

**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 Transportation

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BILL: CS/SB 958

INTRODUCER: Transportation Committee, Senator Simpson and others

SUBJECT: Fee and Toll Waivers for Purple Heart Recipients

DATE: March 23, 2014

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ryon	Ryon	MS	<b>Favorable</b>
2.	Everette	Eichin	TR	<b>Fav/CS</b>
3.			AP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 958 entitles Purple Heart recipients to a free lifetime family annual pass for entrance into Florida state parks.

**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

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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.

the Bronze Star Medal<sup>3</sup> and ahead of the Defense Meritorious Service Medal<sup>4</sup> in order of precedence.

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 country, 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

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<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.

<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>

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 tuition at state colleges and universities<sup>11</sup> and are able to purchase a Purple Heart special use license plate.<sup>12</sup> Only one Purple Heart license plate may be issued to a qualified registrant.<sup>13</sup> Additionally, the Purple Heart special use license plate is issued free of charge only if the recipient is also a service-disabled veteran.<sup>14</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>15</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 officer or firefighter who have died in the line of duty receive a free-for-life family annual entrance pass.

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<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.)

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

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

<sup>13</sup> A Purple Heart license plate may be issued to the un-remarried surviving spouse of a deceased recipient of the Purple Heart medal upon receipt of all other requirements, a copy of the death certificate and an affidavit stating the applicant is the un-remarried surviving spouse. The spouse is subject to the same registration tax and fees as the recipient of the Purple Heart medal. An existing Purple Heart license plate may be transferred from the deceased spouse to the un-remarried surviving spouse.

<sup>14</sup> Section 320.089(1)(c), F.S.

<sup>15</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>16</sup>

State Park Entrance Fee Discounts and Waivers (Pursuant to s. 258.0145, F.S.)						
Pass Type/ Discount	FY 2010	FY 2011	FY 2012	FY 2013	Total Passes	Total Discount Value
<b>Individual Annual Pass (25% Discount)</b>	14	771	984	1,115	<b>2,884</b>	<b>\$43,260</b>
<b>Family Annual Pass (25% Discount)</b>	24	2,125	2,819	3,200	<b>8,168</b>	<b>\$245,040</b>
<b>Lifetime Family Annual Pass (No charge)</b>	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>

**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 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.

<sup>16</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.

**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.

**C. Government Sector Impact:**

It is unknown how many Purple Heart recipients will take advantage of the free entry into Florida state parks, therefore, recurring appropriation to the state is indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 258.0145 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on March 26, 2014:**

The CS removes the provision allowing Purple Heart recipients using state-owned toll facilities free access. The bill also removes the requirement for the FDOT to establish a prepaid toll account providing a window sticker transponder to eligible Purple Heart recipients when using state-owned toll facilities.

**B. Amendments:**

None.