



900786

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/19/2017	.	
	.	
	.	
	.	

The Committee on Environmental Preservation and Conservation
(Stewart) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

379.3018 Florida black bear habitat restoration.-

(1) SHORT TITLE.-This section may be cited as the "Florida
Black Bear Protection Act."

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



900786

11 (a) "Florida black bear" means the subspecies *Ursus*
12 *americanus floridanus*.

13 (b) "State lands" means all lands under public ownership or
14 control, including state forests, state parks, and conservation
15 easements authorized by the state.

16 (3) HUNTING PROHIBITION.—The commission may not allow any
17 person issued a recreational hunting permit authorizing the
18 hunting of Florida black bears to kill a lactating Florida black
19 bear mothering cubs under 100 pounds pursuant to such permit.

20 (4) SAW PALMETTO BERRY HARVESTING.—Regardless of the value
21 of berries stolen, a person unlawfully harvesting saw palmetto
22 berries on state lands commits petit theft of the second degree,
23 punishable as provided in s. 812.014.

24 (5) DESIGNATION OF HABITATS—The commission shall designate
25 and update as necessary:

26 (a) Florida black bear habitats in which female bears are
27 likely to be denning during the month of February; and

28 (b) Sensitive habitats containing critical food sources for
29 Florida black bears.

30 Section 2. Paragraph (b) of subsection (3) of section
31 590.125, Florida Statutes, is amended to read:

32 590.125 Open burning authorized by the Florida Forest
33 Service.—

34 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
35 PURPOSE.—

36 (b) Certified prescribed burning pertains only to broadcast
37 burning for purposes of silviculture, wildland fire hazard
38 reduction, wildlife management, ecological maintenance and
39 restoration, and agriculture. It must be conducted in accordance



900786

40 with this subsection and:

41 1. May be accomplished only when a certified prescribed
42 burn manager is present on site with a copy of the prescription
43 and directly supervises the certified prescribed burn until the
44 burn is completed, after which the certified prescribed burn
45 manager is not required to be present.

46 2. Requires that a written prescription be prepared before
47 receiving authorization to burn from the Florida Forest Service.

48 a. A new prescription or authorization is not required for
49 smoldering that occurs within the authorized burn area unless
50 new ignitions are conducted by the certified prescribed burn
51 manager.

52 b. Monitoring the smoldering activity of a certified
53 prescribed burn does not require a prescription or an additional
54 authorization even if flames begin to spread within the
55 authorized burn area due to ongoing smoldering.

56 3. Requires that the specific consent of the landowner or
57 his or her designee be obtained before requesting an
58 authorization.

59 4. Requires that an authorization to burn be obtained from
60 the Florida Forest Service before igniting the burn.

61 5. Requires that there be adequate firebreaks at the burn
62 site and sufficient personnel and firefighting equipment to
63 contain the fire within the authorized burn area.

64 a. Fire spreading outside the authorized burn area on the
65 day of the certified prescribed burn ignition does not
66 constitute conclusive proof of inadequate firebreaks,
67 insufficient personnel, or a lack of firefighting equipment.

68 b. If the certified prescribed burn is contained within the



900786

69 authorized burn area during the authorized period, a strong
70 rebuttable presumption shall exist that adequate firebreaks,
71 sufficient personnel, and sufficient firefighting equipment were
72 present.

73 c. Continued smoldering of a certified prescribed burn
74 resulting in a subsequent wildfire does not by itself constitute
75 evidence of gross negligence under this section.

76 6. Is considered to be in the public interest and does not
77 constitute a public or private nuisance when conducted under
78 applicable state air pollution statutes and rules.

79 7. Is considered to be a property right of the property
80 owner if vegetative fuels are burned as required in this
81 subsection.

82 8. May not be conducted during the month of February in a
83 habitat designated by the Fish and Wildlife Conservation
84 Commission under s. 379.3018(5) (a) or at any time in habitats
85 designed by the commission under s. 379.3018(5) (b).

86 Section 3. This act shall take effect July 1, 2017.

87
88 ===== T I T L E A M E N D M E N T =====

89 And the title is amended as follows:

90 Delete everything before the enacting clause
91 and insert:

92 A bill to be entitled
93 An act relating to Florida black bears; creating s.
94 379.3018, F.S.; providing a short title; defining
95 terms; prohibiting the issuance of a permit to
96 authorizing the recreational hunting of lactating
97 Florida black bears; specifying a penalty for the



900786

98 unlawful harvesting of saw palmetto berries on state
99 lands; requiring the Fish and Wildlife Conservation
100 Commission to designate certain habitats; requiring
101 updating of such designations; amending s. 590.125,
102 F.S.; prohibiting prescribed burns in certain
103 designated habitats during specified times; providing
104 an effective date.