

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government: The bill requires amendment of a state park management plan to stop removal of certain trees and to establish a program to preserve those trees.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Fort Zachary Taylor is one of a series of military forts built in the mid-1800s to defend the nation's southeastern coastline. Completed in 1866, the fort played important roles in the Civil War and the Spanish-American War. The fort was designated a National Historic Landmark in 1973, and is Florida's southernmost state park. It is popular for recreation, as well as U.S. military history, with a beach at the southern end of the park that provides opportunities for picnicking, swimming, snorkeling, and fishing. Visitors can also enjoy a short nature trail and bicycling within the park. The park includes a significant stand of Australian Pine trees that provides a canopy of shade along the beach, a large open area with sparse vegetation, and the fort which is surrounded by a saltwater moat.¹

The Australian pine forest at the park is growing in a fill area and is the first growth for the site. The stand of trees has been in place for nearly fifty years and has become a much loved attraction for visitors. The Florida Department of Environmental Protection, Division of Recreation and Parks' (division) visitor information brochure identifies the shade provided by the Australian pines as one of the park's feature attractions.²

The University of Florida, Institute of Food and Agricultural Sciences reports³ that the Australian pine (*Casuarina equisetifolia*):

- has been long-favored for use in erosion control along beaches;
- is now outlawed in many parts of Florida due to its invasive nature, rapid growth rate, and non-native status;
- is not a true pine tree and is not related to the pines;
- is highly salt and drought tolerant, and has been widely used in seaside landscapes as a windbreak, screen, clipped hedge, and for topiary;
- withstands heat and other adverse conditions which has made the tree a favorite for street trees and yard specimens;
- grows in full sun or partial shade; and
- tolerates many adverse conditions – dry or wet soil, heat or high winds.

Section 369.252, F.S., directs the Department of Environmental Protection (DEP) to establish a program to achieve eradication or maintenance control of invasive exotic plants on public lands when the scientific data indicate that they are detrimental to the state's natural environment or when the Commissioner of Agriculture finds that such plants or specific populations are a threat to the agricultural productivity of the state. Section 369.251, F.S., provides the DEP authority to exempt these trees from the exotic vegetation control provisions if there is neither the danger of, nor intent to, further disperse the plant species. This site – being the southernmost point in the continental United States – is an on

¹ DEP, 2008. <http://www.floridastateparks.org/forttaylor/default.cfm>.

² DEP/DRP, 2007. Fort Zachary Taylor Historic State Park. Visitor Guide.

³ Institute of Food and Agricultural Sciences, 2007. Document ENH288. EDIS Web Site at <http://edis.ifas.ufl.edu>. University of Florida.

an island, the Australian Pine forest is the first growth vegetation at this site, there is no nearby agricultural activity, and the nearby environment is urban/suburban.

In response to a Key West Tree Commission (circa. 1993) insistence that the Australian pines at the Fort Zachary Taylor Historic State Park were not a pest at that location, the DEP said that, because of local community support for the shade provided by the Australian pines and due to the fact that the trees are growing on fill and do not pose a serious threat of spreading, there were no plans for the removal of the trees from the park⁴. In 2005, the Key West city council passed Resolution #04-13 supporting maintaining the Australian pines at the park. In 2006, the Monroe county commission passed Resolution 271-2006 requesting the state to designate the canopy of Australian pines at the park as an exception to removal as an exotic or invasive species, that the state institute a professional maintenance program to nurture and protect the Australian pines, and that the state institute a policy of controlled growth for replacement of lost trees.

However, the division has made removal of the Australian pines from the Fort Zachary Taylor Historic State Park a significant component of the park's land management plan. In an effort to maintain native, nature-based recreation for visitors, the division plans to develop a landscape with indigenous, native vegetation and in 2007 began a program of removal and replacement of the trees – at a cost of \$100,000 per year⁵. This plan requires removal of ten percent of the trees each year until all the trees are removed. The cleared areas will be replanted with native vegetation.

The division has held a public meeting in Key West to take testimony on the land management plan and its proposal to replace the Australian pine forest with young native vegetation. The division received extensive, nearly unanimous opposition to the proposed removal of the trees. The division's response was: "We agree with you folks 100 percent that shade is absolutely important. It's one of the most important recreational amenities . . . But our plan, and the removal of invasive exotics, has been policy of state parks and all state lands for 20 years."⁶

Effect of Proposed Changes

The bill creates s. 258.082, F.S., providing the Fort Zachary Taylor Historic State Park Management Plan be amended to require protection, maintenance, and preservation of the canopy of old Australian pine trees (*Casuarina equisetifolia*) located on the grounds of the park. The immediate objective is to maintain the old stand of Australian pines that existed on January 1, 2008. The long-term goal is to restore the number of Australian pines to those documented as existing in the Australian pine Mapping Project of 2004.

The division is directed to commence a program of care and maintenance of Australian pine seedlings, young trees, and mature trees to ensure that these preservation goals are achieved. Furthermore, the division is to initiate a professional maintenance program to nurture and protect the old Australian pines canopy at the Fort Zachary Taylor Historic State Park and to institute a policy of controlled growth for replacement of any pines lost.

The provisions of this bill do not authorize any sale or distribution of Australian pines to or from any public or private parties.

C. SECTION DIRECTORY:

Section 1: creates s. 258.082, F.S., requiring amendment of the Fort Zachary Taylor Historic State Park Management Plan

Section 2: provides an effective date of July 1, 2008.

⁴ Howell, Mark, April 25, 2003. *PINING FOR A DOOMED FOREST - Australian Pines Await the Far Pavilions*. SOLARES HILL, number 17.

⁵ DEP, 2008. Agency bill analysis.

⁶ The Miami Herald, October 22, 2007. Historic Fort's a Site for a Battle -- Over Trees.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

	<u>FY 08-09</u>	<u>FY 09-10</u>
Unit Management Plan Development	\$4,000	0
Development/Production of Education Interpretation Materials	\$10,000	0
Park Staff Time	\$3,000	\$3,000
Total:	\$17,000	\$3,000

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Private sector professional nursery consultation may be necessary related to the implementation of the bill provisions. The DEP indicates a loss of competition for tree removal and native landscape business could serve to raise prices for similar native restoration efforts in the Florida Keys.

D. FISCAL COMMENTS:

State

The DEP indicates:

- The park unit management plan would need to be updated which would involve a series of meetings with the general public and park staff.
- Staff time would be needed infrequently to deal with dead or dying trees that threaten human safety.
- The state park seed source would create a long-term funding need.
- The current native landscaping plan at the park would be abandoned.
- Current education materials of the Florida Park Service address only the negative impacts of non-native, invasive species. New education materials would need to be developed to educate the public and park staff on the departure from current policy.
- It is not known how the DEP and the Florida Department of Agriculture and Consumer Services would resolve issues surrounding vegetation which both agencies currently prohibit.
- Funding related to Australian pine removal and native landscaping for the park would stop. The funding utilized for this service is approximately \$100,000 per year.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require cities or counties to spend funds or take actions requiring the expenditure of funds, nor does it appear to reduce the authority that cities or counties have to raise revenues in the aggregate, nor does it appear to reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No new rulemaking authority is granted to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES