

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 Committee on Children, Families, and Elder Affairs

BILL: SB 1104

INTRODUCER: Senator Baxley

SUBJECT: State Park Fee Waivers and Discounts

DATE: January 17, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Delia	Hendon	CF	Favorable
2.			AEG	
3.			AP	

I. Summary:

SB 1104 provides annual entrance pass fee waivers for state parks and a 50 percent discount on base campsite fees within state parks to entities operating a licensed residential child-care agency and to relative and nonrelative caregivers who provide children with out-of-home placement pursuant to s. 39.523, F.S. Such fee waivers and discounts are currently available to families operating a licensed family foster home and families who adopt a special needs child.

The bill will have an indeterminate fiscal impact to the state and takes effect July 1, 2020.

II. Present Situation:

Fees at Florida's State Parks

Florida's award-winning state park system contains 175 state parks, including nearly 800,000 acres of state lands and 100 miles of sandy beaches.¹ Florida's state parks include all real property in the state of Florida under the jurisdiction of the Department of Environmental Protection's (DEP) Division of Recreation and Parks (Division), or real property which may come under the Division's jurisdiction regardless of its designation.² The Division manages and controls the operation of all of Florida's state parks.³ There are numerous designations in Florida's state park system, and examples include state park, state preserve, historic site,

¹ DEP, *Division of Recreation and Parks*, <https://floridadep.gov/parks> (last visited Jan. 16, 2020).

² Fla. Admin. Code R. 62D-2.013(1).

³ Section 258.004(1), F.S.

archaeological site, botanical site, museum, and culture center.⁴ In Fiscal Year 2017-18, over 28 million people visited Florida's State Parks, generating over \$66 million in revenue.⁵

The Division is authorized to charge reasonable fees for the use of state parks.⁶ Money from such fees is deposited in the State Park Trust Fund, which the Division uses for the administration, improvement, and maintenance of state parks, and for the acquisition and development of lands acquired for state park purposes.⁷ The Division's regulations prohibit any person from entering and using a state park property without paying any appropriate fees.⁸ A full stop must be made at the Ranger Station when entering a park, and no one may enter or leave any state park except through designated entrance points.⁹ No person may remain in any park after the posted closing time unless properly registered as an overnight visitor or in possession of a valid after hours permit.¹⁰

Admission fees at Florida's state parks currently range between \$1 and \$10.¹¹ Individual annual entrance passes are currently \$60.¹² Annual entrance passes generally allow admission to all of Florida's state parks in lieu of paying the general admission fee, but other special use fees may be charged at some parks, such as tours or boat launches.¹³ Standard admission fees and other park fees are recommended by the Division Director and approved by the Secretary of DEP.¹⁴

The Division's regulations state that admission fees shall be waived by authorized Division personnel for government representatives and for individuals who will benefit the state park system.¹⁵ The regulations also state that admission fees shall be waived for: children under six years old; patients and clients of government-funded mental institutions and certain organizations for minors; Florida school groups; and Division employees and their families.¹⁶

Foster and Adoptive Families

Section 409.175, F.S., provides for the licensure of family foster homes and includes requirements foster homes must meet in order to operate as a residence for a child.¹⁷ The number

⁴ *Id.*

⁵ DEP, *Long Range Program Plan*, 52 (Oct. 2018), available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=18067&DocType=PDF> (last visited Jan. 16, 2020).

⁶ Section 258.014(1), F.S.

⁷ *Id.*

⁸ Fla. Admin. Code. R. 62D-2.014(2)(a); see Fla. Admin. Code. R. 62D-2.015(2). Violating the rules for admission to state park property constitutes a noncriminal infraction.

⁹ *Id.*

¹⁰ Fla. Admin. Code. R. 62D-2.014(16)(a).

¹¹ DEP, *Florida State Parks Fee Schedule*, 1 (Oct. 2013), available at <https://www.floridastateparks.org/sites/default/files/media/file/FPSFeeSchedule.pdf> (last visited Jan. 16 2020).

¹² *Id.* The price is \$45 for active-duty U.S. military members and veterans.

¹³ *Id.*

¹⁴ Fla. Admin. Code. R. 62D-2.014(2)(c), (d). The Division Director takes into consideration the following factors when recommending the fees: user demand, location of the park, cost of managing and operating the park, types of facilities available, season, and natural and historic resource values of the park.

¹⁵ Fla. Admin. Code. R. 62D-2.014(2)(b).

¹⁶ Fla. Admin. Code. R. 62D-2.014(2)(b)(1)-(4). Florida citizens who are at least 65 years of age are offered a fifty percent discount on base camping fees.

¹⁷ Section 409.175, F.S.

of foster families fluctuate, but as of November 2019 there were 6,005 foster homes licensed with the Department of Children and Families (DCF) under s. 409.175, F.S.¹⁸

Subparagraph 409.166(2)(a)2., F.S., defines a “special needs child” in part as a child who has established significant emotional ties with his or her foster parents or is not likely to be adopted because he or she is:

- Eight years of age or older;
- Developmentally disabled;
- Physically or emotionally handicapped;
- Of black or racially mixed parentage; or
- A member of a sibling group of any age, provided 2 or more members of the sibling group remain together for purposes of adoption.¹⁹

Currently, the Division provides free annual state park entrance passes and a 50 percent discount on state park base campsite fees to families operating a licensed family foster home, and a one-time free annual state park entrance pass at the time of adoption to families who adopt a special needs child from DCF as specifically described in s. 409.166(2)(a)2., F.S.²⁰

Placement Assessment

When a child is unable to safely remain at home with a parent, the most appropriate available out-of-home placement may be chosen after analyzing the child’s age, gender, sibling status, special physical, educational, emotional and developmental needs, alleged type of abuse, neglect or abandonment, community ties and school placement, and potential responsible caregivers that can meet the child’s needs.²¹

Residential Group Care

Residential group care (RGC) placements are licensed by DCF as residential child-caring agencies that provide staffed 24-hour care for children in facilities maintained for that purpose, regardless of whether operated for profit or whether a fee is charged.²² These include maternity homes, runaway shelters, group homes, and emergency shelters.²³

Relatives and Non-Relative Caregivers

Research indicates that children in the care of relatives and non-relatives, such as grandparents or family friends, benefit from increased placement stability compared to children placed in general foster care. As opposed to children living in foster care, children living in relative and non-relative care are more likely to remain in their own neighborhoods, be placed with their siblings, and have more consistent interactions with their birth parents than do children who are placed in

¹⁸ Department of Children and Families, Florida’s Child Welfare Statistics At-A-Glance, *available at* <https://www.myflfamilies.com/programs/childwelfare/dashboard/index.shtml> (last visited January 16, 2020).

¹⁹ Section 409.166(2)(a)2., F.S.

²⁰ Section 258.0142, F.S.

²¹ Rule 65C-28.004, F.A.C

²² Section 409.175, F.S.

²³ *Id.*

foster care, all of which might contribute to less disruptive transitions into out-of-home care.²⁴ Relative and non-relative caregivers are not required to be licensed, but do undergo a background check and a walk-through of their homes to determine if the homes are appropriate to place the children.

Florida created the Relative Caregiver Program in 1998²⁵ to provide financial assistance to eligible relatives caring for children who would otherwise be in the foster care system. In 2014, the Legislature expanded the program to include nonrelatives with whom a child may have a close relationship but are not blood relatives or a relatives by marriage.²⁶ Those nonrelatives are eligible for financial assistance if they are able and willing to care for the child and provide a safe, stable home environment. The court must find that a proposed placement is in the best interest of the child.

III. Effect of Proposed Changes:

Section 1 amends s. 258.0142, F.S., by providing annual entrance passes to state parks and a 50 percent discount on base campsite fees both to entities operating a licensed residential child-care agency and to relatives and nonrelative caregivers who provide children with out-of-home placement pursuant to s. 39.523, F.S.

Section 2 provides an effective date of July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

²⁴ David Rubin and Downes, K., et al., The Impact of Kinship Care on Behavioral Well-being for Children in Out-of-Home Care (June 2, 2008), available at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2654276/> (last accessed January 16, 2020).

²⁵ S. 39.5085, F.S.

²⁶ Ch. 2014-224, Laws of Florida.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The Department of Environmental Protection will experience a loss of fee revenues under the bill. The amount is indeterminate but is not expected to be significant.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There will be an impact on the state parks system resulting from decreased park admission revenues previously paid by residential child-care agencies and the relative and nonrelative caregivers of children placed in out-of-home care. This impact is indeterminate but is not expected to be significant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 258.0142 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.