

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 185 State Park Fees

**SPONSOR(S):** Agriculture & Natural Resources Appropriations Subcommittee; Lee, Jr. and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 64

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Natural Resources & Public Lands Subcommittee	13 Y, 0 N, As CS	Gregory	Shugar
2) Agriculture & Natural Resources Appropriations Subcommittee	9 Y, 0 N, As CS	White	Pigott
3) Government Accountability Committee			

### SUMMARY ANALYSIS

The Division of Recreation and Parks (DRP) within the Department of Environmental Protection (DEP) manages 163 parks and 11 state trails covering 800,000 acres, 100 miles of beaches, and more than 1,500 miles of multi-use trails. The state established these areas for the protection and preservation of their natural features or historic significance and for public use and enjoyment.

The DRP may charge reasonable fees, rentals, or charges for the use or operation of facilities and concessions in state parks. Entrance fees and camping fees vary among the parks. Individuals may also purchase an annual pass that allow entrance into Florida State Parks in lieu of entrance fees for one year from the month of purchase. Certain individuals may use a variety of discounts and fee waivers to visit Florida State Parks and use the facilities.

The bill provides families operating a licensed family foster home:

- A Free family annual passes to Florida State Parks, and
- A waiver of base camping fees at Florida State Parks.

The bill also provides families who adopt a special needs child a one-time family annual entrance pass to Florida State Parks at no charge.

Further, the bill requires the DEP, in consultation with the Department of Children and Families (DCF), to identify the types of written documentation sufficient to establish eligibility for the discounts.

Lastly, the bill requires the DEP to continue to partner with the DCF to promote fostering and adoption of special needs children with events held each year during National Foster Care Month and National Adoption Month.

In fiscal year 2015-2016, the DEP collected \$3.8 million from annual pass sales and \$19 million from campsite fees. The bill will likely have an insignificant negative fiscal impact on the DEP revenues.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### PRESENT SITUATION

The DRP within the DEP manages 163 parks and 11 state trails covering 800,000 acres, 100 miles of beaches, and more than 1,500 miles of multi-use trails.<sup>1</sup> The state established these areas for the protection and preservation of their natural features or historic significance and for public use and enjoyment.<sup>2</sup>

The DRP may charge reasonable fees, rentals, or charges for the use or operation of facilities and concessions in state parks.<sup>3</sup> These fees must be deposited in the State Park Trust Fund.<sup>4</sup> The DRP may use these funds to administer, improve, maintain, acquire, and develop lands for state park purposes.<sup>5</sup>

Entrance fees and camping fees vary among the parks. The Director of the DRP must recommend standard admission fees and other fees taking into consideration user demand, location of the park, cost of managing and operating the park, the types of facilities available, season, and natural and resource values of the park.<sup>6</sup> User fees may not become effective until the DRP publishes them in a statewide news release.<sup>7</sup> If requested, the DRP must also hold a public hearing to review the proposed fees before they become effective.<sup>8</sup>

The DRP waives entrance fees for:

- Children under six;
- Patients of Florida State Mental Institutions and clients of the Department of Juvenile Justice and the DCF, and other similar institutions that are fully government funded when such patients and/or clients are part of an organized group or program under the sponsorship and supervision of their respective institutions or parent agencies;
- Florida school groups, accompanied by one or more teachers, and bearing a letter from the school principal, professor, or other appropriate official, certifying that the park visit is related to a specific school curriculum and is for educational purposes rather than a purely recreational outing; and
- DRP employees and families.<sup>9</sup>

Individuals may also purchase an annual pass. Annual passes allow entrance into Florida State Parks in lieu of entrance fees for one year from the month of purchase.<sup>10</sup> The DRP honors annual passes at all state parks, except for Skyway Fishing Pier State Park, where they are valid for a 33 percent discount.<sup>11</sup> Individual annual passes cost \$60 while family passes cost \$120.<sup>12</sup> Active duty members and honorably discharged veterans of the United States Armed Forces, National Guard, or reserve

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<sup>1</sup> DEP, *Division of Recreation and Parks*, <http://www.dep.state.fl.us/mainpage/programs/parks.htm> (last visited February 9, 2017).

<sup>2</sup> r. 62D-2.013(1), F.A.C.

<sup>3</sup> s. 258.014(1), F.S.

<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> r. 62D-2.014(2)(c), F.A.C.

<sup>7</sup> r. 62D-2.014(2)(d), F.A.C.

<sup>8</sup> Id.

<sup>9</sup> r. 62D-2.014(2)(b)1. – 4., F.A.C.

<sup>10</sup> Florida State Parks, *Annual Pass Information*, <https://www.floridastateparks.org/content/annual-pass-information#aboutannualpasses> (last visited February 9, 2017).

<sup>11</sup> Id.

<sup>12</sup> Id. Family annual passes cover the entrance of up to eight people in a group, except at Ellie Schiller Homosassa Springs Wildlife State Park, Weeki Wachee Springs State Park, and Skyway Fishing Pier State Park where the family pass is good for admission of up to two people.

components may receive a 25% discount on annual passes.<sup>13</sup> Honorably discharged veterans who have service-connected disabilities; surviving spouses and parents of deceased members of the United States Armed Forces, National Guard, or reserve components who have fallen in combat; and surviving spouse and parents of a law enforcement officer or a firefighter who has died in the line of duty may receive lifetime family annual passes at no charge.<sup>14</sup>

Florida citizens over 65 and Florida citizens possessing a current social security disability award certificate or a 100 percent disability award certificate from the federal government may receive a camping permit that entitles them to a 50% discount on camping fees at Florida State Parks.<sup>15</sup>

Further, during 2013, 2014, and 2015, the DEP provided 15,000 annual passes to foster families free of charge.<sup>16</sup> Other states, such as Oregon and Washington, also provide discounts for state park entrance and camping fees for foster children and families.<sup>17</sup>

In fiscal year 2015-2016, the DEP collected \$3.8 million from annual pass sales and \$19 million from campsite fees.<sup>18</sup>

## EFFECT OF PROPOSED CHANGES

The bill provides families operating a family foster home licensed by the DCF:

- A Free family annual passes to Florida State Parks, and
- A waiver of base camping fees at Florida State Parks.

The bill also provides families who adopt a special needs child a one-time family annual entrance pass to Florida State Parks at no charge.

For the purposes of these discounts, a “child” is any unmarried person under the age of 18 years who has not been emancipated by order of the court.<sup>19</sup> A “special needs child” is:

- A child whose permanent custody has been awarded to the DCF or to a licensed child-placing agency;
- A child who has established significant emotional ties with his or her foster parents or is not likely to be adopted because he or she is:
  - Eight years of age or older;
  - Developmentally disabled;
  - Physically or emotionally handicapped;
  - Of black or racially mixed parentage; or
  - A member of a sibling group of any age, provided two or more members of a sibling group remain together for purposes of adoption; and
- A child for whom a reasonable but unsuccessful effort has been made to place the child without providing a maintenance subsidy, except when the child is being adopted by the child’s foster parents or relative caregivers.<sup>20</sup>

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<sup>13</sup> s. 258.0145(1), F.S.

<sup>14</sup> ss. 258.0145(2) – (4), F.S.

<sup>15</sup> s. 258.016, F.S.; r. 62D-2.014(1)(b)5., F.A.C.

<sup>16</sup> Florida Department of Children and Families, *DCF, DEP Partner to Give Thousands of Free State Park Passes to Foster Parents*, <http://www.myflfamilies.com/press-release/dcf-dep-partner-give-thousands-free-state-park-passes-foster-parents> (last visited February 10, 2017); Florida Department of Children and Families, *First Lady Ann Scott Highlights DCF/DEP Partnership that Provides State Park Passes to Foster and Adoptive Children and Families*, <http://www.myflfamilies.com/press-release/first-lady-ann-scott-highlights-dcfdep-partnership-provides-state-park-passes-foster> (last visited February 10, 2017); Florida Department of Children and Families, *DCF and DEP Partner to Provide State Park Passes to Foster Families*, <http://www.myflfamilies.com/press-release/dcf-and-dep-partner-provide-state-park-passes-foster-families> (last visited February 10, 2017).

<sup>17</sup> Oregon State Parks, *Special Access Pass for Foster, Guardian & Adoptive Foster Parents of Oregon Foster Children*, <http://oregonstateparks.org/index.cfm?do=v.page&id=20> (last visited February 10, 2017); Fostering Together, <http://fosteringtogether.org/wp-content/uploads/2013/04/State-Park-Camping-Pass.pdf> (last visited February 10, 2017).

<sup>18</sup> DEP, Agency Analysis of 2017 SB 64, p. 4 (December 9, 2016).

<sup>19</sup> s. 39.01(12), F.S.

<sup>20</sup> s. 409.166(2)(a), F.S.

The bill requires the DEP, in consultation with the DCF, to identify the types of written documentation sufficient to establish eligibility for the discounts.

Lastly, the bill requires the DEP to continue to partner with the DCF to promote fostering and adoption of special needs children with events held each year during National Foster Care Month and National Adoption Month.

**B. SECTION DIRECTORY:**

**Section 1.** Creates s. 258.0142, F.S., relating to foster and adoptive family state park fee discounts.

**Section 2.** Provides an effective date of July 1, 2017.

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

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

1. Revenues:

Based on calculations used by the Revenue Estimating Conference, it is estimated that the bill will have an insignificant negative fiscal impact on revenues deposited into the State Park Trust Fund.

2. Expenditures:

None.

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

1. Revenues:

None.

2. Expenditures:

None.

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

The bill will likely have a positive economic impact on families operating a licensed family foster home by providing free family annual passes and a waiver of base camping fees. The bill will likely have a positive economic impact on families who adopt a special needs child by providing a one-time family annual entrance pass.

**D. FISCAL COMMENTS:**

None.

**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 spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

DEP has sufficient rulemaking authority to amend chapter 62D-2, F.A.C., to conform to changes made in the statute if necessary.

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

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 7, 2017, the Natural Resources and Public Lands Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. Specifically, the strike-all amendment:

- Removed the 50% discount on base camping fees at Florida State Parks for families who adopt a special needs child;
- Requires the DEP to provide a one-time family annual entrance pass at no charge at the time of adoption to families who adopt a special needs child. The original bill required the DEP to provide perpetually a family annual entrance pass at no charge to families who adopt a special needs child;
- Requires the DEP to consult with the DCF when identifying the types of documentation sufficient to establish eligibility for the discounts; and
- Requires the DEP to continue to partner with the DCF to promote fostering and adoption of special needs children with events held each year during National Foster Care Month and National Adoption Month.

On March 21, 2017, the Agriculture and Natural Resources Appropriations Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. Specifically, the amendment provides that families operating a licensed family foster home shall receive a waiver of current base campsite fees at state parks.

This analysis is drafted to the committee substitute as passed by the Agriculture and Natural Resources Appropriations Subcommittee.