

By Senator Soto

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1 A bill to be entitled
2 An act relating to Florida black bears; creating s.
3 379.3018, F.S.; providing a short title; defining
4 terms; providing legislative findings and intent;
5 requiring the Fish and Wildlife Conservation
6 Commission, the Department of Agriculture and Consumer
7 Services, and the Department of Environmental
8 Protection to enforce certain provisions, adopted
9 rules, and issue orders; creating a Bear-Resistant
10 Garbage Container Account within the Nongame Wildlife
11 Trust Fund; requiring the commission to establish a
12 process by rule through which certain county and
13 municipal governments may apply for and obtain loans
14 to purchase bear-resistant garbage containers;
15 prohibiting the harvesting of saw palmetto berries on
16 state lands identified as Florida black bear habitat;
17 requiring burn schedules for state forests and parks
18 containing Florida black bear habitat to be adjusted
19 to meet certain conditions; prohibiting the sale of
20 timber rights to certain trees in state forests and
21 parks that contain Florida black bear habitat;
22 requiring the commission to adopt rules establishing
23 standards for the designation of Florida black bear
24 habitat and areas of human-bear conflict; requiring
25 the commission, in coordination with specified
26 agencies applying the standards, to designate areas of
27 the state as Florida black bear habitat and identify
28 state lands containing such habitat and areas of
29 human-bear conflict; requiring periodic review of the
30 designations by the commission and agencies; requiring
31 that specified information be posted and maintained on
32 the commission website; providing an effective date.

14-01039-16

20161096__

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34 Be It Enacted by the Legislature of the State of Florida:

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36 Section 1. Section 379.3018, Florida Statutes, is created
37 to read:

38 379.3018 Florida black bear restoration.-

39 (1) SHORT TITLE.-This section may be cited as the "Florida
40 Black Bear Habitat Restoration Act."

41 (2) DEFINITIONS.-As used in this section, the term:

42 (a) "Bear-resistant garbage containers" means receptacles
43 used for storage of garbage on residential properties which have
44 the design and structure to significantly impede access to the
45 contents by bears.

46 (b) "Coordinating agencies" means the Fish and Wildlife
47 Conservation Commission, the Department of Agriculture and
48 Consumer Services, and the Department of Environmental
49 Protection.

50 (c) "Florida black bear" means the subspecies *Ursus*
51 *americanus floridanus*.

52 (d) "Florida black bear habitat" means the portions of this
53 state, as identified by the coordinating agencies, meeting the
54 standards set forth in subsection (9).

55 (e) "Human-bear conflicts" means interactions between
56 humans and bears which lead to negative consequences.

57 (f) "State lands" means all lands under public ownership or
58 control, including state forests, state parks, and conservation
59 easements authorized by the state.

60 (3) FINDINGS AND INTENT.-The Legislature finds that the
61 commission has jurisdiction over the state's wildlife and

14-01039-16

20161096__

62 certain areas of wildlife habitat, the Department of Agriculture
63 and Consumer Services has jurisdiction over 1 million acres of
64 state forests, and the Department of Environmental Protection
65 has jurisdiction over this state's 174 state parks. Both state
66 forests and state parks constitute prime habitat for the Florida
67 black bear. The Legislature also finds that there has been a
68 lack of interagency coordination to preserve the habitat for the
69 Florida black bear. This lack of coordination has resulted in an
70 increase in human-bear conflicts. In order to provide for public
71 safety, it is the intent of the Legislature to enact measures to
72 ensure the restoration of the Florida black bear's habitat and
73 thereby reduce the number of human-bear conflicts.

74 (4) POWERS AND DUTIES.—Except as otherwise provided, the
75 coordinating agencies shall administer and enforce the
76 provisions of this section and all rules and orders adopted or
77 issued under this section.

78 (5) BEAR-RESISTANT GARBAGE CONTAINER ACCOUNT.—The Bear-
79 Resistant Garbage Container Account is established within the
80 Nongame Wildlife Trust Fund, subject to appropriation by the
81 Legislature of at least \$50 million. The commission shall
82 establish a process by rule through which county and municipal
83 governments located in counties that include areas designated
84 pursuant to subsection (9) as being prone to human-bear
85 conflicts may borrow money necessary to purchase and distribute
86 bear-resistant garbage containers to all residences in such
87 areas. The rate of interest on such loans shall be based upon
88 the Federal Funds Rate in effect on the effective date of this
89 act, adjusted annually thereafter on July 1.

90 (6) SAW PALMETTO BERRY HARVESTING.—Permits to harvest saw

14-01039-16

20161096__

91 palmetto berries may not be issued for any state lands
92 identified as including Florida black bear habitat.

93 (7) BURN SCHEDULE.—Burn schedules for state forests and
94 state parks identified as including Florida black bear habitat
95 shall be adjusted to allow for the regrowth of oak trees, saw
96 palmettos, and other berry-producing plants that supply the
97 Florida black bear with sufficient natural food to the extent
98 that the species would not be otherwise compelled to enter
99 residential areas in search of food.

100 (8) SALE OF TIMBERING RIGHTS ON STATE LANDS.—The sale of
101 timbering rights to acorn-producing oak trees in all state
102 forests and state parks that are identified as including Florida
103 black bear habitat is prohibited.

104 (9) IDENTIFICATION OF FLORIDA BLACK BEAR HABITAT.—

105 (a) By July 1, 2017, the commission shall establish by rule
106 standards for the designation of specific areas of this state as
107 Florida black bear habitat and areas of human-bear conflict.

108 (b) By February 1, 2018, the commission, in coordination
109 with the Department of Agriculture and Consumer Services and the
110 Department of Environmental Protection, shall designate areas of
111 the state as Florida black bear habitat and identify all state
112 lands that contain such habitat. The commission shall also
113 identify areas affected by human-bear conflicts. The commission
114 shall apply the standards developed pursuant to paragraph (a) in
115 making these determinations, which must be reviewed and, if
116 necessary, revised by the coordinating agencies at least once
117 every 3 years.

118 (c) The commission shall post and maintain on its website
119 the current list of the areas of the state which are designated

14-01039-16

20161096__

120 as Florida black bear habitat and the state lands that contain
121 such habitat.

122 Section 2. This act shall take effect July 1, 2016.