

STORAGE NAME: h0681z.wrm

****FAILED TO PASS THE LEGISLATURE****

DATE: May 9, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
WATER AND RESOURCE MANAGEMENT
FINAL ANALYSIS**

BILL #: HB 681

RELATING TO: Secretary of State (Official State Bird)

SPONSOR(S): Representative Futch

TIED BILL(S): None

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

- (1) WATER AND RESOURCE MANAGEMENT YEAS 9 NAYS 3
 - (2) GOVERNMENTAL OPERATIONS YEAS 2 NAYS 5
 - (3) GENERAL GOVERNMENT APPROPRIATIONS
 - (4)
 - (5)
-

I. SUMMARY:

HB 681 would have designated the Florida Scrub Jay (*Aphelocoma coerulescens*) as the official state bird, replacing the Mockingbird (Senate Concurrent Resolution No. 3, 1927). The bill would have provided legislative intent that the designation of the Florida Scrub Jay as the official state bird was strictly symbolic and did not require any additional protections or acquisition of habitat.

The bill did not appear to have a fiscal impact, or pose constitutional or other legal concerns. It would have taken effect upon becoming law.

(NOTE: HB 681 died when the Committee on Governmental Operations reported it unfavorably at its March 30, 2000, meeting. There was no Senate companion.)

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The Northern 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).

HB 149 was a similar bill filed during the 1999 Regular Legislative Session. It passed two committees and died upon adjournment of the Legislature.

C. EFFECT OF PROPOSED CHANGES:

HB 681 would have placed the state bird designation in statute and would have replaced the Northern 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 currently is 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 also are 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 its surrounding territory which is 22 acres on average.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Created s. 15.051, F.S., to designate the Florida Scrub Jay (*Aphelocoma coerulescens*) as the official state bird. Established legislative intent regarding the designation of the Florida Scrub Jay as the official state bird as being strictly symbolic and not requiring any additional protections or acquisition of habitat.

Section 2: Provided that the effective date would have been upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

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

A. APPLICABILITY OF THE MANDATES PROVISION:

HB 681 did not require counties or municipalities to expend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

HB 681 did 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:

HB 681 did not reduce the percentage of state tax shared with the counties and municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

HB 681 did not raise any constitutional issues.

B. RULE-MAKING AUTHORITY:

HB 681 neither expanded nor restricted the rule-making authority of the state or local agencies.

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C. OTHER 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.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

In order to correct a duplicate section number, the Water and Resource Management Committee unanimously passed one amendment on March 14. The amendment traveled with the bill.

VII. SIGNATURES:

COMMITTEE ON WATER AND RESOURCE MANAGEMENT:

Prepared by:

Jason A. Heffley

Staff Director:

Joyce Pugh

AS REVISED BY THE COMMITTEE ON GOVERNMENTAL OPERATIONS:

Prepared by:

Russell J. Cyphers, Jr.

Staff Director:

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FINAL ANALYSIS PREPARED BY THE COMMITTEE ON WATER AND RESOURCE MANAGEMENT:

Prepared by:

Jason Heffley

Staff Director:

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