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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 (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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