

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 Environmental Preservation and Conservation Committee

BILL: CS/SB 236

INTRODUCER: Committee on Environmental Preservation and Conservation and Senator Hays

SUBJECT: State Parks

DATE: March 24, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Yune	Carter	MS	Favorable
2.	Toman	Yeatman	EP	Fav/CS
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

The committee substitute (CS) adds the surviving spouse and parents of law enforcement officers or firefighters who have died in the line of duty to those eligible for gratis lifetime annual entrance passes to state parks. The CS also designates the marina at Grand Lagoon within St. Andrews State Park as the “Jack Mashburn Marina” and directs the Department of Environmental Protection (DEP) to erect appropriate signs and markers to reflect the new designation. Finally, the CS exempts state parks with free-roaming animal populations from the livestock owner liability provisions of s. 588.15, F.S.

The bill substantially amends section 258.0145(3) of the Florida Statutes.

II. Present Situation:

Annual Entrance Passes to State Parks

The Department of Environmental Protection’s Division of Recreation and Parks (Division) offers for sale two types of Florida State Parks Annual Entrance Passes - the Family Annual

Entrance Pass for \$120.00 and the Individual Annual Entrance Pass for \$60.00. Since July 1, 2010, the Division has offered three discounts on annual entrance passes.

The first is to active duty members and honorably discharged veterans of the United States Armed Forces, National Guard, or reserve components thereof receive a 25 percent discount on annual entrance passes.

The second is to honorably discharged veterans who have service-connected disabilities receive lifetime family annual entrance passes at no charge.

The third and last discount the division offers on annual entrance passes is to surviving spouses of deceased members of the United States Armed Forces, National Guard, or reserve components thereof who have fallen in combat receive lifetime family annual entrance passes at no charge.

The division currently offers a discount of one-half off of the daily admission fee to Florida National Guard active members, spouses and minor children.

Other discounts presently offered by the division are one-half off of the daily admission fee for Florida residents participating in the Food Stamp program; and one-half off of the base camping fee for Florida residents who are 65 years and older or who are 100% disabled.

D. D. “Jack” Mashburn and the Grand Lagoon at St. Andrews State Park

D. D. “Jack” Mashburn was born in Youngstown, Florida in 1928 and is still politically active in his community, serving on multiple boards and commissions. He was instrumental in the funding of Bay High Stadium (now Tommy Oliver Stadium) and assisted in the original establishment of Panama City Beach, Long Beach and Edgewater Beach. Mashburn served in the Florida House of Representatives during the 1953 Legislative Session, representing Bay County. During his tenure as Representative, he passed several important bills benefitting Bay County. One of his longest lasting efforts was spearheading the creation of St. Andrews State Park.

The marina at Grand Lagoon, commonly referred to as the “boat basin,” is located within St. Andrews State Park. Established in 1954 on a former military reservation, the park features 1,260 acres and over one-and-a-half miles of beaches. Visitors can enjoy bicycling, campground rental, nature trails, picnicking and wildlife viewing. Additionally, two fishing piers, a jetty and a boat ramp provide boating access to the water for water sports and ample fishing opportunities for anglers.

Livestock Owner Liability and the Paynes Prairie Preserve State Park

Section 588.13, F.S., provides definitions for the classification of livestock including the following:

- (1) “Livestock” shall include all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals.
- (2) “Owner” shall include any person, association, firm, or corporation, natural or artificial, owning or having custody of or in charge of livestock.

(3) Livestock “running at large” or “straying” shall mean any livestock found or being on any public land, or land belonging to a person other than the owner of the livestock, without the landowner’s permission, and posing a threat to public safety.

(4) “Public roads” as used herein shall mean those roads within the state which are, or may be, maintained by the state, a political subdivision of the state, or a municipality, including the full width of the right-of-way, except those maintained, and expressly exempted from provisions of this chapter, by ordinance of the county or municipality having jurisdiction.

Section 588.15, F.S., addresses owner liability of livestock that stray upon Florida’s public roads. Specifically, the statute conveys that:

Every owner of livestock who intentionally, willfully, carelessly, or negligently suffers or permits such livestock to run at large upon or stray upon the public roads of this state shall be liable in damages for all injury and property damage sustained by any person by reason thereof.

In March 2011, DEP published a Livestock Management Plan for the Payne’s Prairie Preserve State Park in Alachua County. In the plan, DEP clarifies that American bison are members of the family Bovidae and are therefore classified as livestock rather than wildlife in Florida. The management plan further states that the:

. . . classification of cattle, horses, and bison as livestock generates a level of responsibility for the [Florida Park Service] in the case of personal injury or property damage due to escape that does not exist for animals classified as wildlife.

III. Effect of Proposed Changes:

Section 1 amends s. 258.0145(3), F.S., to expand the current military state park fee discounts for surviving spouses to include parents of deceased members of the United States Armed Forces, National Guard, or any of their reserve components who have fallen in combat to receive lifetime family annual entrance passes at no charge as long as the proper documentation,¹ a DD 1300, is provided along with proof of parenthood. Section 1 also adds the surviving spouse and parents of a law enforcement officer, as defined in s. 943.10(1), F.S., or a firefighter, as defined in s. 633.30(1), F.S., who has died in the line of duty to receive lifetime family annual entrance passes at no charge.

Section 2 designates the “boat basin” on Grand Lagoon at St. Andrews State Park in Bay County as the “Jack Mashburn Marina.” It also directs DEP to erect suitable markers for the designation.

Section 3 exempts property within the state park system which has free-roaming animal populations from the provisions of s. 588.15, F.S. related to livestock owner liability.

Section 4 provides an effective date of July 1, 2011.

¹ A Department of Defense Form 1300 is a report of casualty form.

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:

Parents of deceased members of the United States Armed Forces, National Guard, or reserve components as well as parents and spouses of deceased members of law enforcement officers and firefighters will benefit from the waived entrance fees. Persons who may be injured or receive property damage as a result of livestock straying from state park property onto public roads will be unable to seek redress from the state park system.

C. Government Sector Impact:

During fiscal year 2009/2010, Annual Entrance Pass sales accounted for \$1,758,157.95 in revenues.

The department estimates that there will be a potential reduction in state revenue of up to \$94,000 as a result of the additional persons who qualify for free lifetime annual entrance passes. However, the department states that the publicity and goodwill earned by the state is expected to offset the loss in revenues and result in increased visitation, thereby generating additional economic benefit for local communities and the state.

For the most part, there would be no fiscal impact on local governments. However, according to the department's website, some counties impose a surcharge in addition to the division's entrance fee. If the surcharges were waived, this may represent a potential reduction in revenue for the counties that impose the surcharge.

The DEP estimates the fiscal impact to be approximately \$1,500 to change and erect signage to reflect the "Jack Mashburn Marina" designation at St. Andrews State Park.

Staff contacted at the DEP were unaware of any instances of stray animals from state parks causing injury or property damage due to escape. Given the infrequency of such events, the fiscal impact is indeterminate.

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.)

CS/SB 236 by the Environmental Preservation and Conservation Committee on March 23, 2011:

- adds the surviving spouse and parents of a law enforcement officer or a firefighter who has died in the line of duty to those eligible for gratis lifetime annual entrance passes to state parks.
 - provides that the marina commonly referred to as the ‘boat basin’ on Grand Lagoon at St. Andrews State Park in Bay is designated as “Jack Mashburn Marina.”
 - directs the Department of Environmental Protection to erect suitable markers designating “Jack Mashburn Marina.”
 - stipulates that property within the state park system that has free-roaming animal populations is exempt from the provision of s. 588.15, F.S., which addresses livestock owner liability.
- B. **Amendments:**
- None.