

Tampa Police Department Handbill Distribution Investigations:

- A person or business who wishes to make a complaint will need to complete a Handbill Distribution Form, which is attached and can be located on the TPD Website at <https://www.tampa.gov/document/handbill-distribution-investigation-complaint-21266>.
- After completing the form, the complainant can contact TPD communications at 813-231-6130 and request an officer to initiate a report, collect the form, and all evidence supporting the offense.
- Upon a TPD officers' response to the hotel/business, the officer will collect the form and at least one of every type of handbill which will be scanned to the report and entered as evidence.
- The report will be routed to the department's Criminal Intelligence Bureau (CIB) and assigned to the public nuisance officer (MPO Ferdinand Barbosa, Jr. (ferdinand.barbosa@tampagov.net)).
- The assigned CIB officer will generate a letter for the business identified as the sender of the handbills.
- Businesses which have been previously warned may have direct charges filed against the business (the business owners).

UNLAWFUL HANDBILL DISTRIBUTION COMPLAINT

Instructions (to be completed by person making complaint):

A complaint should be completed when there is a violation of unlawful handbill distribution on private property under Tampa City Code of Ordinances.¹ It is a violation of Tampa City Code of Ordinances for any individual to deliver, distribute, place, or attempt to deliver, distribute or place a handbill on private property upon which is posted a reasonably conspicuous sign reading “No Advertising” or “No Solicitation”. It is also unlawful for any business advertising by means of handbills to direct, encourage or allow any individual, employee, or independent contractor on behalf of the business to deliver, distribute or place handbills on private property which is properly signed. A complaint must be verified and provide sufficient facts to determine whether there has been a violation of section 6-171(a) or (b). Complaints that are not sufficient will be closed without further action. After receipt of a valid complaint, a Tampa Police Department officer will be assigned to review the complaint.

This form must be completed by a manager or person with knowledge who is able to testify as to the time, place, and location of the handbills. Upon completing this complaint, you should contact the Tampa Police Department at (813) 231-6130 and request an officer respond to take the complaint. You must maintain the original flyers, photos, and videos from the event to be provided upon request. You may view the ordinance for unlawful handbill distribution on the municode.com website/

One complaint should be completed for each separate business and for each incident. If multiple businesses are on one flyer, complete a complaint for each business. By submitting this complaint, you agree to appear at any future court hearings upon request and to testify about the facts alleged in this complaint.

Instructions (to be completed by Tampa Police Department Officer):

*Officers ~~Collect~~ **Contact** the Complaint, one original of each type of flyer distributed, and any video/photo.*

- *Verify total flyers of each type collected.*
- *Identify the person turning over complaint and attachments.*
- *Scan and image one of each different type of flyer collected and place into evidence.*
- *Route report to CIB.*

See Power DMS - Handbill Distribution Complaints; and Legal Bulletin 13-15.

¹ An unlawful handbill distribution at a public lodging establishment may fall under Florida State Statute § 509.144.

UNLAWFUL HANDBILL DISTRIBUTION COMPLAINT

Person Making Sworn Complaint Who Has Knowledge of Events:

First Name: _____ Last Name: _____
Email: _____ Daytime Phone: _____
Address: _____ City: _____ Zip/Postal Code: _____
Your Job Description/Relationship to Property Where Handbills Were Distributed: _____

Complete the following about the property where the distribution occurred (if applicable):

Date of Handbill Distribution: _____ Approximate Time of Handbill Distribution: _____
Name of Business: _____
Address of Private Property: _____
Name of Property/Business Manager: _____
Name of Property/Business Owner: _____
Name of Any Witnesses to the Handbill Distribution: _____

Name of Person(s) Who Recovered Handbills: _____
Name of Person Who Maintained Handbills After Collected: _____
Name of the Business Listed on the Recovered Handbills: _____
Physical or E-mail Address of Business Listed on the Flyer: _____
Phone Number of Business Listed on Flyer: _____
Number of Total Handbills Collected for Business: _____
Describe the Locations Where Handbills Recovered: _____
Additional Facts of Handbill Distribution: _____

The following must be checked:

- Handbills were recovered and one original of each will be provided to an officer.
- The above identified person(s) are available for testimony.
- The recovered handbills were secured until released to the Tampa Police Department.
- The Property/Business has posted a reasonably conspicuous sign reading “No Advertising” or “No Solicitation”.
- Handbills were distributed without permission of the property owner, business owner, or any one with authority to allow for the distribution of the handbills which are part of this complaint and affidavit.

Check all that apply:

- There is a video of the handbill distribution which will be provided along with the complaint.
- There are photos of the handbill distribution which will be provided along with the complaint.
- The business involved has distributed handbills in the past without permission.

UNLAWFUL HANDBILL DISTRIBUTION COMPLAINT

Oath

I DO HEREBY AFFIRM UNDER PENALTY OF PERJURY THAT THE STATEMENTS MADE HEREIN ARE TRUE AND CORRECT.

Signature of **Individual** Affiant

BEFORE ME on this ____ day of _____, 20____, personally appeared _____ (Name), who either (check one): ___ produced identification _____ (describe/ID No.), **or** ___ who is personally known to me; and who upon oath, deposes and states that the statements contained herein are true and correct. Sworn to and subscribed before me in Tampa, Hillsborough County, Florida.

Signature Notary Public or Sworn LEO, State of Florida
Commission Expires: _____; or Payroll #: _____



State Attorney

ANDREW H. WARREN
Thirteenth Judicial Circuit
419 N. Pierce Street
Tampa, Florida 33602-4022
(813) 272-5400
August 31, 2018

[REDACTED]
Tampa, Florida 33605

RE: Notice of Apparent Violation of Handbill Distribution Laws

Dear [REDACTED]

This office has received complaints from the Hillsborough County Hotel and Motel Association that many of their members have found handbills distributed from your establishment that appear to violate Florida Statute(s) and Hillsborough County Ordinance(s). As violations of these laws provide criminal penalties, we will review such cases for criminal prosecution. This notice is being served on you as the owner, manager, or person responsible for the business that has been advertised on handbills that have been distributed without permission.

This letter serves as written notice of an apparent violation of handbill distribution law(s). The Hillsborough County Code of Ordinances and Laws prohibits the illegal distribution of handbills on private property without permission. Specifically, it provides:

Sec. 36-137. - Acts prohibited.

- (a) It shall be unlawful for any person to deliver, distribute or place, or attempt to deliver, distribute or place, handbills on private property upon which is posted a reasonably conspicuous sign reading "No advertising" or "No solicitation."
- (b) It shall be unlawful for any business advertising by means of handbills to direct, encourage or allow any person, employee or independent contractor distributing handbills on behalf of the business to deliver, distribute or place handbills on private property upon which is posted a reasonably conspicuous sign reading "No advertising" or "No solicitation."

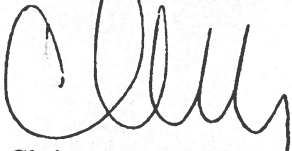
Additionally, section 509.144, Florida Statutes, prohibits the illegal distribution of handbills at or in a public lodging establishment without permission and it further provides:

- (2) Any person, agent, contactor, or volunteer who is acting on behalf of a person, 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.
- (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.

Business owners, managers or operators are responsible to ensure handbills advertising their business are not distributed at local lodging in violation of the laws. Future distribution of handbills in violation of the law(s) could result in criminal charges brought against any person that violates these laws.

Sincerely,

ANDREW H. WARREN
STATE ATTORNEY



Christopher Moody
Chief Assistant State Attorney

CNM/vlm