

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 95 State Parks
SPONSOR(S): State Affairs Committee, Bembry
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 |

SUMMARY ANALYSIS

The Division of Recreation and Parks (division) within the Department of Environmental Protection oversees Florida's 160 state parks. Currently, active duty members and honorably discharged veterans of the United States Armed Forces (armed forces), National Guard, or reserve components receive a twenty-five percent discount on annual entrance passes to Florida's state parks. Veterans with service-connected disabilities receive free for life family annual entrance passes. Surviving spouses of deceased members of the armed forces, National Guard, or reserve components who have fallen in combat also receive free for life family annual entrance passes. Eligibility for these discounts is verified by the presentation of written documentation to the division.

The bill provides for parents of deceased members of the armed forces, National Guard, or reserve components who have fallen in combat to receive free lifetime annual entrance passes to Florida's state parks. Eligibility for these passes is verified by the presentation of written documentation to the division.

The bill also provides free annual entrance passes to the surviving spouse and parents of law enforcement officials and firefighters who died in the line of duty.

Payne's Prairie Preserve State Park in Alachua County has bison, Florida Cracker horses and Florida Cracker cattle that are considered free-roaming livestock. This bill exempts property within the state park system from liability resulting from free-roaming livestock that stray upon the roads of the state.

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. Mashburn served in the Florida House of Representatives during the 1953 Legislative Session, representing Bay County. During his tenure as 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 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 division states that there will be a \$94,000 reduction in state park revenue. However, the division believes that the publicity and goodwill earned by this bill may lead to increased visitation to the parks, which may offset the loss of revenues. The bill also appears to have a potential positive fiscal impact on state government by removing the state's liability for damages from livestock on property within the state park system.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

State Park Entrance Fee Discounts

Present Situation

The Division of Recreation and Parks (division) within the Department of Environmental Protection (department) 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.¹ The monies collected from these fees are deposited into the State Park Trust Fund. The trust fund monies are to be used for the administration, improvement, and maintenance of the state parks, as well as any acquisition of lands for state park purposes.

The division 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.² According to the department, annual entrance pass sales accounted for \$1,758,157.95 in revenues during Fiscal Year 2009-10.³

Active duty members and honorably discharged veterans of the United States Armed Forces (armed forces), National Guard, or reserve components receive a twenty-five percent discount on annual entrance passes to Florida's state parks. Veterans with service-connected disabilities receive free for life family annual entrance passes. Surviving spouses of members of the armed forces, National Guard, or reserve components who have fallen in combat also receive free for life annual entrance passes.

The division offers active-duty Florida National Guard members, their spouses and minor children a fifty percent discount on the daily admission fee. In addition, the division offers a fifty percent discount on the daily admission fees for Florida residents participating in the Food Stamp program and a fifty percent discount on the base camping fees for Florida residents who are 65 years and older or are 100% disabled.

The division prescribes what constitutes satisfactory written documentation to prove eligibility for discounts.⁴

Satisfactory written documentation to prove eligibility for the 25% 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 US 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

¹ Section 258.014(1), F.S.

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

³ Information on file with the House Community and Military Affairs Subcommittee.

⁴ <http://www.floridastateparks.org/thingsstoknow/annualpass.cfm>, last accessed March 1, 2011.

- 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 US 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:

- 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 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., to provide that parents of deceased members of the armed forces, National Guard, and reserve components who have fallen in combat receive free lifetime annual entrance passes.

The bill also provides for surviving spouses and parents of law enforcement officers or firefighters who died in the line of duty to receive lifetime family annual entrance passes at no charge.

Liability of Owners of Livestock

Present Situation

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.

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.

In March 2011, the department published a Livestock Management Plan⁵ 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 property within the state park system which has free-roaming animal populations from the provisions of s. 588.15, F.S., relating to livestock owner liability discussed above.

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

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., to include parents of veterans who fell in combat and the surviving spouse and parents of a law enforcement officer or a firefighter who died in the line of duty.

Section 2: 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.

⁵ <http://www.gainesville.com/assets/pdf/GS22311324.PDF>

Section 3: 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 4: Provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The division staff stated an estimated \$94,000 negative fiscal impact in their analysis of the bill. (See “Fiscal Comments” section below.)

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The division states that there will be a \$94,000 reduction in state park revenue. However, according to the division, the publicity and goodwill earned by the state is expected result in increased visitation, which should offset any loss of revenues.

The bill also appears to have a potential positive fiscal impact on state government by removing the state’s liability for damages from livestock on property within the state park system.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This legislation does not appear to affect county or municipal government.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill provides for property within the state park system which has free-roaming animal populations is exempt from the provisions of s. 588.15, F.S., related to livestock owner liability. However, since

property cannot be held liable for damages, the bill may need to be amended to state that property owners are immune from liability.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 24, 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.