

**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 Environmental Preservation and Conservation Committee

BILL: SB 1456  
 INTRODUCER: Senator Diaz de la Portilla  
 SUBJECT: The Conservation of Wildlife  
 DATE: February 2, 2012      REVISED: 02/07/12

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiggins	Yeatman	EP	<b>Fav/1 amendment</b>
2.			BC	
3.				
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

This bill would allow 16 zoos and aquaria that are accredited by the Association of Zoos and Aquaria (AZA) and that operate in Florida to seek authorization from the Board of Trustees of the Internal Improvement Trust Fund (Trustees) to use state lands to conduct enhanced research in the husbandry, reproductive biology, endocrinology, nutrition, genetics, behavior, health and ecology of native and non-native species of animals and birds. Projects involving mammalian species that are carnivores or primates would be prohibited.

The Fish and Wildlife Conservation Commission (FWC) will provide technical assistance to the Trustees in reviewing applications and will adopt rules to administer the new provisions. The Trustees may approve projects that they find are in the best interest of the state.

This bill creates an unnumbered section of law.

**II. Present Situation:**

Section 253.034(1), F.S., (state owned land; uses) provides that state owned lands shall be managed to “ensure the survival of plant and animal species,” among numerous other purposes.

That section further states that “it is the intent of the Legislature that, where feasible and consistent with the goals of protection and conservation of natural resources associated with lands held in the public trust” the state lands “not designated for single-use purposes ... [should] be managed for multiple-use purposes.”

Multiple-use purposes is defined in s. 253.034(2)(a), F.S., as:

the harmonious and coordinated management of timber, recreation, conservation of fish and wildlife, forage, archaeological and historic sites, habitat and other biological resources, or water resources so that they are utilized in the combination that will best serve the people of the state, making the most judicious use of the land for some or all of these resources and giving consideration to the relative values of the various resources. Where necessary and appropriate for all state-owned lands that are larger than 1,000 acres in project size and are managed for multiple uses, buffers may be formed around any areas that require special protection or have special management needs. Such buffers shall not exceed more than one-half of the total acreage. Multiple uses within a buffer area may be restricted to provide the necessary buffering effect desired. Multiple use in this context includes both uses of land or resources by more than one management entity, which may include private sector land managers. In any case, lands identified as multiple-use lands in the land management plan shall be managed to enhance and conserve the lands and resources for the enjoyment of the people of the state.<sup>1</sup>

Section 253.034(5), F.S., specifies that a manager of state conservation lands must submit to the Division of State Lands a land management plan every 10 years. Whenever the manager of conservation lands intends to make “substantive land use or management changes that were not addressed in the approved plan,” the land manager must update the land management plan.

Section 253.034(10), F.S., provides for “additional” uses of conservation lands that include water resource development projects, water development supply projects, stormwater management projects, linear facilities, and sustainable agriculture and forestry. When state lands are used for these purposes, they must meet the following conditions:

- The use must not be inconsistent with the management plan for the lands;
- The use must be compatible with the natural ecosystem and resource values of such lands;
- The proposed use must be appropriately located on such lands where due consideration is given to the use of other available lands;
- The using entity must reasonably compensate the titleholder for the use based on an appropriate measure of value; and
- The use must be consistent with the public interest.

According to FWC, AZA-accredited institutions do not use any state lands for research of the animals in their collections.

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<sup>1</sup> Section 253.034(2)(a), F.S.

The Lowry Park Zoo (an AZA-accredited zoo) leased 450 acres from the Southwest Florida Water Management District for a red wolf breeding program for several years, but that project was terminated in 2012.<sup>2</sup>

### III. Effect of Proposed Changes:

**Section 1** allows AZA-accredited zoos and aquaria that operate in Florida to apply to the Trustees to use state lands for the purpose of enhanced research in the husbandry, reproductive biology, endocrinology, nutrition, genetics, behavior, health, and ecology of native and non-native species of animals and birds. Projects involving mammalian species that are carnivores or primates would be prohibited.

A zoo or aquarium would apply to the Trustees and the application would be required to include the following information:

- The principals and sponsors of the project;
- A description of the funding and sources of funding that will be used to support the project;
- The size, location, and type of land sought;
- A detailed description of the proposed project; and
- A description of the infrastructure (including buildings, utilities, and roadways) that will be necessary to conduct the project.

The Trustees may approve applications they determine are in the best interest of the state, after considering the following factors:

- Whether the project is consistent with the state's goals for the lands that will be used for the project and whether the project will cause harm to the land or surrounding lands; and
- Whether the project will have a positive economic impact on the state or the communities surrounding the project location.

FWC will provide technical assistance to the Trustees in reviewing the applications, including impacts to native habitats by both animals and infrastructure, carrying capacities of lands, impacts on water quality, and other biological impacts. The FWC will also adopt rules to administer the new provisions of statute.

There are only 16 Florida AZA-accredited institutions, two of which are public aquaria; therefore, a significant volume of applications for projects is unlikely.

All animals in captivity are subject to FWC regulations concerning captive wildlife, as would be those included in these projects. FWC investigators would regularly inspect the locations of the projects to ensure compliance with all captive wildlife laws for the safety of humans and the welfare of the animals.

**Section 2** establishes an effective date.

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<sup>2</sup> Florida Fish and Wildlife Conservation Commission, *Senate Bill 1456*, (Jan. 24, 2012) (on file with the Senate Committee on Environmental Preservation and Conservation).

**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:

According to FWC, the bill could be a large benefit to conservation organizations with a mission to protect species through captive breeding and repatriation programs.

## C. Government Sector Impact:

The FWC may experience an increase in workload in order to assist with the review of project applications as well as monitoring sites for compliance. According to FWC, the cost is currently unknown.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

According to the FWC, existing rules and procedures for use of state lands generally address the uses contemplated in this bill. Specifically, where similar activities (e.g., cattle leases) are referenced in conceptual management plans, leases are executed with the lead management agency and approved by the Division of State Lands. The primary difference contemplated in this bill would be the involvement of significant numbers of non-native species. In this regard, the bill could be amended to reference the conservation goals of accredited Florida zoos and aquaria and provide stipulations as to the need to adhere to FWC regulations governing the captive wildlife species in question.<sup>3</sup>

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<sup>3</sup> Florida Fish and Wildlife Conservation Commission, *Senate Bill 1456*, (Jan. 24, 2012) (on file with the Senate Committee on Environmental Preservation and Conservation).

According to the FWC, applications to use state conservation lands titled to the FWC could be deemed incompatible with requirements of federal grant-in-aid laws, which would require either providing replacement lands or funds equal to the value of the lands. To take these few lands out of consideration, an amendment could be offered to clarify that only Trustees-titled land would be considered.

According to the FWC, the bill stipulates that the Board of Trustees shall consider whether the project “is consistent with the state’s goals for the lands” and that there will not be off-site impacts. The former consideration would likely have to be reviewed for consistency in the Conceptual Management Plans for the subject parcels, and, should the Board approve, it may result in the designation of land as surplus. Secondly, impacts to state conservation lands, or surrounding lands, will be related to the size and scope of the activities. Presumably, these details would be included in rules or policy, or in leases or agreements with Division of State Lands. We recommend that any lease include information on (1) the species and numbers of animals to be used; (2) responsibility for recovery of escaped wildlife to prevent harm to humans, damage to the environment and other species, and the establishment of exotic species in Florida; (3) responsibility for removing any structures, facilities, etc., upon the conclusion of specific projects; (4) responsibility for habitat restoration upon the completion of specific projects; (5) requirements to mitigate unanticipated off-site impacts (e.g., erosion, reduced water quality); and (6) compensation to the land manager for the use of the land.<sup>4</sup>

The bill requires the FWC to provide technical assistance to the Trustees in their review of applications for projects. There are other state agencies, however, that manage state conservation lands with goals beyond FWC authority (e.g., water management, botanical conservation, and DACS forestry). In this regard, an amendment might be preferable to have the lead management agency for the lands requested to be used in a project provide technical assistance, with input from all cooperating agencies. Along the same lines, the bill requires the FWC to adopt rules to administer the section, but it may be desirable to have other agencies adopt additional rules for issues not directly related to fish and wildlife.

The bill could impact current uses of the State’s public conservation lands. Specifically, this could reduce public hunting, wildlife viewing, and other recreational opportunities on the FWCs wildlife management areas (as well as impacting planned uses on lands with other lead management agencies), depending on the size and location of any proposed such research facilities. If a project is approved on state conservation lands, there is a strong possibility that the land management plan for the land involved will have to be updated, pursuant to section 253.034(5).<sup>5</sup>

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<sup>4</sup> Florida Fish and Wildlife Conservation Commission, *Senate Bill 1456*, (Jan. 24, 2012) (on file with the Senate Committee on Environmental Preservation and Conservation).

<sup>5</sup> *Id.*

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

**Barcode 771374 by Environmental Preservation and Conservation on February 6, 2012:**

The amendment specifies that zoos must get authorization from the water management districts to use district lands for research. The amendment specifies that a detailed description of the proposed project include containment facilities. The amendment specifies that a plan must include:

- a plan to ensure timely recovery of animals that have escaped due to natural disasters or other unforeseen events; and
- specifies that the governing board of the water management district in conjunction with the Board of Trustees(Trustees) must approve an application.

The Trustees and the water management district must consider whether the project is consistent with the state's goals for the lands that will be used for the projects as described in the approved land management plans. The Trustees must also determine if the project will have a positive economic impact on the state and the communities surrounding the project location. The amendment also specifies that FWC shall provide technical assistance to the Trustees or to the to the water management districts in reviewing each application. (WITH TITLE AMENDMENT)