

Committee Substitute for Senate Bill No. 1454

An act relating to public lodging establishments; providing a popular name; creating s. 509.144, F.S.; providing definitions; prohibiting the distribution, and the direction of such distribution, of handbills in a public lodging establishment in certain circumstances; providing penalties; providing requirements for posting a sign that prohibits advertising or solicitation; providing an effective date.

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

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

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

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

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

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

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

Section 1. This act may be cited as the “Tourist Safety Act of 2005.”

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

509.144 Prohibited handbill distribution in a public lodging establishment; penalties.—

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

(a) “Handbill” means a flier, leaflet, pamphlet, or other written material that advertises, promotes, or informs persons about an individual, business,

company, or food service establishment, but shall not include employee communications permissible under the National Labor Relations Act.

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

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

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

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

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

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

(b) The sign must be posted conspicuously.

(c) If the main office of the public lodging establishment is immediately accessible by entering the office through a door from a street, parking lot, grounds, or other area outside such establishment, the sign must be placed on a part of the main office, such as a door or window, and the sign must face the street, parking lot, grounds, or other area outside such establishment.

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

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

Approved by the Governor June 10, 2005.

Filed in Office Secretary of State June 10, 2005.