

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 (c) "At or in a public lodging establishment" means
4 any property under the sole ownership or control of a public
5 lodging establishment.

6 (2) Any individual, agent, contractor, or volunteer
7 who is acting on behalf of an individual, business, company,
8 or food service establishment and who, without permission,
9 delivers, distributes, or places, or attempts to deliver,
10 distribute, or place, a handbill at or in a public lodging
11 establishment commits a misdemeanor of the first degree,
12 punishable as provided in s. 775.082 or s. 775.083.

13 (3) Any person who, without permission, directs
14 another person to deliver, distribute, or place, or attempts
15 to deliver, distribute, or place, a handbill at or in a public
16 lodging establishment commits a misdemeanor of the first
17 degree, punishable as provided in s. 775.082 or s. 775.083.
18 Any person sentenced under this subsection shall be ordered to
19 pay a minimum fine of \$500 in addition to any other penalty
20 imposed by the court.

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

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

30 (b) The sign must be posted conspicuously.
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1 (c) If the main office of the public lodging
2 establishment is immediately accessible by entering the office
3 through a door from a street, parking lot, grounds, or other
4 area outside such establishment, the sign must be placed on a
5 part of the main office, such as a door or window, and the
6 sign must face the street, parking lot, grounds, or other area
7 outside such establishment.

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

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

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17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 Senate Bill 1454

20 Defines the term "at or in a public lodging establishment" to
21 mean property under the sole ownership or control of a public
22 lodging establishment.
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