

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 Committee on Appropriations

BILL: CS/SB 64

INTRODUCER: Environmental Preservation and Conservation Committee; and Senators Bean and Mayfield

SUBJECT: State Park Fees

DATE: April 4, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Mitchell</u>	<u>Rogers</u>	<u>EP</u>	<u>Fav/CS</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEN</u>	<u>Recommend: Fav/CS</u>
3.	<u>Reagan</u>	<u>Hansen</u>	<u>AP</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 64 requires the Division of Recreation and Parks (division) of the Department of Environmental Protection (DEP) to provide free annual state park entrance passes and a 50 percent discount on current state park base campsite fees to foster families. In addition, the bill requires the division to provide a one-time free annual state park entrance pass at the time of adoption to families who adopt certain special needs children from the Department of Children and Families (DCF). The bill requires the Division, in consultation with DCF, to identify the types of written documentation sufficient to establish eligibility for the free state park passes and discounted campsite fees and to establish a procedure for obtaining the discounts. Finally, the bill requires the division to continue its partnership with DCF to promote fostering and adoption of special needs children with events held each year.

The impact on state revenues is expected to be insignificant.

II. Present Situation:

State Parks

Florida's state park system was created in 1935 when the Legislature enacted a series of laws authorizing the Florida Board of Forestry to establish a Florida Park Service and to develop and

maintain a system of state parks.¹ Today, the Division of Recreation and Parks (division) within the Department of Environmental Protection (DEP) has the duty to supervise, administer, regulate, and control the operation of all public parks owned by the state.² This includes 163 state parks, 11 state trails, nearly 800,000 acres, 100 miles of beaches, and more than 1,500 miles of multi-use trails.³

The National Recreation and Park Association annually honors state park systems that demonstrate excellence in long-range planning and resource management. In 2013, Florida became the first three-time National Recreation and Park Association Gold Medal award winner.⁴ It is the policy of the division to promote the state park system for the use, enjoyment, and benefit of the people and visitors of Florida.⁵ The total attendance for the 2015-2016 fiscal year was 31,840,658 visitors, an increase of over 730,000 visitors from the previous fiscal year.⁶

Section 258.014, F.S., authorizes the division to charge reasonable fees, rentals, or charges for the use or operation of facilities and concessions in state parks. All such fees, rentals, and charges collected must be credited to the State Park Trust Fund. The continuing balance of the trust fund is to be used for the administration, improvement, and maintenance of state parks and for the acquisition and development of lands acquired for state park purposes.⁷

The director of the division is authorized to recommend standard admission and other park fees. Daily admission fees can range from \$1-\$13 based upon factors such as user demand, the location of the park, the cost of managing and operating the park, the type of facilities available, the season, and the natural and historic resource values of the park.⁸ Currently, the family annual state park entrance pass costs \$120.⁹ Family campsite fees range from \$10-\$60.¹⁰ State park fees generated approximately \$68.5 million in revenue in Fiscal Year 2015-2016, with annual entrance pass sales totaling \$3.8 million and campsite fees totaling \$19.3 million of that revenue amount.¹¹

Section 258.016, F.S., provides a 50 percent discount on base camping fees at state parks to Florida citizens 65 years of age and older and to Florida citizens possessing a current social

¹ Florida Park Service Alumni Association, *Florida State Park History*, <http://fpsaa.org/traditions/fps-history> (last visited Jan. 30, 2017).

² Section 258.004, F.S.

³ DEP, Division of Recreation and Parks, *Program at a Glance*, <http://www.dep.state.fl.us/mainpage/programs/parks.htm> (last visited Jan. 30, 2017).

⁴ DEP, *About Florida State Parks*, <http://www.dep.state.fl.us/parks/> (last visited Jan. 30, 2017).

⁵ Section 258.037, F.S.

⁶ DEP, *Long Range Program Plan* (Fiscal Years: 2017-2018 through 2021-2022), 51, available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=14589&DocType=PDF>.

⁷ Section 258.014(1), F.S.

⁸ Fla. Admin. Code R. 62D-2.014(2)(c). See DEP, *Florida State Parks Fee Schedule*, available at <https://www.floridastateparks.org/sites/default/files/Division%20of%20Recreation%20and%20Parks/documents/FPSFeeSchedule.pdf>.

⁹ DEP, *Senate Bill 64 Agency Legislative Bill Analysis* (Dec. 9, 2016) (on file with the Senate Committee on Environmental Preservation and Conservation).

¹⁰ *Id.*

¹¹ DEP, *Senate Bill 64 Agency Legislative Bill Analysis* (Dec. 9, 2016) (on file with the Senate Committee on Environmental Preservation and Conservation).

security disability award certificate or a 100 percent disability award certificate from the Federal Government.¹² Section 258.0145, F.S., provides the following state park fee discounts:

- A discount of 25 percent on annual entrance passes to active duty members and honorably discharged veterans of the United States Armed Forces, National Guard, and Reserves; and
- Free lifetime family annual entrance passes to:
 - Honorably discharged veterans who have service-connected disabilities;
 - Surviving spouses and parents of deceased members of the United States Armed Forces, National Guard, or Reserves who have fallen in combat; and
 - Surviving spouses and parents of certain law enforcement officers and certain firefighters who have died in the line of duty.¹³

Foster and Adoptive Families

Section 409.175, F.S., provides for the licensure of family foster homes and includes requirements foster homes must meet in order to operate as a residence for a child.¹⁴ The number of foster families fluctuate, but as of December 2016 there were 5,064 foster homes licensed with the Department of Children and Families (DCF) under s. 409.175, F.S.¹⁵

Subparagraph 409.166(2)(a)2., F.S., defines a “special needs child” in part as 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 2 or more members of the sibling group remain together for purposes of adoption.¹⁶

As of November 2016, approximately 40,000 persons in Fiscal Year 2016-2017 qualify for an adoption subsidy payment.¹⁷ Adoption subsidy payments to help offset ongoing costs are paid to many families that adopt one of Florida’s children in care with special needs. The amount of the payment is negotiated on a child-by-child basis through Florida’s Adoption Assistance Program and is available until the child turns 18 years of age.¹⁸

Currently, there are no provisions in Florida Statutes related to state park fee discounts for foster or adoptive families, but the Division is authorized by rule to waive admission fees for certain groups, including clients of DCF when such clients are part of an organized group or program

¹² Section 258.016, F.S.

¹³ Section 258.0145, F.S.

¹⁴ Section 409.175, F.S.

¹⁵ Revenue Estimating Conference, Impact Analysis of SB 64, dated January 24, 2017, *available at* http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2017/_pdf/page57-59.pdf.

¹⁶ Section 409.166(2)(a)2., F.S.

¹⁷ Revenue Estimating Conference, Impact Analysis of SB 64, dated January 24, 2017, *available at* http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2017/_pdf/page57-59.pdf.

¹⁸ DCF, Adopt Florida, *Florida’s Adoption Assistance Program*, <http://www.adoptflorida.com/assistance-program.htm> (last visited Feb. 16, 2017).

under the sponsorship and supervision of DCF.¹⁹ The division has been using this rule to partner with DCF since May of 2013 to provide free entry day passes to foster families.²⁰ Such passes are distributed through DCF district representatives.

III. Effect of Proposed Changes:

This bill requires the division to provide free annual state park entrance passes and a 50 percent discount on current state park base campsite fees to families operating a licensed family foster home. In addition, the bill requires the division to provide a one-time free annual state park entrance pass at the time of adoption to families who adopt from DCF a special needs child as specifically described in s. 409.166(2)(a)2., F.S.

The division, in consultation with DCF, must identify the types of written documentation sufficient to establish a person's eligibility for a free entrance pass or a discount on campsite fees and must establish a procedure for obtaining the discounts. DEP indicates that a notification letter may be mailed to eligible families and that a return of the notice or the production of documentation of foster or adoptive family status that a family already possesses will be sufficient to establish eligibility. DEP will be able to process free entrance passes in person at state parks or through the mail and may be able to develop an online capability for obtaining them. Camping fee discounts may be obtained in person at state parks, through online registration, or through a DEP call center.²¹

Finally, the bill mandates that the division continue its partnership with DCF to promote fostering and adoption of special needs children with events held each year during National Foster Care Month and National Adoption Month.

The bill takes effect July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁹ Fla. Admin. Code R. 62D-2.014(2)(b).

²⁰ Department of Children and Families press release, dated January 18, 2013 (on file with the Senate Committee on Environmental Preservation and Conservation).

²¹ Email message dated February 14, 2017, from Kevin Cleary, Director, Office of Legislative Affairs, Florida Department of Environmental Protection (on file with the Senate Committee on Environmental Preservation and Conservation).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

CS/SB 64 eliminates annual state park entrance pass fees and provides a 50 percent discount on current base campsite fees for families operating a licensed family foster home. The bill provides a one-time free annual state park entrance pass for families who adopt from DCF a special needs child meeting certain statutory definitions.

B. Private Sector Impact:

If the free annual entrance passes and discount on campsite fees result in increased visitation at state parks, privately owned concession and rental operations would potentially see an increase in business, which would have a positive fiscal impact on the private sector.

C. Government Sector Impact:

The Revenue Estimating Conference has not analyzed the impact of CS/SB 64, but it is likely that impact to the State Park Trust Fund will be insignificant.

The division, in consultation with DCF, must identify the types of written documentation sufficient to establish a person's eligibility for a discount on state park fees and must establish a procedure for obtaining the discounts. DEP has stated that the annual cost to establish and administer the procedure for obtaining discounts would be nominal.²²

The free annual entrance passes and discount on campsite fees may increase state park visitation, which potentially will increase other types of park revenue such as entertainment, guided tours, and equipment rentals.

VI. Technical Deficiencies:

Line 28 of the bill provides a 50 percent discount on "current" base campsite fees. This could have two interpretations – 50 percent of the fees in effect on July 1, 2017 or 50 percent of the fees in effect at the time of the stay. If the first interpretation is intended the phrase could be modified to provide: "50 percent discount on the base campsite fees in effect on July 1, 2017." If the second interpretation is intended, the term "current" could be deleted.

VII. Related Issues:

The DEP does not anticipate a need for rulemaking as a result of this bill.²³

²² Email message dated February 14, 2017, from Kevin Cleary, Director, Office of Legislative Affairs, Florida Department of Environmental Protection (on file with the Senate Committee on Environmental Preservation and Conservation).

²³ DEP, *Senate Bill 64 Agency Legislative Bill Analysis* (Dec. 9, 2016) (on file with the Senate Committee on Environmental Preservation and Conservation).

VIII. Statutes Affected:

This bill creates section 258.0142 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environmental Preservation and Conservation on February 21, 2017:

- Adds legislative intent language.
- Limits the discount families that adopt special needs children from DCF receive to a one-time family annual state park entrance pass received at the time of adoption at no charge.
- Removes the requirement that a special needs child meet the definition of a child in s. 39.01, F.S., for an adoptive family to be eligible for the free annual entrance pass.
- Requires the Division, in identifying the types of documentation sufficient to establish eligibility and in establishing a procedure for obtaining the discounts, to consult with DCF.
- Specifies that the Division must continue its partnership with 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. **Amendments:**

None.