

STORAGE NAME: h0149a.go

DATE: April 8, 1999

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
GOVERNMENTAL OPERATIONS
ANALYSIS**

BILL #: HB 149

RELATING TO: Secretary of State (Official State Bird)

SPONSOR(S): Representative Futch and others

COMPANION BILL(S): SB 188 (identical)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) WATER AND RESOURCE MANAGEMENT YEAS 8 NAYS 3
 - (2) GOVERNMENTAL OPERATIONS YEAS 6 NAYS 0
 - (3) GENERAL GOVERNMENT APPROPRIATIONS
 - (4)
 - (5)
-

I. SUMMARY:

HB 149 designates the Florida Scrub Jay (*Aphelocoma coerulescens*) as the official state bird. It would replace the Mockingbird, which was designated the state bird pursuant to Senate Concurrent Resolution No. 3, in 1927.

Other than the administrative impact, and impact related to publication, signage or marker, and other media updating, this bill does not appear to have a significant fiscal impact on state or local governments.

This bill takes effect upon becoming law.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The Mockingbird (*Mimus polyglottus*) is the current official State Bird of Florida, pursuant to Senate Concurrent Resolution No. 3 of the 1927 legislative session. It is common throughout the southern United States and has been designated the state bird of Tennessee, Texas, Arkansas, and Mississippi, in addition to Florida.

State symbols designated by statute (Chapter 15, F.S.) include the state tree (sabal palmetto palm), stone (agatized coral), soil (Myakka fine sand), shell (horse conch), seal, reptile (alligator), play (Cross and Sword), saltwater mammal (porpoise), marine mammal (manatee), gem (moonstone), saltwater fish (Atlantic sailfish), freshwater fish (Florida largemouth bass), wildflower (Coreopsis), flag, butterfly (Zebra Longwing), beverage (orange juice), animal (Florida panther), air fair (Central Florida Air Fair), rodeo (Silver Spurs Rodeo), festival (Calle Ocho-Open House 8), moving image center and archive (Louis Wolfson II Media History Center, Inc.), litter control symbol (Keep Florida Beautiful), pageant (Indian River), opera program (Miami Opera Association, Orlando Opera Company, and Florida State University School of Music), renaissance festival (Italian Renaissance Festival, Vizcaya), railroad museums (Orange Blossom Special Railroad Museum, Gold Coast Railroad Museum, Florida Gulf Coast Railroad Museum), transportation museum (Florida Museum of Transportation and History), fiddle contest (Stephen Foster State Folk Culture Center fiddle contest), and band (St. Johns River City Band).

Commonly recognized state symbols not found in statute include the state bird (1927 resolution), song ("*Old Folks At Home*," 1935 resolution), flower (orange blossom, 1909 resolution), and day (April 2, "Pascua Florida Day," 1953 chapter law).

B. EFFECT OF PROPOSED CHANGES:

HB 149 would place the state bird designation in statute and would replace the Mockingbird with the Florida Scrub Jay as Florida's official state bird.

The Florida Scrub Jay (*Aphelocoma coerulescens*) is a 12-inch, crestless jay found almost exclusively in peninsular Florida. Its nape, rump and wings are dark sky-blue with a smoke gray back and underside. A necklace of blue feathers separates the white throat from the gray underparts, and a white line over the eye often blends into a whitish forehead.

The Florida Scrub Jay is currently listed as threatened due to habitat loss and degradation. Population estimates are between 7,000 and 11,000 with the largest populations existing on federal land (Ocala National Forest and Merritt Island/Cape Canaveral). Current studies indicate significant declines in Florida Scrub Jay populations with some populations decreasing by as much as half since 1993. Declines on public land are attributed to insufficient management of the scrub habitat and fragmentation of Florida Scrub Jay ranges.

Florida Scrub Jays are non-migratory birds with very specific environmental requirements. They live in scrub habitats, primarily of oak or pine, occurring on a fine, white, drained sand substrate. These areas are characterized by relatively short, dense vegetation thickets interspersed with bare sand areas that are used by the birds to search for the insects, small vertebrates, and acorns that are their dietary staples. Sandy areas are also used to store the collected acorns which are used as a supplemental food source throughout the year. Under natural conditions, scrub habitats are sustained by fire which limits the height of the vegetation and prevents succession of the scrub into hammock.

An unusual feature of the Florida Scrub Jay breeding system is the presence of "helpers." These are typically yearling birds that assist the breeding pair with raising their offspring. Most pairs have one to two helpers, but as many as six have been observed. A dominance hierarchy exists within the family with breeders dominating helpers and males dominating females. In addition to raising young, the family defends their surrounding territory which is 22 acres on average.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

No agency or program is eliminated or reduced.

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

This bill does not purport to provide services to families or children.

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

No

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

This bill does not create or change a program providing services to families or children.

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Creates s. 15.051, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Creates s. 15.051, F.S., to designate the Florida Scrub Jay (*Aphelocoma coerulescens*) as the official state bird.

Section 2: Provides that the effective date shall be upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

The direct impact on state agencies and funds would involve the cost of publications, film, markers, and other media which may need to be revised to comport with the change in designation of the official state bird. There would also be some administrative time and expense necessary to accomplish such changes.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

See A. above.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

See A. above.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

The only material fiscal impact would be the non-recurring costs related to updating media.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of state tax shared with counties and municipalities.

V. COMMENTS:

While no additional regulatory authority or protection is afforded to the Florida Scrub Jay by designation as the official state bird, increased public awareness resulting from this designation could lead to increased concern regarding habitat preservation and/or restoration for this threatened species.

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VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

At its meeting on April 8, 1999, the Committee on Governmental Operations adopted two amendments.

The first contains intent language providing that the designation of the Florida Scrub Jay as the official state bird is strictly symbolic, requiring no additional protections or acquisition of habitat.

The second replaces the Florida Scrub Jay as the official state bird, with the Mockingbird (*Mimus polyglottos*).

VII. SIGNATURES:

COMMITTEE ON WATER AND RESOURCE MANAGEMENT:

Prepared by:

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