

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 721 County and Municipal Parks
SPONSOR(S): Local Government Affairs Subcommittee; McGhee
TIED BILLS: **IDEN./SIM. BILLS:** SB 1430; HB 1095

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Veteran & Military Affairs Subcommittee	12 Y, 0 N	Thompson	Kiner
2) Local Government Affairs Subcommittee	12 Y, 0 N, As CS	Thompson	Miller
3) Local & Federal Affairs Committee			

SUMMARY ANALYSIS

Currently, there are over 260 county and municipal parks and recreation agencies in Florida, and most of them do not charge entrance fees. Although current law requires state parks to offer discounts on annual entrance passes to active duty servicemembers, certain veterans, and the surviving spouse and parents of fallen servicemembers, law enforcement officers, and firefighters, there is no such requirement at the county or municipal level.

The bill requires county and municipal parks and recreation departments to provide discounts on local park entrance fees to the following individuals who present any "information" satisfactory to the county or municipal department, which evidences the individual's eligibility:

- Current members, honorably discharged veterans, and veterans with a service-connected disability, of the United States Armed Forces, their reserve components, or the National Guard;
- The surviving spouse or parent of a deceased member of the United States Armed Forces, their reserve components, or the National Guard, who died in the line of duty under combat-related conditions;
- The surviving spouse or parent of a law enforcement officer or firefighter who died in the line of duty; and
- First responders, as defined in s. 112.1815, F.S.

For the purpose of minimizing any potential fiscal impact on county or municipal revenue, the bill:

- Allows a county or municipal park to determine the amount of the discount; and
- Narrowly defines a "park entrance fee" to exclude "additional fees for amenities."

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. However, Article VII, section 18(d) of the Florida Constitution provides an exemption from the two-thirds requirement for any general law that has an insignificant fiscal impact. Although it is likely to have an insignificant negative fiscal impact to county and municipal governments, the Revenue Estimating Conference has not yet provided an estimate of the provisions of this bill.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Military and Veteran Presence in Florida

Florida is home to over 61,000 active-duty military servicemembers,¹ over 36,000 Reservists,² and over 1.5 million veterans.³ Approximately 285,000 of Florida's 1.5 million plus veterans are service-disabled.⁴

The Florida National Guard (Guard) has nearly 12,000 members, with 9,900 National Guard personnel and 2,000 Air National Guard personnel.⁵

Florida State Park System

The Department of Environmental Protection (DEP), through its Division of Recreation and Parks (DRP), oversees Florida's 161 state parks, 10 state trails, nearly 800,000 acres, and 100 miles of beaches.⁶ Florida state parks and trails welcomed more than 27 million visitors during the 2013-2014 fiscal year.⁷ During this same time period, Florida state parks and trails generated over \$2.1 billion in direct economic impact, and over \$140 million in increased sales tax revenue.⁸

To administer, improve, and maintain Florida state parks and trails, the DRP charges reasonable fees for the use or operation of park and trail facilities.⁹ Typically, these fees are categorized as entrance fees and activity fees, although other fees may be charged in some cases.¹⁰ Daily entrance fees are typically charged per vehicle and range from \$4.00-\$6.00 for a single-occupant vehicle (or motorcycle admission) to \$5.00-\$10.00 for vehicles with two to eight occupants.¹¹ Annual entrance passes are also available.¹² The regular price for an annual entrance pass is \$60 for an individual and \$120 for a family.¹³

State Park Fee Discounts

¹ Enterprise Florida, Inc., "Florida The Perfect Climate For Business, DEFENSE/HOMELAND SECURITY", available at: <https://www.enterpriseflorida.com/wp-content/uploads/brief-defense-homeland-security-florida.pdf> (Last visited February 20, 2015).

² Office of the Deputy Assistant Secretary of Defense (Military Community and Family Policy), under contract with ICF International, "2013 Demographics, PROFILE OF THE MILITARY COMMUNITY", at page v, available at:

<http://www.militaryonesource.mil/12038/MOS/Reports/2013-Demographics-Report.pdf> (Last visited February 20, 2015). According to the report, reserve components include the Department of Defense's Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard and Air Force Reserve, and DHS's Coast Guard Reserve.

³ FDVA, Annual Report Fiscal Year 2013-2014, page 6, available at: <http://floridavets.org/wp-content/uploads/2012/08/Annual-Report-2013-14-Final-11-11-14.pdf> (Last visited February 20, 2015).

⁴ U.S. Department of Veterans Affairs, Veterans Benefits Administration, Annual Benefits Report, Fiscal Year 2013, page 29 of 80, available at: <http://www.benefits.va.gov/REPORTS/abr/ABR-IntroAppendix-FY13-09262014.pdf> (Last visited February 20, 2015).

⁵ Florida National Guard website, available at: http://www.floridaguard.army.mil/?page_id=7 (Last visited February 20, 2015).

⁶ Florida Department of Environmental Protection website, available at: <http://www.dep.state.fl.us/parks/> (Last visited February 20, 2015).

⁷ Florida Department of Environmental Protection, Fiscal Year 2013-2014 Economic Impact Assessment for the Florida State Park System, October 23, 2014.

⁸ Id. 'Direct economic impact' is defined as "the amount of new dollars spent in the local economy by non-local park visitors and park operations. "Increased State Sales Tax" is defined as "the estimated amount of tax dollars the state receives as a result of park visitor expenditures."

⁹ s. 258.014, F.S.

¹⁰ A county surcharge is an example of an "other fee." Florida State Parks website, "Fees," available at: <https://www.floridastateparks.org/things-to-know/fees#daily> (Last visited February 20, 2015).

¹¹ Florida State Parks Fee Schedule, available at:

<https://www.floridastateparks.org/sites/default/files/Division%20of%20Recreation%20and%20Parks/documents/FPSFeeSchedule.pdf> (Last visited February 20, 2015).

¹² Id.

¹³ Id.

Currently, DPR provides discounts on state park fees to certain persons who present written documentation. An active-duty military servicemember or honorably discharged veteran is eligible for a 25-percent discount on an annual entrance pass, and as a result, would only pay \$45 for an individual entrance pass or \$90 for a family entrance pass.¹⁴

An honorably discharged veteran who has a service-connected disability is eligible to receive lifetime family annual entrance passes at no charge.¹⁵ Also, the surviving spouse and parents of the following persons are eligible to receive lifetime family annual entrance passes at no charge:

- A member of the United States Armed Forces, National Guard, or reserve components who was killed in combat.
- A law enforcement officer, as defined in s. 943.10(1), F.S., or a firefighter, as defined in s. 633.102, F.S., who died in the line of duty.

State Park Entrance Fee Discounts: FY 2013-2014		
Discount Type	Estimated Passes Sold¹⁶	Value
Individual Entrance Pass (25% discount: active-duty servicemembers and veterans)	1,295	\$19,425
Family Annual Entrance Pass (25% discount: active-duty servicemembers and veterans)	4,103	\$123,090
Lifetime Family Annual Entrance Pass (Full discount: disabled veterans; the spouse and parents of a fallen military servicemember, law enforcement officer, or firefighter)	9,804	\$1,176,480
Total for FY 2013-2014	15,202	\$1,318,995

County and Municipal Parks

According to the Florida Recreation & Park Association, there are over 260 county and municipal parks and recreation agencies in Florida, and most of them do not charge entrance fees.

Effect of Proposed Changes

The bill requires county and municipal parks to provide a full or partial discount on park entrance fees to the following individuals:

- Current members, honorably discharged veterans, and veterans with a service-connected disability, of the United States Armed Forces, their reserve components, or the National Guard;
- The surviving spouse or parent of a deceased member of the United States Armed Forces, their reserve components, or the National Guard, who died in the line of duty under combat-related conditions;
- The surviving spouse or parent of a law enforcement officer or firefighter who died in the line of duty; and
- First responders, as defined in s. 112.1815, F.S. This definition includes the following:
 - Emergency medical technicians (EMT) employed by state or local government;
 - Paramedics employed by state or local government;
 - Volunteer law enforcement officers engaged by state or local government;
 - Volunteer firefighters engaged by state or local government;
 - Volunteer emergency medical technicians engaged by state or local government; or

¹⁴ s. 258.0145(1), F.S.

¹⁵ s. 258.0145(2), F.S.

¹⁶ DEP provided the estimated sales information to the Veteran & Military Affairs Subcommittee on February 24, 2015.

- Volunteer paramedics engaged by state or local government.

In order to take advantage of the discount, a park visitor must present any “information” satisfactory to the county or municipal department, which evidences the individual’s eligibility. Typically, documentation for an active duty military servicemember includes a current, valid military identification card, which may include the Common Access Cards (CAC),¹⁷ which is the standard identification for active duty uniformed service personnel, Selected Reserve, Department of Defense (DoD) civilian employees, and eligible contractor personnel.¹⁸ For an honorably discharged veteran, sufficient written documentation may include a copy of the veteran’s separation from service documents, or the Uniformed Services ID Card,¹⁹ which allows access to various military service benefits or privileges.²⁰ There are seven types of Uniformed Services ID Cards and the benefits associated with each card depend on who the individual is.²¹

It may be difficult for the family of a fallen veteran, fallen law enforcement officer, fallen firefighter, or fallen first responder to obtain written documentation regarding their fallen family member. Allowing the county or municipality to require any “information”, instead of “written documentation,” will likely allow the local government flexibility in determining the proof of eligibility, and thus, be less restrictive and onerous to the family members of the fallen persons who may not have written documentation.

The bill does not require Florida residency.

For the purpose of minimizing any potential fiscal impacts to county or municipal revenue, the bill:

- Allows a county or municipal park to determine the amount of the discount in accordance with its financial circumstances; and
- Narrowly defines a “park entrance fee” to exclude other expanded campground fees for the use of amenities such as:
 - Aquatic facilities,
 - Stadiums or arenas,
 - Special events,
 - Boat launching,
 - Golf,
 - Zoos,
 - Museums,
 - Gardens, or
 - Programs taking place within public lands.

By restricting the park fee discounts to entrance fees, this may increase any potential positive fiscal impact on county or municipal revenue.

Although county and municipal parks may currently provide a full or partial discount on park entrance fees to these individuals, there may be a benefit from the uniformity that a state law would provide.

B. SECTION DIRECTORY:

Section 1: Creates s. 125.028, F.S., requiring a county department of parks and recreation to provide discounts on entrance fees at county parks to military servicemembers,

¹⁷ An example of a CAC card can be found on the Department of Defense website on Common Access Cards, *available at* <http://www.cac.mil/common-access-card/>

¹⁸ Department of Defense website on Common Access Cards, (last visited February 9, 2015) *available at* <http://www.cac.mil/common-access-card/>

¹⁹ An example of a Uniformed Services ID Card can be found on the Department of Defense website on Uniformed Services ID Cards, *available at* <http://www.cac.mil/uniformed-services-id-card/>

²⁰ Department of Defense website on Uniformed Services ID Cards, (last visited February 9, 2015) *available at* <http://www.cac.mil/uniformed-services-id-card/>

²¹ *Id.*

veterans, and certain family members of deceased military servicemembers, law enforcement officers, and firefighters; defines the term “park entrance fees.”

Section 2: Creates s. 166.0447, F.S., requiring a municipal department of parks and recreation to provide discounts on entrance fees at municipal parks to military servicemembers, veterans, and certain family members of deceased military servicemembers, law enforcement officers, and firefighters; defines the term “park entrance fees.”

Section 3: Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Although it is likely to have an insignificant negative fiscal impact to county and municipal governments, the Revenue Estimating Conference has not yet provided an estimate of the provisions of this bill.

To the extent that county and municipal parks charge park entrance fees at all, county and municipal parks may experience a decrease in revenue generated from park entrance fees.

However, publicity generated from such park entrance fee discounts may lead to an overall increase in revenue.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Park fee discounts at county and municipal parks will be available to:

- Active-duty military servicemembers;
- Honorably discharged veterans;
- Disabled veterans;
- Family members of servicemembers who have died during combat; and
- The surviving spouse or parent of a law enforcement officer, firefighter, or first responder, who has died while in the line of duty.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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. However, Article VII, section 18(d) of the Florida Constitution provides an exemption from the two-thirds requirement for any general law that has an insignificant fiscal impact.

In 2014, the Revenue Estimating Conference estimated that the provisions of an identical bill would have an indeterminate, but likely insignificant fiscal impact on county and municipal government revenue. Although it is likely to have an insignificant negative fiscal impact to local government revenues, the Revenue Estimating Conference has not yet provided an estimate of this bill.

2. Other:

Not applicable.

B. RULE-MAKING AUTHORITY:

The bill neither provides rulemaking authority nor requires implementation through executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 10, 2015, the Local Government Affairs Subcommittee adopted two amendments to HB 721 and reported the bill favorably as a committee substitute. The amendments do the following:

- Remove the requirement to submit "written documentation" and instead requires any "information," satisfactory to the local government to be submitted; and
- Revise the eligible recipients of the local park entrance fee discount to also include the surviving spouse or parent of first responders.

This analysis is drafted to the committee substitute as adopted by the Local Government Affairs Subcommittee.