

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1095 Discounts on Public Park Entrance Fees & Transportation Fares

**SPONSOR(S):** Rooney, Jr.

**TIED BILLS:** **IDEN./SIM. BILLS:** HB 721, SB 1430

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Veteran & Military Affairs Subcommittee		Thompson	Kiner
2) Local Government Affairs Subcommittee			
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, honorably discharged 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 counties and municipalities to provide discounts on local park entrance fees to the following individuals who present written documentation:

- 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; and
- The surviving spouse or parent of a law enforcement officer or firefighter who died in the line of duty.

For the purpose of minimizing any potential fiscal impact on local 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 fees for the use of campgrounds, aquatic facilities, stadiums or arenas, special events, and other expanded amenity fees.

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

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. Regional transportation authorities may experience a decrease in revenue generated from the discounted rates, fees and charges.

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

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### Military and Veteran Presence in Florida

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

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

##### 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.<sup>6</sup> Florida state parks and trails welcomed more than 27 million visitors during the 2013-2014 fiscal year.<sup>7</sup> 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.<sup>8</sup>

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.<sup>9</sup> Typically, these fees are categorized as entrance fees and activity fees, although other fees may be charged in some cases.<sup>10</sup> 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.<sup>11</sup> Annual entrance passes are also available.<sup>12</sup> The regular price for an annual entrance pass is \$60 for an individual and \$120 for a family.<sup>13</sup>

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<sup>1</sup> 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 March 10, 2015).

<sup>2</sup> 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 March 10, 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.

<sup>3</sup> 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 March 10, 2015).

<sup>4</sup> 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 March 10, 2015).

<sup>5</sup> Florida National Guard website, available at: [http://www.floridaguard.army.mil/?page\\_id=7](http://www.floridaguard.army.mil/?page_id=7) (Last viewed March 10, 2015).

<sup>6</sup> Florida Department of Environmental Protection website, available at: <http://www.dep.state.fl.us/parks/> (Last visited March 10, 2015).

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

<sup>8</sup> 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."

<sup>9</sup> s. 258.014, F.S.

<sup>10</sup> 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 March 10, 2015).

<sup>11</sup> Florida State Parks Fee Schedule, available at:

<https://www.floridastateparks.org/sites/default/files/Division%20of%20Recreation%20and%20Parks/documents/FPSFeeSchedule.pdf> (Last visited March 10, 2015).

<sup>12</sup> Id.

<sup>13</sup> Id.

### State Park Fee Discounts

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.<sup>14</sup>

An honorably discharged veteran who has a service-connected disability is eligible to receive lifetime family annual entrance passes at no charge.<sup>15</sup> 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.

<b>State Park Entrance Fee Discounts: FY 2013-2014</b>		
<b>Discount Type</b>	<b>Estimated Passes Sold<sup>16</sup></b>	<b>Value</b>
<b>Individual Entrance Pass</b> (25% discount: active-duty servicemembers and veterans)	1,295	\$19,425
<b>Family Annual Entrance Pass</b> (25% discount: active-duty servicemembers and veterans)	4,103	\$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	\$1,176,480
<b>Total for FY 2013-2014</b>	<b>15,202</b>	<b>\$1,318,995</b>

### 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.

### Disabled Veterans

Section 295.07(1)(a), F.S., requires the state and its political subdivisions to give preference in employment to disabled veterans. The law defines disabled veterans as follows:

- Those who have served on active duty in any branch of the United States Armed Forces, received an honorable discharge, and have a service-connected disability pursuant to the United States Department of Veterans Affairs; or
- Those who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the United States Department of Veterans Affairs and the United States Department of Defense.

### Florida Transportation Authorities and Passenger Rail Systems

<sup>14</sup> s. 258.0145(1), F.S.

<sup>15</sup> s. 258.0145(2), F.S.

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

Chapters 348 and 349, F.S., govern the Florida Regional Transportation Authorities. Chapter 343, F.S., provides for the creation of the South Florida Regional Transportation Authority, the Central Florida Regional Transportation Authority, the Northwest Florida Transportation Corridor Authority, and the Tampa Bay Area Regional Transportation Authority. Chapter 348, F.S., provides for the creation of the Miami-Dade Expressway Authority, the Tampa-Hillsborough County Expressway Authority, the Orlando-Orange County Expressway Authority, the Santa Rosa Bay Bridge Authority, and the Osceola County Expressway Authority. Chapter 349, F.S., establishes the Jacksonville Transportation Authority. In 2014, the Legislature renamed the Orlando-Orange County Expressway Authority Law as the Central Florida Expressway Authority Law.<sup>17</sup>

Tri-Rail, operated by the South Florida Regional Transportation Authority, is the only publicly funded passenger rail system in the state.<sup>18</sup> Tri-Rail currently offers a 50 percent discount on Fare EASY Cards to persons with disabilities. 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 license indicating disability, a Medicare Card, or Social Security documentation for Disability Benefits.<sup>19</sup>

### Regional Transportation Authorities

Part V, chapter 163, F.S., provides for the governance of “Regional Transportation Authorities.” The law defines “authority” as a body politic and corporate created pursuant to this part<sup>20</sup> including any two or more contiguous counties, municipalities, other political subdivisions, or combinations in the state and authorized to develop a charter.<sup>21</sup>

In part, Regional Transportation Authorities created by this part are authorized to purchase, own, operate, or provide for the operation of transportation facilities.<sup>22</sup> In so doing, the authorities are authorized to:

- Establish equitable and just rates, fees and charges; and
- Acquire and operate, or provide for the operation of, local transportation systems, public or private, within the area.<sup>23</sup>

### **Proposed Changes**

#### Local Park Entrance Fee Discounts

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; and
- The surviving spouse or parent of a law enforcement officer or firefighter who died in the line of duty.

In order to take advantage of the discount, a park visitor must present written documentation satisfactory to the county or municipal department, which evidences the individual's eligibility. Typically, sufficient written documentation for an active duty military servicemember includes a current, valid

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<sup>17</sup> Chapter. 2014-171, L.O.F.

<sup>18</sup> South Florida Regional Transportation Authority, Overview, <http://www.sfrta.fl.gov/overview.aspx> (last visited March 10, 2015).

<sup>19</sup> Tri-Rail, Discount Policy, <http://www.tri-rail.com/fares/discount-policy/> (last visited March 10, 2015).

<sup>20</sup> s. 163.566(1), F.S.

<sup>21</sup> s. 163.567(1), F.S.

<sup>22</sup> s. 163.568(1), F.S.

<sup>23</sup> s. 163.568(2), F.S.

military identification card, which may include the Common Access Cards (CAC).<sup>24</sup> The CAC card is the standard identification for active duty uniformed service personnel, Selected Reserve, Department of Defense (DoD) civilian employees, and eligible contractor personnel.<sup>25</sup>

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,<sup>26</sup> which allows access to various military service benefits or privileges.<sup>27</sup> There are seven types of Uniformed Services ID Cards and the benefits associated with each card depend on who the individual is.<sup>28</sup>

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.

### Transportation Fare Discounts

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.

## B. SECTION DIRECTORY:

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<sup>24</sup> 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/>

<sup>25</sup> Department of Defense website on Common Access Cards, (last visited February 9, 2015) *available at* <http://www.cac.mil/common-access-card/>

<sup>26</sup> 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/>

<sup>27</sup> Department of Defense website on Uniformed Services ID Cards, (last visited February 9, 2015) *available at* <http://www.cac.mil/uniformed-services-id-card/>

<sup>28</sup> *Id.*

- Section 1: Creates s. 125.029, relating to military, law enforcement, and firefighter county park entrance fee discounts.
- Section 2: Creates s. 163.58, F.S., relating to transportation fare discounts.
- Section 3: Creates s. 166.0447, F.S., relating to military, law enforcement, and firefighter municipal park entrance fee discounts.
- Section 4: 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 certain active-duty military servicemembers, honorably discharged veterans, disabled veterans, and certain family members of servicemembers who have died during combat. The surviving spouse or parent of a law enforcement officer or firefighter who has died while in the line of duty is also included.

Disabled 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.

### **D. FISCAL COMMENTS:**

To the extent that disabled veterans may use a transportation system or facility owned or operated by a regional transportation authority, regional transportation authorities may experience a decrease in revenue generated from the discounted rates, fees and charges.

## **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.

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.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

N/A