

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 Commerce and Tourism

BILL: SB 1312

INTRODUCER: Senator Bradley

SUBJECT: Zoological and Aquarium Grant Program

DATE: March 23, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Reeve	McKay	CM	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

SB 1312 creates a grant program to support zoos and aquariums in Florida accredited by the Association of Zoos and Aquariums or the Alliance of Marine Mammal Parks and Aquariums, to be administered by the Department of Economic Opportunity. Grants may be used for capital expenditures, operational support, and educational, conservation, and research initiatives.

The bill takes effect July 1, 2021.

II. Present Situation:

Fish and Wildlife Conservation Commission

The Fish and Wildlife Conservation Commission (FWC) is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources. Under Art. IV, s. 9 of the State Constitution, the FWC is granted the authority to exercise the regulatory and executive powers of the state with respect to wild animal life, freshwater aquatic life, and marine life.

The FWC issues permits required by Florida law for the possession, exhibition, and sale of wildlife; commercial and private facilities, including zoos and alligator farms, must have permits

for many types of native and nonnative animals.¹ The FWC is also responsible for adopting caging and housing requirements for wildlife facilities.²

Zoo and Aquarium Accreditation

Several organizations accredit zoos and aquariums in Florida, namely the Association of Zoos and Aquariums, the Alliance of Marine Mammal Parks and Aquariums, the Zoological Association of America, and the World Association of Zoos and Aquariums. However, zoos and aquariums are not required to be accredited by any organization; unaccredited facilities are typically smaller, privately owned facilities.

Association of Zoos and Aquariums

The Association of Zoos and Aquariums (AZA), a 501(c)3 organization, is an independent accrediting organization that represents more than 240 zoos and aquariums worldwide. Facilities wishing to be accredited must meet certain standards for animal welfare, care, and management; the AZA's Accreditation Commission also evaluates a facility's veterinary program, involvement in conservation and research, education programs, safety policies, finances, governing authority, and support organizations. AZA-accredited zoos and aquariums must reapply for accreditation every 5 years.³

There are currently 20 AZA-accredited zoos and aquariums in Florida, including:⁴

- Brevard Zoo, Melbourne;
- Busch Gardens Tampa Bay, Tampa;
- Central Florida Zoo and Botanical Gardens, Sanford;
- Discovery Cove, Orlando;
- Disney's Animal Kingdom, Lake Buena Vista;
- Jacksonville Zoo and Gardens, Jacksonville;
- Lion Country Safari, Loxahatchee;
- Lubee Bat Conservancy, Gainesville;
- Mote Marine Laboratory and Aquarium, Sarasota;
- Naples Zoo, Naples;
- Palm Beach Zoo, West Palm Beach;
- Santa Fe College Teaching Zoo, Gainesville;
- Sea Life Orlando Aquarium, Orlando;
- SeaWorld, Orlando;
- St. Augustine Alligator Farm, St. Augustine;
- The Florida Aquarium, Tampa;
- The Seas, Lake Buena Vista;
- White Oak Conservation Center, Yulee;

¹ See s. 379.3761, F.S.

² Fish and Wildlife Conservation Commission, *Captive Wildlife*, available at <https://myfwc.com/license/captive-wildlife/> (last visited Mar. 23, 2021).

³ Association of Zoos and Aquariums, *Accreditation Basics*, available at <https://www.aza.org/becoming-accredited> (last visited Mar. 23, 2021).

⁴ Association of Zoos and Aquariums, *Currently Accredited Zoos and Aquariums*, available at <https://www.aza.org/current-accreditation-list?locale=en> (last visited Mar. 23, 2021).

- Zoo Miami, Miami; and
- ZooTampa at Lowry Park, Tampa.

The AZA estimates that Florida's AZA-accredited zoos and aquariums directly and indirectly contribute approximately \$1.5 billion to Florida's economy, in addition to supporting over 15,000 jobs.⁵

Alliance of Marine Mammal Parks and Aquariums

The Alliance of Marine Mammal Parks and Aquariums (AMMPA) is an international accrediting body for marine parks, aquariums, zoos, and research facilities dedicated to conservation. Members of the AMMPA must meet certain standards of animal health and wellness, applied animal behavior, training and enrichment, water and environmental quality, population sustainability, transportation, scientific research and conservation, and public education. AMMPA-accredited facilities must demonstrate their ability to meet these requirements every 5 years in order to retain accreditation.⁶

There are currently 11 AMMPA-accredited facilities in Florida, including:⁷

- Discovery Cove, Orlando;
- Disney's Animal Program at The Seas, Lake Buena Vista;
- Dolphin Connection, Duck Key;
- Dolphin Research Center, Inc., Grassy Key;
- Dolphins Plus Bayside, Key Largo;
- Gulf World Marine Park, Panama City Beach;
- Gulfarium Marine Adventure Park, Fort Walton Beach;
- Marineland Dolphin Adventure, St. Augustine;
- Miami Seaquarium, Miami;
- SeaWorld, Orlando; and
- Theater of the Sea, Islamorada.

III. Effect of Proposed Changes:

The bill creates s. 288.1259, F.S., a grant program to support zoos and aquariums in Florida accredited by the Association of Zoos and Aquariums or the Alliance of Marine Mammal Parks and Aquariums. Grants may be used for capital expenditures, operational support, and educational, conservation, and research initiatives.

The DEO is authorized to adopt rules establishing the grant program's application requirements, in addition to a timeline for submission of applications, a timeline for announcing awards, and

⁵ Association of Zoos and Aquariums, *Economic Impact of Spending for Operations and Construction in 2014 by AZA-Accredited Zoos and Aquariums*, available at https://assets.speakcdn.com/assets/2332/aza_economic_impact_report_2014.pdf (last visited Mar. 23, 2021).

⁶ Alliance of Marine Mammal Parks and Aquariums, *AMMPA Accreditation Standards and Guidelines*, available at <https://www.ammpa.org/sites/default/files/files/Resource%20Library/AMMPA-StandardsAndGuidelines-Feb2020.pdf> (last visited Mar. 23, 2021).

⁷ Alliance of Marine Mammal Parks and Aquariums, *Our Members*, available at <https://www.ammpa.org/about/our-members> (last visited Mar. 23, 2021).

any other procedures necessary to administer the grant program. The DEO has the final approval authority for the grant program.

The bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The state government of Florida is divided into the legislative, executive and judicial branches. Pursuant to Article II, s. 3 of the State Constitution, “[n]o person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.” Two fundamental prohibitions are contained in the separation of powers doctrine in Florida. The first is that no branch may encroach upon the powers of the other; the second is that no branch may delegate to another branch its constitutionally assigned power.⁸ Under the nondelegation doctrine, the Legislature “may not delegate the power to enact a law or the right to exercise unrestricted discretion in applying the law.”⁹ The Legislature must promulgate standards sufficient to guide administrative agencies in the performance of their duties.¹⁰

The bill specifies no standards the DEO must use in determining which applicants should receive grant funds, or how much funding each successful grant applicant should receive.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁸ *Chiles v. Children A, B, C, D, E & F*, 589 So.2d 260, 266 (Fla.1991).

⁹ *Sloban v. Florida Board of Pharmacy*, 982 So.2d 26, 29 (Fla. 1st DCA 2008) (citing *Sims v. State*, 754 So.2d 657, 668 (2000)).

¹⁰ *Florida Dep’t. of State, Div. of Elections v. Martin*, 916 So.2d 763 (Fla. 2005).

B. Private Sector Impact:

Grant recipients will incur benefits in the amount of their grant awards.

C. Government Sector Impact:

Indeterminate. The bill does not provide an appropriation for the grant program. The DEO may incur costs associated with administering the program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Similar legislation creating grant programs typically specifies that grants are subject to legislative appropriation.

VIII. Statutes Affected:

This bill creates section 288.1259 of the Florida Statutes.

IX. Additional Information:

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

CS by Commerce and Tourism on March 23, 2021:

The committee substitute provides that facilities accredited by the Alliance of Marine Mammal Parks and Aquariums are eligible for the grant program created by the bill.

B. Amendments:

None.