

**The Florida Senate**  
**PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Environmental Preservation and Conservation Committee

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BILL: CS/SB 94

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Baker

SUBJECT: State Parks

DATE: March 29, 2007

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Saleh	Kiger	EP	Fav/CS
2.				
3.				
4.				
5.				
6.				

**I. Summary:**

The committee substitute would implement several legislative changes.

- Amends s. 258.007, F.S., giving the Division of State Parks the authority to adopt rules pursuant to ss. 120.536, F.S. and 120.54, F.S. that impose penalties for the violation of any rule authorized by s. 258.007, F.S.
- Provides that the violation of certain state park rules will be a civil infraction instead of a criminal infraction. Allows for the imposition of a fine.
- Allows golf carts to be operated on roads within the state park system under certain conditions.
- Changes the term “municipalities” to “governmental units” within provisions permitting the operation of golf carts and utility vehicles on state roads.

The committee substitute would take effect on July 1, 2007.

The committee substitute amends the following sections of the Florida Statutes: 258.007, 258.014, 316.212, 316.2125, and 316.2126.

The committee substitute creates s. 258.008, Florida Statutes.

## II. Present Situation:

### State Parks Rules

Section 258.007, F.S., authorizes the Division of Recreation and Parks to adopt rules to provide for punishment of violations of state park rules as a misdemeanor. Currently, if a citation is written for a violation of minor park infractions, such as tying a tent rope to a tree instead of a stake, this becomes a criminal infraction with a corresponding criminal record.

### Florida National Guard

The Army National guard began on December 13, 1636, when the Massachusetts Bay Colony organized three militia regiments to defend the colonists against the growing threat of the Pequot Indians. Today the Army National Guard continues its historic mission of providing defense for the nation.<sup>1</sup> According to the Florida Department of Military Affairs (DMA), there are currently about 11,400 traditional National Guardsmen and the DMA is authorized to have a maximum of 12,000 guard members.<sup>2</sup>

Florida's state park system is one of the largest in the country with 159 parks spanning more than 723,000 acres and 100 miles of sandy white beach. Under the DEP, the Division of Recreation and Parks operates and maintains these parks.<sup>3</sup> State park revenues during the 2005-2006 year were approximately \$38.2 million. Annual operating and capital budgets for the 2004-2005 totaled around \$77 million. In order to cover the annual budgetary shortfalls encountered by the state parks, funds are transferred from the Land Acquisition Trust Fund. Approximately \$33 million has been transferred to cover last years budget.

In 2005-2006, approximately 18.2 million people visited Florida's award-winning state parks. This is an increase from last fiscal year's attendance due to an active storm season in 2004-2005, in which attendance was approximately 17.3 million people.<sup>4</sup>

Entrance and admission fees to state parks may be charged in a variety of ways. Fees may be charged to individuals, or per carload (up to eight people). The amount of the fee charged is based on which park visitors are entering. The average admission fee is about \$2. Individuals may purchase an annual pass for \$43.40 (sales tax included), and families may purchase an annual pass for \$85.60 (sales tax included).<sup>5</sup>

Section 258.014, F.S. authorizes the Division to charge reasonable fees for the use of state parks including:

- Fees for rentals or charges for the use of operations or facilities.
- Fees or charges for concessions.

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<sup>1</sup> [http://www.1800goguard.com/whatistheguard/whatis\\_history.html](http://www.1800goguard.com/whatistheguard/whatis_history.html)

<sup>2</sup> Per conversation with Florida Department of Military Affairs

<sup>3</sup> Florida Division of Recreation and Parks

<sup>4</sup> DEP State Park Quarterly Report (Attendance History)

<sup>5</sup> <http://www.floridastateparks.org/information/fees.cfm#Daily>

Historically, the state park system has allowed groups of military personnel and their families' no-cost admission for scheduled outings.

### **Golf Carts**

Sections 316.212, 316.2125, and 316.2126, F.S., provide guidance for the operation of golf carts on public roads. These statutes deal with general operational rules, signage, equipment requirements, and prohibitions.

### **III. Effect of Proposed Changes:**

The committee substitute amends s. 258.007, F.S., to allow the Division of Recreation and Parks to impose penalties for violations of certain rules. Additionally, the section is amended to allow the division to establish rules which identify what violations shall now be considered non-criminal infractions and those that shall be treated as misdemeanors.

The committee substitute creates s. 258.008, F.S., to provide that, with special exceptions, any person who violates or otherwise fails to comply with rules adopted for state parks commits a non-criminal infraction of which ejection from all property managed by the division and a fine of up to \$1000 may be imposed by the division.

Unless the activity has been specifically permitted by the division, any person who is in violation of any of the following commits a misdemeanor of the second degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S., and shall be ejected from all property managed by the division:

- Cutting, carving, injuring, mutilating, moving, displacing, or breaking off any water bottom formation of coral within the boundaries of a state park.
- Capturing, trapping, injuring, or harassing wild animals within the boundaries of a state park.
- Collecting plant or animal specimens within the boundaries of a state park.
- Leaving the designated public roads with a vehicle within the boundaries of a state park.
- Hunting within the boundaries of a state park.
- Failing to sign a citation given for a non-criminal infraction, failing to appear in court in response to a citation, or failing comply with the court's order.

Fines paid under s. 258.008, F.S., shall be paid to the Department of Environmental Protection (DEP) and deposited in the State Park Trust Fund. No person who receives a citation but fails to pay the fine, sign and accept a citation, appear in court, or comply with the court's order may enter any state park property until he has paid the fine, complied with the procedure, or complied with the order.

The committee substitute creates subsection (3) of s. 258.014, F.S., to allow members of the Florida National Guard, their spouses and minor children, half-price admission into Florida state

parks, upon presentation of a valid card that identifies the person being an active member of the Florida National Guard or a dependent of such a member.

The committee substitute amends s. 316.212, F.S., to allow golf carts to be operated on roads within the state park road system under certain conditions.

The committee substitute amends s. 316.2125, F.S., to allow for the use of golf carts within a self-contained retirement community.

Finally, the committee substitute amends s. 316.2126, F.S., to allow for the use of golf carts and utility vehicles on state roads by “governmental units”. Current law restricts this form of usage to “municipalities”.

The committee substitute provides for a July 1, 2007 effective date.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

This bill does not require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by s.18, Art. VII, State Constitution.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

A family of an active Florida National Guard member could save \$42.80 (sales tax included) per year if they normally purchased an annual pass, or they could save approximately \$2.50 per visit, depending on the park, if they were not on an annual plan.

An active Florida National Guard individual could save \$21.70 (sales tax included) per year if they normally purchased an annual pass, or they could save approximately \$2.50 per visit, depending on the park, if they were not on an annual plan.

**C. Government Sector Impact:**

The DEP estimates a revenue impact of \$480,000. This impact assumed that the current Florida National Guard strength was 12,000 members and that each member would be equivalent to the loss of the \$40 annual pass (tax not included). Assuming the number of guard members equals 11,400 members as stated by the Florida Department of Military Affairs, the revenue impact would be \$456,000 based on the DEP's calculation method.

Further review by the committee staff has estimated a different fiscal impact that the bill may have on the DEP. According to the Florida Legislature's Office of Economic and Demographic Research, the population of Florida's residents totaled approximately 18 million people in 2006. Therefore, it can be calculated that all current Florida National Guard represent approximately 0.06 percent of the 2006 total Florida population.

Results of a study of state park visitors conducted by the University of Florida's recreation department in 2000 showed that approximately 60 percent of all visitors to Florida state parks are residents. Based on the 2004-2005 total number of park visitors, Florida residents accounted for approximately 11 million of 18.2 million visitors.<sup>6</sup> Using 0.06 percent as a percentage of representation for Florida National Guard members, as shown above, it can be calculated that of the 11 million in-state Florida residents who visited Florida State parks last year, approximately 6,600 were Florida National Guard members.<sup>7</sup> Based on this assumption, and also on the assumption that every one of the 6,600 FNG bought an annual family pass for \$42.80, the total fiscal impact would be approximately \$282,500.<sup>8</sup>

Because there are different types of admission fees to state parks, including different daily entrance fees which vary between state parks and the sale of individual annual passes, the actual fiscal impacts are difficult to estimate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>6</sup>  $18,200,000 \times 0.60 = 10,920,000$

<sup>7</sup>  $11,000,000 \times 0.00060 = 6,600$

<sup>8</sup>  $6,600 \times \$85.60 / 2 = \$282,500$



## **VIII. Summary of Amendments:**

None.

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