

1                                   A bill to be entitled  
2           An act relating to Florida black bears; creating s.  
3           379.3018, F.S.; providing a short title; defining  
4           terms; providing legislative findings and intent;  
5           requiring the Fish and Wildlife Conservation  
6           Commission, the Department of Agriculture and Consumer  
7           Services, and the Department of Environmental  
8           Protection to enforce certain provisions, adopted  
9           rules, and issued orders; creating a Bear-Resistant  
10          Garbage Container Account within the Nongame Wildlife  
11          Trust Fund; requiring the commission to establish a  
12          process by rule through which certain county and  
13          municipal governments may apply for and obtain loans  
14          to purchase bear-resistant garbage containers;  
15          prohibiting the harvesting of saw palmetto berries on  
16          state lands identified as Florida black bear habitat;  
17          requiring burn schedules for state forests and parks  
18          containing Florida black bear habitat to be adjusted  
19          to meet certain conditions; prohibiting the sale of  
20          timber rights to certain trees in state forests and  
21          parks that contain Florida black bear habitat;  
22          requiring the commission to adopt rules establishing  
23          standards for the designation of Florida black bear  
24          habitat and areas of human-bear conflict; requiring  
25          the commission, in coordination with specified  
26          agencies applying the standards, to designate areas of

27 the state as Florida black bear habitat and identify  
 28 state lands containing such habitat and areas of  
 29 human-bear conflict; requiring periodic review of the  
 30 designations by the commission and agencies; requiring  
 31 that specified information be posted and maintained on  
 32 the commission website; providing an effective date.  
 33

34 Be It Enacted by the Legislature of the State of Florida:  
 35

36 Section 1. Section 379.3018, Florida Statutes, is created  
 37 to read:

38 379.3018 Florida black bear restoration.-

39 (1) SHORT TITLE.-This section may be cited as the "Florida  
 40 Black Bear Habitat Restoration Act."

41 (2) DEFINITIONS.-As used in this section, the term:

42 (a) "Bear-resistant garbage containers" means receptacles  
 43 used for storage of garbage on residential properties which have  
 44 the design and structure to significantly impede access to the  
 45 contents by bears.

46 (b) "Coordinating agencies" means the Fish and Wildlife  
 47 Conservation Commission, the Department of Agriculture and  
 48 Consumer Services, and the Department of Environmental  
 49 Protection.

50 (c) "Florida black bear" means the subspecies *Ursus*  
 51 *americanus floridanus*.

52 (d) "Florida black bear habitat" means the portions of

53 this state, as identified by the coordinating agencies, meeting  
54 the standards set forth in subsection (9).

55 (e) "Human-bear conflicts" means interactions between  
56 humans and bears which lead to negative consequences.

57 (f) "State lands" means all lands under public ownership  
58 or control, including state forests, state parks, and  
59 conservation easements authorized by the state.

60 (3) FINDINGS AND INTENT.—The Legislature finds that the  
61 commission has jurisdiction over the state's wildlife and  
62 certain areas of wildlife habitat, the Department of Agriculture  
63 and Consumer Services has jurisdiction over 1 million acres of  
64 state forests, and the Department of Environmental Protection  
65 has jurisdiction over this state's 174 state parks. Both state  
66 forests and state parks constitute prime habitat for the Florida  
67 black bear. The Legislature also finds that there has been a  
68 lack of interagency coordination to preserve the habitat for the  
69 Florida black bear. This lack of coordination has resulted in an  
70 increase in human-bear conflicts. In order to provide for public  
71 safety, it is the intent of the Legislature to enact measures to  
72 ensure the restoration of the Florida black bear's habitat and  
73 thereby reduce the number of human-bear conflicts.

74 (4) POWERS AND DUTIES.—Except as otherwise provided, the  
75 coordinating agencies shall administer and enforce the  
76 provisions of this section and all rules and orders adopted or  
77 issued under this section.

78 (5) BEAR-RESISTANT GARBAGE CONTAINER ACCOUNT.—The Bear-

79 Resistant Garbage Container Account is established within the  
80 Nongame Wildlife Trust Fund, subject to appropriation by the  
81 Legislature of at least \$50 million. The commission shall  
82 establish a process by rule through which county and municipal  
83 governments located in counties that include areas designated  
84 pursuant to subsection (9) as being prone to human-bear  
85 conflicts may borrow money necessary to purchase and distribute  
86 bear-resistant garbage containers to all residences in such  
87 areas. The rate of interest on such loans shall be based upon  
88 the Federal Funds Rate in effect on the effective date of this  
89 act, adjusted annually thereafter on July 1.

90 (6) SAW PALMETTO BERRY HARVESTING.—Permits to harvest saw  
91 palmetto berries may not be issued for any state lands  
92 identified as including Florida black bear habitat.

93 (7) BURN SCHEDULE.—Burn schedules for state forests and  
94 state parks identified as including Florida black bear habitat  
95 shall be adjusted to allow for the regrowth of oak trees, saw  
96 palmettos, and other berry-producing plants that supply the  
97 Florida black bear with sufficient natural food to the extent  
98 that the species would not be otherwise compelled to enter  
99 residential areas in search of food.

100 (8) SALE OF TIMBERING RIGHTS ON STATE LANDS.—The sale of  
101 timbering rights to acorn-producing oak trees in all state  
102 forests and state parks that are identified as including Florida  
103 black bear habitat is prohibited.

104 (9) IDENTIFICATION OF FLORIDA BLACK BEAR HABITAT.—

HB 1055

2016

105 (a) By July 1, 2017, the commission shall establish by  
106 rule standards for the designation of specific areas of this  
107 state as Florida black bear habitat and areas of human-bear  
108 conflict.

109 (b) By February 1, 2018, the commission, in coordination  
110 with the Department of Agriculture and Consumer Services and the  
111 Department of Environmental Protection, shall designate areas of  
112 the state as Florida black bear habitat and identify all state  
113 lands that contain such habitat. The commission shall also  
114 identify areas affected by human-bear conflicts. The commission  
115 shall apply the standards developed pursuant to paragraph (a) in  
116 making these determinations, which must be reviewed and, if  
117 necessary, revised by the coordinating agencies at least once  
118 every 3 years.

119 (c) The commission shall post and maintain on its website  
120 the current list of the areas of the state which are designated  
121 as Florida black bear habitat and the state lands that contain  
122 such habitat.

123 Section 2. This act shall take effect July 1, 2016.