

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 Committee on Rules

BILL: SB 404

INTRODUCER: Senator Grimsley

SUBJECT: State Symbols

DATE: January 17, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Caldwell</u>	<u>GO</u>	Favorable
2.	<u>Brown</u>	<u>Phelps</u>	<u>RC</u>	Pre-meeting

I. Summary:

SB 404 removes from repeal the designation of the:

- Loggerhead Turtle as the official state saltwater reptile; and
- Florida Cracker Horse (Marshackie) as the official Florida state horse.

The bill additionally designates the Florida Cracker Cattle as the official Florida heritage cattle breed.

The bill takes effect upon becoming a law.

II. Present Situation:

Designation of Official State Emblems

Chapter 15, F.S., designates official state emblems, including designations for a state tree, fruit, beverage, citrus archive, anthem, song, shell, stone, gem, wildflower, play, animal, freshwater and saltwater fish, marine and state saltwater mammal, butterfly, tortoise, air fair, rodeo, festival, moving image center and archive, litter control symbol, pageant, opera program, renaissance festival, railroad and transportation museums, flagship, soil, fiddle contest, band, Sports Hall of Fame, pie, and honey.¹

The 2008 Legislature designated the:

- Loggerhead Turtle as the official state saltwater reptile²; and
- Florida Cracker Horse (Marshackie) as the official Florida state horse.³

¹ Ch. 15, F.S.

² Section 15.0526(1), F.S.

³ Section 15.0386(1), F.S.

Each of these designations is scheduled for repeal July 1, 2018, unless the Legislature reviews and reenacts the designations before that date.⁴

Loggerhead Turtle

The loggerhead turtle is the most common sea turtle in the state. Adults, weighing between 200 and 350 pounds, are known for their large head. The world's largest loggerhead nesting aggregation takes place in the Southeastern United States. Of coastal areas in the Southeast, Florida represents 90 percent of the nesting aggregations. The majority of these loggerhead turtles nest in just five Florida counties, which are Brevard, Indian River, St. Lucie, Martin, and Palm Beach counties.⁵

The Federal Endangered Species Act protects the loggerhead sea turtle as a Threatened species pursuant to the Federal Endangered Species Act and as a Federally-designated Threatened species under Florida's Endangered and Threatened Species Rule and Florida's Marine Turtle Protection Act.⁶

Fishing poses the main threat to the loggerhead sea turtle's survival. Accidental capture in fish and shrimping nets traps the loggerhead sea turtle and results in eventual drowning. Coastal development in areas of large concentrations of nesting aggregation also threatens survival.⁷

Florida Cracker Horse (Marshstackie) and Florida Cracker Cattle

The Florida Cracker Horse and the Florida Cracker Cattle are the state's first livestock. In 1521, Juan Ponce de Leon brought Andalusian cattle and horses with him on his second exploration of the New World. He arrived with the livestock in Fort Myers, Florida. Caloosa Indians forced his expedition back to their ship, and historians speculate that livestock, left behind, to be the first to roam wild in the state.⁸

Florida Cracker Cattle

As stated above, Florida Cracker Cattle descend from cattle first brought to Florida by Spanish explorers in the 1500's.⁹ In the late 1800's, Florida breeders began to import purebred beef and dairy breeds from Northern Europe. These cattle, crossbred with the cattle imported from Spain in the 1500's, produced the Florida Cracker Cattle.¹⁰ Florida Cracker Cattle flourished in Florida. Considered a hardy breed, capable of surviving Florida's harsh conditions, Florida Cracker

⁴ Ch. 2008.34, L.O.F.

⁵ Florida Fish and Wildlife Conservation Commission, *Loggerhead Nesting in Florida*, available at <http://myfwc.com/research/wildlife/sea-turtles/nesting/loggerhead/> (last visited on Nov. 2, 2017).

⁶ Florida Fish and Wildlife Conservation Commission, *Wildlife Habitats*, available at <http://myfwc.com/wildlifehabitats/imperiled/profiles/reptiles/loggerhead-sea-turtle/> (last visited on Nov. 2, 2017).

⁷ *Id.*

⁸ Stephen Monroe, Dept. of Agriculture and Consumer Services, *The Florida Department of Agriculture and Consumer Services Florida Cracker Cattle and Horse Program*, available at http://www.floridacrackercattle.org/documents/Dept_Cracker_Cattle_&_Horse_Program.pdf. (last visited on Nov. 1, 2017).

⁹ Livestock Conservancy, *Florida Cracker Cattle*, available at <https://livestockconservancy.org/index.php/heritage/internal/florida-cracker-cattle> (last visited on Oct. 31, 2017).

¹⁰ Monroe, *supra* note 8.

Cattle are known for their horns which go up rather than out, as is typical of other breeds. Researchers surmise that the design of their horns likely aided the cattle as they ran through Florida habitat of heavy scrub and low lying tree limbs, in contrast to other cattle.¹¹

However, from the 1930's on, importing and crossbreeding other varieties of cattle threatened to eliminate the Florida Cracker Cattle:

The importation of Brahman and Brahman crossbred bulls ... significantly changed the genetic makeup of herds where they were introduced. Crossing the hardy cattle of old Florida "Cracker" cows with other breeds, especially Brahman, became very popular. Pure Cracker Cattle were quietly, almost without notice, being bred out of existence.¹²

By the late 1960's, few pure Cracker Cattle remained. In the 1970's, Doyle Conner, Sr., state Commissioner of Agriculture, implored cattle ranchers to preserve Cracker cattle as a heritage breed and requested contributions to start a state-owned herd of the cattle.¹³ Family members of pioneer cattleman James Durrance responded by donating five heifers and a bull to the state Department of Agriculture and Consumer Services (department). Industry experts consider the Durrance Line to be the purest of the pure Cracker Cattle. From this donation, the department rebuilt the herd:

The cattle were kept at the Agricultural Complex in Tallahassee and as numbers increased, a herd was established at the Withlacoochee State Forest near Brooksville in 1979. Separate herds of Cracker cattle were also established by the Department of Natural Resources on the Lake Kissimmee State Park and the Paynes Prairie State Preserve during the 1970's. The Lake Kissimmee State Park herd was established from cattle of Durrance bloodlines and cattle obtained from the Hal Chaires family of Old Town. The Paynes Prairie herd was established with animals from the herd of Woody Tilton in addition to cattle transferred from Lake Kissimmee. Also ... a few small privately owned herds were being maintained.¹⁴

To this day, industry experts consider the Florida Cracker Cattle a prized breed. As such, the department continues to preserve and maintain the Durrance line of Cracker cattle. Additionally, the American Livestock Breeds Conservancy maintains a registry of approved Florida Cracker cattle as descendants of the original cattle.¹⁵

Florida Cracker Horse (Marshackie)

In addition to the original herd brought to the state in 1521, subsequent Spanish explorers brought Andalusian horses to use in navigating expeditions and settlements. These horses had

¹¹ Florida Cracker Cattle Association, *What are Cracker Cattle?*, available at <http://www.floridacrackercattle.org/what.shtml> (last visited on Nov. 1, 2017).

¹² Monroe, *supra* note 8.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Florida Cracker Cattle Association, *supra* note 11.

been selectively bred and were of hardy stock and capable of travel and survival in the state's rough physical conditions.¹⁶

As a relief response to the Great Depression, herders moved cattle from the Dust Bowl into Florida. The cattle arrived infested with the parasitic screwworm, which led to widespread changes in ranching practice. Before the arrival of these cattle, ranchers used Florida Cracker Horses to herd and drive their cattle. After their arrival and to restrict the spread of screwworm, ranchers implemented fencing and dipping of cattle, which required them to rope cattle and hold them for treatment. Florida Cracker Horses fell into disfavor over the larger, stronger Quarter Horse. Like the original Florida Cracker Cattle, these horses almost became extinct.¹⁷

Several ranching families in the state held onto their pure Cracker Horses, narrowly preserving their survival. Notably, John Law Ayers maintained a herd of pure old Cracker stock, along with several other family ranchers, such as the Bronsons, Boals, Partins, and Sassers. In 1984, the Ayers family donated a small herd of Cracker Horses to the department.

Along with Florida Cracker Cattle, the department maintains Florida Cracker Horses (the Ayers line) at the Agricultural Complex in Tallahassee and the Withlacoochee State Forest near Brooksville.¹⁸

Florida Cracker Horses, small in stature, are known for their versatility in riding and work:

The ground covering gaits found in these horses include the flatfoot walk, running walk, trot and ambling gaits. Cracker Horses are willing workers whose actions show spirit, amazing stamina and endurance. Crackers have been used for trail, pleasure, reining, team roping, team penning, pulling wagons and always as working cow horses.¹⁹

To this day, industry experts consider Florida Cracker Horses a prized heritage breed. Like Florida Cracker Cattle, Cracker Horses are registered subject to a rigid test of qualifications. The registry originally consisted of thirty-one Cracker Horses. To date, over 800 horses have been registered.²⁰

III. Effect of Proposed Changes:

SB 404 removes from repeal the designation of the:

- Loggerhead Turtle as the official state saltwater reptile; and
- Florida Cracker Horse (Marshackie) as the official Florida state horse.

¹⁶ Monroe, *supra* note 8.

¹⁷ Florida Cracker Horse Association, *History of the Cracker Horse*, available at <http://www.floridacrackerhorses.com/history.htm> (last visited on Nov. 2, 2017).

¹⁸ Monroe, *supra* note 8.

¹⁹ Florida Cracker Horse Association, *Breed Characteristics*, available at <http://www.floridacrackerhorses.com/breed.htm> (last visited on Nov. 2, 2017).

²⁰ Florida Cracker Horse Association, *About the Association*, available at <http://www.floridacrackerhorses.com/breed.htm> (last visited on Nov. 2, 2017).

The bill additionally designates the Florida Cracker Cattle as the official Florida heritage cattle breed.

The bill takes effect upon becoming a law.

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:

To the extent that this bill increases the value of the Florida Cracker Cattle and Florida Cracker Horse, based on their designation as official state heritage breeds, private owners of Cracker livestock may financially benefit.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 15.0386 and 15.0526.

This bill creates section 15.0527 of the Florida Statutes.

IX. Additional Information:

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

None.

B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
