The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

COMMERCE AND TOURISM
Senator Detert, Chair
Senator Abruzzo, Vice Chair

MEETING DATE: Monday, March 31, 2014
TIME: 4:00 —6:00 p.m.
PLACE: *Toni Jennings Committee Room,* 110 Senate Office Building

MEMBERS: Senator Detert, Chair; Senator Abruzzo, Vice Chair; Senators Bean, Hays, Hukill, Margolis, Richter, Ring, Simpson, Stargel, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	**CS/SB 758** Banking and Insurance / Lee (Similar CS/H 805, Compare CS/CS/S 570)	Title Insurer Reserves; Specifying that a title insurer is liable for all of its unpaid losses and claims; revising and specifying the reserves certain title insurers must set aside; specifying how such reserves will be released; specifying which state law governs the amount of the reserve when a title insurer transfers its domicile to this state, etc. BI 03/05/2014 Fav/CS CM 03/31/2014 Favorable	Favorable Yeas 8 Nays 0
2	**CS/SB 1024** Transportation / Dean (Similar CS/H 1193)	Off-highway Vehicles; Revising the terms “ATV” and “ROV”; revising a violation for carrying an operator and more than a single passenger on certain off-highway vehicles to prohibit carrying more passengers than the vehicle is designed to carry; amending a penalty provision to apply to off-highway vehicles; revising the term “all-terrain vehicle”, etc. TR 03/13/2014 Fav/CS CM 03/31/2014 Favorable	Favorable Yeas 8 Nays 0
3	**SB 1176** Abruzzo (Identical H 1049)	Divers; Requiring all divers to prominently display a divers-down flag or buoy in the area in which the diving occurs; requiring vessel operators encountering divers-down buoys to take specified actions; prohibiting a divers-down buoy from being used or displayed onboard a vessel, etc. EP 03/20/2014 Favorable CM 03/31/2014 Favorable JU	Favorable Yeas 8 Nays 0
4	**SB 1336** Evers (Identical H 1069)	Lionfish; Providing a definition; prohibiting the importation and aquaculture of lionfish and the sale of illegally imported lionfish; providing penalties; authorizing the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services to adopt rules, etc. EP 03/20/2014 Favorable CM 03/31/2014 Favorable AG	Favorable Yeas 8 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	**SB 214** Thompson (Identical H 1411)	Black Cultural Tourism Enhancement Commission; Creating the commission within the Department of State; directing the commission to independently exercise its powers and duties; requiring the department to provide administrative and staff support services to the commission; providing for the reimbursement of per diem and travel expenses for commission members; authorizing the commission to establish or designate a direct-support organization for specified purposes, etc. CM 03/31/2014 Fav/CS GO ATD AP RC	Fav/CS Yeas 8 Nays 0
6	**SB 1146** Altman (Similar CS/CS/H 849)	Service Animals; Requiring a public accommodation to permit use of a service animal by an individual with a disability under certain conditions; providing conditions for a public accommodation to exclude or remove a service animal; revising penalties to include community service for certain persons or entities who interfere with use of a service animal in specified circumstances; providing equal access to housing accommodations for an individual with a disability accompanied by an emotional support animal; providing conditions under which a landlord may request documentation of a qualifying disability; providing a penalty for fraud with respect to use or training of a service animal, etc. CM 03/31/2014 Fav/CS CA JU	Fav/CS Yeas 8 Nays 0
7	**SB 1000** Braynon (Compare CS/H 411)	Labor Pools; Revising methods by which a labor pool may compensate day laborers, etc. CM 03/31/2014 Fav/CS BI	Fav/CS Yeas 8 Nays 0

Other Related Meeting Documents

An electronic copy of the Appearance Request form is available to download from any Senate committee page on the Senate's website, www.flsenate.gov

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 758

INTRODUCER: Banking and Insurance Committee and Senator Lee

SUBJECT: Title Insurer Reserves

DATE: March 28, 2014 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Billmeier	Knudson	BI	**Fav/CS**
2.	Siples	Hrdlicka	CM	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 758 changes the unearned premium reserve requirement for title insurers holding $50 million or more in surplus to policyholders. Those title insurers must have a reserve of a minimum of 6.5 percent of the total of (1) direct premiums written and (2) premiums for reinsurance assumed, with certain adjustments. Title insurers having less than $50 million in surplus as to policyholders must continue to record unearned premium reserve in accordance with current law (30 cents per $1,000 of net retained liability).

This bill creates a schedule for the release of the unearned premium reserve over 20 years for companies with more than $50 million in surplus, as follows: 35 percent of the initial sum during the year following the year the premium was written or assumed, 15 percent during each year of the next succeeding 2 years, 10 percent during the next succeeding year, 3 percent during each of the next succeeding 3 years, 2 percent during each of the next succeeding 3 years, and 1 percent during each of the next succeeding 10 years.

This bill allows a title insurer organized under the laws of another state that transfers its domicile to Florida to have an unearned premium reserve as required by the laws of the title insurer's former state. That reserve is released according to the requirements of law in effect in the former state at the time of domicile. The release of reserve based on premium written after the insurer moves to Florida is governed by Florida law.

II. Present Situation:

Title insurance is (1) insurance of owners of real property or others having an interest in real property or contractual interest derived therefrom, or liens or encumbrances on real property, against loss by encumbrance, or defective titles, or invalidity, or adverse claim to title; or (2) insurance of owners and secured parties of the existence, attachment, perfection, and priority of security interests in personal property under the Uniform Commercial Code.[1] Title insurance serves to indemnify the insured against financial loss caused by defects in title arising out of events that occurred before the date of the policy.[2]

Title insurance agents and agencies are licensed and regulated by the Department of Financial Services (DFS) while title insurance companies are licensed and regulated by the Office of Insurance Regulation.

Title Insurance Reserve Requirements

Insurance companies must maintain cash or liquid assets on hand to pay claims and satisfy other liabilities. These are called reserves. A title insurer must maintain two types of reserves. First, a title insurer must maintain reserves sufficient to pay all of its unpaid losses.[3] In addition, a title insurer must maintain a guaranty fund or unearned premium reserve to be used for reinsurance in the event the insurer becomes insolvent.[4]

Section 625.111, F.S., provides that the unearned premium reserve must consist of at least the sum of:

- A reserve with respect to unearned premiums for policies written or title liability assumed in reinsurance before July 1, 1999, equal to the reserve established on June 30, 1999, for those unearned premiums. For domestic title insurers subject to this section, such amounts must be calculated in accordance with Florida law in effect at the time the associated premiums were written or assumed and as amended prior to July 1, 1999.
- A total amount equal to 30 cents for each $1,000 of net retained liability[5] for policies written or title liability assumed in reinsurance on or after July 1, 1999.
- An additional amount, if deemed necessary by a qualified actuary.

[1] *See* s. 624.608, F.S.
[2] *Lawyers Title Insurance Co., Inc. v. Novastar Mortgage, Inc.*, 862 So. 2d 793,797 (Fla. 4th DCA 2003).
[3] *See* ss. 625.041 and 625.111, F.S.
[4] *See* s. 625.111, F.S.
[5] "Net retained liability" means the "total liability retained by a title insurer for a single risk, after taking into account the deduction for ceded liability, if any." s. 625.111(4)(a), F.S.

Title Insurance Unearned Premium Reserve Requirements in Other States

According to the Office of Insurance Regulation (OIR), Florida "has one of the highest statutory premium reserve requirements of all the states in which major title insurers are domiciled."[6] As examples, the OIR cited:

California	4.5% of premium and fees
Florida	$.30 per $1,000 of net retained liability
Minnesota	6.5% of premium and fees
Nebraska	$.17 per $1,000 of net retained liability
Texas	$.185 per $1,000 of net retained liability.[7]

Releasing Unearned Premium Reserve

In 1999, the Legislature changed the law to require a domestic title insurer to release the reserve over a period of 20 years.[8] Section 625.111, F.S., set the following schedule for release of reserves:

For policies written before July 1, 1999, an insurer shall release:
- 30 percent of the initial aggregate sum during 1999;
- 15 percent during calendar year 2000;
- 10 percent during each of calendar years 2001 and 2002;
- 5 percent during each of calendar years 2003 and 2004;
- 3 percent during each of calendar years 2005 and 2006;
- 2 percent during each of calendar years 2007-2013; and
- 1 percent during each of calendar years 2014-2018.

For policies written after July 1, 1999, an insurer shall release:
- 30 percent of the initial sum during calendar year following the year the premium was written;
- 15 percent during the next succeeding year;
- 10 percent during each of the next succeeding 2 years;
- 5 percent during each of the next succeeding 2 years;
- 3 percent during each of the next succeeding 2 years;
- 2 percent during each of the next succeeding 7 years; and
- 1 percent during each of the next succeeding 5 years.

[6] *See* OIR, *SB 758 2014 Agency Legislative Bill Analysis* (Feb.10, 2014) (on file with the Senate Banking and Insurance Committee).
[7] *Id.* at p. 2.
[8] *See* Ch. 99-336, L.O.F. The release of the reserve dollars is based on a reduction of liability that occurs with the passage of time. The release of the reserve makes those monies available for general use by the company.

III. Effect of Proposed Changes:

Title Insurance Reserve Requirements (Sections 1 & 2)

This bill provides that a title insurer must reserve the amount necessary to pay all of its known unpaid losses and claims incurred on or before the date of the financial statement, together with the expenses of adjustment or settlement. This requirement is in addition to the reserves required under s. 625.111, F.S. This bill removes references to unreported losses and claims, also known as Incurred But Not Reported (IBNR) losses, as a liability to be charged against a title insurer's assets because unreported claims are accounted for in title insurance by the unearned premium reserve.[9]

This bill creates a new unearned premium reserve requirement for title insurers holding $50 million or more in surplus as to policyholders. Those insurers must have a reserve of a minimum of 6.5 percent of the total of (1) direct premiums written and (2) premiums for reinsurance assumed, plus other income, less premiums for reinsurance ceded as displayed in Schedule P of the title insurer's most recent annual statement filed with the OIR. Title insurers having less than $50 million in surplus as to policyholders must continue to record unearned premium reserve in accordance with current law (30 cents per $1,000 of net retained liability).

The effect of this change will reduce the unearned premium reserve requirement for title insurers having more than $50 million in surplus. This change will not have an immediate effect because there are no title insurers with $50 million in surplus domiciled in Florida.[10] According to the OIR, reducing the statutory premium reserve requirement for larger title insurers could encourage foreign title insurers to re-domesticate to Florida.[11] The two Florida insurers placed in the rehabilitation since 2008 had less than $50 million in surplus prior to the entry of the rehabilitation orders.[12] A third Florida insurer ceased writing new policies when its surplus dropped from $27 million to $6 million.[13]

Releasing Unearned Premium Reserve (Section 2)

This bill creates a schedule for the release of unearned premium reserve for companies with more than $50 million in surplus. This bill provides that the unearned premium for policies written or title liability assumed during a particular calendar year shall be released from reserve as follows:

- 35 percent of the initial sum during the calendar year following the year the premium was written or assumed;
- 15 percent during each year of the next succeeding 2 years;
- 10 percent during the next succeeding year;

[9] OIR, *SB 758 2014 Agency Legislative Bill Analysis* at 2.
[10] *Id.* at 3.
[11] *Id.*
[12] DFS, Division of Rehabilitation and Liquidation, *available at* http://www.myfloridacfo.com/Division/Receiver/Companies/KEL/default.htm#.UxD1zfldUeE and http://www.myfloridacfo.com/Division/Receiver/Companies/National_Title/default.htm#.UxD2BPldUeF (last visited Mar. 19, 2014). The information may be found by reviewing the NAIC financial statements submitted by the companies.
[13] Press Release, A.M. Best, *A.M. Best Withdraws Ratings of Attorneys' Title Insurance Fund Inc.* (Aug. 20, 2009), *available at* http://www3.ambest.com/ambv/bestnews/presscontent.aspx?altsrc=0&refnum=14608 (last visited Mar. 19, 2014).

- 3 percent during each of the next succeeding 3 years;
- 2 percent during each of the next succeeding 3 years; and
- 1 percent during each of the next succeeding 10 years.

Reserve Requirement When a Title Insurer Moves to Florida (Section 2)

Currently, no title insurers are domiciled in Florida. If a title insurer moves to the state, it must immediately comply with Florida's reserve requirements. However, this bill allows a title insurer organized under the laws of another state that transfers its domicile to Florida to have an unearned premium reserve as required by the laws of the title insurer's former state of domicile. The reserve is released according to the requirements of law in effect in the former state at the time of domicile.

This bill requires that, for new business written after the effective date of the transfer of domicile to Florida, the domestic title insurer shall add to and set aside in the statutory or unearned premium reserve the appropriate amount under Florida law as determined by the company's surplus.

Bulk Reserves (Section 2)

This bill provides that a domestic title insurer is not required to record a separate bulk reserve. "Bulk reserve" means provision for subsequent development on known claims. This bill further provides that if a separate bulk reserve is recorded, the statutory premium reserve must be reduced by the amount recorded for such bulk reserve.

Sections 3 and 4 correct cross-references.

Section 5 provides that the act shall take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

According to the OIR, this bill may encourage foreign title insurers to re-domesticate to Florida which could increase tax and fee revenues to state and local governments.[14]

B. Private Sector Impact:

According to the OIR, this bill may encourage foreign title insurers to re-domesticate to Florida which may increase business opportunities.[15] Concerns have been expressed that the "two tier" reserve system created by the bill may disadvantage smaller title insurers. First, there is concern that lenders could use $50 million as a benchmark for acceptable surplus. Finally, there is concern that smaller title insurers would be at a disadvantage when offering reissue rates to consumers.[16]

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 625.041, 625.111, 624.407, and 624.408.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Banking and Insurance on March 5, 2014:
The committee adopted an amendment to correct a drafting error and provide that title insurers with surplus greater than $50 million would have a different reserve requirement than title insurers with surplus less than $50 million.

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[14] OIR, *SB 758 2014 Agency Legislative Bill Analysis*.
[15] *Id.*
[16] Discussion points provided by representatives at Westcor Land Title Insurance Company (on file with the staff of the Senate Banking and Insurance Committee).

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Banking and Insurance; and Senator Lee

A bill to be entitled

An act relating to title insurer reserves; amending s. 625.041, F.S.; specifying that a title insurer is liable for all of its unpaid losses and claims; amending s. 625.111, F.S.; revising and specifying the reserves certain title insurers must set aside; specifying how such reserves will be released; specifying which state law governs the amount of the reserve when a title insurer transfers its domicile to this state; defining "bulk reserve"; amending ss. 624.407 and 624.408, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Section 625.041, Florida Statutes, is amended to read:

625.041 Liabilities, in general.—In any determination of the financial condition of an insurer, liabilities to be charged against its assets ~~shall~~ include:

(1) The amount, estimated in accordance ~~consistent~~ with ~~the provisions of~~ this code, necessary to pay all of its unpaid losses and claims incurred on or prior to the date of statement, whether reported or unreported, together with the expenses of adjustment or settlement thereof.

(2) With respect to title insurance, the amount, estimated in accordance with this code, necessary to pay all of its known unpaid losses and claims incurred on or before the date of statement, together with the expenses of adjustment or

settlement thereof. This requirement is in addition to the reserves required under s. 625.111.

(3) ~~(2)~~ With respect ~~reference~~ to life and health insurance and annuity contracts:

(a) The amount of reserves on life insurance policies and annuity contracts in force, valued according to the tables of mortality, rates of interest, and methods adopted pursuant to this code which are applicable thereto.

(b) Reserves for disability benefits, for both active and disabled lives.

(c) Reserves for accidental death benefits.

(d) Any additional reserves that may be required by the office in accordance ~~consistent~~ with practice formulated or approved by the National Association of Insurance Commissioners or its successor organization, on account of such insurance, including contract and premium deficiency reserves.

(4) ~~(3)~~ With respect ~~reference~~ to insurance other than that specified in subsections (2) and (3) ~~subsection (2), and other than title insurance~~, the amount of reserves equal to the unearned portions of the gross premiums charged on policies in force, computed in accordance with this part.

(5) ~~(4)~~ Taxes, expenses, and other obligations due or accrued at the date of the statement.

(6) ~~(5)~~ An ~~Any~~ insurer in this state that writes workers' compensation insurance shall accrue a liability on its financial statements for all Special Disability Trust Fund assessments that are due within the current calendar year. ~~In addition,~~ Those insurers shall also disclose in the notes to the financial statements required to be filed pursuant to s. 624.424 an

59 estimate of future Special Disability Trust Fund assessments~~,~~ if
60 the assessments are likely to occur and can be estimated with
61 reasonable certainty.
62 Section 2. Section 625.111, Florida Statutes, is amended to
63 read:
64 625.111 Title insurance reserve.—In addition to an adequate
65 reserve as to outstanding losses relating to known claims~~,~~ as
66 required under s. 625.041, a domestic title insurer shall
67 establish, segregate, and maintain a guaranty fund or unearned
68 premium reserve as provided in this section. The sums ~~required~~
69 ~~under this section~~ to be reserved for unearned premiums on title
70 guarantees and policies ~~at all times and for all purposes~~ shall
71 be considered and constitute unearned portions of the original
72 premiums and shall be charged as a reserve liability of the ~~such~~
73 insurer in determining its financial condition. ~~While~~ Such ~~sums~~
74 ~~are so~~ reserved funds~~, they~~ shall be withdrawn from the use of
75 the insurer for its general purposes, impressed with a trust in
76 favor of the holders of title guarantees and policies, and held
77 available for reinsurance of the title guarantees and policies
78 in the event of the insolvency of the insurer. ~~Nothing contained~~
79 ~~in~~ This section does not ~~shall~~ preclude the ~~such~~ insurer from
80 investing such reserve in investments authorized by law~~,~~ ~~for~~
81 ~~such an insurer~~ and the income from such investments ~~invested~~
82 ~~reserve~~ shall be included in the general income of the insurer
83 and may ~~to~~ be used by such insurer for any lawful purpose.
84 (1) For an unearned premium reserve ~~reserves~~ established on
85 or after July 1, 1999, such ~~unearned premium~~ reserve must be in
86 ~~shall consist of not less than~~ an amount at least equal to the
87 sum of the amounts specified in paragraphs (a), (b), and (d) for

88 title insurers holding less than $50 million in surplus as to
89 policyholders as of the previous year end, and the sum of the
90 amounts specified in paragraphs (c) and (d) for title insurers
91 holding $50 million or more in surplus as to policyholders as of
92 the previous year end:
93 (a) A reserve with respect to unearned premiums for
94 policies written or title liability assumed in reinsurance
95 before July 1, 1999, equal to the reserve established on June
96 30, 1999, for those unearned premiums with such reserve being
97 subsequently released as provided in subsection (2). For
98 domestic title insurers subject to this section, such amounts
99 shall be calculated in accordance with ~~provisions of law of this~~
100 state law in effect at the time the associated premiums were
101 written or assumed and as amended before ~~prior to~~ July 1, 1999.
102 (b) A total amount equal to 30 cents for each $1,000 of net
103 retained liability for policies written or title liability
104 assumed in reinsurance on or after July 1, 1999, with such
105 reserve being subsequently released as provided in subsection
106 (2). For the purpose of calculating this reserve, the total of
107 the net retained liability for all simultaneous issue policies
108 covering a single risk shall be equal to the liability for the
109 policy with the highest limit covering that single risk, net of
110 any liability ceded in reinsurance.
111 (c) On or after January 1, 2014, for title insurers holding
112 $50 million or more in surplus as to policyholders as of the
113 previous year-end, a minimum of 6.5 percent of the total of the
114 following:
115 1. Direct premiums written; and
116 2. Premiums for reinsurance assumed, plus other income,

less premiums for reinsurance ceded as displayed in Schedule P of the title insurer's most recent annual statement filed with the office with such reserve being subsequently released as provided in subsection (2). Title insurers with less than $50 million in surplus as to policyholders must continue to record unearned premium reserve in accordance with paragraph (b).

(d) ~~(c)~~ An additional amount, if deemed necessary by a qualified actuary, to ~~which shall~~ be subsequently released as provided in subsection (2). Using financial results as of December 31 of each year, all domestic title insurers shall obtain a Statement of Actuarial Opinion from a qualified actuary regarding the insurer's loss and loss adjustment expense reserves, including reserves for known claims, ~~adverse development on known claims,~~ incurred but not reported claims, and unallocated loss adjustment expenses. The actuarial opinion must ~~shall~~ conform to the annual statement instructions for title insurers adopted by the National Association of Insurance Commissioners and ~~shall~~ include the actuary's professional opinion of the insurer's reserves as of the date of the annual statement. If the amount of the reserve stated in the opinion and displayed in Schedule P of the annual statement for that reporting date is greater than the sum of the known claim reserve and unearned premium reserve as calculated under this section, as of the same reporting date and including any previous actuarial provisions added at earlier dates, the insurer shall add to the insurer's unearned premium reserve an actuarial amount equal to the reserve shown in the actuarial opinion, minus the known claim reserve and the unearned premium reserve, as of the current reporting date and calculated in

accordance with this section, but not ~~in no event~~ calculated as of any date before ~~prior to~~ December 31, 1999. The comparison shall be made using that line on Schedule P displaying the Total Net Loss and Loss Adjustment Expense which is comprised of the Known Claim Reserve, and any associated Adverse Development Reserve, the reserve for Incurred But Not Reported Losses, and Unallocated Loss Adjustment Expenses.

(2) ~~(a)~~ With respect to reserves ~~the reserve~~ established in accordance with:

(a) Paragraph (1)(a), the domestic title insurer shall release the reserve over the subsequent ~~a period of~~ 20 ~~subsequent~~ years as provided in this paragraph. The insurer shall release 30 percent of the initial aggregate sum during 1999, with one quarter of that amount being released on March 31, June 30, September 30, and December 31, 1999, with the March 31 and June 30 releases to be retroactive and reflected on the September 30 financial statements. Thereafter, the insurer shall release, on the same quarterly basis as specified for reserves released during 1999, a percentage of the initial aggregate sum as follows: 15 percent during calendar year 2000, 10 percent during each of calendar years 2001 and 2002, 5 percent during each of calendar years 2003 and 2004, 3 percent during each of calendar years 2005 and 2006, 2 percent during each of calendar years 2007-2013, and 1 percent during each of calendar years 2014-2018.

(b) ~~With respect to reserves established in accordance with~~ Paragraph (1)(b), the unearned premium for policies written or title liability assumed during a particular calendar year shall be earned, and released from reserve, over the subsequent ~~a~~

175 ~~period of~~ 20 ~~subsequent~~ years as provided in this paragraph. The
176 insurer shall release 30 percent of the initial sum during the
177 year following ~~next succeeding~~ the year the premium was written
178 or assumed, with one quarter of that amount being released on
179 March 31, June 30, September 30, and December 31 of such year.
180 Thereafter, the insurer shall release, on the same quarterly
181 basis as specified for reserves released during the year
182 following ~~first succeeding~~ the year the premium was written or
183 assumed, a percentage of the initial sum as follows: 15 percent
184 during the next succeeding year, 10 percent during each of the
185 next succeeding 2 years, 5 percent during each of the next
186 succeeding 2 years, 3 percent during each of the next succeeding
187 2 years, 2 percent during each of the next succeeding 7 years,
188 and 1 percent during each of the next succeeding 5 years.
189 (c) ~~With respect to reserves established in accordance with~~
190 Paragraph (1)(c), the unearned premium for policies written or
191 title liability assumed during a particular calendar year shall
192 be earned, and released from reserve, over the subsequent 20
193 years at an amortization rate not to exceed the formula in this
194 paragraph. The insurer shall release 35 percent of the initial
195 sum during the year following the year the premium was written
196 or assumed, with one quarter of that amount being released on
197 March 31, June 30, September 30, and December 31 of such year.
198 Thereafter, the insurer shall release, on the same quarterly
199 basis as specified for reserve released during the year
200 following the year the premium was written or assumed, a
201 percentage of the initial sum as follows: 15 percent during each
202 year of the next succeeding 2 years, 10 percent during the next
203 succeeding year, 3 percent during each of the next succeeding 3

204 years, 2 percent during each of the next succeeding 3 years, and
205 1 percent during each of the next succeeding 10 years.
206 (d) Paragraph (1)(d), any additional amount established in
207 any calendar year shall be released in the years subsequent to
208 its establishment as provided in paragraph (c) ~~(b)~~, with the
209 timing and percentage of releases being in all respects
210 identical to those of unearned premium reserves that are
211 calculated as provided in paragraph (c) ~~(b)~~ and established with
212 regard to premiums written or liability assumed in reinsurance
213 in the same year as the year in which any additional amount was
214 originally established.
215 (3) If a title insurer that is organized under the laws of
216 another state transfers its domicile to this state, the
217 statutory or unearned premium reserve shall be the amount
218 required by the laws of the title insurer's former state of
219 domicile as of the date of transfer of domicile and shall be
220 released from reserve according to the requirements of law in
221 effect in the former state at the time of domicile. On or after
222 January 1, 2014, for new business written after the effective
223 date of the transfer of domicile to this state, the domestic
224 title insurer shall add to and set aside in the statutory or
225 unearned premium reserve such amount as provided in paragraph
226 (1)(c).
227 (4) ~~(3)~~ At any reporting date, the amount of the required
228 releases of existing unearned premium reserves under subsection
229 (2) shall be calculated and deducted from the total unearned
230 premium reserve before any additional amount is established for
231 the current calendar year in accordance with ~~the provisions of~~
232 paragraph (1)(d) ~~(1)(c)~~.

(5) A domestic title insurer is not required to record a separate bulk reserve. However, if a separate bulk reserve is recorded, the statutory premium reserve must be reduced by the amount recorded for such bulk reserve.

(6) ~~(4)~~ As used in this section, the term:

(a) "Bulk reserve" means provision for subsequent development on known claims.

(b) ~~(a)~~ "Net retained liability" means the total liability retained by a title insurer for a single risk, after taking into account the deduction for ceded liability, if any.

(c) ~~(b)~~ "Qualified actuary" means a person who is, as detailed in the National Association of Insurance Commissioners' Annual Statement Instructions:

1. A member in good standing of the Casualty Actuarial Society;

2. A member in good standing of the American Academy of Actuaries who has been approved as qualified for signing casualty loss reserve opinions by the Casualty Practice Council of the American Academy of Actuaries; or

3. A person who otherwise has competency in loss reserve evaluation as demonstrated to the satisfaction of the insurance regulatory official of the domiciliary state. In such case, at least 90 days before ~~prior to the~~ filing ~~of~~ its annual statement, the insurer must request ~~approval~~ that the person be deemed qualified and that request must be approved or denied. The request must include the National Association of Insurance Commissioners' Biographical Form and a list of all loss reserve opinions issued in the last 3 years by this person.

(d) ~~(c)~~ "Single risk" means the insured amount of a ~~any~~

title insurance policy, except that where two or more title insurance policies are issued simultaneously covering different estates in the same real property, "single risk" means the sum of the insured amounts of all such ~~title insurance~~ policies. A ~~Any~~ title insurance policy insuring a mortgage interest, a claim payment under which reduces the insured amount of a fee or leasehold title insurance policy, shall be excluded in computing the amount of a single risk to the extent that the insured amount of the mortgage title insurance policy does not exceed the insured amount of the fee or leasehold title insurance policy.

Section 3. Subsection (5) of section 624.407, Florida Statutes, is amended to read:

624.407 Surplus required; new insurers.—

(5) For the purposes of this section, liabilities do not include liabilities required under s. 625.041(5) ~~s. 625.041(4)~~. For purposes of computing minimum surplus as to policyholders pursuant to s. 625.305(1), liabilities include liabilities required under s. 625.041(5) ~~s. 625.041(4)~~.

Section 4. Subsection (2) of section 624.408, Florida Statutes, is amended to read:

624.408 Surplus required; current insurers.—

(2) For purposes of this section, liabilities do not include liabilities required under s. 625.041(5) ~~s. 625.041(4)~~. For purposes of computing minimum surplus as to policyholders pursuant to s. 625.305(1), liabilities include liabilities required under s. 625.041(5) ~~s. 625.041(4)~~.

Section 5. This act shall take effect upon becoming a law.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31
Meeting Date

Topic: Title Ins.

Bill Number: 758 *(if applicable)*

Name: Monte Stevens

Amendment Barcode: *(if applicable)*

Job Title: Deputy Chief of Staff

Address: Larson Bldg
Street

Tally, FL
City *State* *Zip*

Phone: 413-5005

E-mail:

Speaking: [x] For [ ] Against [ ] Information

Representing: OIR

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [x] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 1024

INTRODUCER: Transportation Committee and Senator Dean

SUBJECT: Off-highway Vehicles

DATE: March 28, 2014 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	**Fav/CS**
2.	Askey	Hrdlicka	CM	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1024 revises the definitions of ATV (all-terrain vehicle) and ROV (recreational off-highway vehicle) in s. 261.03, 316.2074, and 317.0003, F.S., to:

- Remove any reference to the seating type, the steering control mechanism, and the number of passengers; and
- Increase the authorized width of an ROV from 64 to 65 inches.

The bill amends s. 261.20, F.S., to prohibit more passengers than an OHV (off-highway vehicle) is designed by the manufacturer to carry. Current law prohibits passengers on an OHV, or more than one passenger if the OHV is designed to carry both an operator and passenger.

II. Present Situation:

The U.S. Forest Service estimates there are as many as 9.8 million ATVs and off-road motorcycles in the U.S. as of January 1, 2008.[1] Due to the rise in popularity of OHVs for recreational use, ATVs and ROVs are constantly updated and modified to keep up with market changes. These rapid changes have led to hybridization of certain features in OHVs and the differences between ATVs and ROVs have diminished. Features that were exclusive to one type of OHV are now often found in the other.[2]

[1] U.S. Forest Service, *Off-Highway Vehicle recreation in the United States and its Regions and States*, 8, (February 2008) available at: http://www.fs.fed.us/recreation/programs/ohv/IrisRec1rpt.pdf (last visited March 27, 2014).

[2] Recreational Off-Highway Vehicle Association, *ROVs vs. ATVs*, available at: http://www.rohva.org/ROVvsATV.aspx (last visited March 26, 2014.

Use of Off-Highway Vehicles on State Lands

The 2002 Legislature enacted the T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act[3] to provide a set of guidelines for the development and maintenance of public lands within the state for OHV use. OHV is defined in s. 261.03(5), F.S., to include any ATV, two-rider ATV,[4] ROV, or off-highway motorcycle (OHM) that is not registered and licensed for highway use under ch. 320, F.S.

Section 261.03(2), F.S., defines "ATV" to mean any:
- Motorized off-highway or all-terrain vehicle 50 inches or less in width;
- Having a dry weight of 1,200 pounds or less;
- Designed to travel on three or more non-highway tires;
- Having a seat designed to be straddled by the operator and handlebars for steering control; and
- Intended for use by a single operator with no passenger.

Section 261.03(8), F.S., defines "ROV" to mean any:
- Motorized recreational off-highway vehicle 64 inches or less in width;
- Having a dry weight of 2,000 pounds or less;
- Designed to travel on four or more non-highway tires;
- Having non-straddle seating and a steering wheel; and
- Manufactured for recreational use by one or more persons.[5]

ATVs, ROVs, (and OHMs) are the only unlicensed motor vehicles allowed in designated OHV areas. No OHV may be operated on public roads in the state, except as permitted by the managing local, state, or federal agency.[6]

OHVs on state lands may be restricted given the location. There are two OHV designated areas in state forests: the Croom Motorcycle Area at Withlacoochee State Forest permits operation of ATVs and OHMs, but ROVs are not currently authorized;[7] ATVs, ROVs, and OHMs are authorized on the Off-Highway Vehicle Trail System at Tate's Hell State Forest.[8]

Section 261.20, F.S., sets forth operating requirements for OHVs on public lands. A person who violates these requirements commits a noncriminal infraction subject to a fine of at least $100

[3] Chapter 261, F.S., ch. 2002-295, L.O.F.
[4] Defined in s. 261.03(11), F.S., to mean any ATV that is specifically designed by the manufacturer for a single operator and one passenger.
[5] Golf carts as defined in ss. 320.01 and 316.003, F.S., or low-speed vehicles as defined in s. 320.01, F.S., are not included in the definition of ROV.
[6] Section 261.11, F.S. See also s. 316.2123, F.S.
[7] Department of Agriculture and Consumer Services, *Croom Motorcycle Area at Withlacoochee State Forest*, available at: http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Our-Forests/State-Forests/Withlacoochee-State-Forest/Croom-Motorcycle-Area-at-Withlacoochee-State-Forest (last visited March 26, 2014).
[8] Department of Agriculture and Consumer Services, *Off-Highway Vehicle Trail System at Tate's Hell State Forest*, available at: http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Our-Forests/State-Forests/Off-Highway-Vehicle-Trail-System-at-Tate-s-Hell-State-Forest (last visited March 26, 2014).

and may have the privilege of operating an ATV on public lands revoked. If the person acts with intent to defraud or commits a second or subsequent violation, the fine increases to at least $500.[9]

Off-Highway Vehicle Titling

Chapter 317, F.S., requires all OHVs operated on public lands in this state to be titled and issued a certificate of title for easy determination of ownership. The Florida Department of Highway Safety and Motor Vehicles (DHSMV) reported that 12,554 OHVs titles were issued state-wide in Fiscal Year 2012-2013.[10]

An owner of an OHV that is required to be titled must apply to the county tax collector for OHV title transactions.[11] An OHV title fee is $29. DHSMV is required to deposit $27 into the Incidental Trust Fund of the Florida Forest Service of the Department of Agriculture and Consumer Services, and $2 into the Highway Safety Operating Trust Fund. A tax collector may charge an additional branch fee of $.50 for each title or decal that it issues.[12]

Use of Off-Highway Vehicles on Federal Lands

In 2005, the U.S. Forest Service announced a new regulation governing off-highway vehicles to address the growing popularity and capabilities of these vehicles and their use on National Forest System lands.[13] "Off-highway vehicle" is defined in the rule to mean "any motor vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain."[14] Operation of any off-highway vehicle on National Forest System lands other than in accordance with the regulations is prohibited.[15] It is the identified vehicle class for designated roads and trails on given federal lands that determines which off-highway vehicles are authorized.

III. Effect of Proposed Changes:

Sections 1, 3, and 4 of the bill amend the definitions of ATV and ROV in ss. 261.03, 316.2074, and 317.0003, F.S., to:

- Remove any reference to the seating type, the steering control mechanism, and the number of passengers; and
- Increase the authorized width of an ROV from 64 to 65 inches.

Due to these revisions, the definitions of ATV and ROV are distinguished by width, weight, and the number of non-highway wheels. Under both definitions the vehicle must be manufactured for recreational use by one or more persons. The type of seating and the steering mechanism no longer distinguish the two vehicles.

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[9] Section 261.20(6), F.S.
[10] DHSMV, *Agency Bill Analysis: SB 1024* (March 17, 2014).
[11] Section 317.0006(4)(c), F.S.
[12] Section 317.0007(1), F.S.
[13] 36 C.F.R. 212, Subpart B, Designation of Roads, Trails, and Areas for Motor Vehicle Use. See also 70 Fed. Reg. 68264.
[14] 36 C.F.R. 212.1
[15] 36 C.F.R. 261.13.

The revisions potentially authorize an OHV currently defined as an ROV to meet the definition of an ATV if the vehicle is 50 inches or less in width, 1,200 pounds or less in dry weight, and designed to travel on three *or more* non-highway tires. A vehicle currently classified as an ROV that meets the definition of ATV under the bill would be permitted to access lands not previously admissible, such as the Croom Motorcycle Area.

Section 2 amends s. 261.20, F.S., to prohibit more passengers than an OHV is designed by the manufacturer to carry. Current law prohibits passengers on an OHV, or more than one passenger if the OHV is designed to carry both an operator and passenger.

The bill also revises the penalty provision in s. 261.20(6), F.S., to clarify that a violator may have the privilege of operating any OHV on public land revoked, not just ATV use. The provisions of s. 261.20, F.S., apply to all OHVs.

Section 5 provides an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Expansion of the definitions of ATV and ROV could increase the number of vehicles eligible to be titled. The DHSMV is unable to quantify the possible increase in the number of ATV and ROV titles issued, but the amount is believed to be insignificant.[16]

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

See Tax/Fee Issues. The fiscal impact to the government is positive indeterminate but expected to be insignificant. Various state trust funds and local governments receive finds

[16] DHSMV, *Agency Bill Analysis: SB 1024* (March 17, 2014).

from OHV titling fees and from fines for violations of OHV public land operational requirements. However, it is unknown how many additional OHVs will be titled pursuant to the revised definitions, or how many additional violations may occur pursuant to the revised violation.

It is unknown whether existing trails will accommodate an increase in the authorized width of ROVs, in locations where ROV operation is allowed.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 261.03, 261.20, 316.2074, and 317.0003.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 13, 2014:
The CS expands the prohibition in s. 261.20(5), F.S., to prohibit carrying more passengers than the machine is designed by the manufacturer to carry. This change is necessitated by the revisions to the definitions of "ATV" and "ROV." The CS also revises the penalty provision in s. 261.20(6), F.S., to clarify that the penalty applies to all OHV violations, not just ATV violations.

B. Amendments:

None.

By the Committee on Transportation; and Senator Dean

596-02585-14 20141024c1

A bill to be entitled

An act relating to off-highway vehicles; amending s. 261.03, F.S.; revising the terms "ATV" and "ROV"; amending s. 261.20, F.S.; revising a violation for carrying an operator and more than a single passenger on certain off-highway vehicles to prohibit carrying more passengers than the vehicle is designed to carry; amending a penalty provision to apply to off-highway vehicles; amending s. 316.2074, F.S.; revising the term "all-terrain vehicle"; amending s. 317.0003, F.S.; providing an effective date.

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

Section 1. Subsections (2) and (8) of section 261.03, Florida Statutes, are amended to read:

261.03 Definitions.—As used in this chapter, the term:

(2) "ATV" means any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a dry weight of 1,200 pounds or less, designed to travel on three or more nonhighway tires, and manufactured for recreational use by one or more persons ~~having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator with no passenger~~.

(8) "ROV" means any motorized recreational off-highway vehicle 65 ~~64~~ inches or less in width, having a dry weight of 2,000 pounds or less, designed to travel on four or more nonhighway tires, ~~having nonstraddle seating and a steering wheel,~~ and manufactured for recreational use by one or more

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596-02585-14 20141024c1

persons. The term "ROV" does not include a golf cart as defined in ss. 320.01 and 316.003~~(68)~~ or a low-speed vehicle as defined in s. 320.01.

Section 2. Subsections (5) and (6) of section 261.20, Florida Statutes, are amended to read:

261.20 Operations of off-highway vehicles on public lands; restrictions; safety courses; required equipment; prohibited acts; penalties.—

(5) It is a violation of this section:

(a) To carry more passengers ~~a passenger~~ on an off-highway vehicle than~~, unless~~ the machine is specifically designed by the manufacturer to carry ~~an operator and a single passenger~~.

(b) To operate an off-highway vehicle while under the influence of alcohol, a controlled substance, or any prescription or over-the-counter drug that impairs vision or motor condition.

(c) For a person who has not attained 16 years of age, to operate an off-highway vehicle without wearing eye protection, over-the-ankle boots, and a safety helmet that is approved by the United States Department of Transportation or Snell Memorial Foundation.

(d) To operate an off-highway vehicle in a careless or reckless manner that endangers or causes injury or damage to another person or property.

(6) Any person who violates this section commits a noncriminal infraction and is subject to a fine of not less than $100 and may have his or her privilege to operate an off-highway vehicle ~~ATV~~ on public lands revoked. However, a person who commits such acts with intent to defraud, or who commits a

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

59 second or subsequent violation, is subject to a fine of not less
60 than $500 and may have his or her privilege to operate an off-
61 highway vehicle ~~ATV~~ on public lands revoked.
62 Section 3. Subsection (2) of section 316.2074, Florida
63 Statutes, is amended to read:
64 316.2074 All-terrain vehicles.—
65 (2) As used in this section, the term "all-terrain vehicle"
66 means any motorized off-highway vehicle 50 inches or less in
67 width, having a dry weight of 1,200 pounds or less, designed to
68 travel on three or more nonhighway tires, and manufactured for
69 recreational use by one or more persons ~~having a seat designed~~
70 ~~to be straddled by the operator and handlebars for steering~~
71 ~~control, and intended for use by a single operator with no~~
72 ~~passenger~~. For the purposes of this section, "all-terrain
73 vehicle" also includes a ~~any~~ "two-rider ATV" as defined in s.
74 317.0003.
75 Section 4. Subsections (1) and (9) of section 317.0003,
76 Florida Statutes, are amended to read:
77 317.0003 Definitions.—As used in this chapter, the term:
78 (1) "ATV" means any motorized off-highway or all-terrain
79 vehicle 50 inches or less in width, having a dry weight of 1,200
80 pounds or less, designed to travel on three or more nonhighway
81 tires, and manufactured for recreational use by one or more
82 persons ~~having a seat designed to be straddled by the operator~~
83 ~~and handlebars for steering control, and intended for use by a~~
84 ~~single operator and with no passenger~~.
85 (9) "ROV" means any motorized recreational off-highway
86 vehicle 65 ~~64~~ inches or less in width, having a dry weight of
87 2,000 pounds or less, designed to travel on four or more

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

88 nonhighway tires, ~~having nonstraddle seating and a steering~~
89 ~~wheel,~~ and manufactured for recreational use by one or more
90 persons. The term "ROV" does not include a golf cart as defined
91 in ss. 320.01 and 316.003~~(68)~~ or a low-speed vehicle as defined
92 in s. 320.01.
93 Section 5. This act shall take effect July 1, 2014.

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Environmental Preservation and Conservation, *Chair*
Appropriations Subcommittee on Criminal and Civil Justice
Appropriations Subcommittee on General Government
Children, Families, and Elder Affairs
Criminal Justice
Gaming
Military Affairs, Space, and Domestic Security

SENATOR CHARLES S. DEAN, SR.
5th District

March 18, 2014

The Honorable Nancy Detert
416 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairwoman Detert,

I respectfully request you place Committee Substitute for Senate Bill 1024, relating to Off-highway Vehicles, on your Commerce and Tourism Committee agenda at your earliest convenience.

If you have any concerns, please do not hesitate to contact me personally.

Sincerely,

Charles S. Dean
State Senator District 5

cc: Jennifer Hrdlicka, Staff Director

REPLY TO:
☐ 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
☐ 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005
☐ 315 SE 25th Avenue, Ocala, Florida 34471-2689 (352) 873-6513

Senate's Website: *www.flsenate.gov*

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Environmental Preservation and Conservation, *Chair*
Appropriations Subcommittee on Criminal and Civil Justice
Appropriations Subcommittee on General Government
Children, Families, and Elder Affairs
Criminal Justice
Gaming
Military Affairs, Space, and Domestic Security

SENATOR CHARLES S. DEAN, SR.
5th District

RECEIVED
MAR 27 2014
COMMERCE

March 27, 2014

The Honorable Nancy Detert
416 Senate Office Building
404 South Monroe St.
Tallahassee, FL 32399-1100

Dear Chairwoman Detert:

Thank you for allowing Committee Substitute for Senate Bill 1024, relating to Off-highway Vehicles, to be placed on your agenda. Unfortunately, I will be unable to attend the Committee meeting and would like to request your permission to allow my aide, Drew Aldikacti, to present this bill in my place.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Charles S. Dean
State Senator, District 5

Cc: Jennifer Hrdlicka , Staff Director

REPLY TO:
- 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005
- 315 SE 25th Avenue, Ocala, Florida 34471-2689 (352) 873-6513

Senate's Website: *www.flsenate.gov*

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 1176

INTRODUCER: Senator Abruzzo

SUBJECT: Divers

DATE: March 28, 2014 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gudeman	Uchino	EP	**Favorable**
2.	Askey	Hrdlicka	CM	**Favorable**
3.			JU	

I. Summary:

SB 1176 authorizes divers to display a divers-down buoy instead of a divers-down flag in the area that diving occurs. The bill specifies design and display requirements for a divers-down buoy. Current requirements related to the use of and response of vessels to a divers-down flag to also apply to a divers-down buoy.

II. Present Situation:

Diving in Florida

Florida's coastlines, coral reefs, rivers, springs, and lakes provide more dive sites and attract more visitors than any other diving destination in the country. The state waters provide diving opportunities that include shore diving, wreck diving, cave diving, spear fishing, and treasure hunting. Florida's unique reef habitats are the only natural living coral reef in North America.[1] Since the 1980s, efforts have been made to preserve the reefs for recreational and educational use. The state has also provided numerous artificial reefs created by sinking steel ships and structures. A 2001 report for southeast Florida found that Florida's natural and artificial reefs generated $4.4 billion in local sales per year and $2 billion in local income per year. The reefs had an estimated asset value of $8.5 billion.[2]

Current state law defines a diver as "any person who is wholly or partially submerged in the waters of the state and is equipped with a face mask and snorkel or underwater breathing apparatus."[3] Divers in North America commonly use a sport diver flag, or "divers-down flag," when diving and it is generally recognized as a red flag with a solid, diagonal white stripe.

[1] Florida Fish and Wildlife Commission, *Senate Bill 1176 Agency Analysis*, 2 (March 6, 2014).
[2] Florida Fish and Wildlife Commission, *Senate Bill 1176 Agency Analysis*, 2 (March 6, 2014).
[3] Section 327.331(1)(a), F.S.

Additionally the "alpha flag" is an internationally recognized flag flown on vessels during diving operations. The alpha flag is blue and white, and has a different pattern than the sport diver flag.

Diving Regulation

Currently, recreational diving is not regulated by the U.S. Coast Guard (USCG). The USCG licensed master of a commercial vessel transporting divers or passengers is responsible for vessel and passenger safety and administrative action can be taken against an operator if his or her unsafe actions or decisions lead to an injury or fatality.[4] The USCG does require the alpha flag to be flown when divers are attached to a vessel, since the vessel's ability to maneuver is limited. However in sport diving, the divers are typically free swimming and displaying the divers-down flag is recommended.[5]

Florida regulates the display of a divers-down flag in s. 327.331, F.S. The divers-down flag must meet the following specifications:

- The flag must be a square or rectangular. If the flag is rectangular the length must not be less than the height, or more than 25 percent longer than the height;
- The flag must have a wire or stiffener to hold the flag extended in the absence of wind;
- The flag must be red with a diagonal white stripe that begins at the top staff-side of the flag and extends diagonally to the lower opposite corner. The width of the stripe must be 25 percent of the height of the flag;
- The minimum size of a flag displayed from a vessel or structure must be 20 inches by 24 inches;
- The minimum size of a flag displayed from a buoy or float towed by a diver is 12 inches by 12 inches; and
- Any divers-down flag displayed from a vessel must be displayed from the highest point of the vessel or other location where the visibility of the divers-down flag is not obstructed in any direction.

Divers must prominently display the divers-down flag in the area when diving occurs, but not if the area is customarily used for swimmers only. Except in an emergency, divers may not display one or more divers-down flags on a river, inlet, or navigation channel in a way that presents a navigational hazard. Divers are required to make reasonable efforts to stay within 100 feet of the divers-down flag. The divers-down flag must be lowered when no divers are in the water and the operation of a vessel displaying a divers-down flag with no divers in the water is prohibited.

Vessels are to make reasonable efforts to stay at least 100 feet away from a divers-down flag in rivers, inlets, and navigation channels, and at least 300 feet away in other waters. Any vessel that is not a rescue or law enforcement vessel entering within those distances must slow to the minimum necessary speed to maintain headway and steerage.

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[4] USCG Marine Safety Advisory, *Recommendations for Recreational Diving Operations Occurring from Commercial Passenger Vessels* (June 21, 2012) Available at: http://www.capca.net/PDF/RecDivingAdvisory01-12.pdf (last visited March 26, 2014).

[5] USCG Boating Safety Information, 9, available at: http://www.uscg.mil/d1/prevention/NavInfo/navinfo/documents/B-Boating_Safety.PDF (last visited March 26, 2014).

The statute provides that a violation of these provisions, unless the violation is considered reckless or careless operation of a vessel, is a noncriminal infraction, punishable by a civil penalty of $50.[6] The Florida Fish and Wildlife Commission reported that the number of divers-down flag related citations was 343 in Fiscal Year 2010-2011, 329 in Fiscal Year 2011-2012, and 225 in Fiscal Year 2012-2013.[7]

Driver Accident Statistics

From 2009 through 2013, 13 boating accidents involving divers or snorkelers being struck by boats were reported where visibility of a diver down flag may have been a contributing factor. These accidents resulted in two fatalities and 11 injuries requiring more treatment than basic first aid.[8] A boat collision with a diver in the water is likely to result in severe injury or death to the diver because the diver is likely to contact the boat's steering and propulsion system.

III. Effect of Proposed Changes:

Section 1 amends s. 327.331, F.S., providing divers with the option of using a divers-down buoy instead of a divers-down flag. It defines "divers-down buoy" as a "buoyant device, other than a vessel, which displays a divers-down symbol of at least 12 inches by 12 inches on four flat sides, which is prominently visible on the water's surface when in use." The bill specifies the divers-down buoy may not be used or displayed onboard.

In addition, the bill defines the "divers-down symbol," to be used on a divers-down buoy or flag, to be "a rectangular or square red symbol with a white diagonal stripe. If rectangular, the length must not be less than the height or more than 25 percent longer than the height. The width of the stripe must be 25 percent of the height of the symbol."

Sections 2 and 3 amend ss. 327.395 and 327.73, F.S., respectively, providing conforming changes to incorporate the divers-down buoy into existing regulations for the divers-down flag.

Section 4 provides an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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[6] See ss. 327.331(8) and 327.33(1)(u), F.S.
[7] Florida Fish and Wildlife Commission, *Senate Bill 1176 Agency Analysis*, 3 (March 6, 2014).
[8] Florida Fish and Wildlife Commission, *Senate Bill 1176 Agency Analysis*, 3 (March 6, 2014).

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Because the bill only adds an additional method divers may use to comply with the requirement to display a symbol when they are participating in diving activities, the bill does not require divers to purchase additional items to continue diving activities. The bill may provide a financial benefit to private companies that manufacture buoys by expanding the market to divers who must display a symbol when they are diving.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 327.331, 327.395, and 327.73.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Abruzzo

25-01240D-14 20141176__

A bill to be entitled

An act relating to divers; amending s. 327.331, F.S.; defining the terms “divers-down buoy” and “divers-down symbol”; revising the definition of "divers-down" flag; requiring all divers to prominently display a divers-down flag or buoy in the area in which the diving occurs; requiring vessel operators encountering divers-down buoys to take specified actions; prohibiting a divers-down buoy from being used or displayed onboard a vessel; conforming provisions to changes made by the act; making technical changes; amending ss. 327.395 and 327.73, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 327.331, Florida Statutes, is amended, and subsection (1) of that section is reordered, to read:

327.331 Divers; definitions; divers-down flag or buoy required; obstruction to navigation of certain waters; penalty.—

(1) As used in this section:

(a) “Diver” means a ~~any~~ person who is wholly or partially submerged in the waters of the state and is equipped with a face mask and snorkel or underwater breathing apparatus.

(e) ~~(b)~~ “Underwater breathing apparatus” means any apparatus, whether self-contained or connected to a distant source of air or other gas, whereby a person wholly or partially submerged in water is enabled to obtain or reuse air or any

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25-01240D-14 20141176__

other gas or gases for breathing without returning to the surface of the water.

(b) “Divers-down buoy” means a buoyant device, other than a vessel, which displays a divers-down symbol of at least 12 inches by 12 inches on four flat sides, which is prominently visible on the water’s surface when in use.

(c) “Divers-down flag” means a flag that meets the following specifications:

1. The flag must be square or rectangular. If rectangular, the length must not be less than the height, or more than 25 percent longer than the height. The flag must have a wire or other stiffener to hold it fully unfurled and extended in the absence of a wind or breeze.

2. The flag must consist of a divers-down symbol on each side with ~~be red with~~ a white diagonal stripe that begins at the top staff-side of the flag and extends diagonally to the lower opposite corner. ~~The width of the stripe must be 25 percent of the height of the flag.~~

3. The minimum size for any divers-down flag displayed on a buoy or float towed by the diver is 12 inches by 12 inches. The minimum size for any divers-down flag displayed from a vessel or structure is 20 inches by 24 inches.

4. Any divers-down flag displayed from a vessel must be displayed from the highest point of the vessel or such other location which provides that the visibility of the divers-down flag is not obstructed in any direction.

(d) “Divers-down symbol” means a rectangular or square red symbol with a white diagonal stripe. If rectangular, the length must not be less than the height or more than 25 percent longer

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

59 than the height. The width of the stripe must be 25 percent of
60 the height of the symbol.
61 (2) All divers must prominently display a divers-down flag
62 or buoy in the area in which the diving occurs, other than when
63 diving in an area customarily used for swimming only. A divers-
64 down buoy may not be used or displayed onboard a vessel.
65 (3) A diver or group of divers may not ~~No diver or group of~~
66 ~~divers shall~~ display one or more divers-down flags or buoys on a
67 river, inlet, or navigation channel, except in case of
68 emergency, in a manner which shall unreasonably constitute a
69 navigational hazard.
70 (4) Divers shall make reasonable efforts to stay within 100
71 feet of a ~~the~~ divers-down flag or buoy on rivers, inlets, and
72 navigation channels. A ~~Any~~ person operating a vessel on a river,
73 inlet, or navigation channel must make a reasonable effort to
74 maintain a distance of at least 100 feet from any divers-down
75 flag or buoy.
76 (5) Divers must make reasonable efforts to stay within 300
77 feet of a ~~the~~ divers-down flag or buoy on all waters other than
78 rivers, inlets, and navigation channels. A ~~Any~~ person operating
79 a vessel on waters other than a river, inlet, or navigation
80 channel must make a reasonable effort to maintain a distance of
81 at least 300 feet from any divers-down flag or buoy.
82 (6) A ~~Any~~ vessel other than a law enforcement or rescue
83 vessel that approaches within 100 feet of a divers-down flag or
84 buoy on a river, inlet, or navigation channel, or within 300
85 feet of a divers-down flag or buoy on waters other than a river,
86 inlet, or navigation channel, must proceed no faster than is
87 necessary to maintain headway and steerageway.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

88 (7) A ~~The~~ divers-down flag or buoy may not be displayed
89 ~~must be lowered~~ once all divers are aboard or ashore. A ~~No~~
90 person may not operate any vessel displaying a divers-down flag
91 unless the vessel has one or more divers in the water.
92 (8) Except as provided in s. 327.33, a ~~any~~ violation of
93 this section is ~~shall be~~ a noncriminal infraction punishable as
94 provided in s. 327.73.
95 Section 2. Subsection (3) of section 327.395, Florida
96 Statutes, is amended to read:
97 327.395 Boating safety identification cards.—
98 (3) Any commission-approved boater education or boater
99 safety course, course-equivalency examination developed or
100 approved by the commission, or temporary certificate examination
101 developed or approved by the commission must include a component
102 regarding diving vessels, awareness of divers in the water,
103 divers-down flags and buoys, and the requirements of s. 327.331.
104 Section 3. Paragraph (u) of subsection (1) of section
105 327.73, Florida Statutes, is amended to read:
106 327.73 Noncriminal infractions.—
107 (1) Violations of the following provisions of the vessel
108 laws of this state are noncriminal infractions:
109 (u) Section 327.331, relating to divers-down flags and
110 buoys, except for violations meeting the requirements of s.
111 327.33.
112 Section 4. This act shall take effect July 1, 2014.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-31-14
Meeting Date

Topic: Scuba Diving

Bill Number: 1176 *(if applicable)*

Name: Bob Harris

Amendment Barcode: *(if applicable)*

Job Title:

Address: 2618 Centennial Place
Street

Tallahassee FL 32308
City *State* *Zip*

Phone: 222-0720

E-mail: bharris@lawfla.com

Speaking: [✓] For [ ] Against [ ] Information

Representing: Diving Equipment and Marketing Assoc.

Appearing at request of Chair: [ ] Yes [✓] No

Lobbyist registered with Legislature: [✓] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-31-14
Meeting Date

Topic: DEUE FLAG & DEUE BUOY

Bill Number: 1176 *(if applicable)*

Name: DAVID BONGHAM

Amendment Barcode: _____ *(if applicable)*

Job Title: _____

Address: 9483 SADDLEBROOK DR.
Street

BOCA RATON FL 33496
City *State* *Zip*

Phone: 561 271 9832

E-mail: _____

Speaking: ☐ For ☐ Against ☒ Information

Representing: 3DB

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/31/14
Meeting Date

Topic: SB 1176

Bill Number: 1176 (if applicable)

Name: Stephen Shiver

Amendment Barcode: (if applicable)

Job Title: Partner

Address: 215 S Monroe St
Street

Tallahassee, FL
City, State, Zip

Phone: 850 222 8900

E-mail: SS@cardenasparkin.

Speaking: [X] For [ ] Against [ ] Information

Representing: Two Gamba-Diving Equipment

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 1336

INTRODUCER: Senator Evers

SUBJECT: Lionfish

DATE: March 28, 2014 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hinton	Uchino	EP	**Favorable**
2.	Baye	Hrdlicka	CM	**Favorable**
3.			AG	

I. Summary:

SB 1336 creates a new section of law that prohibits the importation of live lionfish, hybrids, or their eggs. It also prohibits lionfish aquaculture or the sale of illegally imported live lionfish. This bill provides that violations of this bill are a Level Two offense, and provides rulemaking authority to the Fish and Wildlife Conservation Commissions (FWC) and the Department of Agriculture and Consumer Services (DACS).

II. Present Situation:

Lionfish are native to the Indo-Pacific and the Red Sea.[1] They grow to about 12 to 15 inches in length, spawn frequently, and release tens of thousands of eggs at a time.[2] Lionfish have 18 venomous spines that they use defensively against predators. Lionfish are predatory reef fish that reduce Florida's native populations, compete with native predatory fish, such as grouper and snapper, and disrupt the balance of reef communities.[3] The fish is a threat to Florida's saltwater fish, wildlife, and habitat.[4]

Lionfish were first spotted in 1985, near Dania Beach in Broward County, Florida.[5] Lionfish reports have increased rapidly since the mid-2000s and have been reported as far north as off the coast of North Carolina and as far west as the Gulf coast near Pensacola and Apalachicola.[6]

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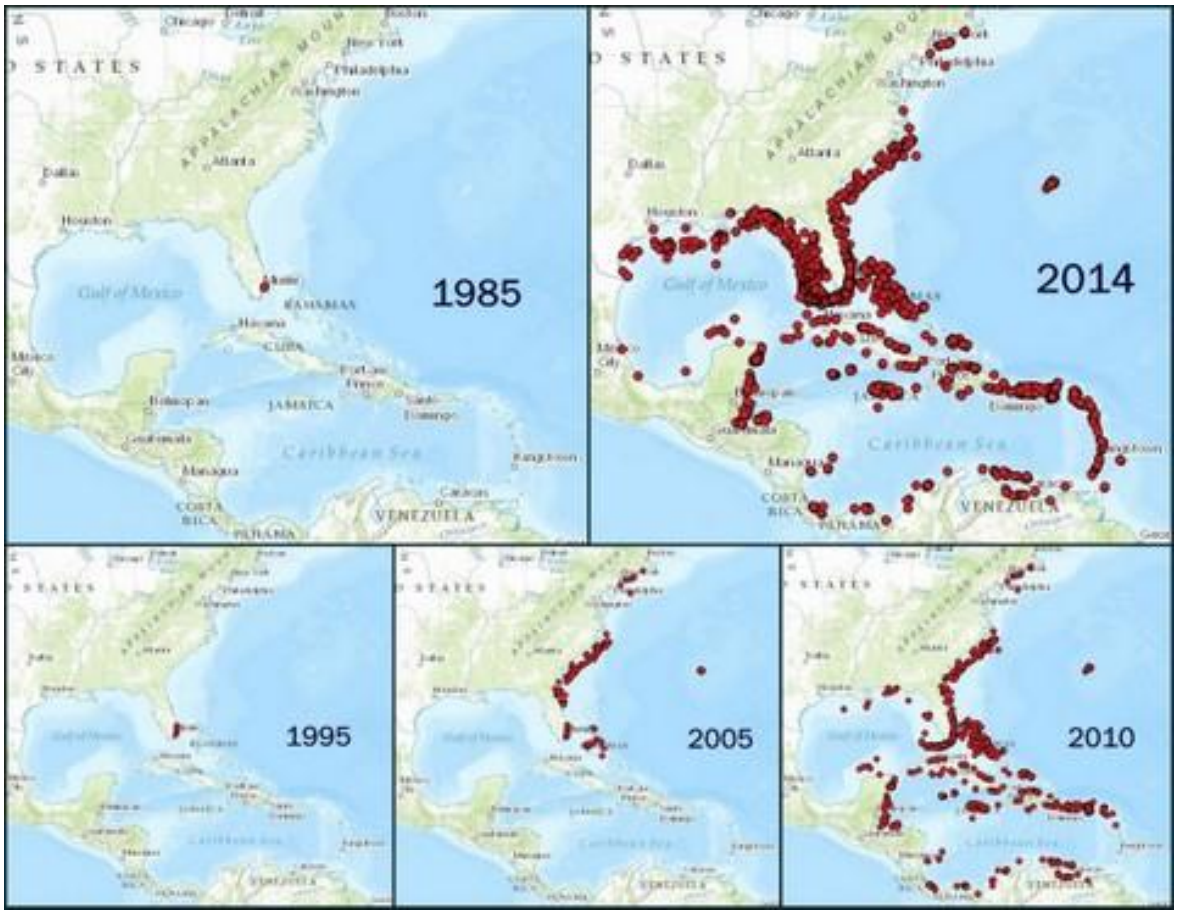
[1] Florida Fish and Wildlife Conservation Commission, *Lionfish – Pterois volitans*, http://myfwc.com/wildlifehabitats/nonnatives/marine-species/lionfish/ (last visited Mar. 21, 2014).
[2] *Id.*
[3] *Id.*
[4] *Id.*
[5] *Id.*
[6] *Id.*

The United States Geological Society produced a time lapse series of yearly sightings, beginning with the first report of lionfish in U.S. coastal waters.[7] The following series of images illustrates the spread of lionfish in the Atlantic Ocean and the Gulf of Mexico from 1985-2014.



There are relatively few restrictions for taking lionfish in state waters. A recreational fishing license is not required to fish for lionfish when using a pole spear, a Hawaiian Sling, a handheld net, or any spearing device specifically designed and marketed for lionfish. For all other methods of harvesting lionfish, a recreational fishing license is required. There are no recreational or commercial bag limits for lionfish.[8]

The FWC encourages divers and recreational and commercial fishermen to remove lionfish to limit negative impacts to native marine life and ecosystems.[9] The poisonous spines of the lionfish need to be avoided when capturing the fish, but the flesh is non-poisonous[10] and served in several restaurants, primarily in South Florida. Anecdotally, customer response has been positive, but the fish can be difficult to prepare.

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[7] United States Geological Society, *NAS – Nonindigenous Aquatic Species* (July 12, 2013), http://nas.er.usgs.gov/queries/SpeciesAnimatedMap.aspx?speciesID=963 (last visited Mar. 21, 2014).
[8] FWC, *Lionfish Recreational Regulations*, http://myfwc.com/fishing/saltwater/recreational/lionfish/ (last visited Mar. 15, 2014).
[9] *Id.*
[10] *Supra* note 1.

III. Effect of Proposed Changes:

The bill creates s. 379.2414, F.S., to prohibit:

- The importation of live lionfish, hybrids, or their eggs;
- The aquaculture of lionfish; and
- The sale of illegally imported live lionfish.

It provides that a violation of any of the prohibitions is a Level Two violation under s. 379.401, F.S. The bill amends s. 379.401, F.S., adding the prohibitions of the bill to the enumerated list of Level Two violations.

Under current law s. 379.401, F.S., Level Two violation penalties are as follows:[11]

- A conviction for a Level Two violation that is not a conviction for a second Level Two or higher violation within 3 years is a second degree misdemeanor, punishable by up to 60 days imprisonment and a fine of up to $500.
- A conviction for a Level Two violation within 3 years of a previous conviction for a Level Two or higher violation is a first degree misdemeanor, punishable by up to 1 year imprisonment and a mandatory minimum fine of $250 and not more than $1,000.
- A conviction for a Level Two violation within 5 years of two previous convictions for Level Two or higher violations is a first degree misdemeanor, punishable by a up to 1 year imprisonment, a mandatory minimum fine of $500 and no more than $1,000, and suspension of any recreational license or permit for 1 year.
- A conviction for a Level Two violation within 10 years of three previous convictions for Level Two or higher violations is a first degree misdemeanor, punishable by up to 1 year imprisonment and a mandatory minimum fine of $750 and no more than $1,000, and suspension of any recreational license or permit for 3 years.[12]

The bill provides rulemaking authority for the FWC to adopt rules to administer the provisions of the bill and provides the DACS rulemaking authority to adopt rules relating to the aquaculture of lionfish.

The act has an effective date of August 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

[11] The statute categorizes violations on a scale of one to four, four being the most severe.
[12] Section 379.401(2)(b), F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals who import, raise, or sell lionfish will be subject to criminal violations. This bill may also have a positive impact on individuals who catch lionfish in state waters for sale in the aquarium trade.[13]

C. Government Sector Impact:

Indeterminate. There could be a minimal increase in fines for violations of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 379.2414 of the Florida Statutes.

This bill amends section 379.401 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

[13] *See also* Fish and Wildlife Conservation Commission, *Senate Bill 1336 Agency Analysis* (Mar. 10, 2014).

By Senator Evers

2-01432A-14 20141336__

A bill to be entitled

An act relating to lionfish; creating s. 379.2414, F.S.; providing a definition; prohibiting the importation and aquaculture of lionfish and the sale of illegally imported lionfish; providing penalties; authorizing the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services to adopt rules; amending s. 379.401, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 379.2414, Florida Statutes, is created to read:

379.2414 Lionfish.—

(1) As used in this section, the term "lionfish" means a finfish of the genus *Pterois*.

(2) The importation of live lionfish or hybrids or eggs thereof or the aquaculture of lionfish or the sale of illegally imported live lionfish is prohibited.

(3) A person who violates this section commits a Level Two violation under s. 379.401.

(4) The commission may adopt rules to administer this section. The Department of Agriculture and Consumer Services may adopt rules relating to the aquaculture of lionfish pursuant to subsection (2).

Section 2. Paragraph (a) of subsection (2) of section 379.401, Florida Statutes, is amended to read:

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2-01432A-14 20141336__

379.401 Penalties and violations; civil penalties for noncriminal infractions; criminal penalties; suspension and forfeiture of licenses and permits.—

(2)(a) LEVEL TWO VIOLATIONS.—A person commits a Level Two violation if he or she violates any of the following provisions:

1. Rules or orders of the commission relating to seasons or time periods for the taking of wildlife, freshwater fish, or saltwater fish.

2. Rules or orders of the commission establishing bag, possession, or size limits or restricting methods of taking wildlife, freshwater fish, or saltwater fish.

3. Rules or orders of the commission prohibiting access or otherwise relating to access to wildlife management areas or other areas managed by the commission.

4. Rules or orders of the commission relating to the feeding of wildlife, freshwater fish, or saltwater fish.

5. Rules or orders of the commission relating to landing requirements for freshwater fish or saltwater fish.

6. Rules or orders of the commission relating to restricted hunting areas, critical wildlife areas, or bird sanctuaries.

7. Rules or orders of the commission relating to tagging requirements for wildlife and fur-bearing animals.

8. Rules or orders of the commission relating to the use of dogs for the taking of wildlife.

9. Rules or orders of the commission which are not otherwise classified.

10. Rules or orders of the commission prohibiting the unlawful use of finfish traps.

11. All prohibitions in this chapter which are not

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59 otherwise classified.
60 12. Section 379.33, prohibiting the violation of or
61 noncompliance with commission rules.
62 13. Section 379.407(6), prohibiting the sale, purchase,
63 harvest, or attempted harvest of any saltwater product with
64 intent to sell.
65 14. Section 379.2421, prohibiting the obstruction of
66 waterways with net gear.
67 15. Section 379.413, prohibiting the unlawful taking of
68 bonefish.
69 16. Section 379.365(2)(a) and (b), prohibiting the
70 possession or use of stone crab traps without trap tags and
71 theft of trap contents or gear.
72 17. Section 379.366(4)(b), prohibiting the theft of blue
73 crab trap contents or trap gear.
74 18. Section 379.3671(2)(c), prohibiting the possession or
75 use of spiny lobster traps without trap tags or certificates and
76 theft of trap contents or trap gear.
77 19. Section 379.357, prohibiting the possession of tarpon
78 without purchasing a tarpon tag.
79 20. Rules or orders of the commission prohibiting the
80 feeding or enticement of alligators or crocodiles.
81 21. Section 379.105, prohibiting the intentional harassment
82 of hunters, fishers, or trappers.
83 22. Section 379.2414, prohibiting the importation and
84 aquaculture of lionfish and the sale of illegally imported
85 lionfish.
86 Section 3. This act shall take effect August 1, 2014.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Criminal Justice, *Chair*
Appropriations Subcommittee on Finance and Tax
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Communications, Energy, and Public Utilities
Military and Veterans Affairs, Space, and Domestic Security
Transportation

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

SENATOR GREG EVERS
2nd District

March 21, 2014

Honorable Senator Nancy Detert
Senate Committee on Commerce and Tourism
416 SOB
Tallahassee, FL 32399

RE: SB 1336

Dear Chairman Detert:

Please allow this letter to serve as my respectful request to include SB 1336 regarding Lionfish on the agenda for your next Commerce and Tourism Committee meeting.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

Greg Evers
State Senator, District 2

REPLY TO:
❒ 209 East Zaragoza Street, Pensacola, Florida 32502-6048 (850) 595-0213 FAX: (888) 263-0013
❒ 308 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002

Senate's Website: *www.flsenate.gov*

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31/14
Meeting Date

Topic: Lionfish

Bill Number: 1336 (if applicable)

Name: Bob Harris

Amendment Barcode: _____ (if applicable)

Job Title: _____

Address: 2618 Centennial Place
Street

Tallahassee FL 32308
City State Zip

Phone: 222-0720

E-mail: bharris@lawfla.com

Speaking: [✓] For [ ] Against [ ] Information

Representing: Diving Equipment & Marketing Assoc.

Appearing at request of Chair: [ ] Yes [✓] No

Lobbyist registered with Legislature: [✓] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 214

INTRODUCER: Commerce and Tourism Committee and Senator Thompson

SUBJECT: Black Cultural Tourism Enhancement Commission

DATE: April 1, 2014 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Askey	Hrdlicka	CM	**Fav/CS**
2.			GO	
3.			ATD	
4.			AP	
5.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 214 creates the Black Cultural Tourism Enhancement Commission to provide assistance and resources to promote black cultural sites in Florida. The Department of State is required to provide administrative and staff support, and the commission is authorized to establish or designate a direct support organization to support the functions of the commission.

II. Present Situation:

Florida has a variety of organizations and programs dedicated to culture, the arts, and tourism in Florida.

State Cultural Programs

Under Florida law, the Secretary of the Department of State (DOS) serves as the state's chief cultural officer.[1] The Division of Cultural Affairs (division) within the DOS is overseen by a director who serves at the secretary's pleasure. The division has several responsibilities, including:

- Sponsoring performances and exhibits;

[1] Section 265.284, F.S.

- Promoting and encouraging the study and appreciation of arts and culture;
- Producing information materials related to arts and cultural programs available throughout the state; and
- Conducting and supporting cultural programs and cultural exchanges by coordinating with appropriate state agencies and other organizations.

In addition, the division is responsible for administering and awarding several grant programs relating to arts and culture. The grant programs administered by the division include:

- Cultural Endowment Program[2]- A matching grant program for local cultural endowments to supply day-to-day operating expenses. Applicants and their foundations must be approved by the division. Applicants may request $240,000 of State Matching Share funding, which must be approved through the legislative appropriations process.
- Cultural Facilities Program[3]- A grant program to assist counties, municipalities, and nonprofits in the acquisition, renovation, or construction of cultural facilities. Applications are ranked by the Florida Council on Arts and Culture within DOS and approved by the Secretary of State. High-ranking applications are presented as part of DOS's legislative budget request.[4]
- General Program Support Grants[5]- A grant program to assist in the funding of general program support for organizations and local governments that have cultural program activities. Applications for this grant program are ranked and approved by the Secretary of State, with high ranking applications submitted as part of DOS's legislative budget request.[6]
- Specific Cultural Project Grants[7]- A grant program to assist organizations and local governments in the funding of specific cultural projects. Applications for this grant program are ranked and approved by the Secretary of State, with high ranking applications submitted as part of DOS's legislative budget request.[8]
- State Touring Presenters Grants[9]- A grant program to assist artists and organizations in traveling the state to perform and participate in cultural activities.
- Individual Artist Grant Program[10]- A grant program supporting exceptionally talented Florida artists.

Florida Council on Arts and Culture[11]

The Florida Council on Arts and Culture (council) is a 15-member advisory body created within DOS to advise the Secretary of State on issues relating to cultural grant funding and other issues

[2] Section 265.606, F.S.
[3] Section 265.701, F.S.
[4] Division of Cultural Affairs, "2013-2014 Cultural Facilities: Ranked Application List," available at: http://www.florida-arts.org/documents/grantreports/lists/2014.facilities-ranked-list.cfm, (last visited on March 25, 2013).
[5] Section 265.286(5)(a), F.S.
[6] Division of Cultural Affairs, "Ranked Application List for 2013-2014 General Program Support," available at: http://www.florida-arts.org/documents/grantreports/lists/2014.gps-ranked-list.cfm, (last visited on March 25, 2014).
[7] Section 265.286(5)(b), F.S.
[8] Division of Cultural Affairs, "Ranked Application List for 2013-2014 Specific Cultural Project," available at: http://www.florida-arts.org/documents/grantreports/lists/2014.scp-ranked-list.cfm, (last visited on March 25, 2014).
[9] Section 265.286(5)(c), F.S.
[10] Section 265.286(5)(d), F.S.
[11] Section 265.285, F.S.

regarding culture in Florida. The council advocates for arts and culture by encouraging the study and preservation of arts and cultural activities and by encouraging participation in such activities.

The council is also responsible for handling all nominations for the Florida Artists Hall of Fame, which is located on the Plaza Level in the Capitol rotunda.[12]

In 2005, DOS and the council developed a strategic plan for continuing the development of arts and culture in the state, known as "Culture Builds Florida."[13] The plan focused on linking arts and cultural heritage into four major areas: strengthening the economy, promoting learning and wellness, building leadership, and advancing design and development.

Citizens for Florida Arts, Inc.

Citizens for Florida Arts, Inc., (CFA) is a citizen support organization established by the division for the purpose of providing assistance, funding, and promotional support.[14] CFA is intended to enhance current state programs relating to the arts and to create new arts opportunities, and is not intended to replace current state arts funding.

Tourism Promotion

Florida's tourism promotion and marketing services, functions, and programs are carried out by the Florida Tourism Marketing Corporation (VISIT Florida) in conjunction with Enterprise Florida, Inc.'s, Division of Tourism Marketing.[15] VISIT Florida is a public-private partnership, operating as a direct-support organization under contract with Enterprise Florida, Inc. VISIT Florida is overseen by a 31-member board of directors, appointed by Enterprise Florida, Inc., and the Department of Economic Opportunity, who are tourism-industry professionals from regions across the state.

VISIT Florida markets the state to domestic and foreign consumers, facilitates Florida tourism industry participation at domestic and international travel and consumer shows, and works with travel agents, tour operators, and meeting and event planners.[16] VISIT Florida also compiles official travel statistics, tracks tourism market trends, and conducts other research on the tourism market to improve effective advertising and marketing of the state's tourism resources. VISIT Florida also operates the state's five Official Florida Welcome Centers.[17]

VISIT Florida and Enterprise Florida, Inc.'s, Division of Tourism Marketing are jointly responsible for developing a 4-year marketing plan for the purposes of marketing the state's tourism assets. The marketing plan must detail strategies for:

- Continuing overall tourism growth;
- Expanding new or under-represented tourist markets;

[12] Section 265.2865, F.S.
[13] DOS, *Florida Council on Arts and Culture* (2005), available at: http://www.florida-arts.org/documents/CBFFvisioningbook.pdf, (last visited on March 25, 2014).
[14] Section 265.703, F.S.
[15] Sections 288.923 and 288.1226, F.S.
[16] VISIT Florida, *About VISIT Florida website*, available at: http://www.visitflorida.org/about-us/, (last visited on March 27, 2014).
[17] Section 288.12265, F.S.

- Maintaining traditional and loyal tourist markets;
- Coordinating efforts with county destination marketing organizations, other local government marketing groups, privately owned attractions and designations, and other private sector partners to create a four-season advertising campaign;
- Developing techniques or promotions to build repeat visitation by targeted segments of the tourist population;
- Considering innovative sources of state funding for tourism marketing;
- Promoting nature-based tourism and heritage tourism; and
- Developing a component to address emergency response to natural and manmade disasters from a marketing standpoint.

In order to implement the marketing plan, VISIT Florida and the Division of Tourism Marketing are directed to construct the plan in an "annual and ongoing nature," and the concepts outlined should be carried forward in an on-going and updated manner. The plan must include specific recommendations and performance metrics for VISIT Florida to base its actual performance against.

In addition to state-level tourism marketing and promotion activities carried out by VISIT Florida and the Division of Tourism Marketing, counties may establish tourism promotion agencies for the purpose of attracting guests to the county. Local tourism promotion agencies may use tourist development tax revenues to fund marketing and promotion activities.[18]

III. Effect of Proposed Changes:

CS/SB 214 creates the Black Cultural Tourism Enhancement Commission. The commission will be housed within the DOS, but is authorized to independently exercise its powers and duties. The DOS is required to provide administrative and staff support to the commission.

The commission is authorized to:

- Provide financial and technical assistance to facilities and events that have the potential to expand tourism, create jobs, and stimulate economic development in the state through the marketing of the state's black cultural sites;
- Provide training and technical assistance for staff members of Florida's black cultural sites in order to develop tour guides and tour operators for the sites;
- Provide resources and technical assistance for educators of the state related to the teaching of black history, promote Florida's black cultural sites as historical venues, and support tourism in the state through student tours of the sites;
- Serve as a resource for VISIT Florida in order to expand cultural tourism in the state; and
- Establish the Florida State Museum and Institute on Black American History and Culture.

The commission consists of 13 members who serve 4-year terms. Some of the initial appointments will serve a 2-year term in order to create staggered terms. Members may be reappointed to a subsequent term. The appointments will be as follows:

- The Governor will appoint three members (two initial appointments for 2 years):
  - One of whom represents an institution of higher learning;

[18] Section 125.0104, F.S.

  - One of whom represents the Florida African-American Heritage Preservation Network; and
  - One of whom represents business and civic interests in the African-American community.
- The President of the Senate will appoint two members (one initial appointment for 2 years):
  - One of whom is involved in instructional design in a school district or in an institution of higher learning; and
  - One of whom is an employee of a museum of African-American history in Florida.
- The Speaker of the House of Representatives will appoint two members (one initial appointment for 2 years):
  - One of whom has a substantial history of community service in the performing or visual arts in the African-American community; and
  - One of whom is an employee of a museum of African-American history in Florida
- The Secretary of State will appoint two members who are (one initial appointment for 2 years):
  - Directors of museums of African-American history; or
  - Directors of black archives and research centers in this state.
- The Commissioner of Education will appoint two members (one initial appointment for 2 years) who are members of the Commissioner of Education's African American History Task Force; and
- The Florida Conference of Black Legislators will appoint two members:
  - One of whom is a representative of a philanthropic foundation; and
  - One of whom is a member of the clergy.

The bill authorizes the commission to organize and incorporate a not-for-profit direct-support organization (DSO) that may request and receive grants, bequests, and other resources, administer programs, and make expenditures to benefit the commission and its purposes. The DSO must operate pursuant to a contract with the commission. The commissioners serve as board members of the DSO. However, any administrative costs of the DSO must be paid through private funds. The commission must annually certify that the DSO is complying with the contract and must approve an annual budget. The DSO must also incur an annual financial audit. The DSO is subject to public meeting and record requirements.

The bill provides an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

Indeterminate. The level of administrative and staff support required by the DOS is uncertain and dependent upon the frequency of commission meetings, travel by staff and commission members, the types of financial assistance to black cultural sites, and the types of training materials and technical assistance provided, and frequency of assistance for these sites.[19]

The bill provides that members of the commission are not compensated but are entitled to reimbursement for per diem and travel expenses

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not provide for any required reporting to the Legislature or the public on the activities and expenses of the commission. The DOS, in its analysis of the bill, stated that the bill "provides no rulemaking authority to govern the actions of the commission or to provide transparency and accountability of any funds that may be disseminated to historical sites and organizations" or expended by the commission in realizing their mission.[20]

The members of the commission, as public officers, would be subject to the ethics provisions of ch. 112, F.S. The bill does not contain any express provisions prohibiting any conflict of interest besides those in ch. 112.313(7), F.S., relating to contractual relationships that would benefit a commissioner's private interests.

VIII. Statutes Affected:

The bill creates general law not contained in a designated section of the Florida Statutes.

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[19] Department of State, *Agency Bill Analysis: SB 214* (October 14, 2013).
[20] Department of State, *Agency Bill Analysis: SB 214* (October 14, 2013).

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce and Tourism on March 31, 2014:
The CS authorizes the commission to establish the Florida State Museum and Institute on Black American History and Culture. Additionally, the CS creates a regulatory framework for the DSO.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

731218

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2014	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Thompson) recommended the following:

1 **Senate Amendment**
2
3 Between lines 40 and 41
4 insert:
5 (e) Establish the Florida State Museum and Institute on
6 Black American History and Culture with the mission of providing
7 learning opportunities, exhibitions, programs, and events based
8 on collections and research exploring the diverse history and
9 culture of black Americans and their African origins.

611638

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2014	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Thompson) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Delete lines 79 - 82
4 and insert:
5 (5) As used in this section, the term "direct-support
6 organization" means a Florida not-for-profit corporation
7 incorporated under chapter 617, Florida Statutes, and organized
8 and operated to conduct programs and activities; initiate
9 developmental projects; raise funds; request and receive grants,
10 gifts, and bequests of moneys; acquire, receive, hold, invest,

611638

11 and administer, in its own name, securities, funds, objects of
12 value, or other property, real or personal; and make
13 expenditures to or for the direct or indirect benefit of the
14 commission.
15 (6)(a) The commission is authorized to organize and
16 incorporate a direct-support organization pursuant to the
17 requirements of this section and chapter 617, Florida Statutes.
18 (b) The board of the direct-support organization shall
19 consist of the members of the commission.
20 (c) The direct-support organization is subject to the
21 provisions of ss. 119.07 and 286.011, Florida Statutes, and
22 s.24, Article I of the State Constitution.
23 (d) Any administrative costs of running and promoting the
24 purposes of the corporation must be paid by private funds.
25 (7) The direct-support organization shall operate under
26 written contract with the commission. The contract must provide
27 for:
28 (a) Approval by the commission of the articles of
29 incorporation and bylaws of the direct-support organization.
30 (b) Submission of an annual budget for the approval of the
31 commission. The budget must comply with rules adopted by the
32 commission.
33 (c) Certification by the commission that the direct-support
34 organization is complying with the terms of the contract and in
35 a manner consistent with the goals and purposes of the
36 commission and in the best interest of the state. Such
37 certification must be made annually and reported in the official
38 minutes of a meeting of the commission.
39 (d) Reversion to the commission, or to the state if the

611638

40 commission ceases to exist, of moneys and property held in trust
41 by the direct-support organization if the direct-support
42 organization is no longer approved to operate for the commission
43 or the commission ceases to exist.
44 (e) A fiscal year for the direct-support organization
45 beginning on July 1 of each year and ending on June 30 of the
46 following year.
47 (f) The disclosure of material provisions of the contract
48 and the distinction between the board of directors and the
49 direct-support organization to donors of gifts, contributions,
50 or bequests, as well as on all promotional and fundraising
51 publications.
52 (8) The purposes and goals of the direct-support
53 organization must be consistent with priority issues and
54 objectives of the commission and must be in the best interests
55 of the state.
56 (9) Funds designated for the direct-support organization
57 must be used for the enhancement of programs and projects of the
58 commission. All moneys received by the organization must be
59 deposited into an account of the organization and must be used
60 by the organization in a manner consistent with the purposes and
61 goals of the commission.
62 (10) The direct-support organization shall comply with the
63 audit requirements of s. 215.981.
64
65 ========== T I T L E A M E N D M E N T ==========
66 And the title is amended as follows:
67 Delete lines 11 - 13
68 and insert:

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69 expenses for commission members; defining the term
70 “direct-support organization”; authorizing the
71 commission to create a direct-support organization;
72 providing purposes and objectives; providing for
73 members of the board of the direct-support
74 organization; providing that the direct-support
75 organization is subject to public records and meetings
76 requirements; requiring expenses of the direct-support
77 organization to be paid by private funds; requiring
78 the direct-support organization to operate under a
79 written contract with the commission; specifying
80 contract requirements; providing guidelines for the
81 use of the funds; requiring the direct-support
82 organization to comply with audit requirements;
83 providing an

By Senator Thompson

12-00076-14 2014214__

A bill to be entitled

An act relating to the Black Cultural Tourism Enhancement Commission; creating the commission within the Department of State; directing the commission to independently exercise its powers and duties; requiring the department to provide administrative and staff support services to the commission; providing the powers and duties of the commission; providing for the appointment and terms of commission members; providing for the reimbursement of per diem and travel expenses for commission members; authorizing the commission to establish or designate a direct-support organization for specified purposes; providing an effective date.

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

Section 1. Black Cultural Tourism Enhancement Commission.—

(1) There is created the Black Cultural Tourism Enhancement Commission. The commission shall be administratively housed within the Department of State but shall independently exercise the powers and duties specified in this section. The department shall provide administrative and staff support services to the commission.

(2) The commission shall:

(a) Provide financial and technical assistance to facilities and events that have the potential to expand tourism, create jobs, and stimulate economic development in the state through the marketing of the state's black cultural sites.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

12-00076-14 2014214__

(b) Provide training and technical assistance for staff members of the state's black cultural sites in order to develop tour guides and tour operators for the sites.

(c) Provide resources and technical assistance for educators of the state related to the teaching of black history, promote the state's black cultural sites as historical venues, and support tourism in the state through student tours of the sites.

(d) Serve as a resource for the Florida Tourism Industry Marketing Corporation in order to expand cultural tourism in the state.

(3)(a) The commission is composed of 13 members who are appointed in the following manner:

1. The Governor shall appoint three members, one of whom represents an institution of higher learning, one of whom represents the Florida African-American Heritage Preservation Network, and one of whom represents business and civic interests in the African-American community.

2. The President of the Senate shall appoint two members, one of whom is involved in instructional design in a school district or in an institution of higher learning and one of whom is an employee of a museum of African-American history in this state.

3. The Speaker of the House of Representatives shall appoint two members, one of whom has a substantial history of community service in the performing or visual arts in the African-American community and one of whom is an employee of a museum of African-American history in this state.

4. The Secretary of State shall appoint two members who are

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

59 directors of museums of African-American history or black
60 archives and research centers in this state.
61 5. The Commissioner of Education shall appoint two members
62 who are members of the Commissioner of Education's African
63 American History Task Force.
64 6. The Florida Conference of Black State Legislators shall
65 appoint two members, one of whom is a representative of a
66 philanthropic foundation and one of whom is a member of the
67 clergy.
68 (b) A member of the commission shall be appointed for a
69 term of 4 years, except that at the time of the initial
70 appointment, two members appointed by the Governor, one member
71 appointed by the President of the Senate, one member appointed
72 by the Speaker of the House of Representatives, one member
73 appointed by the Secretary of State, and one member appointed by
74 the Commissioner of Education shall be appointed for a term of 2
75 years. A member may be reappointed to a subsequent term.
76 (4) Members of the commission shall serve without
77 compensation but are entitled to reimbursement for per diem and
78 travel expenses as provided in s. 112.061, Florida Statutes.
79 (5) The commission may establish or designate a direct-
80 support organization that may receive grants, bequests, and
81 other resources to support the state's black cultural sites and
82 the functions of the commission.
83 Section 2. This act shall take effect July 1, 2014.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR GERALDINE F. THOMPSON
12th District

COMMITTEES:
Appropriations Subcommittee on General Government, *Vice Chair*
Community Affairs, *Vice Chair*
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Children, Families, and Elder Affairs
Commerce and Tourism
Transportation

JOINT COMMITTEE:
Joint Administrative Procedures Committee

October 8, 2013

RECEIVED
OCT 08 2013
COMMERCE

The Honorable Nancy Detert
416 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chair Detert:

I respectfully request SB 214—*Black Cultural Tourism Enhancement Commission* be placed on the agenda of the Committee on Commerce and Tourism as soon as possible.

This bill creates the Black Cultural Tourism Enhancement Commission within the Department of State. The Commission would market the State's black cultural sites by providing assistance to facilities and events with the objective of expanding tourism, creating jobs, and stimulating economic development.

The Commission would also provide resources and technical assistance to State educators related to teaching black history, promoting black cultural sites as historical venues, and promoting tours of these sites.

Thank you for your consideration.

Sincerely,

Geraldine F. Thompson

Senator Geraldine Thompson, District 12
GT:dr

cc: Jennifer Hrdlicka

REPLY TO:
❒ 511 W. South Street, Suite 204, Orlando, Florida 32805
❒ 224 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: *www.flsenate.gov*

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR GERALDINE F. THOMPSON
12th District

COMMITTEES:
Appropriations Subcommittee on General Government, *Vice Chair*
Community Affairs, *Vice Chair*
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Children, Families, and Elder Affairs
Commerce and Tourism
Transportation

JOINT COMMITTEE:
Joint Administrative Procedures Committee

Support SB 214/ HB 1411 - Black Cultural Tourism Enhancement Commission

- This bill will allow Florida to be competitive with the States of Tennessee, Georgia, and Alabama. These States have invested in the rehabilitation of sites of historical significance in regard to black history such as the Lorraine Motel in Memphis where Dr. Martin Luther King, Jr. was assassinated. The site is now a national civil rights museum which attracts thousands of domestic and international visitors.
- Passing this bill will allow Florida to compete with the state of Georgia which invested in upgrading Auburn Avenue where Ebenezer Baptist Church, the King's home and other historic properties are located.
- Florida will be able to compete with neighboring Alabama which has a civil rights museum in Birmingham and has restored the bombed home of Dr. Martin Luther King, Jr. In Montgomery.
- Florida will also be competitive with northern black cultural sites such as the DuSable in Chicago and the Wright Museum in Detroit.
- This legislation will allow Florida to accurately reflect the chronology of the civil rights struggle which many consider to have begun in 1955 in Montgomery with the arrest of Rosa Parks rather than the deaths of Harry T. Moore and his wife, Harriette, in 1951 in Mims, Florida.

Goals of This Bill

- Promote Cultural Tourism throughout Florida.
- Bring awareness to Black Florida History
- Create and develop a different tourism category to attract more visitors
- Increase state tourism revenue through the promotion of black cultural tourism, similar to other states.
- Create a tourist niche market similar to Medical Tourism, Space Tourism, and Agricultural Tourism.

REPLY TO:
☐ 511 W. South Street, Suite 204, Orlando, Florida 32805 (407) 245-1511 FAX: (407) 245-1513
☐ 224 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: *www.flsenate.gov*

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

Black Cultural Tourism Talking Points

Florida Historical Sites

FAMU Black Archives Research Center and Museum-Tallahassee, Florida

- The Carnegie Library is located on the historic campus of Florida A&M University (FAMU). Construction on the library started in 1907 and the facility officially opened to the public in 1908. It was the first Carnegie Library built on a black land-grant college campus. The library was also the institution's first brick veneer building.
- In 1976, Carnegie Library became the founding home of the Black Archives Research Center and Museum. In 1978, Carnegie Library was listed on the National Register of Historic Places.

Lincoln Theater - Ft. Pierce, Florida

- The Lincoln Theatre, built in 1948 by local residents Dr. Clem C. Benton and Dr. Harry Center, is one of the few remaining original African- American movie houses. This is a cultural asset that can translate into financial benefits through tourism not unlike the benefits that cities like Memphis derived when restoring Beale Street. The proposed plans for it to be a multi-purpose center designed to accommodate live performances, movie and video events, professional broadcasts, and serve as a community center for special gatherings.

Lincolnville – St. Augustine, Florida

- The Lincolnville Historic District is St. Augustine's most prominent historically black neighborhood and is associated with many significant events in the city's African American history. By the early 20th century, Lincolnville was a major subdivision of St. Augustine with a high level of political participation among its residents.
- In 1964 St. Augustine became a focal point for the Civil Rights Movement.
- The annual Lincolnville Heritage Festival celebrates St. Augustine's rich African-American heritage. Originally started in 1979 by Jazz musician Doug Carn and businessman Christopher Lightburn, the festival helped fund the Lincolnville Restoration Development Inc, with the aim of preserving and restoring the area of Lincolnville.
- The festival continues to support the rich history of Lincolnville, Florida State Park Fort Mosé, and the American Legion Post 194's Kids Safe Zone, an after school program for disadvantaged youth.
- With the purchase of a general admission ticket or a VIP ticket, you will be able to take a narrated tour of the Historical Lincolnville Area provided by David Nolan and/or a tour of Ft. Mose. The Ft Mose tour will have reinactors on site. A trailer train will be provided as transportation for the tours.

Zora Neale Hurston – Eatonville, Florida

- Taking place the last week of January each year in Eatonville, Florida, this multi-day, multi-disciplinary event celebrates the life and work of 20th century writer, folklorist and anthropologist, Zora Neale Hurston; her hometown, Eatonville, the nation's oldest incorporated African American municipality and the cultural contributions people of African ancestry have made to the United States and the world.

- The ZORA! Festival features an impressive roster of arts, humanities and cultural programming, including museum exhibitions, public talks, panel discussions, workshops and concerts. It culminates with a three-day weekend Outdoor Festival of the Arts, featuring children's programming, Words and Voices which celebrates the written and spoken word, Center Stage featuring local, regional and national acts, an International Marketplace; a Health Village and much more.
- The Hurston Festival draws visitors from around the country on its own merit. Surveys show that attendees come to Eatonville specifically for the festival and return year after year because of the quality of the programming and production.
- Conservative estimates show that the annual January festival brings $3 million in tourist spending to Orange County.
- By 2007, this festival attracted an estimated 50,000 locals and tourists each year. The ZORA! Festival received the "Regional Destination Award in the Humanities" from the Cultural Olympiad and was named "One of the Top 100 Events in North America" by the American Bus Association in 2004.

Wells Built Heritage House/ Museum – Orlando. Florida

- The hotel is now the home of the Wells'Built Museum, which opened in February 2001. The 6,000 ft. museum houses memorabilia of Orlando's African-American community and contains displays on the Civil Rights movement in Orlando, along with some African art on loan from local collectors.
- Exhibits include a 1930's period hotel guestroom with authentic furniture, bedding and decorations. Exhibits highlight the South Street Casino, the Chitlin' circuit performance hall that was formerly located next to the hotel, artifacts from Dr. William Monroe Wells, and other elements of Orlando's African American heritage.
- Dr. Well's home has been moved to the site of the Casino and will be restored and opened to the public. The Well's Built Museum of African American Culture and History is located just west of I-4 near Church Street at 511 West South Street, Orlando 32801, tel. (407) 245-7535.

Taylor Museum –Tallahassee, Florida

- The urban league purchased and restored the building to its original 1894 appearance, using the house temporarily as a resource center and shelter for victims of Hurricane Katrina, which devastated the Louisiana area in 2005.
- Frenchtown is one of the most historic neighborhoods in Tallahassee and the Taylor Museum celebrates the rich heritage of the Frenchtown community, Florida and the Tallahassee Civil Rights movement. Settled by freed slaves soon after the civil war, it quickly became a vibrant African-American community. One of its more prominent buildings, the Taylor House, was built in 1894 by Lewis and Lucretia Taylor.
- The Frenchtown Room/Collection of the Taylor House Museum contains history and artifacts that highlight the importance of what was once the heart of the black community in Tallahassee.
- Frenchtown Room contains magazines, historical photographs of black businesses such as Bill's Gas and Service Station, Economy Drugs, Hadley's Grocery, Super X Grocery, Laura Bell Memorial Hospital and Campbell Clinic, Red Bird Cafe, Capital Theatre, Tennessee Street and more.

Mosley House – Eatonville, Florida

- The Moseley House is one of two oldest structures remaining in Eatonville, FL which was typical of the town between 1890 and 1910. The house is directly associated with descendants of two first generation Eatonville citizens, Joseph E. Clark Eatonville's founder and second Mayor and Mrs. Matilda Moseley,niece of Joe Clark, who was married to Jim Moseley, son of Eatonville's fourth Mayor, Sam Moseley. Miz Matlida or "Tillie" as she was affectionately called, was Zora Neale Hurston's childhood best girlfriend.

Rosewood – Gainesville, Florida

- On January 1, 1923 a massacre was carried out in the small, predominately black town of Rosewood in Central Florida. The massacre was instigated by the rumor that a white woman, Fanny Taylor, had been sexually assaulted by a black man in her home in a nearby community.
- No one was charged with any of the Rosewood murders. In 1994, however, as the result of new evidence and renewed interest in the event, the Florida Legislature passed the Rosewood Bill which entitled the nine survivors to $150,000 dollars each in compensation.
- In 2004, the State of Florida declared Rosewood a Florida Heritage Landmark and erected a historical marker that names the victims and fully describes the community's destruction. The billboard is located beside State Highway 24. A sign marker indicates the name of the town for those traveling between Cedar Key and Gainesville. Scattered structures remain within the community, including a church, a business, and a few homes.
- "Remembering Rosewood" is an on-line exhibit and website based on the historians' report prepared for the Florida Board of Regents. Survivors affiliated with the Rosewood Foundation have frequently spoken about their story and racial issues in schools, community and historic conferences.

Zora Neale Hurston Home – Ft. Pierce, Florida

- Her house in Fort Pierce is a national historic landmark.
- From early 1958 through late 1959, Zora Neale Hurston lived in this house, part of a new subdivision developed by Dr. Clem C. Benton, a prominent Fort Pierce physician and community leader. Dr. Benton allowed Zora, a family friend, to live in the house rent free. The house is on the National Register of Historic Places and was designated a National Historic Landmark by the U.S. Department of Interior and National Park Service in 1991. In 1995, it was moved 500 feet due north from its original location at 1734 School Court, to allow for expansion of Lincoln Park Academy where Zora briefly taught in 1958

Examples Outside of Florida

Stax Museum of American Soul-Memphis, Tennessee

- The Stax Museum of American Soul Music, located at the original site of the legendary Stax Records in the heart of Soulsville USA in Memphis, Tennessee

- The 17,000-square-foot facility with more than 2,000 cultural artifacts, music exhibits, video footage, and items of memorabilia is designed to preserve and promote the legacy of American soul music, particularly that of Stax Records.
- With permanent Soul Music exhibits, like Soul Train, to changing exhibits, like Wattstax and Blaxploitation, the mission of the Stax Museum is to keep the memory of Stax soul music legends alive forever. And because we are the only soul music museum in the world, you'll also find programs, special events, concerts, exhibits and memorabilia dedicated to other soul music artists and labels, including that of Muscle Shoals, Motown, Atlantic, and Hi Records.

Slavehaven Underground Railroad Museum-Memphis, Tennessee

- This antebellum home is a journey through history, revealing secrets of its past that had been kept secret for more than 100 years. As you descend the stairs into the dark, damp, cellar and peer through the trap doors and hidden passages where the fugitives were harbored, you get a glimpse of those turbulent times.

National Civil Rights Museum at The Lorraine Motel-Memphis, Tennessee

- Much of our national memory of the civil rights movement is embodied by male figureheads whose visibility in boycotts, legal proceedings, and mass demonstrations dominated newspaper and television coverage in the 1950s and 1960s.
- While less prominent in the media, a group of extraordinary women also shaped much of the spirit and substance of civil rights in America, just as their mothers and grandmothers had done for decades.
- *Freedom's Sisters* is a dynamic, interactive multimedia exhibition that celebrates 20 African American women, including historic 19th-century figures and contemporary leaders, who have fought for equality for people of color. The exhibition is designed to appeal to people of all ages and backgrounds, and is organized around the themes of Dare to Dream, Inspire Lives, Serve the Public and Look to the Future.
- Women featured in the exhibit include Ella J. Baker, Constance Baker Motley, Shirley Chisholm, Mary Church Terrell, Septima Poinsette Clark, Kathleen Cleaver, Myrlie Evers-Williams, Fannie Lou Hamer, Dorothy Height, Charlayne Hunter-Gault, Barbara Jordan, Mary McLeod Bethune, Rosa Parks, Sonia Sanchez, Coretta Scott King, Betty Shabazz, Harriet Tubman, C. Delores Tucker, Frances Ellen Watkins Harper, Ida B. Wells,
- Hosted over 3.5 million visitors since opening in 1991
- Accredited by the American Alliance of Museums, only 5% of museums earn that distinction
- One of only five U.S. accredited international sites of conscience
- One of the top premier heritage and cultural museums in the U.S.
- 2009 Academy Award nominated documentary, "The Witness: From the Balcony of Room 306"
- 2009 documentary "Stand," by Tavis Smiley
- CNN special "Eyewitness to Murder: The King Assassination"
- History Channel feature
- Top 10 attractions, an American treasure by USA Today

- Must see by the age of 15 by Budget Travel and Kids
- Category on the game show Jeopardy
- Educational resources for K-12 schools
- Epicenter for national dialogue with local, national and international partnerships
- Continually requested by national and international media to document museum exhibitions

Dexter Avenue Baptist Church, Montgomery-Alabama

- The Dexter Avenue King Memorial Baptist Church & Parsonage in Montgomery, AL is the church where Dr. Martin Luther, King, Jr. pastored from 1954-1960 and began his quest for civil rights.
- In this National Historic Landmark, visitors can see the modest pulpit where Rev. Martin Luther King, Jr. first preached his message of hope and brotherhood. This church was also a center point of the Montgomery bus boycott. A large mural in the church depicts King's civil rights crusade from Montgomery to Memphis.

The King Center/ Auburn Avenue-Atlanta, Georgia

- Established in 1968 by Coretta Scott King, The King Center is the official, living memorial dedicated to the advancement of the legacy of Dr. Martin Luther King, Jr., leader of America's greatest nonviolent movement for justice, equality and peace.
- More than 650,000 visitors from all over the world are drawn annually to the King Center to pay homage to Dr. King, view unique exhibits illustrating his life and teachings and visit the King Center's Library, Archives, his final resting place, his birth home, gift shop and other facilities.
- Located in Atlanta's Martin Luther King, Jr. National Historic Site, The King Center utilizes diverse communications media, including books, audio and video cassettes, film, television, CDs and web pages, to reach out far beyond its physical boundaries to educate people all over the world about Dr. King's life, work and his philosophy and methods of nonviolent conflict-reconciliation and social change.
- The Sweet Auburn neighborhood was the heart of the black residential and business community in the first part of the twentieth century. Pictured in the foreground is an administrative office of the National Park Service, which maintains the Martin Luther King Jr. National Historic Site in the neighborhood. Sweet Auburn
- Less than two miles eastward from Peachtree Street, Auburn Avenue was the commercial, cultural, and spiritual center of African American life in Atlanta prior to the civil rights movement. "Sweet Auburn" boasted a concentration of black-owned businesses, entertainment venues, and churches that was unrivaled elsewhere in the South. Its bustling retail trade and wealthy business owners earned the street a national reputation for African American finance and entrepreneurial zeal. In 1956 Fortune magazine memorably described Auburn Avenue as "the richest Negro street in the world."

National Center for Civil and Human Rights-Atlanta, Georgia

- The Center will draw a broad audience of visitors seeking to learn about the Civil Rights Movement and its significance for the progress of human rights across the globe.

- The individual galleries will engage visitors through a combination of powerful imagery, compelling artifacts, and poignant story-telling, but a core group of goals will be woven through every exhibit space.
- The Center's exhibits will seek to create a dialogue between generations. Those who lived through the Civil Rights Movement will be reminded of what they experienced, what has changed, and what has not.
- One of the Center's foremost goals will be to relate the experiences and stories of the unsung heroes and forgotten victims.
- The Center will provide ongoing opportunities for visitors to begin developing ties with a broader community.
- The NCCHR is committed to enabling visitors to embrace contemporary issues, encouraging them to take a stand, speak on behalf of others and engage in direct action.

Zora Festival Attendee Count Project 2012

Final Report Submitted to

Association to Preserve Eatonville Community

Dick Pope Institute of Tourism Studies at the

Rosen College of Hospitality Management

University of Central Florida

Dr. Tadayuki Hara

Dr. Kimberly Severt

October 29, 2012

[Structured Abstract]

Purpose: Attendee counts to open outdoor events are often subject to distortion or exaggerations. This study is to measure the attendee numbers as accurate as possible with simple pre-planning and low budget operations which can be reproduced by researchers in similar situations.

Method: Based on reviews of past literatures, we decided to use a cost-effective mixture of cordon line measurement system and physical counting of entries at major sources of attendee inflows to an open festival with usage of low-budget common devices and careful scheduling of personnel over three days.

Findings: The estimated number turned out to be in the range of between **39,194 and 46,080** which verifies the organizer's claim that it is one of the largest cultural and heritage event in Southeastern United States and one of the largest African American event measured by the attendee number.

Research Limitations: Exactly accurate numbers cannot be presented by the structural design of the actual measurement, due to the inflow of attendees who bypass the three major cordon lines, and particularly those who live in the relevant part of the hosting town, while the numbers of local residents are slightly above two thousands. Those leakages are reflected in the above estimated numbers, which therefore are shown as the range.

Practical implications: Compared with other methods, the traditional method of hand-counter and deployment of personnel turned out to be the sustainable resources to conduct the task of counting attendees in an open, non-gated, non-ticketed and free to anybody event. Pre-planning with hosting organization regarding the identification of major traffic passage would be important.

Social implications: Outdoor events, festive, political or cultural ones, tend to exaggerate attendee numbers due to their perception of inability of their favorable claims to be verified more objectively by others. Simple pre-planning, together with cost-effective traditional devices would help present better estimates. Accurate numbers would not only lead to using staff and volunteers more efficiently which would enhance the overall festival experience but would also provide better support of the event from various stakeholders in the long run, as those stakeholders seek more transparencies and scientific data to verify their return on investment of such supports.

[Background]

Association to Preserve Eatonville Community (PEC), located at Kennedy Blvd, Town of Eatonville, Orange County, FL, has been hosting the "Zora Festival" for over 20 years at the Town of Eatonville. Town of Eatonville claims that it is the first African-American incorporated municipality in 1887 in the history of the United States of America.

Zora Festival is held during the last week of January each year for the duration of one week, and the festival culminates at the weekend outdoor festival held in the open field, mostly controlled by the Town of Eatonville. The areas marked for the festival, including the main street, Kennedy Boulevard, are free from motor vehicles during the event. Town of Eatonville has a population of 2,159 in 2010 according to US Census.
The organizer of the Zora! Festival, PEC has been receiving various funding support and donations, including but not limited to, Tourism Development Tax allocations from United Arts of Central Florida.

While some funders have been in need of basic information such as number of attendees to assess economic and social impacts of the Festival, PEC, however, has not conducted any formal counting of attendees due to several factors. The outdoor festival used to control attendees' access by creating fence around the Center Stage area, where the musical performance occurs, but that set-up only counted the number of paid-attendees to a musical concert, resulting in underestimation of the total attendees. PEC appeared to have quoted an arbitrary number of 70,000, which had never been verified in any manner, yet the number of 70,000 became the only number that PEC has ever announced regarding the attendees. In the press release made on January 25, 2012, N.Y. Nathiri was quoted to have said, "Our annual event attracts an intergenerational audience from diverse backgrounds, cultures, and regions throughout the world. Since 1990, more than 750,000 attendees have enjoyed the 23rd Annual Zora Neale Hurston Festival of the Arts and Humanities," Simply divided, the annual average attendees in the last 22 Zora Festivals would be 34,090.

Since 2009, PEC abolished the limited fencing set-up in response to popular criticism from local residents and businesses that the festival became a secluded event, detached from spirit of celebration by the local community. In response to feedback from the local community, abolishment of the fencing made the counting task more challenging, yet, a need for objective and scientific counting of attendees remained as an important task for PEC to provide more credible attendee counts to the funders, donors and other stakeholders.

We, two faculty members at Rosen College of Hospitality Management, University of Central Florida, took the lead to investigate the challenges. Based on our assessment of the challenges, we planned a scientific counting method.

[Identification of Challenges]

We have identified the challenges in counting the accurate number of attendees as follows.

1. We do not have enough ability to secure hundreds of investigators to count all the participants for three days for all the time.
2. Since the festival is open, non-gated, non-ticketed and free to anybody, there is no existing infrastructure to track the volume of attendees.
3. There are multiple paths to come to the main area of the outdoor Festival because of lack of fencing.
4. Some residents of Town of Eatonville can take short-cuts to avoid passing any formal roads to reach the Festival area.
5. Due to limited amount of budget, we have to rely on the most cost-effective method to count the attendees.

[Methods]

Based on the above constraints, we decided to count the sample of the total attendees in a prescribed scientific manner at the three major sources of inflow of attendees to the Festival, and one central point to count all traffic as follows;

(Proposed Locations)

(1) Major points of pedestrian inflow at three locations
   a. Entrance from parking spaces (by High School Gym: count inbound/eastbound only)
   b. Kennedy Blvd & Gabriel Ave (by Life Center Church: count inbound/eastbound only)
   c. Kennedy Blvd & Calhoun Ave (by Macedonia Church: count inbound/westbound only)

(2) One central point of all traffic at the Festival
   a. Kennedy Blvd In front of the Museum (count all traffic)

(Justifications for the locations)

In prior consultation with the organizer and residents, we proposed the three traffic check-points at the location of major traffic inflows to capture (1) all attendees who park in a large official parking space (2) all attendees who came by public transportation (shuttle bus provided by local public bus company, LINKS) and (3) most, if not all, of attendees who walked into the Town of Eatonville from neighboring municipality of Maitland, and small number of those who parked their vehicles illegally on streets and yards of local residents in town. Based on multiple assessment of the experienced organizer who attended at least the last 10 events, the rate of capturing numbers of attendees passing those three points should be in the range of 80 to 95% of the true numbers of attendees.

The Spot at Entrance from Parking Spaces

The first one is "Entrance from parking spaces" where all those who parked their vehicles would have to pass through. This includes passengers who came on the chartered buses. The location of the parking is the athletic field of the former Hungerford High school, which is completely fenced around. This is a spot that we are confident that we can count all the foot-traffic with high accuracy, as there is only one gate to walk out of the parking space towards the Festival. At this spot, we can capture all the attendees who parked in the official parking space.

The Spot at the corner of Kennedy Blvd and Gabriel Avenue

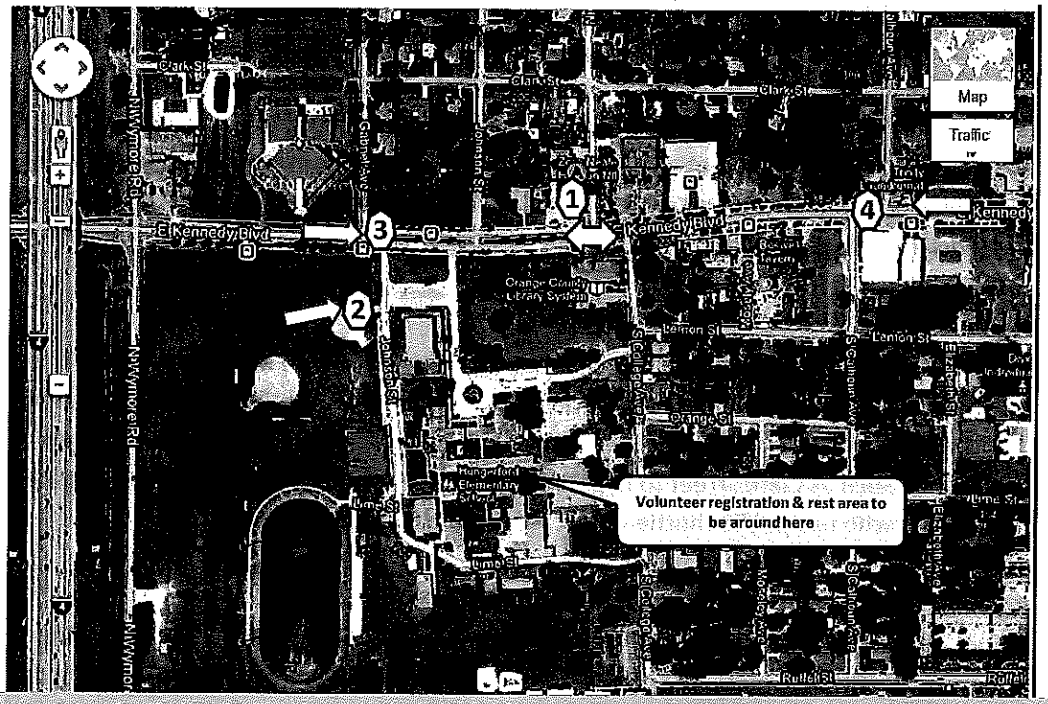
The second spot is "the corner of Kennedy Blvd and Gabriel Avenue", which is the best location to capture most of the foot traffic from the public bus services providing free shuttles and drop passengers at the north of Gabriel Avenue. There can be leakages of attendees who decide to walk through narrower back street, such as Clark Street to bypass some sections of the Festival, but we assume majority of attendees who use public shuttle buses will come through this route.

The Spot at the corner of Kennedy Blvd and Calhoun Avenue

The third spot is "the corner of Kennedy Blvd and Calhoun Avenue", which is the east side of the street portion of the Festival. Because of massive presence of Macedonia Church, one of the larger buildings in Eatonville, traditionally the attendees would not use the back road, such as Lemon Street or Clark Street but pass this junction with Calhoun Avenue. Because it is often perceived as the Eastern End of the street vendors, counting West-bound attendees at this spot will enable us to capture attendees who come from Eastern part of the Eatonville.

In order to observe overall volume of foot traffic during the outdoor Festival, we set up one spot in the area which is perceived to be the center of all street vendors, at the crossing of Kennedy Blvd and College Avenue. This is in between the Town Hall and the Public Library and next to the office of the event organizer, PEC, making the spot as the very center of all the street activities. The data on flow of pedestrians at this cordon line are only collected as a reference and thus count bi-directional movement of both east and west-bound traffic. The data will be used to put the overall attendee count number in perspective with the traffic volume at the center of the outdoor event.

Zora 2012: Attendee Counts – Location = 4 positions 10:00~17:15



(1) Kennedy Blvd in front of the Museum (count all traffic)
(2) Entrance from parking spaces (by High School Gym: count inbound/eastbound only)
(3) Kennedy Blvd & Gabriel Ave (by Life Center Church: count inbound/eastbound only)
(4) Kennedy Blvd & Calhoun Ave (by Macedonia Church: count inbound/westbound only)

(Assumptions)

[Our Observed Events – Friday Afternoon, Saturday and Sunday daytime in Eatonville]

As for the scientific sampling, we decided to count specified traffic for fifteen minutes in each hour, or one quarter of hourly volume at each location. The assumption we made was that number of traffic counted in fifteen minutes (sample) in the selected one hour represent one quarter of the actual traffic flow per hour.

Due to scheduling arrangement of students, the team can only come to start the counting at 10:00-10:15 as the first time slots on Saturday and Sunday. Therefore, we assume that all traffic before 10:00 of each day will be assumed to be equal (=1.0) to the sum of one hour traffic between 10:00 and 11:00. As for the evening counts, we have to be more realistic about the detailed assumptions. We plan to cover up from 10:00 (except Friday, from 13:00) to 18:00 each day, but the amounts of foot-traffic substantially differ each day. While we expect the lightest traffic on Friday, we expect more traffic on Saturday when evening events are scheduled. We expect there is more lingering traffic on Sunday,

when attendees traditionally hunt for bargains from the vendors who have to pack up their unsold items. Therefore, we assume that all traffic after 18:00 of Friday will be assumed to be half (=0.5) to the sum of one hour traffic between 17:00 and 18:00, that all traffic after 18:00 of Saturday will be assumed to be one & half (=1.5) to the sum of one hour traffic between 17:00 and 18:00, and all traffic after 18:00 of Sunday will be assumed to be equal (=1.0) to the sum of one hour traffic between 17:00 and 18:00.

[Non-observed Events: Events outside of Eatonville, Friday morning, Evenings]

Events which occurred outside of Eatonville or outside of Friday-Sunday duration were either ticketed events or events held inside of buildings in which attendees counts were by far easier. The only major component that we have to make assumptions to calculate attendees would be the morning portion of the "Educational Day" to which we could not dispatch our observers.

(2012 Zora Festival Attendee Counts in the Friday Morning of "Education Day")

Due to scheduling, we could not observe the morning portion of the Friday outdoor Festival, called "Education Day". We have a record from parking guards that in total of thirty-one school buses ferried students in the morning of Friday, most from schools in the Orange County, FL area.

School buses used locally have capacity between 65 passengers and 78 passengers for students and chaperones who accompany those students. Since there were no detailed records of exactly which size buses were used, we take the median number of 71.5, rounded up to 72 passenger capacity as the typical full-load capacity of a school bus. Based on multiple interviews to school chaperones and some members of organizers, we use the 80% as the best estimates of utilization of each bus to their full capacity. With those assumptions we calculate the total numbers of attendees to the Friday morning "Education Day" to be 72 x 31 x 0.80 = **1,786**

As for non-students bused attendees to the "Educational Day" in the morning, it is reasonable for us to see smaller numbers of non-students bused attendees except school-age kids and their custodians who reside locally. Thus, we extrapolate the actual numbers of attendees based on our first direct observation, and use that number to be extrapolated back into the morning to estimate non-students bused attendees. (62 x 4 hours = 248)

Therefore, Friday morning attendee counts estimates will be

(1) Students bused	= 1,786
(2) Non bused students & non students	= 248

Total attendee counts on Friday will be displayed later in Table 2.

(2012 Zora Festival Attendee Counts outside of three day Outdoor Festival)

Those events which happened outside of our direct observation besides "Education Day" in Friday morning would not be large, and thus we feel reasonable enough to adopt the numbers collected by the event organizer, PEC as shown in the Table 1.

Table 1: 2012 Zora Festival Attendee Counts Outside of 3 day Outdoor Festival

Date (& Time if tracking by each event performance)	Event/Performance Name (& Venue, if applicable)	Total Attendance
1/21/2012	Eatonville Story - St. Lawrence A.M.E. Church and Rollins College (Various locations in Eatonville and Winter Park)	200
1/23/2012	An Evening in Eatonville-With Zora - Macedonia Missionary Baptist Church	350
1/24/2012	In Conversation with Dr. Irina Morozova - Orange County Library - Eatonville Branch	25
1/25/2012	Engaging Audiences on the University Campus: An Exploration of the ZORA! Festival 2012 Theme - UCF Arboretum-1:00 - 3:00PM	10
1/25/2012	A Panel Discussion - "Landscapes & Places:" - Their Roles in Community, Locally and Globally - UCF Library - 7:30 - 9:00PM	25
1/26/2012	Yards & Gardens Mobile Tour in Historic Eatonville - 8:30AM - 4:30PM	7
1/26/2012	Opening Exhibition Reception & Gallery Talk-Zora Neale Hurston Museum & Eatonville Library - 5:00-9:00PM	100
1/27/2012	Continuation of Yards & Garden Mobile Tour - 8:30AM-4:30PM	6
1/27/2012	Outdoor Festival of the Arts and Humanities 9:00AM-5:00PM - "Education Day"	
1/27/2012	Hip Hop Evening Concert - Mario	42
1/28/2012	Conclusion of Yards & Garden Mobile Tour - 8:30AM-4:30PM	5
1/28/2012	Continuation of Outdoor Festival of the Arts - 9:00AM-9:00PM	
1/28/2012	HATitude Brunch - Crowne Plaza Orlando Downtown - 10:00AM - 1:00PM	100
1/28/2012	In Concert with Keith Sweat	1,500
1/29/2012	Ecumenical Worship Service - The Life Center Church	100
1/29/2012	Conclusion of Outdoor Festival of the Arts - 9:00AM-5:00PM	
Total Count of Attendance/Surveys	Total attendees outside of 3 day outdoor events	2,470

(Actual Counting Methods)

Due to both cost constraints and simplicity of the operation, we decided to use hand-held tally counting machine, which can be purchased from a major office-supply chain shop. Retail price of the tally machine, which makes a clicking sound to move the mechanical display, is less than $10 per machine.

We trained the student team, with doctoral students taking leading roles, and instructed what they should do.

(1) **Usage of the tally machine**
Even though it is simple enough to have only two control button's (one to record the number of clicks, the other to reset the count back to zero), it is absolute important to re-set the number back to zero after the researcher write down the counted number to the designated form.

(2) **Identify objects which form a clear Cordon Line**
Faculty members visited all the observation spots to make sure that they have spotted two permanent fixtures between which an imaginary straight line can be easily drawn. The basic rule is that any human which pass this Cordon line in the specified direction only will be counted.

(3) **Immediate Reporting of the Counted Numbers**
To minimize risk of losing important data, faculty members enforced mandatory hourly meetings with each observers immediately after their task is completed each hour. This way, each observer's data remain in their log book, while the faculty keeps complete duplicate data of all the observers.

[Results]

The results of the observation are shown in Table 2.

Table 2: Zora Festival 2012 Attendee Counting Results

Zora Festival Attendee Count Project

1/27 FRIDAY

FRIDAY	1				13:00-13:15	14:00-14:15	15:00-15:15	16:00-16:15	17:00-17:15	0.5		hourly data
1. Kennedy Blvd in front of the Museum (count all traffic)	241	241	241	241	241	155	203	193	102	51	1909	7,636
2. Entrance from parking spaces (by High School Gym: count inbound/eastbound only)	32	32	32	32	32	16	16	9	7	3.5	211.5	*2,632*
3.Kennedy Blvd & Gabriel Ave (by Life Center Church: count inbound/eastbound only)	4	4	4	4	4	17	43	10	3	1.5	94.5	378
4.Kennedy Blvd & Calhoun Ave (by Macedonia Church: count inbound/westbound only)	26	26	26	26	26	26	44	41	27	13.5	281.5	1,126

Estimates from School Bus Count in the Morning (up to 13:00) **1,786** -- Entrance from Parking Spaces (***2,632*** = 211.5x4 + 1,786) **4,136**

Zora Festival Attendee Count Project

1/28 SATURDAY

SATURDAY	1	10:00-10:15	11:00-11:15	12:00-12:15	13:00-13:15	14:00-14:15	15:00-15:15	16:00-16:15	17:00-17:15	1.5		hourly data
1. Kennedy Blvd in front of the Museum (count all traffic)	125	125	418	904	897	1,319	1,452	1,172	1,047	1,571	9030	36,118
2. Entrance from parking spaces (by High School Gym: count inbound/eastbound only)	34	34	277	212	198	229	291	204	147	221	1847	7,386
3.Kennedy Blvd & Gabriel Ave (by Life Center Church: count inbound/eastbound only)	17	17	17	100	81	97	158	109	121	182	898.5	3,594
4.Kennedy Blvd & Calhoun Ave (by Macedonia Church: count inbound/westbound only)	34	34	119	210	346	396	407	377	380	570	2873	11,492
												22,472

Zora Festival Attendee Count Project

1/29 SUNDAY

SUNDAY	1	10:00-10:15	11:00-11:15	12:00-12:15	13:00-13:15	14:00-14:15	15:00-15:15	16:00-16:15	17:00-17:15	1		hourly data
1. Kennedy Blvd in front of the Museum (count all traffic)	42	42	100	263	359	597	698	823	631	631	4186	16,744
2. Entrance from parking spaces (by High School Gym: count inbound/eastbound only)	7	7	26	66	74	97	42	55	40	40	454	1,816
3.Kennedy Blvd & Gabriel Ave (by Life Center Church: count inbound/eastbound only)	8	8	18	18	69	85	73	72	14	14	379	1,516
4.Kennedy Blvd & Calhoun Ave (by Macedonia Church: count inbound/westbound only)	32	32	30	68	134	202	232	203	152	152	1237	4,948
												8,280

Total sum of the Inflow at three observation spots *2~4 sum* **34,888**

Total sum of the traffic at the cental Spot of Street Festival *1 sum* **60,498**

[Conclusion]

Based on the systematic method used, the outdoor Festival is estimated to have at least 34,888 attendees as shown in Table 2, we can add the numbers of attendees outside of the three day outdoor festival from Table 1.

34,888 + 2,470 = **37,358... Total Numbers of Attendees for 2012 Zora Festival** counted by us at three observation points.

Please note that the number is most likely underestimating the true numbers of total attendees to the festival because of the leakages of attendee inflows which did not pass through any of the three cordon lines. Since the capture ratio (= 1 – leakage ratio) has been assessed prior to the observation to be in the range of 80~95%, we created Table 3 to show the logical flows to estimate the total numbers of attendees to all the one-week-long events of the festival in 2012.

Table 3: Estimation of Total Number of Attendees in One-week long Zora! Festival 2012

Scenario #	Assumed % of counts that three cordon line observations captured to the total Number	Total Numbers of Attendees to 3-day Outdoor Festival based on our Observation and with our methods	Other Events in the One-week Festival	Estimated Total Numbers of Attendees in One-week Zora! Festival
1	**80%**	43,610	2,470	**46,080**
2	**85%**	41,045	2,470	43,515
3	**90%**	38,764	2,470	41,234
4	**95%**	36,724	2,470	**39,194**
5	**100%**	34,888	2,470	***37,358***

Source: made by the authors

While we fully back up the minimum numbers of 37,358, the most likely true numbers of total attendees to the festival would be in the range of 39,194 and 46,080.

[Interpretations and Implications]

We could not count the Friday mornings because of our students' scheduling. According to the organizer, PEC, Friday morning is the time for the school children who visit the Festival for educational purposes predominantly. Thus we have to make series of assumptions based on actual numbers of buses.

Saturday was clearly the day with the highest traffic at all the observation spots. At 11:00 there were surges of incoming traffic from parking spaces and the inflow of traffic steadily continued into late afternoon and even evening times. Unfortunately, we did not schedule our students to work after 18:00 but the volume of inflows did not die down into the evenings, due perhaps to scheduled musical events and vendors' willingness to operate into evening hours to cater to foot traffic. We witnessed high volume of inflow were sustained even a couple of hours after our students left the Festival.

On Sunday, steady inflow of attendees did not occur until lunchtime, and it had never generated as much volume of foot-traffic as on Saturday.

Based on those observations and structured extrapolations, we believe that there were total of at least 34,888 attendees for the three days of outdoor festival portion of Zora Festival in 2012. In three days, about 2/3 (64.4%) of the all traffic appeared to have been generated on Saturday, followed by Sunday (23.7%) and Friday (11.8%).

With financial constraints for the research project, we regressed back to a traditional method of hand-counters and deployment of tens of trained student volunteers supervised by doctoral students and faculty members to measure the number of attendees in an open non-ticketed outdoor event over multiple days. The key for effective measurement was the pre-event planning and identification of multiple cordon lines to capture majority of attendees to the festival, indicating that knowledge on prior years' event and participant's paths are critical.

[Limitations and Future Research]

There are several important limitations for our analysis.

(1) Extrapolation of the 15 minutes observation for each 60 minutes

This issue comes from structure of the observation, but it is impractical to ask non-paid students to work all hours without any breaks. Thus researchers have to design a structured compromise to balance the needs for accuracy of data and demand for personal deployment.

(2) Set of assumptions over attendees in Friday morning

(3) Failure to count local residents who come from back-roads and through their own yards → leads to underestimation of attendee counts

(4) Failure to exclude double-counting of attendees who come from outside and comes back to the Festival later → leads to overestimation of unique attendee counts

(5) Failure to count attendees who come through smaller streets, which we assume are predominantly the local residents but includes those who park outside of official parking space → leads to underestimation of attendee counts

(6) Consideration of impact of exact numbers of strollers who walks around multiple times, thus passing the Cordon line multiple-times at the Central observation spot → will not affect the attendee counts but affect the total traffic.

There are possible future research topics which we did not explore this time.

(1) Relationship between numbers of total inflow and numbers of passages at the central observation spot.

   a. 7,636/4,136 = 1.85 (Friday)

   b. 22,472/36,118 = 1.60 (Saturday)

   c. 16,744/8,280 = 2.02 (Sunday)

(2) Difference at peak-times over days

There appeared to be difference of peak hours over three days. The peak of the Friday appeared to be in the morning during "Education Day", while the peak on Saturday was recorded between 15:00 and 16:00. The peak time on Sunday was recorded between 16:00 and 17:00.

(3) Measurement of out-flows at the same observation spots

Due to resource constraints, we could not measure the outflows of foot-traffic at those three cordon lines. While we are not sure if such data collection would add significant value to the attendee counting project, there could have been some relationship between the number of inflows and outflows. In theory, the total numbers of inflow should match that of outflow in a day, but they definitely should show a lag between them. The lag may have some relationship with expenditure amount, satisfaction level and other variables. It is suggested that future research deploy enough numbers of personnel to measure the outflow of participants to compare with the inflow numbers.

[Acknowledgment]

We acknowledge cooperation from the organizer, PEC, and various parties.

Our research could not be completed without volunteers' labors – mainly students at Rosen College of Hospitality Management, University of Central Florida. It is noteworthy that doctoral students of the College took leadership in organizing disciplined observation in every hour for the three days.

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Economic Impact of Cultural Events: The Case of the Zora! Festival

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In addition to their cultural and social values, cultural events have emerged as an instrument for tourism development, tourism seasonality expansion, city image improvement and boosting regional economies. By using a Social Accounting Matrix for Orange County, Florida, this study evaluates the economic impact of an event that highlights the folklore and cultural contribution of Zora Neale Hourston. Survey data from 1100 event participants were used to estimate the spending patterns of festival attendees. The two major contributions directly related to this study are (1) the use of a quantitative methodology that will put different policy options in perspective and (2) enabling researchers to study the impact of cultural events at three levels: direct, indirect and induced effects.

doi: 10.2167/jht039.0

Keywords: Social Accounting Matrix, cultural events, economic impacts, African American heritage

Introduction

In 2006, the Zora Neale Hurston Festival celebrated its 18th anniversary. The festival celebrates the life and work of 20th-century writer, folklorist and anthropologist, Zora Neale Hurston. The festival commemorates the significance of her hometown, Eatonville, Florida, which is known as the United States' oldest integrated African American municipality. The main goal of this event is to highlight the cultural contribution that people of African descent have made to the United States and to world culture. For the past 18 years, the Zora! Festival has been organised by The Association to Preserve the Eatonville Community, Inc. (PEC). The PEC's mission is to enhance the resources of Eatonville, educate the public about Eatonville's historic and cultural heritage, and to use the community's heritage and cultural vibrancy for its economic development.

The PEC was incorporated in May 1988. Since then, the PEC has served as an advocacy organisation for the town of Eatonville. The Zora! Festival, emerged as part of a strategy to promote arts and humanities in the community. This annual event has become internationally recognised as a first-rate festival celebrating the heritage and culture of African-descended peoples. The PEC has recognised that cultural arts can revitalise a community and be a catalyst for economic development. The festival provides several revenue-generating

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programmes: visits from special groups and conventioneers, curriculum materials, merchandise sales and rental of a travelling museum exhibit. Since 1995, PEC has been a member of the Orange County Convention and Visitors' Bureau and is actively promoting Eatonville as a literary destination. Another area of development for PEC involves collaborative ventures. For example, in 1996 the organisation joined five partners to form a collaborative growth initiative, funded by the Orange County Citizens Commission for Children, and designed to prepare families for success in 21st-century America. As PEC completes its first two decades of service, the organisation is focusing attention on its ultimate goal – developing the historic Eatonville community into one of America's most important heritage communities.

Since it started, the organisers of the Zora! Festival have included a blend of activities in the programme. Consequently, the festival has received many awards, such as the label 'One of 25 Cultural Tourism Success Stories in the United States' by the National Trust for Historic Preservation (2001), and 'One of the Top 100 Events in North America for 2004' by the American Bus Association (2004). This noteworthy event not only attracts arts, culture and entertainment enthusiasts from all over the world, but it also hosts renowned literary, academic, social and entertainment figures.

Although the festival's participation rate has increased since it was first introduced in 1989, the organisers have been able to maintain the cultural message of the festival by focusing on three main goals (Nathiri, 1999): celebrating the life and work of Zora; celebrating the significance of the oldest incorporated African American municipality – Eatonville; and, as noted earlier, celebrating the cultural contributions of people of African ancestry to the United States and to world culture. The Zora! Festival includes a variety of activities that range from educational seminars to formal events (Pritchard, 2006). The complete array of activities includes the following:

(1) The Street Festival of the Arts includes a variety of activities such as the Zora! Literacy Initiative with food from the kitchens of Africa, Asia and Europe, the Children's Corridor with exhibitions and installations representative of the African diaspora, and many more educational and cultural programmes for all ages.
(2) HATitude – a festival favourite, celebrates Zora's penchant for hats. This event also includes a silent auction for special donations from renowned African American celebrities, such as Oprah Winfrey.
(3) The Public Forum embraces arts and humanities presentations by distinguished scholars and artists.
(4) The New Black Cinema Film & Reception celebrates independent documentaries, fiction and experimental films from around the globe to honour the Zora's cultural vision.
(5) Festival Awards Gala attendees wear their African elegance or formal attire and take part in a special evening filled with musical performances by various artists.

This particular event can be classified as a one-time recurring event of limited duration, developed primarily to enhance the awareness, appeal and profitability of a tourism destination (Higham & Ritchie, 2001). The growing

appeal of the festival seems to contradict a concern voiced by Frey (1994), who suggested that this increase in demand is likely to overshadow the festival's cultural image. At the same time it is worth noting that smaller and more parochial events can also generate a positive economic impact (Felsenstein & Fleischer, 2003).

In 2005, the Orange County Arts & Cultural Affairs Advisory Council (OCACA) petitioned the Board of County Commissioners (BCC) for additional funding for the development and promotion of arts and cultural heritage. This allowed the OCACA to receive 3% of the total tourist development tax collected by the BCC (Orange County Government, 2006). This funding has provided more than $25 million in grants for artistic and cultural activities that generated a total of $135 million in direct spending, $42 million in wages, and another $165 million in indirect spending. This strategy has turned the arts and culture into one of the region's top employers, with approximately 1900 employees (Hood, 2004).

The main objective of this research is to quantify the economic impact of cultural events that celebrate the heritage of minority groups, by using as an example the case of the Zora! Festival. The paper begins with a review of the literature that discusses the economic impact of special events, in relation to cultural tourism. This is followed by a discussion of the methodology, and an interpretation of the results. Finally, the main conclusions are drawn and limitations and suggestions for future research are presented.

Cultural Events and Economic Impacts

Over time, the ties between culture and tourism have grown stronger. As stated by Myerscough (1998: 80), 'The arts create attractions for tourism and tourism supplies extra audiences for the arts'. However defined, cultural tourism is applied to tourists regardless of motivation or interest in culture (Hughes, 2002).

Several authors have provided different definitions of cultural tourism. McDougall (1998), classified cultural tourism as 'trips which include participation in any of the cultural activities or visits to any cultural sites'. Foo and Rossetto (1998) describe a cultural tourist as 'an inbound visitor who attends at least one of the cultural attractions during his or her stay', while Richards (1996) stipulates that cultural tourists gather new information and experiences to satisfy their cultural needs. Cultural tourism also deals with tourists who take part in cultural activities while away from home, and whose purpose is to discover heritage sites and cultural monuments in the course of their travels. These activities can include attending a performing arts event, visiting historical sites, monuments and museums, joining educational tours, and participating in cultural or religious festivals. For the purpose of this study, festival attendees are considered 'cultural-core' tourists. According to Hughes (2002), these people travel to a destination primarily to see or experience a particular aspect of the culture.

The phenomenon of cultural tourism represents a reaffirmation of the properties of the so-called postmodern era, and promotes the search for authenticity and identification (Richards, 1996). To understand that tourism is a complex

system of supply and demand, where the general public and visitors experience diverse activities, it is important to highlight the growth and awareness of cultural tourism in general, and of cultural events, in particular. The growing interest in understanding the benefits of cultural tourism has led to the appearance of new frameworks geared towards disseminating the findings of studies that address cultural and heritage tourism activities (e.g. the *Journal of Heritage Tourism*).

Cultural events have emerged as a means to improve the image of cities, add life to the city streets, and give citizens renewed pride (Richards & Wilson, 2004). According to Zukin (1995), culture is a major euphemism for a city's representation as a creative force in the emerging service economy, and part of a city's amenities that enable it to compete for investments and jobs. The use of cultural festivals as an instrument for tourism development has gained worldwide momentum in recent years (Felsenstein & Fleischer, 2003). For this reason, many festivals are used by tourism promoters to help increase demand for tourism (Smith & Jenner, 1998) and at the same time recreate the image of a destination that contributes to its market position (Kotler *et al.*, 1993).

The advantages of cultural tourism as described by Jansen-Verbeke (1996) indicate that it has gained acceptance over other forms of tourism. As a result, there has been a growing interest in this kind of tourism from cultural and tourism organisations (Hughes, 2002). The contribution of cultural events warrants further evaluation of their impact in a variety of spheres. For example, Felsenstein and Fleisher (2003) stated that the most obvious area is the realm of economic welfare, where expectations of rising local income and employment stem from growing numbers of visitors. At the same time, the overall impact of cultural events goes beyond monetary benefits, to considerations related to physical environments, landscape changes and social realms. In general, many destinations also incorporate cultural festivals into their local tourism calendar as a strategy for extending the tourist season (Getz, 1997).

Numerous approaches have been applied to determine the economic impact of cultural events. According to Crompton *et al.* (2001), economic impact studies supplement the traditional financial balance sheets that do not address the broader issue of what community residents receive in return for their investment on tax funds. Since the 1980s, numerous studies have been conducted on the economic impact of cultural events (Crompton & McKay, 1994; Gratton &, Taylor 1986; Johnson & Moore, 1993; Mescon & Vozikis, 1985; Mules & McDonald, 1994; Yardley *et al.*, 1990). Although a single event can be of national and even of international interest, the geographic scope of its draw might be relatively limited (Gazel & Schwer, 1997). More recently, additional studies have been conducted in renowned tourism destinations to determine the economic impact of these events (Herrero *et al.*, 2006; Tohmo, 2005; Yu & Turco, 2000). The motivation and drive for such studies was to demonstrate to private- and public-sector representatives the economic contributions these events make to the tourism industry, as well as to society in general. Q1 Q2 Q3 Q4

The characteristics of cultural tourists have been highlighted by many researchers (e.g. Alzua *et al.*, 1998; Bywater, 1993; McKercher, 2002; Silberberg, 1995; TIA, 1997). However, there are several differential features that

characterise the specific analysis of performing arts, cultural industries, and historic heritage (Herrero *et al.*, 2006):

- The performing arts are perishable goods or services, which are used up at the very moment they are offered.
- Cultural industries consist of the commercialisation of reproducible goods.
- Heritage represents an accumulated cultural creation, becuase it has a historic or estate meaning that makes reproduction impossible.

Appadurai (1996) posits that the experience of the so-called 'local' and 'ethnic' festivals has become an important part of cultural tourism and hence of the international system of economic exchange and communication operated by tourism. Q5

Due to the complexity and costs involved in measuring the economic impact of events, many studies have used strong assumptions for simple economic relations that have resulted in inaccurate findings. For example, Gazel and Schwer (1997) posited that sophisticated models, such as the General Equilibrium Model, are likely to be very expensive to construct, and are specified on an annual basis, rendering them unsuitable to measure short-run events. Q2 Another issue that is constantly debated among researchers relates to the proper treatment of the events' induced spending by local residents – the extent to which the event diverts spending from established local visitor attractions – and the isolation of the events' induced spending from spending that was drawn to the area by other activities (McHone & Rungeling, 2000). This particular issue Q6 has been addressed by Johnson (1993), who noted that researchers tend to Q7 exclude local resident expenditures from their impact estimates, because in the absence of these events, those monies would flow into the local economy through other venues. Some economic impact studies prematurely estimate the local multiplier effect without progressing one stage further or illustrating how these translate into local economic growth (Long & Perdue, 1990). Previous Q8 research has also determined the number of jobs generated by a specific tourist or recreational activity besides the traditional assessment of the total economic impact in terms of output and income (Yu & Turco, 2000). In many impact studies, income multipliers are preferred, but misuse has also been one of the key Q4 problems with these studies. The outcome of detailed analysis of direct, indirect and induced effects, together with detailed multiplier effects, linkages and leakages, should be the main goal of any economic impact study.

Methodology for a Social Accounting Matrix Model

For the purpose of this study, a Social Accounting Matrix (SAM) was used to measure the economic impact of the Zora! Festival. The SAM represents the various flows of goods, services, and income among all agents within an economic entity, during a given reference period. The SAM is an extension of the input-output (I–O) model developed by Wassily Leontief in the 1930s, which includes the structure of production and data on income distribution and the Q9 demand from institutions.

For Orange Country, Florida, the data for the SAM were extracted from IMPLAN[1] and further manipulated in Microsoft Excel to form a 44 × 44 square

matrix. By selecting these 44 groups, a better experiment was formulated, as it helped identify the individual sectors related to tourism activity. A SAM is a square matrix in which each sector or account has its own row and column. Expenditures are listed in the columns and income in the rows. As each account must balance, the totals for the row and the column are identical. In a SAM, there are six key types of accounts: production activities, factor of production, institutions, government, capital, and the rest of the world (Isard *et al.*, 1998). This concept was first formulated by Pyatt (Pyatt & Round, 1985) and Thorbecke (1985) as a conceptual and modular framework for government policy and planning.

To illustrate better the composition of the SAM, an overview of the framework is presented in Figure 1, where activities, factors and institutions are considered endogenous, while government, capital and the rest of the world are considered exogenous. By using this framework, the effects of exogenous changes and injections (such as an increase in demand for a specific tourism activity) on the Orange County economy can be estimated better. According to Isard *et al.* (1998), the logic underlying the scheme presented in Figure 1 is that exogenous changes determine the income of the endogenous accounts.

To move from the information in a SAM transaction table (denoted as z matrix) to a SAM model for Orange County, the technical coefficients of production must first be defined. In the SAM, a z matrix denotes the monetary

			EXPENDITURES				
			Endogenous			Exogenous	
			ACTIVITY	FACTORS	INST	OTHER	TOTAL
RECEIPTS	Endogenous	ACTIVITY	T_{11}	0	T_{13}	x_{14}	y_1
		Ag, forestry, fish & hunting					
		Mining					
		Utilities					
		Construction					
		Manufacturing					
		Wholesale trade					
		Transportation & warehousing					
		Retail trade					
		Information					
		Finance & insurance					
		Real estate & rental					
		Professional–scientific & tech services					
		Management of companies					
		Administrative & waste services					
		Educational services					
		Health & social services					
		Arts–entertainment & recreation					
		Accommodation & food services					
		Other services					
		Government					
		FACTORS	T_{21}	0	0	x_{24}	y_2
		Employee compensation					
		Proprietary income					
		Other property income					
		Individual business taxes					
		INSTITUTIONS	T_{31}	T_{32}	T_{33}	x_{34}	y_3
		HH less than 10k					
		HH between 10 and 15k					
		HH between 15 and 25k					
		HH between 25 and 35k					
		HH between 35 and 50k					
		HH between 50 and 75k					
		HH between 75 and 100k					
		HH between 100 and 150k					
		HH between 150k+					
		Fed Gov non defense					
		Fed Gov defense					
		Fed Gov invest					
		S/L Gov non-Education					
		S/L Gov education					
		S/L Gov inv					
		Enterprises					
	Exogenous	OTHER ACCOUNTS	x_{41}	x_{42}	x_{43}	x_{44}	y_4
		Capital					
		Inventory additions/deletions					
		Foreign trade					
		Domestic trade					
		TOTAL	y_1	y_2	y_3	y_4	

Figure 1 SAM model for Orange County
Source: adapted from Isard *et al.*, 1998.

flows from sector i to sector j. To develop the set of technical coefficients of production or direct input coefficients, we take the observed z_{ij}, which represents the flow from i to j in the transaction table, divided by X_j, the total gross output of j. These coefficients are denoted by a_{ij}, so that $a_{ij} = z_{ij}/X_j$. As a result, this is called the *A matrix*, which takes the form

$$A = \begin{bmatrix} a_{1\cdot1} & a_{1\cdot2} & \cdots & a_{1\cdot40} \\ \vdots & \vdots & \vdots & \vdots \\ \vdots & \vdots & \vdots & \vdots \\ a_{40\cdot1} & a_{40\cdot2} & \cdots & a_{40\cdot40} \end{bmatrix}$$

Capital, Inventory, Foreign Trade and Domestic Trade are excluded from this matrix (considered to be exogenous accounts, see Figure 1). Now that all the coefficients have been calculated for the endogenous accounts, each of the Z_{ij} can be rewritten as $Z_{ij} = a_{ij} X_j$ and expressed for each of the endogenous sectors as

$$\begin{aligned} X_1 &= a_{1\cdot1}X_1 + a_{1\cdot2}X_2 + \cdots + a_{1\cdot40}X_{40} + Y_1 \\ X_2 &= a_{2\cdot1}X_1 + a_{2\cdot2}X_2 + \cdots + a_{2\cdot40}X_{40} + Y_2 \\ &\vdots \\ X_{40} &= a_{40\cdot1}X_1 + a_{40\cdot2}X_2 + \cdots + a_{40\cdot40}X_{40} + Y_{40}, \end{aligned}$$

where Y represents the final demand.

By using these equations, we can make explicit the dependence of inter-industry flows on the total output of each activity, and with a matrix notation the system of equations may be compactly expressed as

$$X = AX + Y,$$

where

$$A = \begin{bmatrix} a_{1\cdot1} & a_{1\cdot2} & \cdots & a_{1\cdot40} \\ \vdots & \vdots & \vdots & \vdots \\ \vdots & \vdots & \vdots & \vdots \\ a_{40\cdot1} & a_{40\cdot2} & \cdots & a_{40\cdot40} \end{bmatrix}, \quad X = \begin{bmatrix} X_1 \\ X_2 \\ \vdots \\ X_{40} \end{bmatrix}, \quad Y = \begin{bmatrix} Y_1 \\ Y_2 \\ \vdots \\ Y_{40} \end{bmatrix}.$$

To solve this system for the vector of gross outputs X as a function of the final demand vector Y, AX must be subtracted from both sides, resulting in $X - AX = [I - A]X = Y$ where

$$I = \begin{bmatrix} 1 & 0 & \cdots & 0 \\ 0 & 1 & \cdots & 0 \\ \vdots & \vdots & & \vdots \\ 0 & 0 & \cdots & 1 \end{bmatrix}$$ is an $n \times n$ identity matrix.

Provided that the matrix [I − A] is non-singular, the multiplication of X by $(I - A)^{-1}$ yields the desired vector of gross outputs as a function of final demand. This is then expressed as $X = (I - A)^{-1} Y$, which means that total output (X) is provided to meet the final demand (Y) multiplied by the Leontief inverse. Put in the study's context, the expenditures by out-of-town visitors to the Zora! Festival (Y) stimulate other input from regional industrial sectors (the Leontief multiplier), and result in larger total output (X) into the regional economy.

This model can now be used to determine the total impact of the festival's participants on the Orange County economy. For example, the increase in tourism-related consumption of local goods and services at the Zora! Festival by event participants will lead to a demand from other industries used for production of the original event-related products. For example, Zora! Festival participants may purchase special food cooked at Eatonville. The restaurant operator needs bread, rice, cooking oil, spices, vegetables, meat, fruits, plastic plates, utensils, and utilities to make the food. Because those ingredients are required, although other industrial sectors may not be directly participating in the event, because they produce those ingredients, they will see an increase in sales, resulting in an increase in output and employment. In other words, required inputs are more like a recipe list; tourism products require certain lists of necessary inputs, just like an apple pie requires flour, butter, sugar, salt, apples, cinnamon, and eggs.

This reaction represents the intra-group effect and leads to a greater use of the factors of production, increasing the income of the institutions that own the factors concerned. These movements, in turn, represent the extra-group effect, because the initial change alters the accounts of the groups, except for the one that initially underwent the change. Finally, a higher level of household income modifies the households' original consumption pattern, affecting the production sectors. This represents the inter-group effect – the accounts where the exogenous change reacts to the other groups of accounts' adjusting to the new situation. Some structural restrictions of the I–O/SAM methodology should also be noted. For example, the I–O/SAM only considers functions of production of constant returns of scale, has no supply constraints, price changes do not cause people to buy substitute goods, and sector output proportions remain the same regardless of the total output.

Because the SAM is an extension of the I–O model, previous research about economic impacts (Wagner, 1997) have also presented I–O multipliers based on the methodology of Miller and Blair (1985). These multipliers concentrate specifically on production activities to evaluate regional economic impact. The complete inter-industry multipliers for Orange County are presented in Table 1.

Survey data

Survey data collected in the course of the event were used to complete the economic impact study about the Zora! Festival. Random intercept surveys were collected between Friday, January 27, 2006 and Sunday, January 29, 2006. This particular method was designed to access all the people who attended the Street Festival and educational-cultural events. Based on numbers provided by the PEC, the number of attendees at the Zora! Festival for 2006 totalled 14,930. Previous research indicates that intercept surveys achieve greater response and

Table 1 Observed output multipliers for Orange County, Florida

Activity	*I–O multipliers**
Agriculture, forestry, fishing & hunting	1.08
Mining	1.32
Utilities	1.18
Construction	1.61
Manufacturing	1.72
Wholesale trade	1.26
Transportation & warehousing	1.49
Retail trade	1.28
Information	1.54
Finance & insurance	1.41
Real estate & rental	1.37
Professional–scientific & tech services	1.41
Management of companies	1.48
Administrative & waste services	1.44
Educational services	1.48
Health & social services	1.41
Arts–entertainment & recreation	1.41
Accommodation & food services	1.42
Other services	1.47
Government	1.15

Q10

Source: Author's calculation based on Orange Country Input–Output Matrix and the methodology established by Miller and Blair (1985), for the development of I–O multipliers.

produce more representative distribution among African American adults when compared to other methods (Miller *et al.*, 1997). For the purpose of this study only adults 18 years and older were considered for the survey. Consequently, 1110 surveys were completed: 837 during the street festival and 273 in the course of the educational-cultural events. The survey consisted of 26 questions that captured demographic information, perceptions of the festival, and spending characteristics while visiting Orlando.

To understand the spending patterns of the participants, the complete data set was segmented, which enabled the identification of out-of-town visitors. Based on the surveys, 60% of the participants were from the Orlando Area

(Orange County, Osceola County, Seminole County, and Lake County), and 40% were from outside Orlando (Table 2). Most of the out-of-town visitors (72%) travelled by car and stayed an average of 3.7 nights, with almost half of them staying at a hotel or motel. It is important to note that 85% of the out-of-town visitors came to visit the Orlando area primarily because of the Zora! Festival. The majority of respondents (82%) rated the likelihood to return next year with a 4 or 5 on a Likert scale of 1 to 5, where 5 refers to 'extremely likely'. Overall in 2006, 62% of the respondents had previously attended the festival an average of 6.3 times; this was not significantly different from 5.9 times in 2005.

With regard to gender, the festival attracts a large number of women; this could be attributed to some of the activities, which are geared more towards women, such as the HATitude, for example, which celebrates Zora's love of

Table 2 Characteristics of Zora! Festival Attendeesin 2006, Orange County, Florida

Total festival attendees	14,930	Age (years)	
Visitor origin		18–24	7%
Orlando area	60%	25 – 34	14%
Out of town visitors	40%	35 – 44	23%
Gender		45 – 54	28%
Male	27%	55 +	28%
Female	73%	Household income	
Race		< $20,000	5%
Black/African American	77%	$20,000 –$29,999	8%
White/Caucasian	12%	$30,000 –$39,999	13%
Black/WestIndian/Caribbean	6%	$40,000 –$49,999	18%
Multi-racial	4%	$50,000 –$74,999	24%
Asian	1%	$75,000 –$99,999	18%
American Indian	<1%	$100,000+	14%
Native Hawaiian/Other Pacific Islander	<1%	Likelihood to return next year	
Primary purpose of trip		5 = Extremely likely	69%
ZORA! Festival	85%	4	13%
Vacation/pleasure	6%	3 = Neutral	13%
Business/convention	4%	2	2%
Visiting friends/family	5%	1 = Not at all likely	2%

Source: Zora!Festival 2006 Festival Attendees Survey.

hats. Moreover, from the sample of collected surveys, only 2% of respondents were Hispanic or Latino; 77%, the majority of participants, were Black/African American, while 12% were Black/West Indian/Caribbean, and 6% were white Caucasians. Sixty-one percent of all festival attendees had an undergraduate college/university degree or higher. Half the respondents were between 35 and 54 years old. Out-of-town visitors were somewhat older than local respondents: almost two-thirds (63%) of out-of-town respondents were aged 45 or more. Table 2 shows additional details on the demographics of the festival attendees.

Visitor Expenditures

The visitor expenditure patterns in this study were based exclusively on visitors who came from outside the Orlando area and whose primary reason for visiting Orlando was the Zora! Festival. Attendees from out-of-town whose primary reason for visiting Orlando was different, were not taken into consideration, as they probably would have spent money anyway (Crompton *et al.*, 2001). Forty percent of the 14,930 participants were out-of-town visitors – 5972 people in total. Some 72% of the latter drove to Orlando, resulting in minimum revenue for car rental companies ($4 per person). Each out-of-town visitor who came especially for the festival spent an average of $43 per night in hotels or other accommodation facilities, spending an average of 2.4 nights in an average group size of 2.8 people. Other expenses on food and miscellaneous items totalled $39 per person per day, setting the total average expenditure for each out-of-town visitor at $86 per day. This resulted in a total injection of $372,175 to the Orange County economy (Table 3.). The contribution from other out-of-town visitors totalled $37,342, but as mentioned earlier, only those whose primary reason for visiting Orlando was the festival were considered in the estimate of its final direct financial impact.

It is worth noting that while attending the festival, the participants visited many historical and cultural places in Eatonville. Two-thirds (67%) had visited or planned to visit the Zora Neale Hurston National Museum in Eatonville during their trip, followed by the Zora Neale Hurston Branch Library (42%), Walking Tour/Heritage Trail Markers (27%), and the Mosley House Restoration Project (21%). These facts demonstrate the appeal of community arts and cultural attractions. In 2001, an estimated 7.0 million cultural tourists visited Florida (Stronge, 2004). This number represents 11% of the total tourist arrivals to the state. The primary purpose of these specialised tourists was to visit cultural facilities and events in Florida. The spending patterns of cultural tourists averaged $538.30, while the spending of other visitors averaged $678.40. In Florida, the direct spending from cultural and non-cultural tourists totaled $4.5 and $42.3 billion respectively in 2001.

Direct and indirect economic impact of the festival

For this study a Social Accounting Model was used to simulate how expenditures from attendees of the Zora! Festival impact on the Orange County economy. The results indicate that the total expenditures of $372,175 in car rental, lodging, food, and other items by festival attendees generate an additional $767,179 to Orange County per annum. The top five industries to benefit from the Zora! Festival are manufacturing (with total output of $61,734), professional

Table 3 Per-visitor expenditures (out-of-town visitors, whose primary reason for visiting was the Zora! Festival)

Expenditures	*Out of town visitors*	*Total*
Rental Car	$4	$6,689
Hotel	$43	$195,165
Food and other	$39	$177,010
Total	$86	$372,175

Source: Author's calculation based on Zora!Festival 2006 Festival Attendees Survey.

services ($30,921), real estate ($29,342), and health and social services ($29,361). The complete distribution of these additional revenues is presented in Table 4.

The results from the SAM also demonstrate that local households benefited from this event by receiving employee compensation totalling $266,892 (see Table 4), with middle-class households benefiting most ($25,000 to $75,000). This group of households received almost 50% of the total employee

Table 4 Estimated total output of selected sectors in Orange County, Florida, during Zora! Festival Q11

Activity		*Activity*	
Agriculture	$1,144	Real estate & rental	$29,342
Mining	$6	Professional service	$30,921
Utilities	$3,939	Management of companies	$4,616
Construction	$5,332	Administrative & waste services	$11,890
Manufacturing	$61,734	Educational services	$3,236
Wholesale trade	$23,968	Health & social services	$29,361
Transportation	$17,052	Arts–entertainment & recreation	$5,831
Retail trade	$25,121	Accommodation & food services	$386,965
Information	$10,282	Other services	$13,505
Finance & insurance	$24,297	Government	$33,719
Factors		*Factors*	
Employee compensation	$266,892	Other property income	$110,581
Proprietary income	$10,306	Individual business taxes	$44,102

Source: Author's calculation based on the Orange Country, Florida, USA Social Accounting Matrix following the Format defined by Isard *et al.* (1985). Q11

Table 5 Estimated income distribution effects due to visitor's expenditures at Zora! Festival

Household group by annual income (US$)	*Change in annual income due to visitors' expenditures*	*Relative income distribution impact: standardised to middle group of 35–50k*
Less than $10,000	0.000246%	0.28
$10–15,000	0.000647%	0.73
$15–25,000	0.000899%	1.02
$25–35,000	0.000882%	1.00
$35–50,000	0.000884%	1.00
$50–75,000	0.000893%	1.01
$75–100,000	0.000905%	1.02
$100–150,000	0.000905%	1.02
Over $150,000	0.000916%	1.04

Source: Made by authors based on the Orange County, Florida, USA, Social Accounting Matrix.

compensation generated by the festival. In addition, other property income increased to $110,581, while an additional $44,102 was generated for the local government by individual business taxes. The detailed income distribution effect is displayed in Table 5, in which the additional income generated by the festival is measured against the current annual income level. The relative change in income for the median income group ($35,000 to $50,000) is used as a benchmark to put income distribution effect over each household in perspective. It is worth noting that, owing to the labour-intensive character of cultural events, many households have members involved in the organisation and production of the events, which results in a wide distribution of income, benefiting all but the two poorest household groups. Households that cannot provide employable quality labour into the Factor Market (=labour market) will remain relatively poor, no matter what economic stimulation an exogenous shock brings to the regional economy. To mitigate the situation, it is worthwhile for both the event organiser and the local government to consider how local labour from the lower-income households can be utilised for the event, such as through intensive training and vocational education for the event.

Conclusion and Implications

The main goal of this event was to highlight the cultural contributions that people of African American ancestry have made to American and world cultures. This study demonstrates that beyond its cultural and social value, the Zora! Festival can be considered a source for producing economic flow, represented by additional income to the local community. The findings show that the total economic benefits of a cultural event such as Zora! can be quantitatively

analysed by using a Social Accounting Matrix. The use of total expenditures from out-of-town visitors, whose primary reason for visiting the Orlando area was the festival, provides a more precise estimation of the direct economic impact of the festival.

The direct income of $372,175 from festival attendees generated $767,179 in additional monies to the local economy. As this festival is an annual event, the direct economic impact calculated here is likely to occur every year. As the results indicate, because over 83% of the out-of town attendees plan to return to Orlando for next year's festival, it is most likely that they will be spending as much as new visitors. The relatively high ratio of returning visitors is favourable for the continued financial successes of this heritage event.

These findings are valuable for policy-makers, especially when planning future tourism products or cultural activities in central Florida. The Orlando area has long been recognised as the 'Theme Park Capital of the World'. The benefits from tourism in this region are now likely to go beyond providing themed attractions, and offer culturally diverse products that contribute to the conservation of the heritage of communities such as Eatonville. The culture and arts sector has been growing at a faster pace than the economy as a whole. In the past five years the sector has received increased attention in the Orlando area. In 2001, for example, the estimated economic income from arts and culture in Florida totaled $2.9 billion (Stronge, 2004). Additional funding opportunities should be made available to promote this kind of tourism. It is of utmost importance that non profit arts organisations continue to work at promoting the benefits of arts and culture to the local communities.

The organisers of the festival could use the findings of this study as a framework for planning future events. For example, to maximise the economic impact of the festival, the organisers could solicit participation from agricultural industries, for example, by including them in the festival's activities (for instance, holding a farmer's market). These findings should be further analysed as part of a comprehensive strategic plan to improve the overall economy in Eatonville.

Limitations and future research

As an analytical tool, the SAM is considered a suitable instrument for studying the characteristics of economic development processes. The SAM is not a set of isolated data, but a comprehensive and integrated analytical system. The SAMs are not only used to describe these structural relationships, they can also be used to forecast their development. However, there are some structural constraints, in addition to those generally attributed to the I–O/SAM methodology. For example, the results of the direct expenditures of $372,175 by outsiders only occurred during the few days the festival took place, whereas the results from the study are presented on a yearly basis. This means that the actual total output generated by the event should be higher just before and during the event, but lower after the event. For example, the total of $266,892 in employee compensation is reported for the whole year. These estimates could be expected to be higher just before and during the event, but not necessarily so following the event. At the same time, the estimates for tourism expenses in relation to this particular activity are generalised using the sample surveys collected during the event, and the findings are extended to the entire population. Such

festivals also generate additional income for the local community prior to the event through short-term training for staff members. In the case of Zora!, this impact was not considered in the study, but future research should consider the impact of all economic activities taking place during the organisation of similar events.

Moreover, having obtained I–O/SAM data, future research could apply this information to a Computable General Equilibrium (CGE) model, although it is unlikely that the size of the event could cause changes in price, interest rates, wages, or short-term constraints on the supply capacity of the heritage event-affiliated sectors in the regional economy, considering the size of regional tourism infrastructures and that CGE would be a panacea to offset any existing inaccuracy of its core component of the I–O/SAM table.

Overall, awareness of the economic impact of cultural events can help other small communities investigate the benefits of promoting cultural events and, at the same time, seek funding from the local government or institutions. There is potential to incorporate the time-related value for money concept in any sort of investment-related modelling. Although this research dealt with quantifiable variables to depict the impact of the cultural festival, some valid questions remain, such as how to quantify the effects of change on image, exposure, and social welfare. It has been shown that cultural tourism events such as Zora! have the ability to generate a positive economic impact on a regional economy. It has also been shown, with the help of the SAM structure, how the additional income is distributed across the local community as such events draw tourist attention to local heritage and cultural vibrancy.

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Note

1. IMPLAN (Impact analysis for Planning) was developed by the USDA Forest Service in cooperation with the Federal Emergency Management Agency and the USDI Bureau of Land Management. In 1993, the Minnesota IMPLAN group Inc. was formed to privatise and maintain IMPLAN data sets and software. In this study, we only used regional economic data from the IMPLAN database but did not use the software, in order to analyse the impact with a series of matrix operations, thereby ensuring maximum flexibility and transparency.

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Assessing the Viability of Repeat Visitors to Cultural Events: Evidence from the Zora! Festival

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Assessing the Viability of Repeat Visitors to Cultural Events: Evidence from the Zora! Festival

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This study examines the value of repeat visitors to a cultural festival in terms of expenditures, behavioral intentions, length of stay, and visitation patterns. This analysis is based on an intercept survey that yielded a sample of 1110 visitors. The results confirm the greater viability of repeat visitors over first-timers in all of the aspects that were investigated, as well as identifying and distinguishing the profiles and festival-related characteristics for the two segments. This article discusses the findings and their implications for festival management and emphasizes the relevance in conducting similar marketing studies for cultural events.

KEYWORDS *repeat visitation, cultural events, expenditures*

INTRODUCTION

This study empirically investigates the value of repeat visitors to a cultural festival in terms of a variety of viability indicators. Attendance at festivals and

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cultural events is driven by a motivation to experience cultural exploration, novelty-regression, group socialization, external interaction, and socialization (Crompton & McKay, 1997). Participation in these events has become very popular in the United States, with 41% of the adults attending at least one cultural event or festival every year, translating to an estimated 109.8 million adults (National Endowment for the Arts, 2004). As a result, many cities develop or host such events in an attempt to improve their image, stimulate urban development, attract visitors and investments, and revitalize their economies (Getz, 1991; Richards & Wilson, 2004).

Non-profit organizations and governmental institutions usually organize the majority of the festivals in the United States. The common rationales for staging these festivals are: revenues, community spirit, recreation, education, and tourism (Hamilton, Frost, Awang, & Watt, 1989). Even though these festivals and cultural events are well known for their economic contributions and potential for revenue, organizers are constantly working to enhance the cultural identity while attracting and maintaining visitors (Getz, 1997; Getz & Frisby, 1988; Haywood, 1988). Intense competition and the development of new products are known to have an effect on the sustainability of these events. Therefore, a better understanding of the festival's position relative to other festivals, together with a consensus among the different stakeholders, should allow for tailoring the festival toward meeting the visitors' needs (Mayfield & Crompton, 1995).

Recently, Mehmetoglu and Ellingsen (2005) suggested that a market intelligence perspective should help conceptualize the concept of market orientation for festivals. Market orientation is defined as the generation of market intelligence pertaining to the current and future needs of customers, dissemination of intelligence horizontally and vertically within the organization, and organization-wide action or responsiveness to market intelligence (Kohli & Jaworski, 1990). Market intelligence is supported by customer surveys and combined data sources that allow for identifying the future customers' needs. Market intelligence starts by defining a target market. First, festival organizers should consider differentiating the visitors; festival attendees are not homogeneous in their preferences, wants, and needs. Therefore, the usage of segmentation allows for dividing the market into groups of people with similar purchasing behaviors (Levin & Zahavi, 2001). Second, this information will add to the understanding of opportunities and possible involvement from stakeholders such as local authorities, media, potential donors, commercial entities, and sponsors. The judgment and delivery of trustworthy market intelligence figures is expected to positively influence the organizers' ability to promptly respond to current needs from the target market.

For these reasons, the current study employs a segmentation technique that supports generating market intelligence information regarding the viability of visitors to a cultural event. Even though various segmentation techniques are currently used in the tourism literature, this study focuses

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on a method based on the purchase and usage behaviors. The functionality of such a technique allows for investigating the viability of two segments, first-time and repeat visitors to the Zora! Festival, regarding expenditures, satisfaction levels, demographics, intent to recommend, intent to return, length of stay, involvement, and sources of information used. Exploring the differences between the two segments may allow the festival organizers to develop the appropriate marketing mix for each segment, which would allow for the allocation of marketing efforts to be directed toward preferred segments, thereby increasing attendance rates and awareness of the festival's causes.

In the following section, we review the literature about the repeat visitation phenomenon followed by a description of the festival. Subsequent sections provide details about survey instruments, measurements, and findings. The study concludes with recommendations, practical implications, and suggestions for future research.

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LITERATURE REVIEW

Repeat visitation is a significant phenomenon in tourism, as repeat visitors constitute more than half of the total number of tourists at many destinations (Darnell & Johnson, 2001; Wang, 2004). Consequently, the study of repeat visitation has been attracting growing attention in the tourism literature. A wide range of studies investigate the antecedents and the factors leading visitors to repeatedly return to the same destination, the underlying assumption being that it is desirable for tourism businesses (e.g., Sim, Jones, & Mak, 2006; Yoon & Uysal, 2005). In an early investigation, Gitelson and Crompton (1984) found that the main factors leading tourists to revisit familiar destinations were (1) the reduced risk of a forthcoming disappointing experience, (2) the desire to experience aspects of the destinations that were excluded in previous vacations, (3) the assurance that the visitors will find "their kind of people" at the destination, (4) a special emotional connection to the destination, and (5) a desire to expose relatives and friends to experiences at the destination that were meaningful to the visitors.

More recent contemporary studies also found that many tourists revisit a destination to strengthen their interpersonal relationships with the local residents and/or with fellow tourists, thus, granting more meaning and a sense of authenticity to their experience (Kim & Jamal, 2007; Wickens, 2004). Additional studies examined the link between satisfaction level and repeat visitation, which was often found to be limited (Chang, 2006; Skogland & Siguaw, 2004), and the differences between first-time and repeat visitors with regards to their activities at the destinations (Kemperman, Joh, & Timmermans, 2004; Tiefenbacher, Day, & Walton, 2000).

Nevertheless, despite the growing knowledge base of the repeat visitation phenomenon, what remains a controversial issue is determining who the

more valuable visitor is—the first-timer or the repeater—from the perspective of a destination and other nearby businesses. Traditionally, the perception that retaining existing customers is more economically worthwhile than acquiring new ones has prevailed among researchers and practitioners from many industries. This view was mainly derived from the perception of repeat visitors as (1) less price sensitive, thus ready to pay more for a brand; (2) representing a steadier source of income, as they are more willing to repurchase in the future; and (3) generating more positive word-of-mouth (WOM) communication, as they are more willing to recommend the business to potential customers (Lau & McKercher, 2004; Mattila, 2006; Reichheld & Sasser, 1990). This belief in the value of repeat customers has also been adopted by the hospitality and tourism industries, leading destinations and businesses to offer benefits and incentives to repeat visitors for the purpose of encouraging repeat patronage and establishing a long-term relationship with visitors (Fyall, Callod, & Edwards, 2003; Klophaus, 2005; Palmer & Mahoney, 2005).

The assumption that a repeat visitor is more desirable than a first-time visitor only started to be questioned and empirically examined by researchers in the past few years. To name a few examples, Petrick (2004) found that repeat cruise visitors are more likely to revisit in the future and spread positive WOM, but first-time visitors spent more money and were less price sensitive. Similarly, in their study of Japanese tourists traveling to the United States, Jang, Bai, Hong, and O'Leary (2004) found that first-time visitors spent more than the repeat visitors did. However, So and Morrison (2004), in a study on visitors to Taiwan, did not find significant differences between first-time and repeat visitors. Contrary to the findings described above, Wang (2004), in a study on visitors from Mainland China to Hong Kong, confirmed the traditional view of repeat visitors as bigger spenders than first-time visitors, leading him to the conclusion that paying extra attention to repeat visitors is justified. While most of the studies that investigated the viability of repeat visitation focused on the destination level, very little attention was given to the issue in the context of festivals. One of the few exceptions in this regard is the study of Tang and Turco (2001), who found that first-time visitors to the Kodak Albuquerque International Balloon Fiesta spent considerably more than repeat visitors.

The mixed findings on the subject imply that the relationship between repeat visitation and profitability is controversial and worthy of further research, especially in the case of festivals. This lack of clarity regarding the value of repeat visitors might have negative repercussions on festival marketers and their attempts to increase profits through effective market segmentation. In light of that, this study will empirically investigate the differences between repeat and first-time festival visitors concerning central viability indicators, taking the Zora! Festival in Central Florida as a case study, while assessing their value to festival marketers.

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FESTIVAL DESCRIPTION

Since 1989, the Zora! Festival has taken place in the municipality of Eatonville, Florida. Located only minutes away from downtown Orlando, this small town of about 2500 people is also known as the nation's oldest incorporated African-American municipality. For the past 20 years, the Association to Preserve the Eatonville Community (P.E.C.), a non-profit historic preservation organization with a mission to enhance the resources of the town, celebrates the life and work of 20th century writer, folklorist, and anthropologist Zora Neale Hurston. The continuous dedication from the P.E.C. in organizing the festival is recognized internationally, and Zora! is considered a first rate festival celebrating the heritage and culture of African-descended peoples. In addition, the festival has been labeled as "One of 25 Cultural Tourism Success Stories in the United States" by the National Trust for Historic Preservation (2001) and "One of the Top 100 Events in North America for 2004" by the American Business Association (2004).

Since it was first introduced in 1989, the organizer's primary priority has been to maintain the cultural message of the festival by focusing on the three main goals (Nathiri, 1999). These goals are celebrating the life and work of Zora, celebrating the significance of the United States' oldest incorporated African-American municipality, and celebrating the cultural contributions of people of African ancestry to the United States and to world culture. Every year the Zora! Festival includes variety of events, such as a walking tour throughout the town and educational seminars at the Zora Neale Hurston National Museum, the Mosley House Restoration Project, or the Zora Neale Hurston Branch Library. At the same time, the festival provides other revenue-generating programs such as the HATitude! Brunch, the Public Forum, the New Black Cinema Film & Reception, and the Festival Awards Gala.

The Zora! Festival can be classified as a one-time recurring event of limited duration with a particular theme that aims to attract people to an activity in which they can participate, learn from, and enjoy, in an attempt to enhance the awareness, appeal, and profitability of the destination (Higham & Ritchie, 2001; Light, 1996; Walsh-Heron & Stevens, 1990). The Zora! Festival first started as a community event. However, festival organizers were able to recognize its potential and now consider the event as an integral part of the development of the Eatonville community. The P.E.C. recognizes that the cultural arts revitalize the community, and Zora! can serve as a catalyst for economic development in Eatonville. Previous research attests to the economic benefits from the Zora! Festival. For example, for every $1 spent by festival attendees, an additional $2.06 is generated in indirect income for the local economy (Rivera, Hara, & Kock, 2008).

In 2005, repeat visitation to the Zora! Festival not only increased from 58% to 61%, but a large portion (83%) of the attendees reported a high

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likelihood of returning, demonstrating the importance of repeat customers to the sustainability of the festival (Orange County Convention & Visitors Bureau, 2005). Such a high ratio of returning visitors, together with their stated intentions to return, is considered highly favorable for the continued financial success of this particular heritage event (Rivera et al., 2008). Therefore, parting from the premise that such statements cannot be taken at face value, the main objective of this research is to assess the viability of repeat visitors in an attempt to bring further insights to this significant phenomenon as it applies to the Zora! Festival.

RESEARCH METHOD

Instrument/Measures

In order to evaluate the substantiality of the repeat visitors compared to the first-time visitors, three types of variables from the questionnaire will be used, following the recommendation of Loker and Perdue (1992) that when assessing the viability of a market segment, three questions should be addressed. First, the segment profit should be more sustainable in comparison to other segments, which is typically measured in terms of expenditures (e.g., Jang et al., 2004; Mok & Iverson, 2000). However, in addition to spending at the festival, the current study will make use of two more important indicators of the viability of the segments mentioned in the literature, namely the intent to recommend the festival (WOM; e.g., Chen & Gursoy, 2001) and the intent to visit the festival in the future (Kim, Jin-Sun, & Kim, 2008). The last indicator for viability to be examined is the number of days the visitor spent at the festival. This information is relevant in the context of the current festival, in which one of the main goals is to expose visitors to as much of the educational contents as possible and increase their involvement in the educational content. The second issue that needs to be addressed in segmentation studies is whether the segments can be differentiated so that effective marketing programs are developed. For that purpose, the socio-demographic characteristics of the visitors were included in the analysis, including gender, age, race, education, income, and origin. Finally, the segmentation analysis should also demonstrate accessibility to the desired segment. For that purpose, this study includes the information sources accessed by participants before their visit in the festival such as the newspaper, TV, Internet, and WOM.

Sampling

Data for this study was collected during the 17th annual Zora! Festival, which was held on January 27–29, 2006, through intercept surveys taken by visitors to the festival. Intercept surveys aim to target and interview face-to-face customers in their natural environments, e.g. malls, restaurants, and attractions, in contrast to mail, telephone, or Internet interviews. Previous studies have

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shown intercept surveys to be an effective data collection method, which can provide better access to the more difficult-to-reach segments such as minority groups (Bush & Hair, 1985; Miller, Wilder, Stillman, & Becker, 1997). Even though using intercept surveys sets some limitations, as it constitutes a form of convenience sampling, this approach has been broadly applied in tourism studies (e.g., Finn & Erdem, 1995; Pearce & Schott, 2005). The main reason is that it has been acknowledged as a highly useful tool for interviewing visitors, as it presents little potential recall bias (Litvin & Kar, 2001).

Overall, the survey yielded 1110 participants, all 18-years-old and older, who were approached by trained interviewers at different times of the day throughout the three days of the festival. The visitors' profile variables are presented in Table 1. As can be seen, the vast majority of the participants in the study were female (73.2%), while males constituted 26.8%. Nearly 22% were under the age of 34, 50.8% were between the ages of 35 and 54, and the remainder of the sample were aged 55 and above. Out of the total sample, 59.8% graduated from college or attended post-graduate school, and 59.9% had an annual income of $50,000 or more. Most of the participants were African American (76.6%), followed by Caucasians (11.6%). Regarding the origin of the participants, 54.6% were from metropolitan Orlando, while the rest (45.4%), were from out of town.

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FINDINGS

Visitors' Profile

When comparing first-time and repeat visitors, statistically significant differences were found in four out of the six profile variables (see Table 1). First, the difference in the distribution of age groups between the two segments was significant. Among the first-timers, 51.1% were between the ages of 18 and 44, while 58.5% of the repeaters were aged 45 or above. Second, although African-American visitors were the dominant race group in both segments, repeat visitors were characterized by a higher proportion of African Americans than the first-timers (83.4% and 65.5%, respectively). First-time visitors, on the other hand, were characterized by a higher proportion of Caucasian visitors compared to the repeat visitors (20.3% and 6.3%, respectively). Third, it was found that the proportions of different annual income levels varied between the two segments. The proportion of high-income respondents (<$50,000) was higher among repeat visitors than among first-time visitors (56.6% and 44.3%, respectively). Finally, first-time visitors were characterized by a higher percentage of out-of-town visitors compared to repeat visitors (58.9% and 37.1%, respectively), while the local visitors from the Orlando area were dominant in the repeat visitor segment (62.9%) and were the minority among first-timers (41.1%). No significant differences between the segments were found in regard to gender and education.

TABLE 1 Profile of Respondents

Variable	Total sample ($N = 1110$)	First-time visitors ($N = 423$)	Repeat visitors ($N = 687$)	χ^2 value	Sig.
Gender				3.009	0.083
Female	73.2%	70.2%	75.0%		
Male	26.8%	29.8%	25.0%		
Age				17.723	0.003
18–24	7.4%	10.4%	5.5%		
25–34	14.3%	16.8%	12.8%		
35–44	23.4%	23.9%	23.1%		
45–54	27.4%	22.7%	30.3%		
55–64	17.3%	15.8%	18.2%		
65 and above	10.2%	10.4%	10.0%		
Race				60.233	< 0.001
Black/African American	76.6%	65.5%	83.4%		
Black/West Indian/Caribbean	5.7%	6.1%	5.4%		
Multi-racial	4.3%	5.4%	3.6%		
White/Caucasian	11.6%	20.3%	6.3%		
Other/refused	1.8%	2.6%	1.3%		
Education				9.223	0.100
Some or graduated high school	15.4%	16.5%	14.7%		
Some college	23.2%	25.5%	21.8%		
Graduated college	32.7%	30.7%	33.9%		
Some post-graduate college	7.2%	7.8%	6.8%		
Post-graduate college	19.9%	17.0%	21.7%		
Refused	1.5%	2.4%	1.0%		
Household income				19.013	0.004
Under $30,000	11.8%	14.2%	10.3%		
$30,000–$39,999	11.8%	14.4%	10.2%		
$40,000–$49,999	16.5%	17.3%	16.0%		
$50,000–$74,999	22.3%	19.9%	23.7%		
$75,000–$99,999	16.9%	13.5%	19.1%		
$100,000 and over	12.7%	10.9%	13.8%		
Refused	8.0%	9.9%	6.8%		
Origin				49.949	< 0.001
Orlando area	54.6%	41.1%	62.9%		
Out of town	45.4%	58.9%	37.1%		

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Viability Measures

The indicators to the sustainability of the visitors are presented in Table 2. Overall, the festival attendees spent an average of $131.54 during the visit to the Zora! Festival. Yet, a significant difference between the segments was found concerning their expenditures. Repeat visitors spent an average of $138.04 at the festival, which was significantly higher than the first-time visitors, who spent an average of $120.40. The participants in the study were also assessed in regard to their levels of satisfaction from

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TABLE 2 Expenditures, Satisfaction and Behavioral Intentions

Variable	*N*		Total expenditures at the festival ($)	Per-day expenditure at the festival ($)	Days at the festival	Satisfaction with the festival*	Intent to return to the festival**	Intent to recommend the festival**
Total sample	1110	Mean	131.54	102.89	1.69	4.45	4.55	4.69
		SD	119.07	106.63	1.03	0.85	0.91	0.73
First-time visitors	423	Mean	120.40	101.44	1.49	4.42	4.29	4.62
		SD	113.95	108.49	0.85	0.84	1.02	0.77
Repeat visitors	687	Mean	138.04	103.73	1.82	4.46	4.70	4.73
		SD	121.58	105.61	1.10	0.85	0.80	0.69
		t-value	−2.291	−0.326	−5.555	−0.601	−7.000	−2.032
		Sig.	0.022	0.744	< 0.001	0.548	< 0.001	0.043

*Scores based on a five-point scale ranging from 1 (extremely satisfied) to 5 (not at all satisfied).
**Scores based on a five-point scale ranging from 1 (extremely likely) to 5 (not at all likely).

TABLE 3 Other Venues Visited while at the Festival

Venues	Total sample ($N = 1110$)	First-time visitors ($N = 423$)	Repeat visitors ($N = 687$)	χ^2 value	Sig.
Zora Neale Hurston National Museum	67.3%	62.6%	70.2%	6.859	0.009
Walking tour	26.5%	25.1%	27.4%	0.677	0.410
Mosley House Restoration Project	21.2%	17.5%	23.4%	5.449	0.020
Zora Neale Hurston Branch Library	42.1%	34.1%	47.0%	17.826	<0.001
No other venues were visited	24.9%	29.6%	22.0%	8.165	0.004

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attending the festival, intent to return in the future, and intent to recommend the festival. In general, the mean score for each of these indicators were high (4.45, 4.55, and 4.69, respectively). Although no statistically significant difference was found between the segments concerning their satisfaction level, first-time and repeat visitors were differentiated based on their behavioral intentions. Compared to the first-time visitors, repeat visitors indicated a higher level of intent to return to the festival in the future (4.70 vs. 4.29), and to recommend the festival to others (4.73 vs. 4.62).

Places Visited During the Festival

While attending the Zora! Festival, the majority of the attendees visited the Zora Neale Hurston National Museum and Branch Library (67.3% and 42.1%, respectively). On the other hand, only 26.5% and 21.2% took the Eatonville walking tour or visited the restoration project (see Table 3). It was found that the proportions of visitation to other venues were significantly higher for repeat customers than first-timers regarding the museum, library, and restoration project. Compared to the first-timers, repeat visitors indicated higher visitation to the museum (70.2% vs. 62.6%), the library (47.0% vs. 34.1%), and the restoration project (23.4% vs. 17.5%). No significant differences between the segments were found regarding participation in the walking tour of Eatonville (27.4 vs. 25.1, $p > .40$).

Information Sources

As indicated above, the participants in the study were asked how they heard about the festival. As can be seen in Table 4, the most common information sources were previous visit (40.4%), family/friends (23.4%), WOM (15.7%), television (11.5%), and radio (9.9%). On the other hand, the participants did not significantly rely on billboards (0.7%), magazines (1.2%), Internet

TABLE 4 Information Sources Used Prior to the Visitation

Source of information	Total sample ($N = 1110$)	First-time visitors ($N = 423$)	Repeat visitors ($N = 687$)	χ^2 value	Sig.
Newspaper	5.9%	6.6%	5.9%	0.740	0.390
TV	11.5%	12.3%	11.1%	0.406	0.524
Radio	9.9%	7.8%	11.2%	3.359	0.067
Magazine	1.2%	1.4%	1.0%	0.366	0.545
Billboards	0.7%	0.7%	0.7%	0.001	0.974
Internet	5.0%	6.9%	3.8%	5.287	0.021
Family/friends	23.4%	38.2%	14.3%	83.329	0.000
Church/sorority/club	6.9%	8.1%	6.1%	1.547	0.214
WOM	15.7%	19.4%	13.4%	7.209	0.007
Previous visit	40.4%	9.0%	59.7%	278.811	<0.001

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(5.0%), and newspapers (5.9%) as sources of information. There were statistical differences between the segments regarding the use of four information sources. Obviously, compared to the first-timers, the most dominant information source among the repeat visitors was previous attendance at the festival (59.7%). Unexpectedly, 9.0% of the first-time visitors stated that they heard about the event from a previous visit, presumably meaning a previous visit to Orlando and not to the festival itself. Statistical differences between the segments were also found regarding the use of the Internet, family/friends, and WOM as sources of information. First-time visitors were characterized with a higher rate of using the Internet (6.9% vs. 3.8%), family/friends (38.2% vs. 14.3%), and WOM (19.4% vs. 13.4%).

CONCLUSIONS AND IMPLICATIONS

The increasing number of events and fierce competition suggest that there is a need for new techniques to accompany the concept of market orientation within the context of festivals. This study contributes to the knowledge on the viability of festival attendees by applying a segmentation technique that allows identifying differences according to festival attendees' purchase/usage behaviors. A survey conducted among 1100 visitors to the Zora! Festival helped ascertain that this particular group is heterogeneous in nature, which merits differentiation based on the number of previous visits to the festival (first-timers vs. repeat visitors).

The results of the study clearly indicate that repeat visitors are a valuable and prominent segment for the Zora! Festival. In 2006, repeat visitors accounted for 62.9% of the total visitors, thus representing a driving force that not only spends significantly more money in the festival, but also stays longer, is more likely to return, recommends the festival to others, and visits more venues while at the festival. The findings on the relatively

longer length of stay and the more venues visited by the repeat visitors is especially important to a cultural festival like Zora!, whose prominent goal is to improve awareness and enhance education regarding the contents presented in the festival, in addition to increasing the involvement and attachment of the attendees to the local community.

These results point out the need to continue strengthening and tightening the relationship with the repeat visitors, as the premise of their value, as often argued in the marketing literature (e.g., Lau & McKercher, 2004; Reichheld & Sasser, 1990), seems to be established in the case of the Zora! Festival. It should be noted, nevertheless, that the findings are somewhat contradictory to those of Tang and Turco (2001), who found in a study on attendees to the Kodak Albuquerque International Balloon Fiesta, that first-time festival visitors were bigger spenders than repeat visitors. These contradicting results might be derived from the very different nature of these events, as Zora! has clear cultural and ideological characteristics. Future research should evaluate and verify the different spending patterns of visitors to varied types of festivals.

Further recommendations can be derived from the examination of the socio-demographic characteristics of the segments. In order to better identify and focus on the repeat visitor segment, it should be noted that they are older, have higher annual incomes and higher rates of local residents, and consist of a higher proportion of African Americans. The festival management can also use the information that revealed the characteristics and behavior patterns of the first-timers to encourage them to "convert" to repeat visitors. One of the intriguing findings in this study is that the first-timers have a higher rate of out-of-town visitors, yet they have a relatively low participation rate in various venues as part of the festival. Festival organizers can create partnerships with local hospitality operators to present out-of-town visitors with attractive packages for next year's event. This package should include lodging together with an all-access ticket to the festival activities. Such a strategy should allow for either winning over a customer or having them recommend potential one. During the event itself, the staff and volunteers should approach the first-timers (who can be identified through greeting and friendly conversation) and ensure their awareness of the variety of venues offered in the festival, as well the various shopping opportunities.

More generally, the festival management should consider developing activities with the potential to enhance the perception of value for festival attendees and encourage repeat visitation and extended stay. For example, the promotion of new activities, such as the suggestion to form "Expedition Zora!," should allow for the development of alliances and partnerships between the commercial sector and the less-visited venues in Eatonville (e.g., the walking tour of Eatonville and the Mosley House Restoration Project). The goal behind this initiative should be to enrich festival participation while fostering new and existing cultural experiences that commemorate Zora's life

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in Eatonville. For example, the Eatonville Walking Tour can include captivating stories about the southern African-American culture through the artful presentation of the African-American dialect used in Zora's writing.

Another issue that might require change is the handling of valuable information on behalf of the festival organizers. Current statistics about the visitors' profiles should be available to all sponsors, vendors, government officials, and the media. The market intelligence information provided in this segmentation study must be disseminated throughout the possible target groups in an attempt to solicit responsive actions that enable a response to market needs. Only then will the production, promotion, and distribution of new strategies induce a favorable response from festival attendees.

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Limitations and Future Research

The current study is not without limitations. First, although the study used several viability indicators, it is plausible that although they are characterized by higher spending and a stronger intention to return and recommend the festival, repeat visitors are more costly in terms of service efforts, as they might have stricter service quality demands. Thus, future studies should include other profitability estimations as well. Second, Zora! Festival is a distinct cultural festival; hence, the study's findings should be generalized with caution, as external validity seems to set some limitations to the study. Other festivals—both cultural and others—should be examined in future research. Third, the results should also be interpreted with caution in light of the sampling technique, which allowed the generation of a large sample size but was not necessarily representative of the visitors who attended the festival. Consequently, there is a need for further large-scale empirical investigations of repeat visitation to cultural events using probability sampling procedures. Finally, it should be stressed that the study relies on the visitors' statements about their spending while visiting the festival, which might not reflect their actual spending. However, the participants were interviewed during the event itself; thus the potential recall bias was significantly reduced.

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The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 1146

INTRODUCER: Commerce and Tourism Committee and Senator Altman

SUBJECT: Service Animals

DATE: March 31, 2014 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Malcolm	Hrdlicka	CM	**Fav/CS**
2.			CA	
3.			JU	

I. Summary:

CS/SB 1146 amends Florida's disability rights law related to service animals to align it with similar provisions in the federal Americans with Disabilities Act and the federal Fair Housing Act.

The bill updates the definition of "individual with a disability" to include mental disabilities and limits the definition of "service animal" for the purposes of public accommodations to only dogs and miniature horses trained to assist individuals with psychiatric, intellectual, or other mental disabilities.

The bill requires a business to modify its policies and procedures to accommodate the use of a service animal by a person with a disability. A business may not ask about the nature or extent of an individual's disability, but it may ask whether an animal is a service animal required because of a disability and what work the animal has been trained to perform. A service animal must be on a leash or harness, unless the individual's disability would make it impractical. A business may remove the animal if it is out of control, is not housebroken, or poses a serious threat to others.

The bill also requires that an individual with a disability who has an emotional support animal must have equal access to housing. The bill defines an "emotional support animal" as an animal that provides emotional support to an individual who has a disability-related need for such support. Unless the need for an emotional support or service animal is apparent, a landlord may request medical documentation to verify the disability and need for a service or emotional support animal.

The bill modifies the penalties for any person who interferes with the rights of an individual with a disability or a person training a service animal. In addition to the current second-degree misdemeanor penalty, the bill also requires 30 hours of community service. The bill also makes

it a second-degree misdemeanor to knowingly and willfully misrepresent oneself as using a service animal or as a trainer of a service animal. Punishment for a violation includes 30 hours of community service.

II. Present Situation:

Americans with Disabilities Act

The Americans with Disabilities Act (ADA)[1] prohibits discrimination against individuals with disabilities[2] in employment,[3] in the provision of public services,[4] and in public accommodations and businesses.[5] One of the requirements of the ADA is that public entities and businesses provide reasonable accommodations to disabled individuals accompanied by a service animal in all areas that are open to the public.[6]

A "service animal" is defined as a dog that is individually trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.[7] The work or tasks performed by a service dog must be directly related to the individual's disability.[8] Emotional support, comfort, and companionship provided by a dog, even for therapeutic or medical purposes, are insufficient to classify it as a service animal.[9]

Service dogs must be harnessed or leashed, unless doing so interferes with the dog's work or the individual's disability prevents doing so.[10] A person with a disability cannot be asked to remove his or her service dog from the premises, unless it is out of control and the dog's handler does not take action to control it, or if the dog is not housebroken.[11] However, if the dog is removed under such circumstances, the business or public entity must still allow the individual with a disability the opportunity to remain at the business or public entity without the service dog.[12]

Generally, when it is clear that a dog is trained to do work or perform tasks (such as a guide dog), a business or public entity may not ask about the necessity of the service dog. If it is not obvious what service or task the dog is providing, extremely limited questions are allowed: staff may only ask if a service dog is required because of a disability, and what tasks the dog has been

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[1] 42 U.S.C. s. 12101 *et seq*.
[2] Under the ADA, a disability is broadly defined to mean a physical or mental impairment that substantially limits the major life activities of an individual. 42 U.S.C. s. 12102(1).
[3] 42 U.S.C. s. 12112.
[4] 42 U.S.C. s. 12132.
[5] 42 U.S.C. s. 12182.
[6] 28 C.F.R. ss. 36.302(a) and (c)(7) and 35.136(a) and (g).
[7] 28 C.F.R. ss. 35.104 and 36.104.
[8] *Id.*
[9] *Id.*; ADA National Network, *Service Animals and Emotional Support Animals: Where are they allowed and under what conditions?*, 3 (2014), *available at* http://adata.org/sites/adata.org/files/files/Service_Animal_Booklet_2014(1).pdf (last visited Mar. 26, 2014).
[10] 28 C.F.R. ss. 35.136(d) and 36.302(b)(4).
[11] 28 C.F.R. ss. 35.136(b) and 36.302(c)(2).
[12] 28 C.F.R. ss. 35.136(c) and 36.302(c)(3).

trained to perform.[13] Any other questions, including the nature and extent of the person's disability or medical documentation, are prohibited.[14]

Although the definition of a service animal is limited to dogs, the ADA contains an additional provision related to miniature horses that have been individually trained to work or perform tasks for people with disabilities.[15] Miniatures horses are an alternative to individuals with disabilities who may be allergic to dogs; miniature horses also have life spans considerably longer than dogs and are generally stronger than most dogs.[16] Similar to the requirements for service dogs, public entities and public accommodations and businesses must permit the use of a miniature horse by a person with a disability where reasonable. In determining whether permitting a miniature horse is reasonable, a facility must consider four factors: whether the miniature horse is housebroken; whether the miniature horse is under the owner's control; whether the facility can accommodate the miniature horse's type, size, and weight; and whether the miniature horse's presence will compromise safety requirements.[17]

If a business or public entity violates the ADA, a private party may file suit to obtain a court order to stop the violation. No monetary damages will be available in such suits; however, reasonable attorney's fee may be awarded.[18] Individuals may also file complaints with the U.S. Attorney General who is authorized to bring lawsuits in cases of general public importance or where a "pattern or practice" of discrimination is alleged. In suits brought by the Attorney General, monetary damages and civil penalties may be awarded. Civil penalties may not exceed $50,000 for a first violation or $100,000 for any subsequent violation.[19]

Federal Fair Housing Act

The federal Fair Housing Act (FHA) [20] prohibits discrimination against a person with a disability in the sale or rental of housing.[21] Similar to the ADA, the FHA also requires a landlord to provide reasonable accommodations, including permitting the use of service animals, to a person with a disability.[22] However, unlike the ADA, which does not require reasonable accommodations for emotional support animals, accommodation of untrained emotional support animals may be required under the FHA if such an accommodation is reasonably necessary to

[13] 28 C.F.R. ss. 35.136(f) and 36.302(c)(6).
[14] *Id.*
[15] 28 C.F.R. ss. 35.136(i) and 36.302(c)(9). Miniature horses generally range in height from 2 to 3 feet to the shoulders and weigh between 70 and 100 pounds. U.S. Dep't of Justice, Civil Rights Division, *Service Animals*, 3 (July 2011), *available at* http://www.ada.gov/service_animals_2010.pdf (last visited Mar. 26, 2014).
[16] U.S. Dep't. of Justice, *Americans with Disabilities Act Title III Regulations: Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities*, 96 (Sept. 15, 2010) *available at* http://www.ada.gov/regs2010/titleIII_2010/titleIII_2010_regulations.pdf (last visited Mar. 26, 2014).
[17] 28 C.F.R. ss. 35.136(i) and 36.302(c)(9).
[18] 42 U.S.C. ss. 12188 and 2000a-3.
[19] 42 U.S.C. s 12188.
[20] 42 U.S.C. s. 3601 *et seq.*
[21] 42 U.S.C. s. 3604(f).
[22] *Id.*; 24 C.F.R. 5.303.

allow a person with a handicap an equal opportunity to enjoy and use housing.[23] A reasonable accommodation may include waiving a no-pet rule or a pet deposit.[24]

A landlord may not ask about the existence, nature, and extent of a person's disability. However, an individual with a disability who requests a reasonable accommodation may be asked to provide documentation so that the landlord can properly review the accommodation request. They can ask a person to certify, in writing, that the tenant or a member of his or her family is a person with a disability; the need for the animal to assist the person with that specific disability; and that the animal actually assists the person with a disability.[25]

Florida Service Animal Law

Section 413.08, F.S., is Florida's companion to the ADA and FHA provisions regarding service animals, and while the three are broadly similar, s. 413.08, F.S., contains some significant differences from the ADA and the FHA. Consequently, businesses and public entities in Florida that comply with Florida law may be in violation of the ADA or the FHA.

Section 413.08, F.S., provides that an individual with a disability is entitled to equal access in public accommodations,[26] public employment,[27] and housing.[28] An "individual with a disability" means a person who is deaf, hard of hearing, blind, visually impaired, or otherwise has a physical impairment that substantially limits one or more major life activities.[29] Unlike the ADA and FHA, this definition does not include mental impairment, which includes such mental or psychological disorders as panic disorders or posttraumatic stress disorder. Consequently, s. 413.08, F.S., is narrower in scope than the ADA and FHA.

Under s. 413.08, F.S., an individual with a disability has the right to be accompanied by a trained service animal in all areas of public accommodations that the public is normally allowed to occupy.[30] However, unlike the ADA, s. 413.08, F.S., does not require a public accommodation to provide *reasonable accommodations* to such individuals.

Section 413.08, F.S., defines "service animal" broadly to mean "an animal that is trained to perform tasks for an individual with a disability," and does not limit service animals only to dogs as in the ADA.[31] Additionally, because the definition of "individual with a disability" under s. 413.08, F.S., does not include mental impairment, an animal that is trained to perform work or

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[23] Pet Ownership for the Elderly and Persons With Disabilities, 73 Fed Reg. 63834, 63836 (Oct. 27, 2008); *see*, *Fair Housing of the Dakotas, Inc. v. Goldmark Prop. Mgmt., Inc.*, 778 F. Supp. 2d 1028, 1036 (D.N.D. 2011) (finding that "the FHA encompasses all types of assistance animals regardless of training . . . ."); *Overlook Mut. Homes, Inc. v. Spencer*, 666 F. Supp. 2d 850, 859 (S.D. Ohio 2009).
[24] *See* 24 C.F.R. s. 100.204 (Example (1)); *Intermountain Fair Housing Council v. CVE Falls Park, L.L.C.*, 2011 WL 2945824 (D. Idaho 2011); *Bronk v. Ineichen*, 54 F. 3d 425, 429 (7th Cir. 1995).
[25] 73 Fed Reg. 63834.
[26] Section 413.08(2), F.S. "Public accommodation" means "a common carrier, airplane, motor vehicle, railroad train, motor bus, streetcar, boat, or other public . . . transportation; hotel; lodging place; place of public accommodation, amusement, or resort; and other places to which the general public is invited . . . ." Section 413.08(1)(c), F.S.
[27] Section 413.08(5), F.S.
[28] *Id*. at (6).
[29] *Id*. at (1)(b).
[30] *Id*. at (3).
[31] *Id*. at (1)(d).

tasks for an individual with a mental impairment is not considered a service animal under s. 413.08, F.S., as it would be under the ADA. Section 413.08, F.S., also does not provide for the use of miniature horses by individuals with disabilities.

Similar to the ADA, s. 413.08, F.S., provides that documentation that a service animal is trained is not a precondition for providing service, though a public accommodation may ask if an animal is a service animal and what tasks it is trained to perform.[32] However, unlike the ADA, s. 413.08, F.S., does not prohibit asking about the nature or extent of an individual's disability nor does it require the service animal be under the control of its handler and have a harness or leash. Although s. 413.08, F.S., permits a public accommodation to exclude or remove a service animal if its behavior poses a direct threat to the health and safety of others,[33] unlike the ADA it does not specify that a public accommodation may remove a service animal if it is out of control or not housebroken.

Like the FHA, under s. 413.08, F.S., an individual with a disability is entitled to rent or purchase any housing accommodations subject to the same conditions that are applicable to everyone.[34] An individual with a disability who has a service animal is entitled to full and equal access to all housing accommodations, and may not be required to pay extra compensation for the service animal.[35] Unlike the FHA, s. 413.08, F.S., does not provide an individual with a disability who has an *emotional support animal* with the same housing accommodation rights as an individual with a disability who has a service animal.

Section 413.08, F.S., provides that any person who denies or interferes with the rights of a person with a disability or an individual training a service animal commits a second-degree misdemeanor.[36]

III. Effect of Proposed Changes:

Section 1 amends s. 413.08, F.S., to conform Florida's disability rights law regarding service animals to the ADA and the FHA.

The bill revises the definition of "individual with a disability" to mean a person with a physical or *mental impairment* that substantially limits one or more major life activities, such as caring for oneself, walking, seeing, speaking, and performing manual tasks. A "physical or mental impairment" is defined to include physiological disorders that affect one or more bodily functions, and *mental or psychological disorders* as specified by the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

The definition of "service animal" is revised to include animals trained to work or perform tasks to assist individuals with psychiatric, intellectual, or other mental disabilities. The work or tasks performed by the service animal must be directly related to the disability. The bill includes

[32] *Id.* at (3)(a).
[33] *Id*. at (3)(e).
[34] *Id.* at (6).
[35] *Id.* at (6)(b).
[36] A second-degree misdemeanor is punishable by up to 60 days in jail or a fine up to $500. Sections 775.082(4)(b) and 775.083(1)(e), F.S.

additional examples of work or tasks performed by a service animal, such as reminding an individual with mental illness to take his or her medications and calming an individual with posttraumatic stress disorder during an anxiety attack. The bill specifies that any crime-deterrent effect due to an animal's presence or the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks within the definition of a service animal. Further, for the purposes of provisions related to public accommodations, a service animal is limited to dogs and miniature horses.

The bill requires a public accommodation to modify its policies, practices, and procedures to permit use of a service animal by a person with a disability. The bill also provides that a service animal must be kept under the control of its handler by a leash or harness, unless doing so interferes with the dog's work or the individual's disability prevents doing so. A public accommodation may remove the animal if it is out of control and the handler does not take effective measures to control it, the animal is not housebroken, or the animal's behavior poses a serious threat to others. A public accommodation may not ask about the nature or extent of an individual's disability in order to determine whether an animal is a service animal or pet, but it may ask whether an animal is a service animal required because of a disability and what work the animal has been trained to perform.

The bill provides that in addition to an individual with a disability who has a service animal, an individual with a disability who has an emotional support animal has equal access to housing accommodations and may not be required to pay extra compensation for housing because of the emotional support animal. The bill defines an "emotional support animal" as an animal that provides emotional support to an individual with a disability who has a disability-related need for such support and that alleviates the symptoms or effects of an individual's disability. Training is not required for an animal to be classified as an "emotional support animal." Unless the need for an emotional support or service animal is apparent, a landlord may request medical documentation from an individual to verify the disability and need for a service or emotional support animal.

The bill provides an additional penalty for any person who interferes with the rights of an individual with a disability or a person training a service animal. In addition to the current second-degree misdemeanor penalty, the bill also requires 30 hours of community service for an organization that serves individuals with disabilities or other court-determined organization to be completed within 6 months.

Finally, the bill makes it a second-degree misdemeanor to knowingly and willfully misrepresent oneself as using a service animal and being qualified to use a service animal, or as a trainer of a service animal. A violation is punishable by up to 60 days in jail, a fine up to $500,[37] and 30 hours of community service for an organization that serves individuals with disabilities or other court-determined organization to be completed within 6 months.

Section 2 provides an effective date of July 1, 2014.

[37] Sections 775.082(4)(b) and 775.083(1)(e), F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

By aligning Florida law with the ADA and FHA, businesses in Florida that comply with Florida law may no longer be out of compliance with the ADA and FHA with regard to service animals and emotional support animals. The bill also provides greater accessibility to businesses and housing for individuals with disabilities who use service animals and emotional support animals.

C. Government Sector Impact:

According to the Office of the State Courts Administrator, the bill will have an insignificant impact on the workload for the judiciary.[38]

The Criminal Justice Impact Conference has not yet determined the impact of this bill on prison beds. Additionally, the impact of the bill on the Attorney General or state attorneys has not been determined; however, it may increase caseloads for these agencies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 413.08 of the Florida Statutes.

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[38] Office of the State Courts Administrator, *2014 Judicial Impact Statement: SB 1146* (Mar. 5, 2014).

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce and Tourism Committee on March 31, 2014:
The committee substitute:

- Clarifies the definition of "emotional support animal";
- Limits service animals to only dogs and miniature horses for the purposes of public accomodations;
- Provides that nothing in the bill limits a person's rights or remedies under state or federal law; and
- Reduces the time that someone who violates the provisions of the bill has to complete community service from 1 year to 6 months.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

387850

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2014	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Abruzzo) recommended the following:

1 **Senate Amendment**
2
3 Delete line 30
4 and insert:
5 have a disability-related need for such support and that

230512

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2014	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Abruzzo) recommended the following:

1 **Senate Amendment**
2
3 Delete line 90
4 and insert:
5 other special tasks. A service animal is not a pet. For the
6 purposes of subsections (2), (3), and (4), the term "service
7 animal" is limited to a dog or miniature horse. The crime-

398482

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2014	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Abruzzo) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Delete lines 159 - 221
4 and insert:
5 discretion of the court, to be completed in not more than 6
6 months.
7 (5) It is the policy of this state that an individual with
8 a disability be employed in the service of the state or
9 political subdivisions of the state, in the public schools, and
10 in all other employment supported in whole or in part by public

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11 funds, and an employer may not refuse employment to such a
12 person on the basis of the disability alone, unless it is shown
13 that the particular disability prevents the satisfactory
14 performance of the work involved.
15 (6) An individual with a disability is entitled to rent,
16 lease, or purchase, as other members of the general public, any
17 housing accommodations offered for rent, lease, or other
18 compensation in this state, subject to the conditions and
19 limitations established by law and applicable alike to all
20 persons.
21 (a) This section does not require any person renting,
22 leasing, or otherwise providing real property for compensation
23 to modify her or his property in any way or provide a higher
24 degree of care for an individual with a disability than for a
25 person who is not disabled.
26 (b) An individual with a disability who has a service
27 animal or an emotional support animal or who obtains a service
28 animal or an emotional support animal is entitled to full and
29 equal access to all housing accommodations provided for in this
30 section, and such a person may not be required to pay extra
31 compensation for such ~~the service~~ animal. However, such a person
32 is liable for any damage done to the premises or to another
33 person on the premises by the ~~such an~~ animal. A housing
34 accommodation may request proof of compliance with vaccination
35 requirements. This section does not limit the rights or remedies
36 of a housing accommodation or a person with a disability which
37 are granted by federal law or another law of this state and
38 which relate to service animals or emotional support animals.
39 (c) Except when the disability and the need for the service

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40 or emotional support animal are readily apparent, such as when
41 it is observed guiding, pulling, or providing physical
42 assistance to an individual who is blind, has low vision, uses a
43 wheelchair, or needs the animal for stability, a landlord may
44 request medical documentation that a tenant has a qualifying
45 disability and how the service or emotional support animal
46 alleviates one or more identified symptoms or effects of the
47 individual's disability.
48 (7) An employer covered under subsection (5) who
49 discriminates against an individual with a disability in
50 employment, unless it is shown that the particular disability
51 prevents the satisfactory performance of the work involved, or
52 any person, firm, or corporation, or the agent of any person,
53 firm, or corporation, providing housing accommodations as
54 provided in subsection (6) who discriminates against an
55 individual with a disability, commits a misdemeanor of the
56 second degree, punishable as provided in s. 775.082 or s.
57 775.083.
58 (8) Any trainer of a service animal, while engaged in the
59 training of such an animal, has the same rights and privileges
60 with respect to access to public facilities and the same
61 liability for damage as is provided for those persons described
62 in subsection (3) accompanied by service animals.
63 (9) A person who knowingly and willfully misrepresents
64 herself or himself, through conduct or verbal or written notice,
65 as using a service animal and being qualified to use a service
66 animal or as a trainer of a service animal commits a misdemeanor
67 of the second degree, punishable as provided in s. 775.082 or s.
68 775.083 and must perform 30 hours of community service for an

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69 organization that serves individuals with disabilities, or for
70 another entity or organization at the discretion of the court,
71 to be completed in not more than 6 months.
72
73 ========== T I T L E A M E N D M E N T ==========
74 And the title is amended as follows:
75 Delete line 16
76 and insert:
77 penalty for knowing and willful misrepresentation with
78 respect to use or training of

By Senator Altman

16-00292A-14 20141146__

A bill to be entitled

An act relating to service animals; amending s. 413.08, F.S.; providing and revising definitions; requiring a public accommodation to permit use of a service animal by an individual with a disability under certain conditions; providing conditions for a public accommodation to exclude or remove a service animal; revising penalties to include community service for certain persons or entities who interfere with use of a service animal in specified circumstances; providing equal access to housing accommodations for an individual with a disability accompanied by an emotional support animal; providing conditions under which a landlord may request documentation of a qualifying disability; providing a penalty for fraud with respect to use or training of a service animal; providing an effective date.

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

Section 1. Section 413.08, Florida Statutes, is amended to read:

413.08 Rights and responsibilities of an individual with a disability; use of a service or emotional support animal; prohibited discrimination in public employment, public accommodations, and ~~or~~ housing accommodations; penalties.—

(1) As used in this section and s. 413.081, the term:

(a) "Emotional support animal" means an animal that provides emotional support to individuals with disabilities who

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

16-00292A-14 20141146__

have a disability-related need for such support or that alleviates one or more identified symptoms or effects of an individual's disability. Training is not required for an emotional support animal.

(b) ~~(a)~~ "Housing accommodation" means any real property or portion thereof which is used or occupied, or intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more persons, but does not include any single-family residence, the occupants of which rent, lease, or furnish for compensation not more than one room therein.

(c) ~~(b)~~ "Individual with a disability" means a person who has a physical or mental impairment that substantially limits one or more major life activities of the individual ~~is deaf, hard of hearing, blind, visually impaired, or otherwise physically disabled~~. As used in this paragraph, the term:

1. "Major life activity" means a function such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working ~~"Hard of hearing" means an individual who has suffered a permanent hearing impairment that is severe enough to necessitate the use of amplification devices to discriminate speech sounds in verbal communication~~.

2. "Physical or mental impairment" means:

a. A physiological disorder or condition, disfigurement, or anatomical loss that affects one or more bodily functions; or

b. A mental or psychological disorder that meets one of the diagnostic categories specified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

published by the American Psychiatric Association, such as an intellectual or developmental disability, organic brain syndrome, traumatic brain injury, posttraumatic stress disorder, or an emotional or mental illness ~~"Physically disabled" means any person who has a physical impairment that substantially limits one or more major life activities~~.

(d) ~~(c)~~ "Public accommodation" means a common carrier, airplane, motor vehicle, railroad train, motor bus, streetcar, boat, or other public conveyance or mode of transportation; hotel; lodging place; place of public accommodation, amusement, or resort; and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

(e) ~~(d)~~ "Service animal" means an animal that is trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work done or tasks performed must be directly related to the individual's disability and may include, but are not limited to, guiding an individual ~~a person~~ who is visually impaired or blind, alerting an individual ~~a person~~ who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting an individual ~~a person~~ who is having a seizure, retrieving objects, alerting an individual to the presence of allergens, providing physical support and assistance with balance and stability to an individual with a mobility disability, helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors, reminding an individual with mental illness to take prescribed medications,

calming an individual with posttraumatic stress disorder during an anxiety attack, or doing other specific work or performing other special tasks. A service animal is not a pet. The crime-deterrent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of this definition.

(2) An individual with a disability is entitled to full and equal accommodations, advantages, facilities, and privileges in all public accommodations. A public accommodation must modify its policies, practices, and procedures to permit use of a service animal by an individual with a disability. This section does not require any person, firm, business, or corporation, or any agent thereof, to modify or provide any vehicle, premises, facility, or service to a higher degree of accommodation than is required for a person not so disabled.

(3) An individual with a disability has the right to be accompanied by a service animal in all areas of a public accommodation that the public or customers are normally permitted to occupy.

(a) The service animal must be under the control of its handler and must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control by means of voice control, signals, or other effective means.

(b) ~~(a)~~ Documentation that the service animal is trained is not a precondition for providing service to an individual

117 accompanied by a service animal. A public accommodation may not
118 ask about the nature or extent of an individual's disability. To
119 determine the difference between a service animal and a pet, a
120 public accommodation may ask if an animal is a service animal
121 required because of a disability and what work or ~~what~~ tasks the
122 animal has been trained to perform ~~in order to determine the~~
123 ~~difference between a service animal and a pet~~.
124 (c) ~~(b)~~ A public accommodation may not impose a deposit or
125 surcharge on an individual with a disability as a precondition
126 to permitting a service animal to accompany the individual with
127 a disability, even if a deposit is routinely required for pets.
128 (d) ~~(c)~~ An individual with a disability is liable for damage
129 caused by a service animal if it is the regular policy and
130 practice of the public accommodation to charge nondisabled
131 persons for damages caused by their pets.
132 (e) ~~(d)~~ The care or supervision of a service animal is the
133 responsibility of the individual owner. A public accommodation
134 is not required to provide care or food or a special location
135 for the service animal or assistance with removing animal
136 excrement.
137 (f) ~~(e)~~ A public accommodation may exclude or remove any
138 animal from the premises, including a service animal, if the
139 animal is out of control and the animal's handler does not take
140 effective action to control it, the animal is not housebroken,
141 or the animal's behavior poses a direct threat to the health and
142 safety of others. Allergies and fear of animals are not valid
143 reasons for denying access or refusing service to an individual
144 with a service animal. If a service animal is excluded or
145 removed for being a direct threat to others, the public

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

146 accommodation must provide the individual with a disability the
147 option of continuing access to the public accommodation without
148 having the service animal on the premises.
149 (4) Any person, firm, or corporation, or the agent of any
150 person, firm, or corporation, who denies or interferes with
151 admittance to, or enjoyment of, a public accommodation or
152 otherwise interferes with the rights of an individual with a
153 disability or the trainer of a service animal while engaged in
154 the training of such an animal pursuant to subsection (8),
155 commits a misdemeanor of the second degree, punishable as
156 provided in s. 775.082 or s. 775.083 and must perform 30 hours
157 of community service for an organization that serves individuals
158 with disabilities, or for another entity or organization at the
159 discretion of the court, to be completed in not more than 1
160 year.
161 (5) It is the policy of this state that an individual with
162 a disability be employed in the service of the state or
163 political subdivisions of the state, in the public schools, and
164 in all other employment supported in whole or in part by public
165 funds, and an employer may not refuse employment to such a
166 person on the basis of the disability alone, unless it is shown
167 that the particular disability prevents the satisfactory
168 performance of the work involved.
169 (6) An individual with a disability is entitled to rent,
170 lease, or purchase, as other members of the general public, any
171 housing accommodations offered for rent, lease, or other
172 compensation in this state, subject to the conditions and
173 limitations established by law and applicable alike to all
174 persons.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

175 (a) This section does not require any person renting,
176 leasing, or otherwise providing real property for compensation
177 to modify her or his property in any way or provide a higher
178 degree of care for an individual with a disability than for a
179 person who is not disabled.
180 (b) An individual with a disability who has a service
181 animal or an emotional support animal or who obtains a service
182 animal or an emotional support animal is entitled to full and
183 equal access to all housing accommodations provided for in this
184 section, and such a person may not be required to pay extra
185 compensation for such ~~the service~~ animal. However, such a person
186 is liable for any damage done to the premises or to another
187 person on the premises by the ~~such an~~ animal. A housing
188 accommodation may request proof of compliance with vaccination
189 requirements.
190 (c) Except when the disability and the need for the service
191 or emotional support animal are readily apparent, such as when
192 it is observed guiding, pulling, or providing physical
193 assistance to an individual who is blind, has low vision, uses a
194 wheelchair, or needs the animal for stability, a landlord may
195 request medical documentation that a tenant has a qualifying
196 disability and how the service or emotional support animal
197 benefits the individual with a disability.
198 (7) An employer covered under subsection (5) who
199 discriminates against an individual with a disability in
200 employment, unless it is shown that the particular disability
201 prevents the satisfactory performance of the work involved, or
202 any person, firm, or corporation, or the agent of any person,
203 firm, or corporation, providing housing accommodations as

204 provided in subsection (6) who discriminates against an
205 individual with a disability, commits a misdemeanor of the
206 second degree, punishable as provided in s. 775.082 or s.
207 775.083.
208 (8) Any trainer of a service animal, while engaged in the
209 training of such an animal, has the same rights and privileges
210 with respect to access to public facilities and the same
211 liability for damage as is provided for those persons described
212 in subsection (3) accompanied by service animals.
213 (9) A person who knowingly and fraudulently represents
214 herself or himself, through conduct or verbal or written notice,
215 as using a service animal and being qualified to use a service
216 animal or as a trainer of a service animal commits a misdemeanor
217 of the second degree, punishable as provided in s. 775.082 or s.
218 775.083 and must perform 30 hours of community service for an
219 organization that serves individuals with disabilities, or for
220 another entity or organization at the discretion of the court,
221 to be completed in not more than 1 year.
222 Section 2. This act shall take effect July 1, 2014.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31/14
Meeting Date

Topic: Service Animals

Bill Number: 1146 *(if applicable)*

Name: Sylvia Smith

Amendment Barcode: *(if applicable)*

Job Title: Director of Legis. Affairs

Address: 2728 Centerview Dr.
Street

TLH FL 01
City *State* *Zip*

Phone: 322-2258

E-mail: SylviaS@disabilityrightsflorida.org

Speaking: [X] For [ ] Against [ ] Information

Representing: Disability Rights Florida

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-31-14
Meeting Date

Topic: Service Animals

Bill Number: 1146 (if applicable)

Name: HOWARD MOON

Amendment Barcode: (if applicable)

Job Title: Self Advocate

Address: 4215 SE 54 St
Street

Ocala, FL 34480
City, State, Zip

Phone: 3524275935

E-mail: howardocala@gmail.com

Speaking: [X] For [ ] Against [ ] Information

Representing: Self and other service animal owners

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

Bio Knott

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31/14
Meeting Date

Topic: Service Animals

Bill Number: 1146 *(if applicable)*

Name: Toni King

Amendment Barcode: *(if applicable)*

Job Title: Independent Living Specialist

Address: 3071 Highland Oaks
Street

Tall FL 01
City *State* *Zip*

Phone: 942-3658 x211

E-mail: tking@lighthousebigbend.org

Speaking: [X] For [ ] Against [ ] Information

Representing: Lighthouse of the Big Bend

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date: _____

Topic: Service Animals

Bill Number: 1146 (if applicable)

Name: Heather Hawk

Amendment Barcode: _____ (if applicable)

Job Title: Resource Coordinator

Address: 922 Courtington Ln L
Street

Fort Myers, Fl 33917
City, State, Zip

Phone: 2398239573

E-mail: hjhawk@gmail.com

Speaking: [x] For [ ] Against [ ] Information

Representing: _____

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [ ] Yes [x] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-31-14
Meeting Date

Topic: Service Animals

Bill Number: SB 1146 *(if applicable)*

Name: Margaret S. Hooper

Amendment Barcode: *(if applicable)*

Job Title: Public Policy Coordinator

Address: ~~4279~~ 1224 Marriott Dr. #203
Street

Tallahassee FL 32301
City *State* *Zip*

Phone: 850-921-7263

E-mail: Margaret.D@FDDC.org

Speaking: [✓] For [ ] Against [ ] Information

Representing: Florida Developmental Disabilities Council

Appearing at request of Chair: [ ] Yes [✓] No

Lobbyist registered with Legislature: [✓] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL:	CS/SB 1000
INTRODUCER:	Commerce and Tourism Committee and Senator Braynon
SUBJECT:	Labor Pools
DATE:	April 1, 2014 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Siples	Hrdlicka	CM	**Fav/CS**
2.			BI	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1000 allows labor pools to offer additional methods to compensate day laborers for services performed. These new methods include electronic fund transfer to the financial institution designated by the day laborer and payroll debit card, which does not charge a fee for withdrawal of its contents. The labor pool must notify the day laborer of the payment method it intends to use and provide the day laborer the option to be paid by another authorized method. The bill authorizes the labor pool to provide a wage statement electronically upon written request of the day laborer.

II. Present Situation:

The Labor Pool Act

Part II of ch. 448, F.S., also known as the Labor Pool Act,[1] was enacted in 1995 to protect the health, safety, and well-being of day laborers throughout Florida. The act also outlines uniform standards of conduct and practice for labor pools. A labor pool is defined as business entity that operates a labor hall[2] by one or more of the following methods:

- Contracting with third-party users to supply day laborers to them on a temporary basis;
- Hiring, employing, recruiting, or contracting with workers to fulfill these contracts for temporary labor; or

[1] Chapter 95-332, L.O.F.

[2] Section 448.22(3), F.S., defines a "labor hall" as a central location maintained by a labor pool where day laborers assemble and are dispatched to work for a third-party user.

- Fulfilling any contracts for day labor in accordance with the act, even if the entity also conducts other business.[3]

The act limits the methods by which a day laborer may be paid to cash or commonly accepted negotiable instruments that are payable in cash, on demand at a financial institution, and without discount.[4] The act prohibits a labor pool from charging a day laborer for directly or indirectly cashing the worker's check.[5]

Payment for Labor

Chapter 532, F.S., governs the issuance of payment for labor in this state. Under the law, payment for labor may be made by order, check, draft, note, memorandum, payroll debit card, or other acknowledgment of indebtedness issued in payment of wages and payable in cash, on demand, without discount, at an established place of business. It further requires the name and address of such business to appear on the payroll debit card.

Payroll Debit Cards

More companies are using payroll debit cards to compensate their employees for their labor. The number of companies using this method to pay employees is expected to reach 10.8 million within the next 5 years.[6] However, some consumer advocates warn that employees paid by these debit cards may be subjected to fees for transactions, such as withdrawals, balance inquiries, and point of sale purchases.[7] Some of the payroll debit card issuers may also charge its cardholders overdraft and inactivity fees.

However, payroll debit cards may offer an individual who has limited or no access to a financial institution a safe and convenient way to receive her or his wages.[8] The Consumers Union and the National Consumer Law Center has issued a Model State Payroll Card Law, which they feel offer a mutually beneficial payroll program for both employers and employees.[9] The model law includes such provisions as:

- Requirement of a voluntary written consent to receive payment by payroll card;
- The availability of wages without a fee at least once each pay period;

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[3] Section 448.22(1), F.S. The act also specifically excludes certain businesses from its provisions: businesses registered as farm labor contractors; employee leasing companies; temporary help services that solely provide white collar employees, secretarial employees, clerical employees, or skilled laborers; labor union hiring halls; or labor bureau or employment offices operated by a business entity for the sole purpose of employing an individual for its own use. *See* s. 448.23, F.S.
[4] Section 448.24(2)(a), F.S.
[5] Section 448.24(1)(c), F.S.
[6] Sandra Pedicini, *More Companies Opt to Give Workers Payroll Debit Cards*, ORLANDO SENTINEL, Oct. 6, 2013, *available at* http://articles.orlandosentinel.com/2013-10-06/business/os-cfb-cover-payroll-cards-20131006_1_debit-cards-payroll-cards-such-cards (last visited Mar. 26, 2014).
[7] *Id. See also* Jessica Silver-Greenberg and Stephanie Clifford, *Paid via Card, Workers Feel Sting of Fees*, NEW YORK TIMES, June 30, 2013, *available at* http://www.nytimes.com/2013/07/01/business/as-pay-cards-replace-paychecks-bank-fees-hurt-workers.html?pagewanted=all&_r=1& (last visited Mar. 26, 2014).
[8] Press Release, American Payroll Association and National Consumer Law Center, *American Payroll Association, National Consumer Law Center Agree Payroll Cards Make Sense for Unbanked If Proper Guidelines Followed*, July 31, 2013, *available at* https://www.nclc.org/images/pdf/pr-reports/pr_effective-payroll-card2013.pdf (last visited Mar. 26, 2014).
[9] *Id. See also* Consumers Union and National Consumer Law Center, *Model State Payroll Card Law* (Feb. 2011), *available at* http://consumersunion.org/wp-content/uploads/2013/02/Payroll-Model-Law.pdf (last visited Mar. 26, 2014).

- A prohibition of certain other fees, such as fees for point of sale transactions, declined transactions, balance inquiry, and account activity;
- A provision of a periodic statement and transaction history;
- Requirement to disclose available payment options to the employee;
- A provisions that allows an employee to change the wage payment method;
- A prohibition on linking the payroll card to any form of credit account or fee-based overdraft program; and
- A requirement that payroll card funds be placed in an FDIC- or NCUA-insured account.

III. Effect of Proposed Changes:

Section 1 amends s. 448.24, F.S., to permit labor pools to pay a day laborer by payroll debit card or electronic funds transfer, in addition to the current options of payment by cash or a negotiable instrument that is payable in cash.

The bill provides that before the first pay period, a day laborer must be advised of the method of payment the labor pool uses, and the payment options available. A day laborer must be given the opportunity to opt out of receiving his or her wages by payroll debit card or electronic fund transfer.

If a labor pool decides to pay wages by payroll debit card, the labor pool must:
- Offer to provide wages by electronic fund transfer; and
- Provide a list of businesses in close proximity of the labor pool that will allow the day laborer to withdraw the contents of the payroll debit card without a fee.

The bill authorizes a labor pool to provide an itemized statement of a day laborer's wages, along with any deductions made by the labor pool, in an electronic format upon written request by the day laborer.

Section 2 provides an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

An employee being paid by this method may be able to avoid or reduce check-cashing fees or other fees incurred for accessing wages, if the employee does not have access or has limited access to traditional banking services.

An employer may save costs associated with the issuance of a paper check.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not define "close proximity." Although the term is used in several statutes to delineate distance,[10] only two provisions provide a definition.[11] Section 627.736(7)(a), F.S., uses the term "area of the closest proximity." This term was reviewed by the Fifth District Court of Appeal, which found this term to mean the same or closest metropolitan area.[12]

VIII. Statutes Affected:

This bill substantially amends section 448.24 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce and Tourism Committee on Mar. 31, 2014:

- Provides that the labor pool must inform the day laborer of the method of payment it intends to use and the options the day laborer has to elect another payment method.
- Provides that the day laborer must be allowed to decline to be paid by payroll debit card or electronic fund transfer.

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[10] *For example*, ss. 39.6012, 119.071, 163.3175, 310.101, 310.141, 341.031, 380.0552, 403.7211, 561.01, and 856.022, F.S.
[11] Sections 119.071(3)(c)5.b. and 561.01(18), F.S., include in the definition of "entertainment or resort complex" lodging, dining, and recreational facilities adjacent to, contiguous to, or in close proximity to a theme park. Close proximity is defined to include an area within a 5-mile radius of the theme park complex.
[12] *Progressive American Insurance Co. v. Belcher*, 496 So.2d 841, 843 (Fla. 5th DCA 1986).

- Provides that a labor pool that compensates a day laborer by payroll debit card must offer to pay the day laborer by electronic fund transfer and provide the day laborer with a list of businesses, in close proximity to the labor pool, that will allow the day laborer to withdraw the contents of the payroll debit card without charging a fee.
- Provides that a labor pool can electronically supply the day laborer's wage statement upon written request of the day laborer.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

206292

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2014	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Abruzzo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 448.24, Florida Statutes, is amended to read:

448.24 Duties and rights.—

(2) A labor pool shall:

(a) Select one of the following methods of payment to compensate a day laborer ~~laborers~~ for work performed: ~~in the~~

206292

11 ~~form of~~
12 1. Cash.~~, or~~
13 2. Commonly accepted negotiable instruments that are
14 payable in cash, on demand at a financial institution, and
15 without discount.
16 3. Payroll debit card.
17 4. Electronic fund transfer, which must be made to a
18 financial institution designated by the day laborer.
19 (b) Before a day laborer's first pay period, provide notice
20 to the day laborer of the method of payment that the labor pool
21 intends to use for payroll and the day laborer's options to
22 elect a different method of payment, and authorize the day
23 laborer to elect not to be paid by payroll debit card or
24 electronic fund transfer.
25 (c) If selecting to compensate a day laborer by payroll
26 debit card:
27 1. Offer the day laborer the option to elect payment by
28 electronic fund transfer; and
29 2. Provide the day laborer with a list, including the
30 address, of each business that is in close proximity to the
31 labor pool and that does not charge a fee to withdraw the
32 contents of the payroll debit card.
33 (d)~~(b)~~ Compensate day laborers at or above the minimum
34 wage, in conformance with ~~the provision of~~ s. 448.01. ~~In no~~
35 ~~event shall any~~ Deductions, other than those authorized
36 ~~permitted~~ by federal or state law, may not bring the worker's
37 pay below minimum wage for the hours worked.
38 (e)~~(c)~~ Comply with all requirements of chapter 440.
39 (f)~~(d)~~ Insure any motor vehicle owned or operated by the

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40 labor hall and used for the transportation of workers pursuant
41 to Florida Statutes.
42 (g) ~~(e)~~ At the time of each payment of wages, furnish each
43 worker a written itemized statement showing in detail each
44 deduction made from such wages. A labor pool may deliver this
45 statement electronically upon written request of the day
46 laborer.
47 (h) ~~(f)~~ Provide each worker with an annual earnings summary
48 within a reasonable period of time after the end of the
49 preceding calendar year, but no later than February 1.
50 Section 2. This act shall take effect July 1, 2014.
51
52 ========== T I T L E A M E N D M E N T ==========
53 And the title is amended as follows:
54 Delete everything before the enacting clause
55 and insert:
56 A bill to be entitled
57 An act relating to labor pools; amending s. 448.24,
58 F.S.; revising methods by which a labor pool is
59 required to compensate day laborers; requiring a labor
60 pool to provide certain notice before a day laborer's
61 first pay period; specifying requirements for a labor
62 pool that selects to compensate a day laborer by
63 payroll debit card; authorizing a labor pool to
64 deliver a wage statement electronically upon request
65 by the day laborer; providing an effective date.

By Senator Braynon

36-00832-14 20141000__

A bill to be entitled

An act relating to labor pools; amending s. 448.24, F.S.; revising methods by which a labor pool may compensate day laborers; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 448.24, Florida Statutes, is amended to read:

448.24 Duties and rights.—

(2) A labor pool shall:

(a) Compensate day laborers for work performed with any of the following methods selected by the labor pool: ~~in the form of~~

1. Cash;~~, or~~

2. Commonly accepted negotiable instruments that are payable in cash, on demand at a financial institution, and without discount;

3. Payroll debit card, if the labor pool also offers payment by electronic fund transfer to a financial institution designated by the day laborer; or

4. Electronic fund transfer to a financial institution designated by the day laborer.

Section 2. This act shall take effect July 1, 2014.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Regulated Industries, *Vice Chair*
Appropriations Subcommittee on Criminal and Civil Justice
Appropriations Subcommittee on General Government
Children, Families, and Elder Affairs
Ethics and Elections
Gaming
Health Policy

SENATOR OSCAR BRAYNON II
Democratic Whip
36th District

March 6, 2014

Senator Nancy Detert, Chair
Commerce and Tourism,
416 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Detert:

This letter is to request that **Senate Bill # 1000**, relating to ***Labor Pools*** be placed on the agenda of the next scheduled meeting of the committee.

SB 1000 Revising methods by which a labor pool may compensate day laborers, etc.

Thank you for consideration of this request.

Sincerely,

Senator Braynon
District 36

cc. *Jennifer Hrdlicka, Staff Director,*
Patty Blackburn, Committee Administrative Assistant, ***Room 310K***

REPLY TO:
☐ 606 NW 183rd Street, Miami Gardens, Florida 33169 (305) 654-7150 FAX: (305) 654-7152
☐ 213 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5036

Senate's Website: *www.flsenate.gov*

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

3/31/14
Date

SB 1000
Bill Number

Name LARRY WILLIAMS

Phone (850) 521-1980

Address 215 SOUTH MONROE STREET SUITE 601
Street

E-mail LWILLIAMS@GUNSTER.COM

TALLAHASSEE FL 32301
City State Zip

Job Title ATTORNEY

Speaking: [✓] For [ ] Against [ ] Information

Appearing at request of Chair [ ]

Subject LABOR POOLS

Representing TRUEBLUE INC

Lobbyist registered with Legislature: [✓] Yes [ ] No

Pursuant to s. 11.061, *Florida Statutes*, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from_____ ___ .m. to _____ ___ .m.

S-001 (08/2005)

SENATOR AARON BEAN
4th District

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

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COMMERCE

COMMITTEES:
Health Policy, *Chair*
Appropriations
Appropriations Subcommittee on Education
Appropriations Subcommittee on Health and Human Services
Commerce and Tourism
Communications, Energy, and Public Utilities
Governmental Oversight and Accountability

SELECT COMMITTEE:
Select Committee on Patient Protection and Affordable Care Act

April 1, 2014

Senator Nancy Detert
Chairman, Commerce and Tourism
416 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Detert:

This letter is to request an excused absence from the Commerce and Tourism Committee meeting for Monday, March 31, 2014.

Thank-you for your consideration.

Sincerely,

Aaron Bean
State Senator | 4th District

Thank you!

/da

REPLY TO:
☐ 1919 Atlantic Boulevard, Jacksonville, Florida 32207 (904) 346-5039 FAX: (888) 263-1578
X 302 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5004 FAX: (850) 410-4805

Senate's Website: *www.flsenate.gov*

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Community Affairs, *Chair*
Appropriations Subcommittee on General Government
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Commerce and Tourism
Communications, Energy, and Public Utilities
Environmental Preservation and Conservation

JOINT COMMITTEE:
Joint Legislative Auditing Committee

SENATOR WILTON SIMPSON
18th District

March 31, 2014

Senator Nancy Detert, Chair
Senate Committee on Commerce
310 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

Chair Detert,

Please excuse my absence from the Commerce Committee this afternoon. I am attending and speaking at the funeral of a family friend. Thank you for your courtesy and please contact my office with any questions.

Wilton Simpson
Senator, 18th District

REPLY TO:
❒ 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
❒ Post Office Box 938, Brooksville, Florida 34605
❒ Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: *www.flsenate.gov*

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Regulated Industries, *Chair*
Appropriations Subcommittee on General Government
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Commerce and Tourism
Community Affairs
Education

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

SENATOR KELLI STARGEL
15th District

March 31, 2014

Chair Nancy Detert
Commerce & Tourism
Senate Office Building 416

Chair Detert,

I am respectfully requesting permission from attending the March 31, 2014, Commerce & Tourism Committee meeting due to family reasons.

Sincerely,

Kelli Stargel
Senator, District 15

CC: Jennifer Hrdlicka / Staff Director
Patty Blackburn / AA

REPLY TO:
❒ 902 S. Florida Avenue, Suite 102, Lakeland, Florida 33803 (863) 284-4430
❒ 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5015
Senate's Website: *www.flsenate.gov*

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore