

By Senator Rodriguez

37-01306-20

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1                                   A bill to be entitled  
2       An act relating to the Florida Endangered and  
3       Threatened Species Act; amending s. 379.2291, F.S.;  
4       revising legislative intent; revising definitions;  
5       directing the Fish and Wildlife Conservation  
6       Commission to protect certain declassified species;  
7       prohibiting the commission and the Department of  
8       Environmental Protection from considering certain  
9       costs when designating a species as endangered or  
10      threatened; amending s. 581.185, F.S.; revising  
11      criteria for placement of species on the Regulated  
12      Plant Index by the Department of Agriculture and  
13      Consumer Services; directing the department, in  
14      consultation with the Endangered Plant Advisory  
15      Council, to protect certain declassified species;  
16      prohibiting the department from considering certain  
17      costs when designating a species as endangered or  
18      threatened; providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

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22       Section 1. Subsections (2), (3), and (4) of section  
23       379.2291, Florida Statutes, are amended to read:

24       379.2291 Endangered and Threatened Species Act.—

25       (2) DECLARATION OF POLICY.—The Legislature recognizes that  
26       the State of Florida harbors a wide diversity of fish and  
27       wildlife and that it is the policy of this state to conserve and  
28       wisely manage these resources, with particular attention to  
29       those species designated ~~defined~~ by the Fish and Wildlife

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30 Conservation Commission, the Department of Environmental  
31 Protection, or the United States Department of Interior, or  
32 successor agencies, as being endangered or threatened. As  
33 Florida has more endangered and threatened species than any  
34 other continental state, it is the intent of the Legislature to  
35 provide for research and management to conserve and protect  
36 these species as a natural resource.

37 (3) DEFINITIONS.—As used in this section:

38 (a) "Fish and wildlife" means any member of the animal  
39 kingdom, including, but not limited to, any mammal, fish, bird,  
40 amphibian, reptile, mollusk, crustacean, arthropod, or other  
41 invertebrate.

42 (b) "Endangered species" means any species of fish and  
43 wildlife naturally occurring in Florida, whose prospects of  
44 survival are in jeopardy due to modification or loss of habitat;  
45 overuse ~~overutilization~~ for commercial, sporting, scientific, or  
46 educational purposes; disease; predation; inadequacy of  
47 regulatory mechanisms; or other natural or manmade factors  
48 affecting its continued existence, including climate change.

49 (c) "Threatened species" means any species of fish and  
50 wildlife naturally occurring in Florida which may not be in  
51 immediate danger of extinction, but which exists in such small  
52 populations as to become endangered if it is subjected to  
53 increased stress as a result of further modification of its  
54 environment, including climate change.

55 (4) INTERAGENCY COORDINATION.—

56 (a) The commission shall be responsible for research and  
57 management of freshwater and upland species and for research and  
58 management of marine species.

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59 (b) Recognizing that citizen awareness is a key element in  
60 the success of this plan, the commission and the Department of  
61 Education are encouraged to work together to develop a public  
62 education program with emphasis on, but not limited to, both  
63 public and private schools.

64 (c) The commission, in consultation with the Department of  
65 Agriculture and Consumer Services, the Department of Economic  
66 Opportunity, or the Department of Transportation, may establish  
67 reduced speed zones along roads, streets, and highways to  
68 protect endangered and threatened species ~~or threatened species~~.

69 (d) Notwithstanding declassification under the federal  
70 Endangered Species Act of 1973, the commission shall continue to  
71 protect species that meet the definition of endangered or  
72 threatened under subsection (3), as determined by the  
73 commission.

74 (e) The commission and the Department of Environmental  
75 Protection may not consider the economic cost of protecting a  
76 species as a factor in designating the species as endangered or  
77 threatened.

78 Section 2. Subsection (5) of section 581.185, Florida  
79 Statutes, is amended to read:

80 581.185 Preservation of native flora of Florida.—

81 (5) REVIEW.—

82 (a) Beginning in 1984, and every 4 years thereafter, the  
83 department and the Endangered Plant Advisory Council shall  
84 conduct a comprehensive review of this section and of the  
85 Regulated Plant Index, as provided in rules of the department,  
86 ~~shall be made by the department and the Endangered Plant~~  
87 ~~Advisory Council at 4-year intervals.~~

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88 (b) The department shall consider any species of plant that  
89 should be placed on the Regulated Plant Index which is in danger  
90 of disappearing from its native habitat within the foreseeable  
91 future throughout all or a significant portion of the range of  
92 the species because of:

93 1. Present or threatened destruction, modification, or  
94 curtailment of the range of the species.

95 2. Overuse ~~Overutilization~~ of the species for commercial,  
96 scientific, or educational purposes.

97 3. Disease or predation.

98 4. Any other natural or manmade factor affecting the  
99 continued existence of the species, including climate change.

100 (c) In carrying out reviews and arriving at recommendations  
101 under paragraphs (a) and (b), the department and the advisory  
102 council shall use the best scientific and commercial data  
103 available and shall consult with interested persons and  
104 organizations.

105 (d) Notwithstanding declassification under the federal  
106 Endangered Species Act of 1973, the department shall continue to  
107 protect species that meet the definition of endangered or  
108 threatened under subsection (2), as determined by the department  
109 in consultation with the advisory council.

110 (e) The department may not consider the economic cost of  
111 protecting a species as a factor in designating the species as  
112 endangered or threatened.

113 Section 3. This act shall take effect July 1, 2020.