

**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.)

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Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

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BILL: SB 958

INTRODUCER: Senator Simpson

SUBJECT: Fee and Toll Waivers for Purple Heart Recipients

DATE: March 4, 2014

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ryon	Ryon	MS	<b>Favorable</b>
2.	_____	_____	TR	_____
3.	_____	_____	AP	_____

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**I. Summary:**

SB 958 entitles Purple Heart recipients to a free lifetime family annual pass for entrance into Florida state parks. The bill also allows Purple Heart recipients to use state-owned toll facilities free of charge, in which the Department of Transportation must establish a prepaid toll account for this purpose and issue a window sticker transponder to Purple Heart recipients who provide documentation verifying eligibility.

**II. Present Situation:**

**The Purple Heart**

The Purple Heart is one of the oldest and most recognized American military medals, awarded to servicemembers who were killed or wounded by enemy action. The Purple Heart was established by General George Washington on August 7, 1782, during the Revolutionary War, and reestablished by President Franklin D. Roosevelt in 1932.<sup>1</sup> The Purple Heart differs from all other decorations in that an individual is not “recommended” for the decoration; rather he or she is entitled to it upon meeting specific criteria.<sup>2</sup> The Purple Heart is ranked immediately behind the Bronze Star Medal<sup>3</sup> and ahead of the Defense Meritorious Service Medal<sup>4</sup> in order of precedence.

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<sup>1</sup> Paragraph 2-8(a), Army Regulation 600-8-22.

<sup>2</sup> Paragraph 1-14(c), Army Regulation 600-8-22.

<sup>3</sup> The Bronze Star Medal is awarded to a person in any branch of the military service who, while serving in any capacity with the Armed Forces of the United States on or after December 7, 1941, has distinguished himself or herself by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy.

<sup>4</sup> The Defense Meritorious Service Medal is awarded to in the name of the Secretary of Defense to members of the Armed Forces of the United States who, after 3 November 1977, distinguished themselves by noncombat meritorious achievement or service.

The Purple Heart currently is awarded pursuant to executive order and federal law.<sup>5</sup> The award is given in the name of the President of the United States to a member of the U.S. Armed Forces who, while serving under component authority in any capacity after April 5, 1917, was wounded or killed:

- In any action against an enemy of the U.S.
- In any action with an opposing armed force of a foreign country in which the Armed Forces of the U.S. are or have been engaged.
- While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the U.S. is not a belligerent party.
- As a result of an act of any such enemy of opposing armed forces.
- As the result of an act of any hostile foreign force.
- As a result of an international terrorist attack against the U.S. or a foreign nation friendly to the U.S.
- As a result of military operations while serving outside the territory of the U.S. as part of the peacekeeping force.<sup>6</sup>

A wound qualifying for a Purple Heart must have required treatment, not just examination, by a military medical officer or other medical professional. That treatment must be noted in the servicemember's medical record. Additionally, while possession of a Purple Heart definitively infers that a servicemember was wounded in combat, the award itself is not an indicator that the servicemember has established the existence of a service-connected disability.

### **Purple Heart Recipients in Florida**

Florida has the third largest population of veterans in the county, with over 1.5 million veterans residing in the state.<sup>7</sup> While there are numerous statistics available on the demographics of Florida's veterans and military servicemembers, the number of Purple Heart recipients in Florida is unknown. The lack of data on the number of Purple Heart recipients is due to inconsistent record keeping during the early years in which the medal was awarded and also the infamous fire at the National Personnel Records Center in St. Louis, Missouri in 1973 that destroyed approximately 16-18 million veteran's records.<sup>8</sup> The only reliable indicator of the number of Purple Heart recipients in Florida, which is not fully indicative of the total Purple Heart population, is the number of special use license plates issued to Purple Heart recipients.<sup>9</sup> There are currently 12,276 Florida-issued Purple Heart special use license plates in circulation.<sup>10</sup>

Recipients of the Purple Heart are entitled to certain state benefits in Florida due to their classification as a Purple Heart recipient. Purple Heart recipients are currently entitled to free

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<sup>5</sup> Executive Order 11016, April 25, 1962; Executive Order 12464, February 23, 1984; and Public Law 98-525, October 19, 1984.

<sup>6</sup> Paragraph 2-8(a), Army Regulation 600-8-22.

<sup>7</sup> Florida Department of Veterans Affairs. *Fast Facts*. Available at: [http://floridavets.org/?page\\_id=50](http://floridavets.org/?page_id=50).

<sup>8</sup> National Archives: The 1973 Fire, National Personnel Records Center. Available at: <http://www.archives.gov/st-louis/military-personnel/fire-1973.html>

<sup>9</sup> Section 320.089(1), F.S., authorizes the Purple Heart special use license plate to be issued to qualifying individuals upon proof of being a Purple Heart recipient.

<sup>10</sup> E-mail correspondence with Department of Highway Safety and Motor Vehicles staff. Feb. 28, 2014. (On file with the Military and Veterans Affairs, Space, and Domestic Security Committee.)

tuition at state colleges and universities<sup>11</sup> and are able to purchase a Purple Heart special use license plate.<sup>12</sup> Additionally, the Purple Heart special use license plate is issued free of charge if the recipient is also a service-disabled veteran.<sup>13</sup>

Recipients of the Purple Heart are able to document receipt of the award by presenting the Department of Defense Form 214 (DD Form 214). The DD Form 214 is the official report of separation from the U.S. military issued to a servicemember that has served on active duty for at least 90 consecutive days. The DD Form 214 contains information normally needed to verify military service for benefits, retirement, employment and membership in veterans' organizations. Included on the DD Form 214 is the complete listing of military awards received during a servicemember's tenure in the military.

### **State Park Entrance Fee Discounts and Waivers**

The Division of Recreation and Parks (DRP) within the Department of Environmental Protection oversees Florida's 160 state parks. The DRP offers two types of annual entrance passes: the individual annual entrance pass for \$60 and the family annual entrance pass for \$120. The DRP currently provides park entrance fee discounts and waivers pursuant to the following:<sup>14</sup>

- Active duty members and honorably discharged veterans of the U.S. Armed Forces, National Guard, or reserve components receive a 25-percent discount on an annual entrance pass;
- Veterans with service-connected disabilities receive a free-for-life family annual entrance pass;
- Surviving spouses and parents of deceased members of the U.S. Armed Forces, National Guard, or reserve components who have fallen in combat receive a free-for-life family annual entrance pass; and
- Surviving spouses and parents of a law enforcement officers or firefighters who have died in the line of duty receive a free-for-life family annual entrance pass.

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<sup>11</sup> Section 1009.26(8), F.S.

<sup>12</sup> Section 320.089(1)(a), F.S.

<sup>13</sup> Section 320.089(1)(c), F.S.

<sup>14</sup> Section 258.0145, F.S.

The table below reflects the application of the Florida state park entrance fee discounts provided in s. 258.0145, F.S., from fiscal year 2010 to fiscal year 2013.<sup>15</sup>

State Park Entrance Fee Discounts and Waivers (pursuant to s. 258.0145, F.S.)						
PassType/ Discount	FY 2010	FY 2011	FY 2012	FY 2013	Total Passes	Total Discount Value
<b>Individual Annual Pass</b> (25% Discount)	14	771	984	1,115	<b>2,884</b>	<b>\$43,260</b>
<b>Family Annual Pass</b> (25% Discount)	24	2,125	2,819	3,200	<b>8,168</b>	<b>\$245,040</b>
<b>Lifetime Family Annual Pass</b> (No charge)	n/a	11,500	11,600	14,381	<b>37,481</b>	<b>\$4,497,720</b>
<b>Totals</b>	38	14,396	15,403	18,696	<b><u>48,533</u></b>	<b><u>\$4,786,020</u></b>

**Payment of Tolls on Tolled Highways or Bridges**

Any motorist operating a vehicle on a tolled highway is required by law to pay all applicable tolls. Florida Statutes currently list several categories of persons and circumstances when a motorist driving on a tolled highway or bridge is exempt from paying the toll. Among the current exemptions are: law enforcement officers and firefighters in their official vehicles and on official business; persons driving vehicles owned by the Florida Department of Military Affairs transporting personnel and property; handicapped persons who meet certain criteria and who have special window stickers on their vehicles issued by Florida Department of Transportation (DOT); employees of the toll facility while on official business; and any driver who is using the toll facility as a required detour temporarily, such as during hurricane evacuations.<sup>16</sup>

**III. Effect of Proposed Changes:**

**Section 1** amends s. 258.0145, F.S., to add Purple Heart recipients to the list of individuals who are entitled to receive a lifetime family annual entrance pass for Florida state parks at no charge.

**Section 2** creates s. 338.156, F.S., to require the DOT to establish a prepaid toll account to allow a Purple Heart recipient who is a Florida resident and has a valid Florida driver license to use state-owned toll facilities at no cost to the recipient. To accommodate free toll access, the DOT must issue a window sticker to applicants who provide verification of eligibility. A Purple Heart recipient applying for the toll waiver must submit a DD Form 214 to the DOT to demonstrate the applicant is a Purple Heart recipient. If the applicant is unable to furnish a DD Form 214 the

<sup>15</sup> Data provided by Department of Environmental Protection staff on Feb. 12, 2014. On file with the Military and Veterans Affairs, Space, and Domestic Security Committee.

<sup>16</sup> Section 338.155, F.S.

DOT may accept other documentation recognized by the U.S. Department of Defense or the U.S. Department of Veterans Affairs which documents receipt of the award.

**Section 3** provides an effective date of July 1, 2014.

**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.

B. Private Sector Impact:

A Purple Heart recipient will benefit from waived state park entrance fees and also the fee waiver to drive on state-owned toll facilities.

C. Government Sector Impact:

A recurring appropriation will be required to fund the prepaid toll accounts for Purple Heart recipients and will have an indeterminate recurring negative fiscal impact to the fund from which the appropriation is made.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 258.0145 of the Florida Statutes.  
This bill creates section 338.156 of the Florida Statutes.

**IX. Additional Information:**

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

None.

- B. **Amendments:**

None.

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

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