

**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.)

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Prepared By: The Professional Staff of the Commerce Committee

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BILL: SB 2128

INTRODUCER: Senator Wise

SUBJECT: Peddling at camp meetings

DATE: March 16, 2010

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hoyle	Cooper	CM	<b>Favorable</b>
2.			CJ	
3.				
4.				
5.				
6.				

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**I. Summary:**

Senate Bill 2128 repeals s. 871.03, F.S. The statute was first enacted in 1868 and bans the peddling of merchandise, goods, wares, and refreshments, the establishment of gaming shows, horseracing, and exhibits, or the establishment of any vending tent or booth within 1 mile of a camp or field meeting held for religious purposes.

Section 871.03, F.S., provides an exception for a person whose usual and regular place of business is within the 1-mile limit, and for those persons granted permission by the authorities in charge of the religious meeting.

The bill repeals s. 871.03, F.S., effective July 1, 2010.

**II. Present Situation:**

Camp Meetings

Camp meetings are multi-day Christian religious gatherings or revivals held in a single, outdoor location and aimed at providing time away from the routines of life, community building, and spiritual awareness.<sup>1</sup> While the exact date is disputed, camp meetings originated around the turn of the 19th century on the American frontier and received their name from the temporary campgrounds established to support families traveling from long distances.<sup>2</sup>

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<sup>1</sup> See, [www.cciworldwide.org/default.aspx](http://www.cciworldwide.org/default.aspx). Last viewed 3/10/2010.

<sup>2</sup> Johnson, Charles A. Frontier Camp Meeting: Religion's Harvest Time. Dallas: SMU Press. 1955.

Today, camp meetings are still held throughout the world, with nearly 8 million people involved in the Christian Camp and Conference Association's (CCCA) member churches.<sup>3</sup> Florida's section of the CCCA boasts 17 campgrounds in the state,<sup>4</sup> while the Florida Conference of Seventh Day Adventists is 60,000 members strong in the state.

Camp meetings began to emulate permanent vacation resorts in the late 1800s to early 1900s, and today, most religious organizations own their own permanent "camp" location or resort.<sup>5</sup>

#### Current Situation

Section 871.03, F.S., prohibits hawking or peddling goods, wares, merchandise, or without permission from the authorities having charge of such meeting, establishing any tent or booth for vending of provisions or refreshments, or practices or engages in gaming or horseracing, or exhibits, or offers to exhibit, shows or plays within 1 mile of camp or field meetings for religious purposes. It makes any of these activities a second degree misdemeanor, but makes an exception for any person having his or her regular place of business within the 1 mile boundary.

It is within the police power to regulate peddling, even though peddling is itself a valid occupation.<sup>6</sup> Florida has not faced any challenges to s. 871.03, F.S., since its enactment. Additionally, the Supreme Court of Massachusetts upheld a similarly worded statute regulating peddling at camp meetings: the court noted the intent of the statute was to provide a right for the orderly conduct of meetings, not to create a monopoly on services.<sup>7</sup>

Section 871.03, F.S., was created in 1868; there have been no substantive amendments to the statute in the last 80 years.

### **III. Effect of Proposed Changes:**

**Section 1** repeals s. 871.03, F.S. relating to peddling at camp meetings. This provision bans hawking or peddling goods and merchandise, the sale of refreshments, and the practice of gaming or horseracing within 1 mile of a religious camp or field meeting. An exemption is provided for existing businesses within the 1 mile zone and those peddlers with the permission of the camp meeting authorities.

**Section 2** provides an effective date of July 1, 2010.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

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<sup>3</sup> See, [www.ccca.org/public/about/aboutus.asp](http://www.ccca.org/public/about/aboutus.asp). Last viewed 3/10/2010.

<sup>4</sup> Ibid.

<sup>5</sup> Rieser, Andrew C. *The Chautauqua Moment: Protestants, Progressives, and the Culture of Modern Liberals*. New York: Columbia University Press. 2003.

<sup>6</sup> See *Supreme Industrial Catering Corp. v. Fuerst*, 219 N.Y. S.2d 858 (Sup 1961); *Fanelli v. City of Trenton*, 135 N.J. 582, (1994).

<sup>7</sup> *Commonwealth v. Barse*, 132 Mass. 542, (1882).

**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:**

Negligible. Camp meetings are now almost universally held on the private land of churches, thus allowing the landowner to maintain orderly conduct of meetings as a right of private landowner. Established businesses are not affected by s. 871.03, F.S., and would not prosper or suffer by its repeal.

**C. Government Sector Impact:**

None

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

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

None.

**B. Amendments:**

None.