

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 95 State Parks

**SPONSOR(S):** Appropriations Committee, State Affairs Committee, Bemby

**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 236

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	13 Y, 0 N	Cunningham	Blalock
2) Community & Military Affairs Subcommittee	15 Y, 0 N	Tait	Hoagland
3) State Affairs Committee	18 Y, 0 N, As CS	Cunningham	Hamby
4) Appropriations Committee	22 Y, 0 N, As CS	Perkins	Leznoff

### SUMMARY ANALYSIS

The Division of Recreation and Parks (DRP) within the Department of Environmental Protection oversees Florida's 160 state parks. As it relates to the military service arena, DRP currently provides park entrance fee discounts pursuant to the following:

- Active duty members and honorably discharged veterans of the U.S. Armed Forces, National Guard, or reserve components receive a 25 percent discount on an annual entrance pass.
- Veterans with service-connected disabilities receive a free-for-life family annual entrance pass.
- Surviving spouses of deceased members of the U.S. Armed Forces, National Guard, or reserve components who have fallen in combat receive a free-for-life family annual entrance pass.
- Active duty Florida National Guard members, their spouses and minor children receive a 50 percent discount on the daily admission fee.

Eligibility for these discounts is verified by the presentation of certain specified written documentation to DRP.

The bill provides for parents of deceased members of the U.S. Armed Forces, National Guard, or reserve components who have fallen in combat to receive a free lifetime annual entrance pass to Florida's state parks at no charge.

The bill expands the use of proceeds from surcharge revenue derived from entrance fees to state parks within an area of critical state concern by specifying a municipality may use these funds for land acquisition or beach renourishment activities.

The bill exempts the state within the state park system that has free-roaming animal populations from the provisions of s. 588.15, F.S., relating to livestock owner liability.

The bill designates the "boat basin" on Grand Lagoon at St. Andrews State Park in Bay County as the "Jack Mashburn Marina" and directs the department to erect suitable markers for the designation.

The fiscal impact of the bill is estimated to have an insignificant impact on park entrance fee revenue. The bill also appears to have an indeterminate positive fiscal impact on state government by removing the state's liability for damages from livestock on property within the state park system. The nominal cost associated with erecting markers to identify the "Jack Mashburn Marina" will be absorbed within the department's existing resources.

The bill provides an effective date of July 1, 2011.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0095g.APC

DATE: 4/18/2011

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **State Park Entrance Fee Discounts**

###### Present Situation

The DRP within the Department of Environmental Protection oversees Florida's 160 state parks. The division has statutory authority to charge reasonable fees for the use or operation of facilities and concessions in the state parks.<sup>1</sup>

The DRP offers two types of annual passes: the individual annual entrance pass for \$60 and the family annual entrance pass for \$120. The family annual entrance pass allows up to eight people in a group admittance to most state parks.<sup>2</sup> According to the department, annual entrance pass sales accounted for approximately \$1.7 million in revenues during Fiscal Year 2009-10.<sup>3</sup>

As it relates to the military service arena, DRP currently provides park entrance fee discounts pursuant to the following:

- Active duty members and honorably discharged veterans of the U.S. Armed Forces, National Guard, or reserve components receive a 25 percent discount on an annual entrance pass.
- Veterans with service-connected disabilities receive a free-for-life family annual entrance pass.
- Surviving spouses of deceased members of the U.S. Armed forces, National Guard, or reserve components who have fallen in combat receive a free-for-life family annual entrance pass.
- Active duty Florida National Guard members, their spouses and minor children receive a 50 percent discount on the daily admission fee.

The DRP prescribes what constitutes satisfactory written documentation to prove eligibility for discounts.

Satisfactory written documentation to prove eligibility for the 25 percent discount on annual entrance passes for active duty and honorably discharged veterans of the armed forces, National Guard, or reserve units includes:

- Current military identification card showing the bearer as active duty, reserve, or retired member of a branch of the U.S. Armed Forces, or
- Personal identification (i.e.: driver license, etc.) and
- Most recent DD Form 214, Certificate of Release or Discharge from Active Duty, showing the named individual's Character of Service as Honorable, or
- Other current official documentation from the Department of Defense, Department of Homeland Security, Department of Veterans Affairs or an appropriate branch of one of those agencies, naming the bearer as active duty, reserve, veteran, or retired member of the U.S. Armed Forces.

Satisfactory written documentation to prove eligibility for the free-for-life family annual entrance passes for honorably discharged U.S. veterans who have service-connected disabilities includes:

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<sup>1</sup> Section 258.014(1), F.S.

<sup>2</sup> The two exceptions are Homosassa Springs and Weeki Wachee Springs, which limit admittance to two people per family annual entrance pass.

<sup>3</sup> Information on file with the House Community and Military Affairs Subcommittee.

- Personal identification (i.e.: driver license) and
- Most recent DD Form 214, Certificate of Release or Discharge from Active Duty, showing the named individual's Character of Service as Honorable, or
- Other current official documentation from the Department of Defense, or one of those agencies, naming the bearer as veteran or retired military, and
- Current official documentation from the Department of Defense, Department of Homeland Security, Department of Veterans Affairs or an appropriate branch of one of the those agencies, naming the bearer as having sustained a service-related disability.

Satisfactory documentation to prove eligibility for free-for-life family annual entrance passes for surviving spouses of deceased members of the U.S. Armed forces, National Guard, or reserve units who have fallen in combat includes:

- Personal identification (i.e.: driver license) and
- The final DD Form 214, Certificate of Release or Discharge from Active Duty, showing the date of death as the same date as the date of separation, and
- Marriage certificate or license, or death certificate showing the bearer as the spouse of the military member who has fallen in combat.

### Effect of Proposed Changes

The bill amends s. 258.0145, F.S., specifying that parents of deceased members of the U.S. Armed Forces, National Guard, and reserve components who have fallen in combat receive a free lifetime annual entrance pass at no charge.

## **Surcharge On Admission Into State Parks**

### Present Situation

Section 380.0685, F.S., currently specifies that proceeds from the surcharge imposed on entrance fees into state parks within an area of critical state concern may be used by the land authority of the county from which the revenue was generated to purchase property in the area of critical state concern. However, proceeds of the surcharges collected from state parks located wholly within a municipality shall be transmitted to that municipality.

### Effect of Proposed Changes

The bill amends s. 380.0685, F.S., to expand the use of proceeds from surcharge revenue derived from entrance fees to state parks within an area of critical state concern by specifying a municipality may use these funds for land acquisition or beach renourishment activities. However, these funds may not be included in any calculation used for providing state matching funds for local contributions for beach renourishment or restoration.

Located within an area of critical state concern is the Fort Zachery Taylor State Park and this change in statute would provide the City of Key West the flexibility to use their portion of entrance surcharge fees for uses other than land acquisition, such as beach renourishment activities.

## **Liability of Owners of Livestock**

### Present Situation

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, the department published a Livestock Management Plan<sup>4</sup> for the Payne's Prairie Preserve State Park in Alachua County. In the plan, the department 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.*

### Effect of Proposed Changes

The bill exempts the state within the state park system that has free-roaming animal populations from the provisions of s. 588.15, F.S., relating to livestock owner liability.

### **Jack Mashburn**

#### Present Situation

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. Mr. Mashburn served in the Florida House of Representatives during the 1953 Legislative Session, representing Bay County. During his tenure as a 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, 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 more than 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.

### Effect of Proposed Changes

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<sup>4</sup> <http://www.gainesville.com/assets/pdf/GS22311324.PDF>

The bill designates the “boat basin” on Grand Lagoon at St. Andrews State Park in Bay County as the “Jack Mashburn Marina” and directs the department to erect suitable markers for the designation.

**B. SECTION DIRECTORY:**

**Section 1:** Amends s. 258.0145, F.S., relating to parents of deceased members of the U.S. Armed Forces, National Guard, or reserve components who have fallen in combat to receive a free lifetime annual entrance pass to Florida’s state parks at no charge.

**Section 2:** Amends s. 380.0685, F.S., relating to the expansion of use of proceeds from surcharges imposed on entrance fees to state parks within an area of critical state concern.

**Section 3:** Exempts the state within the state park system that has free-roaming animal populations from the provisions of s. 588.15, F.S., related to livestock owner liability.

**Section 4:** Designates the “boat basin” on Grand Lagoon at St. Andrews State Park in Bay County as the “Jack Mashburn Marina” and directs the department to erect suitable markers for the designation.

**Section 5:** Provides an effective date of July 1, 2011.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

The bill is estimated to have an insignificant impact on park entrance fee revenue as a result of providing parents of deceased members of the U.S. Armed Forces, National Guard, or reserve components who have fallen in combat to receive a free lifetime annual entrance pass to Florida’s state parks at no charge.

2. Expenditures:

The nominal cost associated with erecting markers to identify the “Jack Mashburn Marina” will be absorbed within the department’s existing resources.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

The bill expands the use of proceeds from surcharge revenue derived from entrance fees to state parks within an area of critical state concern by specifying a municipality may use these funds for land acquisition or beach renourishment activities. However, these funds may not be included in any calculation used for providing state matching funds for local contributions for beach renourishment or restoration.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

The bill appears to have a indeterminate positive fiscal impact on state government by removing the state’s liability for damages from free-roaming animal populations on property within the state park system.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

None.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 24, 2011, the State Affairs Committee amended HB 95 as Committee Substitute (CS). The CS amends s. 258.0145, F.S., to include the surviving spouse and parents of a law enforcement officer or a firefighter who died in the line of duty for a free annual entrance pass to Florida state parks. It also 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. The CS designates the "boat basin" on Grand Lagoon at St. Andrews State Park in Bay County as the "Jack Mashburn Marina" and directs the department to erect suitable markers for the designation.

On April 15, 2011, the Appropriations Committee amended Committee Substitute HB 95 with the following three amendments:

- Amendment 1 deletes the proposed provision to s. 258.0145, F.S., relating to providing surviving spouses and parents of a law enforcement officer or a firefighter who has died in the line of duty from receiving a lifetime family annual entrance pass at no charge.
- Amendment 2 amends s. 380.0685, F.S., to expand the use of proceeds from surcharge revenue derived from entrance fees to state parks within an area of critical state concern by specifying a municipality may use these funds for land acquisition or beach renourishment activities. However, these funds may not be included in any calculation used for providing state matching funds for local contributions for beach renourishment or restoration.
- Amendment 3 provides a technical correction to a previously approved amendment specifying that the state is exempt within the state park system that has free-roaming populations from the provisions of s. 588.15, F.S., relating to livestock liability.