Florida Senate - 2005

CS for SB 1454

By the Committee on Judiciary; and Senator Webster

590-1799-05

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.
12	
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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   patrons and management of the public lodging establishment,
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    and
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           WHEREAS, the existing law against trespass poses
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    enforcement problems for law enforcement agencies and does not
   adequately address the problems associated with unauthorized
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   distribution of handbills at public lodging establishments,
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    and
 8
           WHEREAS, public lodging establishments in Florida play
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    an important role in the tourism industry of the state, and
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    the continued health of the tourism industry depends on the
    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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           Section 1.
                       This act may be cited as the "Tourist
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    Safety Act of 2005."
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           Section 2. Section 509.144, Florida Statutes, is
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    created to read:
           509.144 Prohibited handbill distribution in a public
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    lodging establishment; penalties.--
2.0
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          (1) As used in this section, the term:
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          (a) "Handbill" means a flier, leaflet, pamphlet, or
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    other written material that advertises, promotes, or informs
   persons about an individual, business, company, or food
2.4
    service establishment, but shall not include employee
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    communications permissible under the National Labor Relations
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27
    Act.
2.8
          (b) "Without permission" means without the expressed
   written or oral permission of the owner, manager, or agent of
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    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). (c) "At or in a public lodging establishment" means 3 4 any property under the sole ownership or control of a public lodging establishment. 5 б (2) Any individual, agent, contractor, or volunteer 7 who is acting on behalf of an individual, business, company, or food service establishment and who, without permission, 8 delivers, distributes, or places, or attempts to deliver, 9 10 distribute, or place, a handbill at or in a public lodging establishment commits a misdemeanor of the first degree, 11 punishable as provided in s. 775.082 or s. 775.083. 12 13 (3) Any person who, without permission, directs another person to deliver, distribute, or place, or attempts 14 to deliver, distribute, or place, a handbill at or in a public 15 lodging establishment commits a misdemeanor of the first 16 17 degree, punishable as provided in s. 775.082 or s. 775.083. 18 Any person sentenced under this subsection shall be ordered to pay a minimum fine of \$500 in addition to any other penalty 19 imposed by the court. 2.0 21 (4) For purposes of this section, a public lodging establishment that intends to prohibit advertising or 2.2 23 solicitation, as described in this section, at or in such establishment must comply with the following requirements when 2.4 posting a sign prohibiting such solicitation or advertising: 25 (a) There must appear prominently on any sign referred 26 27 to in this subsection, in letters of not less than 2 inches in 2.8 height, the terms "no advertising" or "no solicitation" or terms that indicate the same meaning. 29 30 (b) The sign must be posted conspicuously. 31

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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. 16 COMMITTEE SUBSTITUTE FOR Senate Bill 1454 19 Defines the term "at or in a public lodging establishment" to men property under the sole ownership or control of a public 12 idding establishment. 13 establishment. 14 grounds or or in a public lodging establishment street	1	(c) If the main office of the public lodging
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