

**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 Budget Subcommittee on General Government Appropriations

**BILL:** CS/CS/SB 236

**INTRODUCER:** Budget Subcommittee on General Government Appropriations, Environmental Preservation and Conservation Committee, and Senators Hays and others

**SUBJECT:** State Parks

**DATE:** April 13, 2011      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Yune	Carter	MS	<b>Favorable</b>
2.	Toman	Yeatman	EP	<b>Fav/CS</b>
3.	Pigott	DeLoach	BGA	<b>Fav/CS</b>
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

This bill adds the surviving spouse and parents of law enforcement officers or firefighters who have died in the line of duty to those eligible for gratis lifetime annual entrance passes to state parks. The bill also designates the marina at Grand Lagoon within St. Andrews State Park as the "Jack Mashburn Marina" and directs the Department of Environmental Protection (department) to erect appropriate signs and markers to reflect the new designation. The bill exempts state parks with free-roaming animal populations from the livestock owner liability provisions of section 588.15, Florida Statutes. Finally, the bill expands the use of surcharge fees collected at state parks in areas of critical state concern for the purpose of beach renourishment or restoration activities.

The bill provides an effective date of July 1, 2011.

The bill substantially amends section 258.0145(3), Florida Statutes.

## **II. Present Situation:**

### **Annual Entrance Passes to State Parks**

The Division of Recreation and Parks (division) within the Department of Environmental Protection offers for sale two types of Florida State Parks Annual Entrance Passes: the Family Annual Entrance Pass for \$120 and the Individual Annual Entrance Pass for \$60. Since July 1, 2010, the division has offered the following three discounts on annual entrance passes.

- Active duty members and honorably discharged veterans of the U.S. Armed Forces, National Guard, or reserve components thereof receive a 25 percent discount.
- Honorably discharged veterans who have service-connected disabilities receive lifetime family annual entrance passes at no charge.
- Surviving spouses of deceased members of the U.S. Armed Forces, National Guard, or reserve components thereof who have fallen in combat receive lifetime family annual entrance passes at no charge.

The division currently offers a discount of one-half off of the daily admission fee to Florida National Guard active members, spouses, and minor children. Other discounts presently offered by the division are one-half off of the daily admission fee for Florida residents participating in the Food Stamp program and one-half off of the base camping fee for Florida residents who are 65 years and older or who are 100 percent disabled.

### **D. D. “Jack” Mashburn and the Grand Lagoon at St. Andrews State Park**

D. D. “Jack” Mashburn was born in Youngstown, Florida, in 1928 and continues to be 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, commonly 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 1.5 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 access to the water for water sports and fishing.

### **Livestock Owner Liability and the Paynes Prairie Preserve State Park**

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.

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.

In March 2011, the department published a Livestock Management Plan 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.

### **State Park Surcharge Fees**

Section 380.0685, F.S., provides that the department shall impose and collect a surcharge of 50 cents per person per day, or \$5 per annual family auto entrance permit on admission to all state parks in areas of critical state concern which are located in a county that has created a land authority pursuant to s. 380.0663(1), F.S. The proceeds from such surcharges, less a collection fee by the department, are transmitted to the land authority of the county from which the revenue was generated. The funds are to be used to purchase property in the area or areas of critical state concern. These designated areas include the City of Apalachicola (Franklin County); the City of Key West and the Florida Keys (Monroe County); the Green Swamp (portions of Polk and Lake counties); and the Big Cypress Swamp (Collier County).

### III. Effect of Proposed Changes:

**Section 1** amends s. 258.0145(3), F.S., to expand the current military state park fee discounts for surviving spouses to include parents of deceased members of the U.S. Armed Forces, National Guard, or any of their reserve components who have fallen in combat to receive lifetime family annual entrance passes at no charge as long as the proper documentation, a DD 1300,<sup>1</sup> is provided along with proof of parenthood. This section also adds the surviving spouse and parents of a law enforcement officer, as defined in s. 943.10(1), F.S., or a firefighter, as defined in s. 633.30(1), F.S., who has died in the line of duty to receive lifetime family annual entrance passes at no charge.

**Section 2** designates the “boat basin” on Grand Lagoon at St. Andrews State Park in Bay County as the “Jack Mashburn Marina.” It also directs the department to erect suitable markers for the designation.

**Section 3** 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.

**Section 4** amends s. 380.0685, F.S., to expand the use of surcharge fees collected at state parks in areas of critical state concern to allow municipalities the option of using the funds for beach renourishment and restoration activities. The bill prohibits the use of such fees for the purpose of providing state matching funds.

**Section 5** provides an effective date of July 1, 2011.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

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<sup>1</sup> A Department of Defense Form 1300 is a report of casualty form.

**B. Private Sector Impact:**

Parents of deceased members of the U.S. Armed Forces, National Guard, or reserve components as well as parents and spouses of deceased members of law enforcement officers and firefighters will benefit from the waived entrance fees. Persons who may be injured or receive property damage as a result of livestock straying from state park property onto public roads will be unable to seek redress from the state park system.

**C. Government Sector Impact:**

During Fiscal Year 2009-10, state park fees generated an estimated \$44.2 million in revenue, with annual entrance park pass sales accounting for \$1.7 million in revenue. The department estimates that there will be an annual reduction in park fee revenue of up to \$94,000 as a result of the additional persons who qualify for free lifetime annual entrance passes. However, the department states that the publicity and goodwill earned by the state is expected to offset the loss in revenues and result in increased visitation, which would generate additional economic benefit for local communities and the state.

For the most part, there would be no fiscal impact on local governments. However, according to the department's website, some counties impose a surcharge in addition to the division's entrance fee. If the surcharges were waived, this may represent a potential reduction in revenue for the counties that impose the surcharge.

The department estimates the fiscal impact to be approximately \$1,500 to change and erect signage to reflect the "Jack Mashburn Marina" designation at St. Andrews State Park and can be absorbed within existing resources.

Staff contacted at the department were unaware of any instances of stray animals from state parks causing injury or property damage due to escape. Given the infrequency of such events, the fiscal impact is indeterminate.

The bill expands the use of surcharge fees collected at state parks in areas of critical state concern to allow municipalities the option of using the funds for beach renourishment and restoration activities in addition to the purchase of property in areas of critical state concern.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

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

**CS/CS/SB 236 by General Government Appropriations on April 13, 2011:**

The committee substitute expands the use of surcharge fees to allow for beach renourishment and restoration activities. It prohibits the use of such fees for the purpose of providing state matching funds.

**CS/SB 236 by the Environmental Preservation and Conservation Committee on March 23, 2011:**

- adds the surviving spouse and parents of a law enforcement officer or a firefighter who has died in the line of duty to those eligible for gratis lifetime annual entrance passes to state parks.
- provides that the marina commonly referred to as the ‘boat basin’ on Grand Lagoon at St. Andrews State Park in Bay is designated as “Jack Mashburn Marina.”
- directs the Department of Environmental Protection to erect suitable markers designating “Jack Mashburn Marina.”
- stipulates that property within the state park system that has free-roaming animal populations is exempt from the provision of s. 588.15, F.S., which addresses livestock owner liability.

- B. **Amendments:**

None.