

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 289 State Parks

SPONSOR(S): Soto

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Conservation & State Lands</u>	<u>7 Y, 0 N</u>	<u>Palmer</u>	<u>Zeiler</u>
2) <u>Environment & Natural Resources Council</u>	<u></u>	<u>Palmer / Perkins</u>	<u>Dixon / Hamby</u>
3) <u>Policy & Budget Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

The bill provides that any person serving in any branch of the United States Armed Forces, veteran of the United States Armed Forces, or the spouses or minor children of such persons are not to be charged an admission fee to a state park on any federal or state holiday upon presentation valid identification card.

The Department of Environmental Protection estimates that this legislation would result in a loss of \$594,000 annually to the State Park trust Fund.

The bill provides an effective date, July 1, 2008.

There is an amendment traveling with the bill. The amendment is described in "Section IV. Amendment/Council Substitute Changes" of the analysis.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principals.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

From its beginning in 1935, Florida's state park system has expanded to one of the largest and most heavily used systems in the country. Containing over 700,000 acres in 161 separate units, the state park system today represents a major commitment by the State of Florida to the preservation of its scenic resources. Florida state parks provide outstanding recreation opportunities for its citizens and visitors.¹ On average there are 17.4 million visitors per year to Florida's state parks.² Park entrance fees vary from \$3.00 per person to \$5.00 per vehicle.³ There is currently no statutory provision for free park admission for active duty members of or veterans of the U.S. military.

According to Florida's Department of Veterans' Affairs, there are approximately 24 million living veterans in the United States with Florida being the state of residence for between 1.7 and 1.8 million veterans. This is the second largest veteran population behind California (2.2 million resident veterans). However, based on recent trends in veterans changing their state of residence and relocating to Florida, Florida's veteran population is expected to exceed California's veteran populations in the next few years.⁴

There are eleven days that are designated as either a federal or state holiday. These are:

New Years Day	Federal and state
Martin Luther King, Jr.'s Birthday	Federal and state
George Washington's Birthday	Federal
Memorial Day	Federal and state
Independence Day	Federal and state
Labor Day	Federal and state
Columbus Day	Federal
Veterans Day	Federal and state
Thanksgiving Day	Federal and state
Day after Thanksgiving Day	State
Christmas Day	Federal and state

Effect of Proposed Changes

The bill provides any person who is serving in any branch of the United States Armed Forces, who is a veteran of the United States Armed Forces, or the spouse or minor child of such persons will not be charged an admission fee to a state park on any federal or state holiday upon presentation of valid identification card.

Currently, active duty troops and military retirees (20 years or more) are issued identification cards by the Federal government. Veterans who are 100% disabled (permanently and totally) are issued identification cards by the Florida Department of Veterans' Affairs. All other veterans are not provided any official identification cards, nor are veterans' spouses or minor children.⁵

¹ DEP, 2008. Division of Recreation and Parks website: <http://www.dep.state.fl.us/mainpage/programs/parks.htm>.

² DEP, 2008. Jerri French, personal communication. E-mail.

³ DEP, 2008. Steve Dana, personal communication. Telephone.

⁴ DVA, 2008. James Brodie, personal communication. E-mail.

⁵ DVA, 2008. James Brodie, personal communication. E-mail.

C. SECTION DIRECTORY:

Section 1: Creates s. 258.014, F.S., providing free admission to state parks on holidays for certain current and former U.S. military personnel and their families.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

2. The Department of Environmental Protection estimates that this legislation would result in a loss of \$594,000 annually to the State Park trust Fund.

3. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill provides free admission to state parks on federal and state holidays for active duty members and veterans of the U.S. military, and their spouses and minor children.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require cities or counties to spend funds or take actions requiring the expenditure of funds, nor does it appear to reduce the authority that cities or counties have to raise revenues in the aggregate, nor does it appear to reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No additional rulemaking authority is granted for implementing the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

As the bill is drafted the “presentation of a valid card” could potentially limit the recipients of the intended benefit. Currently, active duty troops and military retirees (20 years or more) are issued identification cards by the Federal government. Veterans who are 100% disabled (permanently and totally) are issued identification cards by the Florida Department of Veterans’ Affairs. All other veterans are not provided any official identification cards, nor are veterans’ spouses or minor children. In order to provide the benefit of free admission to all veterans and their families, the state may want to accept different forms of identification rather than a valid identification card.

In general, each veteran is issued a DD Form 214, Discharge Papers and Separation Documents. A Report of Separation is generally issued when a service member performs active duty or at least 90 consecutive days of active duty training. The Report of Separation contains information normally needed to verify military service for benefits, retirement, employment, and membership in veterans’ organizations.⁶

Also, s. 28.222(3)(d), F.S., requires the clerk of the circuit court to record that portion of a certificate of discharge, separation, or service which indicates the character of discharge, separation, or service of any citizen of this state with respect to the military, air, or naval forces of the United States. Each certificate is to be recorded without cost to the veteran, but the clerk shall receive from the board of county commissioners or other governing body of the county the service charge prescribed by law for the recording.

The DD Form 214 or the record of the clerk of the circuit could potentially be utilized as forms of identification. However, the maintenance of such records is unknown and specific to each veteran. The authentic identification of a spouse and or minor children of a veteran could be accomplished though the presentation of marriage certificates and birth certificates. However, each of these options may be more onerous than the payment of the park entrance fee.

In addition, the bill may create some ambiguity as to what is meant by “charged an admission fee to a state park”. The bill does not provide a definition for “admission fee”, which may or may not include admission fees beyond the entrance gate admission for day visitors.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

The Committee on Conservation & State Lands adopted an amendment on January 23, 2008, that strikes all of the language in section 1 and replaces it with language providing free admission to state parks on Memorial Day for all active U.S. military personnel, their spouses and minor children upon presentation of valid identification, and providing free admission to state parks on Veterans Day for all State Park attendees in honor of U.S. military veterans. The amendment also encourages the Division of Parks and Recreation to hold special events and to take other actions appropriate to show appreciation to those who have served our country in the armed forces.

The Department of Environmental Protection estimates that the provisions of the amended bill would result in approximately \$43,000 of lost revenue annually.

⁶ <http://www.archives.gov/veterans/military-service-records/dd-214.html>
STORAGE NAME: h0289b.ENRC.doc
DATE: 2/29/2008