute, or place, a handbill at or in a public
13 lodging establishment commits a misdemeanor of the first
14 degree, punishable as provided in s. 775.082 or s. 775.083.
15 Any person sentenced under this subsection shall be ordered to
16 pay a minimum fine of \$500 in addition to any other penalty
17 imposed by the court.

18 (4) For purposes of this section, a public lodging
19 establishment that intends to prohibit advertising or
20 solicitation, as described in this section, at or in such
21 establishment must comply with the following requirements when
22 posting a sign prohibiting such solicitation or advertising:

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

27 (b) The sign must be posted conspicuously.

28 (c) If the main office of the public lodging
29 establishment is immediately accessible by entering the office
30 through a door from a street, parking lot, grounds, or other
31 area outside such establishment, the sign must be placed on a

1 part of the main office, such as a door or window, and the
2 sign must face the street, parking lot, grounds, or other area
3 outside such establishment.

4 (d) If the main office of the public lodging
5 establishment is not immediately accessible by entering the
6 office through a door from a street, parking lot, grounds, or
7 other area outside such establishment, the sign must be placed
8 in the immediate vicinity of the main entrance to such
9 establishment, and the sign must face the street, parking lot,
10 grounds, or other area outside such establishment.

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