

By Senator Altman

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1 A bill to be entitled
2 An act relating to lodging and food service
3 establishments; amending s. 509.144, F.S.; redefining
4 the term "without permission" to require that a person
5 obtain written permission in order to distribute
6 handbills in certain public lodging establishments;
7 increasing the penalty imposed for distributing
8 handbills in a public lodging establishment without
9 permission; providing an effective date.

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

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13 Section 1. Section 509.144, Florida Statutes, is amended to
14 read:

15 509.144 Prohibited handbill distribution in a public
16 lodging establishment; penalties.—

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

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

23 (b) "Without permission" means without the expressed
24 written ~~or oral~~ permission of the owner, manager, or agent of
25 the owner or manager of the public lodging establishment where a
26 sign is posted prohibiting advertising or solicitation in the
27 manner provided in subsection (4).

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

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30 establishment.

31 (2) Any individual, agent, contractor, or volunteer who is
32 acting on behalf of an individual, business, company, or food
33 service establishment and who, without permission, delivers,
34 distributes, or places, or attempts to deliver, distribute, or
35 place, a handbill at or in a public lodging establishment
36 commits a felony of the third ~~misdemeanor of the first~~ degree,
37 punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.
38 775.084.

39 (3) Any person who, without permission, directs another
40 person to deliver, distribute, or place, or attempts to deliver,
41 distribute, or place, a handbill at or in a public lodging
42 establishment commits a felony of the third ~~misdemeanor of the~~
43 ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s.
44 775.083, or s. 775.084. Any person sentenced under this
45 subsection shall be ordered to pay a minimum fine of \$1,000 ~~\$500~~
46 in addition to any other penalty imposed by the court.

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

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

56 (b) The sign must be posted conspicuously.

57 (c) If the main office of the public lodging establishment
58 is immediately accessible by entering the office through a door

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59 from a street, parking lot, grounds, or other area outside such
60 establishment, the sign must be placed on a part of the main
61 office, such as a door or window, and the sign must face the
62 street, parking lot, grounds, or other area outside such
63 establishment.

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

71 Section 2. This act shall take effect July 1, 2010.