

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 Environmental Preservation and Conservation

BILL: SB 1304

INTRODUCER: Senators Stewart and Torres

SUBJECT: Florida Black Bears

DATE: April 18, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Pre-meeting
2.			AEN	
3.			AP	

I. Summary:

SB 1304 creates the Florida Black Bear Habitat Restoration Act which:

- Requires the Florida Fish and Wildlife Commission (FWC) to establish standards for designating specific areas of the state as Florida black bear habitat and designating areas that are prone to human-bear conflicts;
- Requires the FWC to establish a process through which local governments within counties that include areas designated as Florida black bear habitat may apply for funds to be used for purchasing bear-resistant trash cans;
- Requires prescribed burn schedules for state forests and state parks that have areas identified as Florida black bear habitat to be adjusted to allow for the regrowth of oak trees, saw palmettos, and other berry-producing plants that Florida black bears forage on;
- Prohibits a state agency from conducting or causing to be conducted roller-chopping of saw palmettos in areas designated as Florida black bear habitat;
- Prohibits the sale of timbering rights to acorn-producing oak trees in all state forests and state parks that are designated as Florida black bear habitat;
- Places a 10-year moratorium on the recreational hunting of Florida black bears;
- Requires the FWC to conduct a 5-year population trend study of the Florida black bear;
- Prohibits permits to harvest saw palmetto berries on state lands identified as including Florida black bear habitat;
- Requires every initial purchaser of more than one bushel or crate of saw palmetto berries to obtain a sales certificate from the harvester, which must accompany the berries from the point of harvesting to the final processor or wholesaler who will offer the berries for retail sale; and
- Requires a certification to be obtained from the FWC before igniting any prescribed burn in designated Florida black bear habitat during months when female bears with juvenile offspring are likely denning in such habitat.

II. Present Situation:

Florida Black Bear

The Florida black bear (*Ursus americanus floridanus*) is one of 16 recognized subspecies of the American black bear and is one of the three subspecies of black bear in the southeastern United States.¹ The Florida black bear historically roamed throughout the state, but now lives in several fragmented areas across the state.² Due to loss of habitat and unregulated hunting the population was reduced to an estimated 300-500 bears in the 1970s.³ As a result of the population decline, the Florida Fish and Wildlife Conservation Commission (FWC) classified the Florida black bear as a threatened species in 1974.⁴

After more than 35 years of strict statewide protection and management, the FWC conducted an evaluation of the Florida black bear and determined that the Florida black bear was no longer found to be at high risk of extinction. As a result, the FWC removed the Florida black bear from the state list in 2012.⁵

Population

Today, the Florida black bear population is comprised of 7 distinct sub-populations within the state, including Apalachicola, Eglin, Osceola, Ocala/St. Johns, Chassahowitzka, Highland/Glades, and Big Cypress.⁶ During 2014-2015, the FWC conducted a statewide population assessment for Florida black bears using DNA collected at barbed-wire hair sampling sites.⁷ The study found that bear populations increased substantially in certain sub-populations and increased by approximately 53 percent statewide.⁸ The Florida black bear population is growing across the state and its occupied range is expanding, but the populations still only occur in 7 relatively disconnected sub-groups across the state.⁹

For management purposes, each sub-population is separated into a bear management unit (BMU). A BMU is a geographic location bounded by county or state borders with one of the

¹ Florida Fish and Wildlife Conservation Commission (FWC), *Florida Black Bear Management Plan, Ursus americanus floridanus*, 5 (June 27, 2012), available at <http://myfwc.com/media/3059469/bear-management-plan.pdf> (last visited April 14, 2017).

² FWC, *Black Bears Appearance*, <http://myfwc.com/wildlifehabitats/managed/bear/facts/appearance/> (last visited April 14, 2017).

³ FWC, *Black Bear Research*, <http://myfwc.com/research/wildlife/terrestrial-mammals/bear/research/> (last visited April 14, 2017).

⁴ *Id.*

⁵ Jacob Humm, J. Walter McCown, Brian K. Scheick, Joseph D. Clark, *Black Bear Population Size and Density in Apalachicola, Big Cypress, Eglin, Ocala/St. Johns, and Osceola Study Area, Florida*, 4 (Aug. 18, 2016), available at <http://myfwc.com/media/4062317/florida-black-bear-finalreport.pdf> (last visited April 14, 2017).

⁶ *Id.* at 2.

⁷ *Id.* at 1.

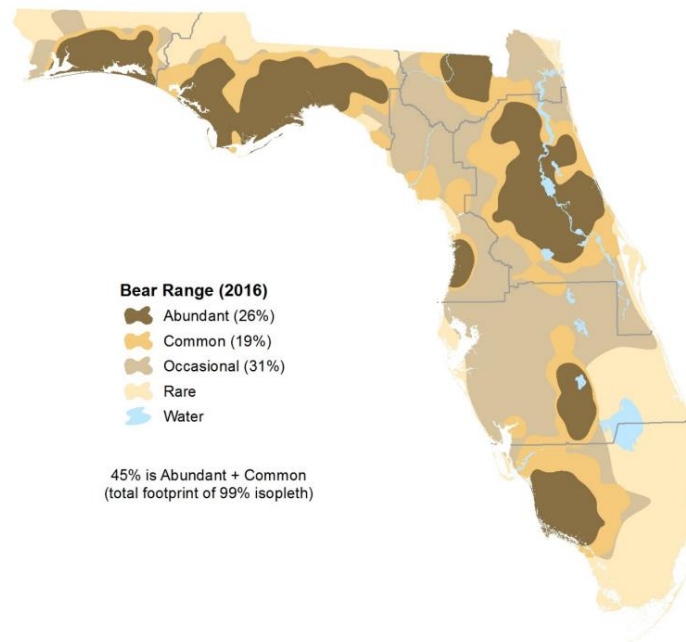
⁸ FWC, *Florida Black Bear Populations*, <http://myfwc.com/media/4067213/bear-pop-infographic.jpg> (last visited April 14, 2017).

⁹ Dana L. Karelus, J. Walter McCown, Brian K. Scheick, Madelon van de Kerk, and Madan K. Oli, *Home Ranges and Habitat Selection by Black Bears in a Newly Colonized Population in Florida*, 347 SOUTHEASTERN NATURALIST Vol. 15, No. 2: 346-364 (2016), available at <http://www.wec.ufl.edu/faculty/olim/Karelus%20et%20al.%202016%20black%20bear%20home%20range%20and%20habitat%20selection%20SENat.pdf> (last visited April 14, 2017).

seven Florida black bear sub-populations within it.¹⁰ The goals of establishing BMUs is to provide a defined area within which the FWC can have a community-focused effort to effectively manage and conserve Florida black bears.¹¹ The FWC manages each BMU to meet specific goals related to bear sub-population size, potential habitat, human-bear conflicts, and potential threats, such as vehicle related mortality.¹²

Habitat

In Florida, black bears range from the Northeast to the Southwest of Florida. Bears are abundant or common in approximately 45 percent of the state, which is a significant increase from 17 percent in 1993.¹³ The map below depicts the bear ranges in 2016.¹⁴ Updated ranges are important for managing and predicting human-bear conflicts, estimating potential areas for improving linkages between sub-populations, employing conservation plans, implementing public outreach, and monitoring listing criteria.¹⁵ Some of the sub-populations are small and are impacted by habitat fragmentation, which restricts movements and genetic interchange among sub-populations.¹⁶



The Florida black bear is adaptable and inhabits a variety of forested habitats, but thrives in habitats that provide an annual supply of seasonally available foods, secluded areas for denning, and some degree of protection from humans.¹⁷ The optimal bear habitat in Florida is a mixture of

¹⁰ FWC, *What is a BMU?*, <http://myfwc.com/wildlifehabitats/managed/bear/bmu/> (last visited April 14, 2017).

¹¹ *Id.*

¹² *Id.*

¹³ FWC, *Black Bear Research*, <http://myfwc.com/research/wildlife/terrestrial-mammals/bear/research/> (last visited April 14, 2017).

¹⁴ FWC, *Florida Black Bear Range*, <http://myfwc.com/media/3654721/Blackbear-Range.pdf> (last visited April 14, 2017).

¹⁵ *Id.*

¹⁶ Jacob Humm, J. Walter McCown, Brian K. Scheick, Joseph D. Clark, *Black Bear Population Size and Density in Apalachicola, Big Cypress, Eglin, Ocala/St. Johns, and Osceola Study Area, Florida*, 2 (Aug. 18, 2016).

¹⁷ FWC, *Florida Black Bear Management Plan*, *Ursus americanus floridanus*, 8 (June 27, 2012).

flatwoods, swamps, scrub oak ridges, bayheads, and hammock habitats, thoroughly interspersed.¹⁸ Self-sustaining and secure sub-populations of bears are typically found within large contiguous forested tracts that contain understories of mast¹⁹ or berry-producing shrubs or trees.²⁰

Florida black bears are omnivores and opportunistic feeders, but plant material makes up approximately 80 percent of their diet.²¹ Food items typically consumed are fruits, berries, acorns, and insects.²² One type of berries that black bears forage on are saw palmetto berries. While sixty-six different plant species have been identified in bear diets, the fruits and fiber of saw palmetto are important throughout the year.²³

Saw palmetto berries

In recent years, demand for saw palmetto berries has increased because they are a source of certain medicinal compounds used in herbal and alternative medical treatments.²⁴ Palmetto berry harvesting for commercial purposes has the potential to remove important food sources for bears.²⁵ The FWC prohibits the possession or removal of saw palmetto berries without written permission from any wildlife and environmental area, where the FWC is the landowner or the lead managing agency.²⁶

The Florida Forest Service within the Florida Department of Agriculture and Consumer Services, is authorized to issue permits for harvesting palmetto berries pursuant to rule.²⁷ The permit costs \$10 per day and was issued between July and November to users who were interested in harvesting palmetto berries on state forest lands.²⁸ The permit authorized the holder to harvest berries in a specific area.²⁹ The Florida Forest Service issues permits provided the proposed use does not interfere with the management objectives of that forest as provided in the forest's management plan; create a nuisance to wildlife, or other forest users, or service staff; pose a threat to public safety; or create a risk of wildfire.³⁰ In June of 2015, the Florida Forest Service discontinued the issuance of permits for harvesting saw palmetto berries on state forest lands

¹⁸ *Id.*

¹⁹ The term "mast" is a general term for edible fruit when eaten by wildlife. Hard mast includes acorn, hickory, pecan, and other nuts while soft mast includes fleshy berries such as palmetto berries, blueberries, and grapes; see FWC, *Florida Black Bear Management Plan, Ursus americanus floridanus*, xvi (June 27, 2012).

²⁰ FWC, *Florida Black Bear Management Plan, Ursus americanus floridanus*, 8 (June 27, 2012).

²¹ Mark A. Barrett, David J. Telesco, Sarah E. Barrett, Katelyn M. Widness, and Erin H. Leone, *Testing Bear-Resistant Trash Cans in Residential Areas of Florida*, 27 SOUTHEASTERN NATURALIST Vol. 13, No. 1: 26-39 (2014), available at http://wingfieldreserve.org/wp-content/uploads/2014/06/SEN_bear_urban_trashcans.pdf (last visited April 14, 2017).

²² *Id.*

²³ FWC, *Florida Black Bear Management Plan, Ursus americanus floridanus*, 10 (June 27, 2012).

²⁴ Florida Department of Agriculture and Consumer Services (FDACS), *Market Outlook Saw Palmetto Berries*, <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Our-Forests/Working-Forest/Non-Timber-Forest-Products-NTFP> (last visited April 14, 2017).

²⁵ FWC, *Florida Black Bear Management Plan, Ursus americanus floridanus*, 32 (June 27, 2012).

²⁶ See Fla. Admin. Code R. 68A-17.004.

²⁷ Fla. Admin. Code R. 5I-4.005.

²⁸ Florida Forest Service, FDACS, *Letter to Senator Bullard*, (July 20, 2015)(on file with the Senate Environmental Preservation and Conservation Commission).

²⁹ Fla. Admin. Code R. 5I-4.005.

³⁰ *Id.*

until further notice in recognition that saw palmetto berries are a primary source of food for black bears.³¹

Human-bear conflicts

As the population of both humans and bears has expanded, there has been an increase in human-bear conflicts, particularly in residential areas, where bears often search for food.³² Between 2007 and 2011, the FWC euthanized an average of 15 bears annually due to the bear's conflict behavior.³³ Of the bears euthanized during that time, 68 percent were associated with seeking out unsecured garbage or other human-provided food sources.³⁴ In 2016, the FWC received 1,553 calls relating to bears.³⁵ In response to these calls, 14 bears were captured, 5 were released, and 8 were euthanized.³⁶

Communities that commit to learning to coexist with bears, knowing when and how to report bear activity, and securing potential food sources are referred to as BearWise Communities.³⁷ Proactive measures, such as securing trash and providing education, to change or manage human behavior are more efficient than other methods at reducing human-bear conflicts.³⁸ The FWC passed a statewide resolution in 2015 highlighting the importance of securing attractants.³⁹

Additionally, in 2015, the state increased penalties for feeding bears.⁴⁰ Section 379.412, F.S., provides enhanced penalties for:

- Feeding wildlife with food or garbage;
- Attracting or enticing wildlife with food or garbage; or
- Allowing the placement of food or garbage in a manner that attracts or entices wildlife.

The FWC also updated its bear feeding rule to include a provision that allows law enforcement officers to issue notifications to people who have been in contact with the FWC regarding securing their garbage or other attractants and have failed to do so.⁴¹ The notification serves as a formal reminder that the person's actions could be in violation of the law.⁴²

³¹ Florida Forest Service, FDACS, *Letter to Senator Bullard*, (July 20, 2015).

³² Mark A. Barrett, David J. Telesco, Sarah E. Barrett, Katelyn M. Widness, and Erin H. Leone, *Testing Bear-Resistant Trash Cans in Residential Areas of Florida*, 27 SOUTHEASTERN NATURALIST Vol. 13, No. 1: 26-39 (2014).

³³ FWC, *Florida Black Bear Management Plan*, *Ursus americanus floridanus*, 12 (June 27, 2012).

³⁴ *Id.*

³⁵ Dr. Thomas Eason, Director, Division of Habitat and Species Conservation, FWC, *Bear Management Update*, Slide 24 (June 2016), available at <http://myfwc.com/media/3814603/3B-BearManagementPresentation.pdf> (last visited April 14, 2017).

³⁶ *Id.*

³⁷ FWC, *Florida's BearWise*, <http://myfwc.com/wildlifehabitats/managed/bear/wise/> (last visited April 14, 2017).

³⁸ Mark A. Barrett, David J. Telesco, Sarah E. Barrett, Katelyn M. Widness, and Erin H. Leone, *Testing Bear-Resistant Trash Cans in Residential Areas of Florida*, 36 SOUTHEASTERN NATURALIST Vol. 13, No. 1: 26-39 (2014).

³⁹ See <http://myfwc.com/media/3057987/11b-blackbearresolution.pdf>, for the entire FWC black bear resolution.

⁴⁰ Chapter 2015-161, s. 12, Laws of Fla.

⁴¹ See Fla. Admin. Code R. 68A-4.001.

⁴² Dr. Thomas Eason, Director, Division of Habitat and Species Conservation, FWC, *Bear Management Update*, Slide 25 (June 2016).

The Legislature for the 2016-2017 fiscal year appropriated \$500,000 to the FWC for cost-sharing with local governments in areas with the highest level of human-bear conflicts.⁴³ Some of the funds (\$376,900) came from proceeds from permit sales from the 2015 bear hunt.⁴⁴ The proviso language for the appropriation required at least 60 percent of the money appropriated to go to local governments that implemented ordinances requiring trash be kept secure from bears.⁴⁵ Seminole, Lake, Santa Rosa, and Orange counties passed such ordinances and each received at least \$150,000 each to provide bear-resistant trash cans to residents at a discounted cost.⁴⁶

Hunting as a management tool

As a component of the FWC’s overall bear management strategy, the FWC established a regulatory framework for bear hunting and in October of 2015 authorized a bear hunt.⁴⁷ Four of the 7 BMUs were opened to bear hunting. Each BMU had an established harvest objective, which was based on taking 20 percent of the estimated BMU population and subtracting the annual known mortality.⁴⁸ The table below depicts the harvest objectives and the actual harvest numbers.⁴⁹

Bear Management Unit	Population Estimate (Estimate Year)	20% of Population Estimate	Known Mortality (3 Year Average)	Harvest Objective	Actual Harvest
East Panhandle	600 ('02)	120	80	40	114
North	550 ('14)	110	10	100	25
Central	1,300 ('14)	260	160	100	143
South	700 ('02)	140	20	80	22
TOTALS	3,150	630	270	320	304

The hunt was authorized to begin on October 24, 2015, and the FWC had the ability to close the season by means of a daily cut-off mechanism within each BMU and statewide.⁵⁰ The hunt was spread across 26 counties with 78 percent of bears taken on private lands.⁵¹ The East Panhandle and the Central BMUs were closed beginning on October 25, 2015, while the North and South BMUs were closed beginning on October 26, 2015.⁵²

⁴³ Chapter 2016-66, Laws of Fla.

⁴⁴ FWC, *Frequently Asked Questions, FY 16-17 BearWise Funding*, <http://myfwc.com/media/4048285/BearWiseFundingFAQs.pdf> (last visited April 14, 2017).

⁴⁵ Chapter 2016-66, Laws of Fla.

⁴⁶ FWC, *FWC awards \$825,000 to local governments to reduce human-bear conflicts* (Dec. 13 2016), available at <http://myfwc.com/news/news-releases/2016/december/13/funding-announcement/> (last visited April 14, 2017).

⁴⁷ FWC, *2015 Florida Black Bear Hunt Summary Report*, 1 <http://myfwc.com/media/3358561/2015-Florida-Black-Bear-Hunt-Report.pdf> (last visited April 14, 2017).

⁴⁸ *Id.* at 2.

⁴⁹ *Id.* at 3.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

For the 2016 season, the FWC staff presented 4 options relating to the Florida black bear hunt for the commission to consider.⁵³ The FWC staff recommended the option to continue to use hunting to manage the growth of black bear populations, but with a modified, more conservative hunt format.⁵⁴ Under the staff recommendation, more restrictions would be placed on hunters who choose to participate in the hunt. Such restrictions included:

- Reducing the area open to hunting to correspond with areas of the state where human-bear conflicts are most prevalent;
- The prohibition of hunting a bear with any other bear present, including cubs;
- Further restrictions on hunting near game feeding stations;
- Limiting the number of permits;
- Increased enforcement measures requiring hunters to tag bears immediately; and
- Limiting the number of hunters in each area of the state or BMU.⁵⁵

While the FWC staff recommended the option for continuing the hunt, the commission voted to adopt the option to postpone the bear hunt in the state by creating a zero hunt objective for 2016.⁵⁶

Wildfire Mitigation

Prescribed Burning

Approximately 6 out of every 10 acres in Florida or nearly 22 million acres are considered fire-dependent.⁵⁷ In these ecosystems, the interaction between fire and the landscape is critical to nutrient cycling, perpetuates a biologically diverse and healthy forest, and renews and restores habitat for many species of wildlife. There are about 2 million acres that are permitted for burning each year.⁵⁸ In addition to its environmental benefits, prescribed burning also reduces the risk of catastrophic wildfires and aids in controlling and preventing wildfires by reducing the dangerous build-up of brush and forest litter which is a fuel source for fires.⁵⁹

Florida black bears typically use ground nests for denning and require dense understory vegetation for protection from disturbance.⁶⁰ Intensively managed forests often have little understory and do not provide adequate cover for denning sites. Prescribed fire at frequent

⁵³ FWC, *FWC to Consider Staff Recommendation for Florida Bear Hunt, Four Options on How to Move Forward*, (June 10, 2016), available at <http://myfwc.com/news/news-releases/2016/june/10/florida-bear-hunt/> (last visited April 14, 2017).

⁵⁴ Diane Eggeman, Director, Division of Hunting and Game Management, FWC, *Black Bear Management*, (June 22, 2016), available at <http://myfwc.com/media/3814609/3B-SM-Bear.pdf> (last visited April 14, 2017).

⁵⁵ *Id.*

⁵⁶ FWC, *Commission Meeting Eastpoint, FL, Minutes*, 11 (June 22-23, 2016), available at <http://myfwc.com/media/4064584/june16-commission-minutes.pdf> (last visited April 14, 2017).

⁵⁷ FDACS, *Prescribed Fire in Florida Strategic Plan 2013-2020*, 1, available at http://www.freshfromflorida.com/content/download/32026/788335/Rx_Fire_Strategic_Plan_2013-small.pdf (last visited April 14, 2017).

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Dana L. Karelus, J. Walter McCown, Brian K. Scheick, Madelon van de Kerk, and Madan K. Oli, *Home Ranges and Habitat Selection by Black Bears in a Newly Colonized Population in Florida*, 347 SOUTHEASTERN NATURALIST Vol. 15, No. 2: 346-364 (2016), available at <http://www.wec.ufl.edu/faculty/olim/Karelus%20et%20al.%202016%20black%20bear%20home%20range%20and%20habitat%20selection%20SENat.pdf> (last visited April 14, 2017).

intervals or performed during winter seasons may decrease food production and cover for bears.⁶¹

Roller chopping

In areas where prescribed fire is impractical, mechanical treatments are used to reduce hazardous fuel loads.⁶² Roller chopping is a mechanical treatment using a bulldozer that pulls a metal drum with protruding metal blades.⁶³ The drum knocks down and cuts up flammable understory plants, such as the saw palmetto.⁶⁴ A single roller chopper pass is effective against saw palmetto if done in the summer, when the soil is usually saturated.⁶⁵

Nongame Wildlife Trust Fund

The Nongame Wildlife Trust Fund is established within the FWC and is credited with moneys collected for fees relating to certificates of title for motor vehicles and from voluntary contributions.⁶⁶ Funds provided by legislative appropriation and donations from interested individuals and organizations are also authorized to be deposited into the trust fund.⁶⁷ Proceeds from the trust fund shall be used for the following purposes:

- Documentation of population trends of nongame wildlife and assessment of wildlife habitat, in coordination with the database of the Florida natural areas inventory;
- Establishment of effective conservation, management, and regulatory programs for nongame wildlife of the state; and
- Public education programs.⁶⁸

III. Effect of Proposed Changes:

SB 1304 creates the Florida Black Bear Habitat Restoration Act. The bill defines terms and provides findings and intent relating to the jurisdiction of the Fish and Wildlife Conservation Commission (FWC), the Department of Agriculture and Consumer Services (DACCS), and the Department of Environmental Protection (DEP) over state lands, including prime habitat for the Florida black bear. The bill provides that there is a need for interagency coordination to preserve the habitat of the Florida black bear, as the lack of such coordination has resulted in an increase in human-bear conflicts. The bill declares that it is the intent of the Legislature to enact measures to ensure the restoration of the Florida black bear habitat and, thereby, reduce the number of human-bear conflicts.

⁶¹ FWC, *Florida Black Bear Management Plan, Ursus americanus floridanus*, 32 (June 27, 2012).

⁶² FDACS, *Wildfire Mitigation in South Florida Understanding the Work to Reduce the Risk*, https://www.freshfromflorida.com/content/download/4798/30561/wildfire_mitigation_South_Florida.pdf (last visited April 14, 2017).

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ Paul Campbell and Alan Long, University of Florida Institute of Food and Agricultural Services (IFAS), *Vegetation Management in Florida's Private Non-Industrial Forests*, <http://ufdcimages.uflib.ufl.edu/IR/00/00/18/14/00001/Fr04400.pdf> (last visited April 14, 2017).

⁶⁶ Section 327.209, F.S.

⁶⁷ *Id.*

⁶⁸ *Id.*

The bill establishes, subject to an appropriation of \$1 million, the Bear-Resistant Garbage Container Account within the Nongame Wildlife Trust Fund. The bill requires the FWC to establish a process by rule through which county and municipal governments located in counties that include areas designated as being prone to human-bear conflicts may apply for funds to be used in the purchase of bear-resistant garbage containers.

Burn schedules for state forests and state parks identified as including Florida black bear habitat are required to be adjusted to allow for the regrowth of oak trees, saw palmettos, and other berry-producing plants that supply the Florida black bear with sufficient natural food to the extent that, after such regrowth, the species is not compelled to enter residential areas in search of food. The bill prohibits a state agency from conducting or causing to be conducted roller-chopping of saw palmettos in Florida black bear habitat. Additionally, the bill prohibits the sale of timbering rights to acorn-producing oak trees in all state forests and state parks that are identified as including Florida black bear habitat.

The bill requires the FWC to establish by rule standards for the designation of specific areas of the state as Florida black bear habitat and identify areas prone to human-bear conflicts by July 1, 2018. By February 1, 2019, the FWC, in coordination with the DACS and the DEP, is required to designate areas of the state as Florida black bear habitat. The FWC is also required to identify areas affected by human-bear conflicts. The FWC is required to identify such areas by the standards developed and requires the standards to be reviewed and, if necessary, revised by the FWC, the DACS, and the DEP at least once every 3 years. The bill requires the FWC to post and maintain the current list of the areas of the state designated as Florida black bear habitat and the state lands that contain such habitat on its website.

The bill creates a 10-year moratorium on the recreational hunting of the Florida black bear by prohibiting hunting of Florida black bears until July 1, 2027. The FWC is required to conduct a 5-year population trend study of the Florida black bear, which includes an analysis of the potential impact of Florida black bear hunting using biological stock assessment of the species.

The bill prohibits permits to harvest saw palmetto berries from being issued for any state lands identified as including Florida black bear habitat. A person unlawfully harvesting saw palmetto berries on state lands commits theft.⁶⁹ The bill requires every initial purchaser of more than one bushel or crate of saw palmetto berries to obtain a sales certificate from the harvester, who must prepare and furnish such certificates. The sales certificate is required to accompany the berries from the point of harvesting to the final processor or the wholesaler who will offer the berries for retail sale. The sales certificate is required to be kept by such processor or wholesaler for 1 year after the date of purchase and must be produced for inspection upon request by a peace officer. The sales certificate is required to include:

- The quantity of berries purchased;
- The name, address, and telephone number of the harvester from whom the berries were purchased;

⁶⁹ Section 812.014, F.S., defines and categorizes thefts into misdemeanor or felony criminal violations. Whether a theft is a misdemeanor or a felony generally depends upon the value of the property taken by the defendant, the defendant's history of theft convictions or, in some cases, the type of property taken.

- The name and address of the property where the berries were harvested, and contact information for the owner or manager of the property; and
- The name, address, and telephone number for each purchaser and subsequent purchaser, and the date that he or she purchased the berries.

The harvester and the initial purchaser are required to each keep a copy of the sales certificate for 1 year after the date of the initial purchase. The commissioner of the DACS is required to prescribe the form of the sales certificate. The bill provides a penalty for not having a sales certificate of a misdemeanor of the third degree.

The bill requires that before igniting any prescribed burn during months when female bears with juvenile offspring are likely denning in areas designated by the FWC as Florida black bear habitat, a certification must be obtained from the FWC that it is unlikely, based on the FWC's best knowledge, that adult female bears with juvenile offspring are denning in the burn site.

The bill takes effect July 1, 2017.

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:

The bill requires initial purchasers of more than one bushel or crate of saw palmetto berries to obtain a sales certificate from the harvester. The additional record requirement will have a negative, indeterminate impact on harvesters of saw palmetto berries who are required to provide such sales certificates.

C. Government Sector Impact:

The bill prohibits the recreational hunting of Florida black bears in the state until 2027. In 2015, \$376,900 in revenues were collected from hunting permits for black bears. Prohibiting the hunt may have a negative, indeterminate impact to the FWC.

The bill requires DACS to prescribe a form for the sales certificate for saw palmetto berries required under the bill. This would have a negative, indeterminate impact to the department.

The bill requires the FWC to adopt rules to establish a process through which local governments may apply for funds to be used for bear-resistant trash cans and to identify and designate Florida black habitat. Such rule development will have a negative, indeterminate impact on the FWC.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill provides that a penalty for violating the provisions relating to the sales certificate for saw palmetto berries is a misdemeanor of the third degree, punishable as provided in s. 775.082, F.S. or s. 775.083, F.S. Under state law there is not a misdemeanor of the third degree.

VIII. Statutes Affected:

This bill substantially amends section 590.125 of the Florida Statutes.

This bill creates section 379.3018 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.