

**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 Committee on Community Affairs

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BILL: SB 1430

INTRODUCER: Senator Abruzzo

SUBJECT: Discounts on Public Park Entrance Fees and Transportation Fares

DATE: March 31, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sanders	Ryon	MS	<b>Favorable</b>
2.	White	Yeatman	CA	<b>Pre-meeting</b>
3.			FP	

## **I. Summary:**

SB 1430 requires county and municipal departments of parks and recreation to provide a full or partial discount on park entrance fees to the following individuals:

- Currently serving military servicemembers;
- Honorably discharged veterans;
- Honorably discharged veterans with a service-connected disability;
- The surviving spouse or parents of a military servicemember who died in combat; and
- The surviving spouse or parent of a law enforcement officer or a firefighter who died in the line of duty.

The bill also requires regional transportation authorities to provide disabled veterans with discounts on fares or charges.

## **II. Present Situation:**

### **Veteran and Military Presence in Florida**

The composition of military personnel who reside in Florida consists of the following:

- 1.6 million veterans;<sup>1</sup>
- 249,000 veterans with a service-connected disability;<sup>2</sup>
- 58,590 active duty personnel;<sup>3</sup>
- 35,714 reservists;<sup>4</sup> and
- 12,000 Florida National Guard members.<sup>5</sup>

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<sup>1</sup> Florida Dep't of Veterans' Affairs, *Fast Facts*, [http://floridavets.org/?page\\_id=50](http://floridavets.org/?page_id=50) (last visited Mar. 25, 2015).

<sup>2</sup> *Id.*

<sup>3</sup> Data provided by Haas Center for Business Research and Economic Development at the University of West Florida.

<sup>4</sup> *Id.*

<sup>5</sup> Florida Dep't of Military Affairs, *About Us*, <http://www.floridaguard.army.mil/about-us> (last visited Mar. 25, 2015).

After their military service, veterans may qualify for a variety of benefits administered by the U.S. Department of Veteran's Affairs (USDVA), and by the State of Florida. The USDVA assigns disability ratings to veterans who suffer from service-related injuries and seek USDVA benefits. Family members of veterans also may qualify for benefits, and for monthly VA payments as survivors of disabled or pensioned veterans.<sup>6</sup>

### State Park Entrance Fee Discounts

The Division of Recreation and Parks (DRP) within the Department of Environmental Protection oversees Florida's 161 state parks. The DRP offers two types of annual entrance passes: the individual annual entrance pass for \$60 and the family annual entrance pass for \$120. The DRP currently provides park entrance fee discounts pursuant to the following:<sup>7</sup>

- 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 lifetime family annual entrance passes at no charge;
- Surviving spouses and parents of deceased members of the U.S. Armed Forces, National Guard, or reserve components who have fallen in combat receive a lifetime family annual entrance passes at no charge; and
- Surviving spouses and parents of a law enforcement officer or firefighter who died in the line of duty receive lifetime family annual entrance passes at no charge.

The table below reflects the application of the Florida state park entrance fee discounts provided in s. 258.0145, F.S., for Fiscal Year 2013-14.<sup>8</sup>

<b>State Park Entrance Fee Discounts: FY 2013-14</b> (Pursuant to s. 258.0145, F.S.)	
<b>Individual Entrance Pass</b> (25% discount: active duty servicemembers and veterans)	1,295
<u>Value of Discount</u>	\$19,425
<b>Family Annual Entrance Pass</b> (25% discount: active duty servicemembers and veterans)	4,103
<u>Value of Discount</u>	\$123,090
<b>Lifetime Family Annual Entrance Pass</b> (Full discount: disabled veterans; the spouse and parents of a fallen military servicemember, law enforcement officer, or firefighter)	9,804
<u>Value of Discount</u>	\$1,176,480
<b>Total Passes FY 2013-14</b>	<b>15,202</b>
<u>Total Value of Discount</u>	<u>\$1,318,995</u>

<sup>6</sup> U.S. Dep't of Veterans Affairs, Office of Public Affairs, *State Summary: Florida* (2014); Florida Dep't of Veteran's Affairs, *Florida Veteran's Benefits Guide* (2014), [http://floridavets.org/?page\\_id=110](http://floridavets.org/?page_id=110) (last visited Mar. 25, 2015).

<sup>7</sup> Section 258.0145, F.S.

<sup>8</sup> E-mail correspondence with the Florida Department of Environmental Protection on Mar. 20, 2015. (On file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee.)

Current law does not address entrance fee discounts for county and municipal parks for current and former military personnel and their families or the families of deceased first responders. There are approximately 267 county and municipal parks and recreation agencies in Florida, each managing a number of park areas, which offer a variety of amenities.<sup>9</sup>

### **Regional Transportation Authorities**

Section 163.567, F.S., states that any two or more contiguous counties, municipalities, other political subdivisions, or combinations thereof in this state are authorized and empowered to convene a charter committee for the purpose of developing a regional transportation authority.<sup>10</sup> However, no county, municipality, or other political subdivision may be a member in more than one authority created under this part.<sup>11</sup>

A regional transportation authority has the authority to:

- Purchase, own, or operate, or provide for the operation of, transportation facilities;
- Contract for transit services;
- Exercise power of eminent domain limited to right-of-way and contiguous transportation facility acquisition and subject to any further limitations set forth in the authority charter;
- Conduct studies; and
- Contract with other governmental agencies, private companies and individuals.<sup>12</sup>

Chapters 163, 343, 348, and 349, F.S., govern the regional transportation authorities. Chapter 343, F.S., provides for the creation of:

- Northeast Florida Regional Transportation Commission
- South Florida Regional Transportation Authority
- Central Florida Regional Transportation Authority
- Northwest Florida Transportation Corridor Authority
- Tampa Bay Area Regional Transportation Authority

Chapter 348, F.S., provides for the creation of:

- Tampa-Hillsborough County Expressway Authority
- Central Florida Expressway Authority
- Santa Rosa Bay Bridge Authority
- Osceola County Expressway Authority

Chapter 349, F.S., establishes the Jacksonville Transportation Authority.

Other authorities either created in the above statutes or in special law include:

- Miami-Dade Expressway Authority
- Pinellas Suncoast Transit Authority
- Hillsborough Area Regional Transit Authority

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<sup>9</sup> Telephone conversation between Florida Recreation and Parks Association, Inc., staff and Senate Military and Veterans Affairs, Space, and Domestic Security Committee staff (Mar. 20, 2015).

<sup>10</sup> Section 163.597, F.S.

<sup>11</sup> *Id.*

<sup>12</sup> Section 163.568, F.S.

Of these regional transportation authorities, two provide commuter services. Tri-Rail, operated by the South Florida Regional Transportation Authority, is the only publicly funded passenger rail system in the state.<sup>13</sup> Tri-Rail currently offers a 50 percent discount on Fare EASY Cards to persons with disabilities.<sup>14</sup> The second commuter service is Lynx, which is operated by the Central Florida Regional Transportation Authority.

### III. Effect of Proposed Changes:

The bill creates sections 125.029, 163.58, and 166.0447, F.S., to require counties and municipalities to provide a partial or a full discount on park entrance fees to the following persons:

- A current member of the United States Armed Forces, the National Guard, or their reserve components;
- An honorably discharged veteran of the United States Armed Forces, the National Guard, or their reserve components;
- An honorably discharged veteran of the United States Armed Forces, the National Guard, or their reserve components who has a service-connected disability as determined by the United States Department of Veterans Affairs;
- A surviving spouse and parents of a deceased member of the United States Armed Forces, the National Guard, or their reserve components, who died in the line of duty under combat-related conditions; and
- A surviving spouse and parents of a law enforcement officer or firefighter who died in the line of duty.

The bill defines the term “park entrance fee” to mean a fee charged to access lands managed by a county or city park or recreation department. The term does not include expanded amenity fees for amenities such as campgrounds, aquatic facilities, stadiums or arenas, facility rentals, special events, boat launching, golf, zoos, museums, gardens, or programs taking place within public lands.

The bill also provides disabled veterans, as described in section 295.07(1)(a), with discounts when using a transportation system or facility owned or operated by a regional transportation authority. The regional transportation authority may offer either a full or partial discount to a disabled veteran, upon a showing of written documentation evidencing eligibility.

The bill provides an effective date of July 1, 2015.

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<sup>13</sup> South Florida Regional Transportation Authority, *Overview*, <http://www.sfrta.fl.gov/overview.aspx> (last visited Mar. 25, 2015).

<sup>14</sup> A few of the acceptable forms of documentation to present at the ticket kiosk include a Disabled Veterans ID, a letter from a physician, a Driver’s License indicating disability, a Medicare Card, or Social Security documentation for Disability Benefits. See Tri-Rail, *Discount Policy*, <http://www.tri-rail.com/fares/discount-policy/> (last visited Mar. 25, 2015).

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

Article VII, section 18(b) of the Florida Constitution requires any general law that reduces a local government's authority to raise revenues in the aggregate, to be passed by a two-thirds vote of the membership of each house of the Legislature.<sup>15</sup> This bill has the effect of reducing municipal and county revenues generated from park entrance fees by adding discounts for the military, their families, and the families of deceased first responders. The bill may be exempt from needing a two-thirds vote due to insignificant fiscal impact,<sup>16</sup> but the Revenue Estimating Commission has reported that the fiscal impact is indeterminate at this time.<sup>17</sup>

**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:**

Current and former military personnel, spouses and parents of deceased military service members who have fallen in combat and also the spouses and parents of law enforcement officers or firefighters who have fallen in the line of duty will be eligible for a full or partial discount on entrance fees at county and municipal parks. Disabled military veterans will be eligible for a full or partial discount when using a transportation system or facility owned or operated by a regional transportation authority.

**C. Government Sector Impact:**

County and municipal departments of parks and recreation will experience a decrease in revenue generated from park entrance fees because of this bill. To the extent disabled veterans use the discount provided at transportation systems, regional transportation authorities will experience a decrease in revenue from tickets and fees.

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<sup>15</sup> FLA. CONST. art. VII, s. 18(b).

<sup>16</sup> FLA. CONST. art. VII, s. 18(d). An insignificant fiscal impact means an amount not greater than ten cents times the average statewide population for the applicable fiscal year.

<sup>17</sup> Revenue Estimating Conference, Impact Conference Results for CS/HB721, p.247 (Mar. 13, 2015).

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

To the extent that a regional transportation authority has issued revenue bonds for any of their systems or facilities, the authority and the state would be limited by the bond covenants prescribed by the bond holders. Expanding the group of non-revenue users may be in violation of the bond covenants. The state is specifically limited by a statutory pledge to bondholders to not restrict a regional transportation authority's power to establish and collect fees or other charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of maintenance and operation of the authority's system.<sup>18</sup>

**VIII. Statutes Affected:**

This bill creates the following sections of the Florida Statutes: 125.029, 163.58, and 166.0447.

**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.

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

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<sup>18</sup> See ss 343.67 and 343.57, F.S.