

By Senator Jones

35-00383-22

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1 A bill to be entitled
2 An act relating to endangered and threatened species;
3 amending s. 379.2291, F.S.; revising the legislative
4 intent of the Florida Endangered and Threatened
5 Species Act; revising definitions; directing the Fish
6 and Wildlife Conservation Commission to protect
7 certain endangered or threatened species, regardless
8 of the status of their federal classification;
9 prohibiting the commission from considering certain
10 costs when designating a species as endangered or
11 threatened; amending s. 581.185, F.S.; revising
12 criteria for placement of species on the Regulated
13 Plant Index by the Department of Agriculture and
14 Consumer Services; directing the department, in
15 consultation with the Endangered Plant Advisory
16 Council, to protect certain endangered or threatened
17 species, regardless of the status of their federal
18 classification; prohibiting the department from
19 considering certain costs when designating a species
20 as endangered or threatened; reenacting ss. 379.1026
21 and 379.4115(1), F.S., relating to site-specific
22 location information for endangered and threatened
23 species and prohibitions relating to the Florida
24 panther, respectively, to incorporate the amendment
25 made to s. 379.2291, F.S., in references thereto;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Subsections (2), (3), and (4) of section
31 379.2291, Florida Statutes, are amended to read:

32 379.2291 Endangered and Threatened Species Act.—

33 (2) DECLARATION OF POLICY.—The Legislature recognizes that
34 the State of Florida harbors a wide diversity of fish and
35 wildlife and that it is the policy of this state to conserve and
36 wisely manage these resources, with particular attention to
37 those species designated ~~defined~~ by the Fish and Wildlife
38 Conservation Commission, the Department of Environmental
39 Protection, or the United States Department of Interior, or
40 successor agencies, as being endangered or threatened. As
41 Florida has more endangered and threatened species than any
42 other continental state, it is the intent of the Legislature to
43 provide for research and management to conserve and protect
44 these species as a natural resource.

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

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

50 (b) "Endangered species" means any species of fish and
51 wildlife naturally occurring in Florida, whose prospects of
52 survival are in jeopardy due to modification or loss of habitat;
53 overuse ~~overutilization~~ for commercial, sporting, scientific, or
54 educational purposes; disease; predation; inadequacy of
55 regulatory mechanisms; or other natural or manmade factors
56 affecting its continued existence, including climate change.

57 (c) "Threatened species" means any species of fish and
58 wildlife naturally occurring in Florida which may not be in

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59 immediate danger of extinction, but which exists in such small
60 populations as to become endangered if it is subjected to
61 increased stress as a result of further modification of its
62 environment, including climate change.

63 (4) INTERAGENCY COORDINATION.—

64 (a) The commission shall be responsible for research and
65 management of freshwater and upland species and for research and
66 management of marine species.

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

72 (c) The commission, in consultation with the Department of
73 Agriculture and Consumer Services, the Department of Economic
74 Opportunity, or the Department of Transportation, may establish
75 reduced speed zones along roads, streets, and highways to
76 protect endangered species or threatened species.

77 (d) Notwithstanding declassification under the federal
78 Endangered Species Act of 1973, the commission shall continue to
79 protect species that meet the definition of endangered or
80 threatened under subsection (3), as determined by the
81 commission.

82 (e) The commission may not consider the economic cost of
83 protecting a species as a factor in designating the species as
84 endangered or threatened.

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

87 581.185 Preservation of native flora of Florida.—

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88 (5) REVIEW.—

89 (a) Beginning in 1984, and every 4 years thereafter, the
90 department and the Endangered Plant Advisory Council shall
91 conduct a comprehensive review of this section and of the
92 Regulated Plant Index, as provided in rules of the department,
93 ~~shall be made by the department and the Endangered Plant~~
94 ~~Advisory Council at 4-year intervals.~~

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

100 1. Present or threatened destruction, modification, or
101 curtailment of the range of the species.

102 2. Overuse ~~Overutilization~~ of the species for commercial,
103 scientific, or educational purposes.

104 3. Disease or predation.

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

107 (c) In carrying out reviews and arriving at recommendations
108 under paragraphs (a) and (b), the department and the advisory
109 council shall use the best scientific and commercial data
110 available and shall consult with interested persons and
111 organizations.

112 (d) Notwithstanding declassification under the federal
113 Endangered Species Act of 1973, the department shall continue to
114 protect species that meet the definition of endangered or
115 threatened under subsection (2), as determined by the department
116 in consultation with the advisory council.

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117 (e) The department may not consider the economic cost of
118 protecting a species as a factor in designating the species as
119 endangered or threatened.

120 Section 3. For the purpose of incorporating the amendment
121 made by this act to section 379.2291, Florida Statutes, in a
122 reference thereto, section 379.1026, Florida Statutes, is
123 reenacted to read:

124 379.1026 Site-specific location information for endangered
125 and threatened species; public records exemption.—The site-
126 specific location information held by an agency as defined in s.
127 119.011 concerning an endangered species as defined in s.
128 379.2291(3)(b), a threatened species as defined in s.
129 379.2291(3)(c), or a species listed by a federal agency as
130 endangered or threatened, is exempt from s. 119.07(1) and s.
131 24(a), Art. I of the State Constitution. This exemption does not
132 apply to the site-specific location information of animals held
133 in captivity. This section is subject to the Open Government
134 Sunset Review Act in accordance with s. 119.15 and shall stand
135 repealed on October 2, 2025, unless reviewed and saved from
136 repeal by the Legislature.

137 Section 4. For the purpose of incorporating the amendment
138 made by this act to section 379.2291, Florida Statutes, in a
139 reference thereto, subsection (1) of section 379.4115, Florida
140 Statutes, is reenacted to read:

141 379.4115 Florida or wild panther; killing prohibited;
142 penalty.—

143 (1) It is unlawful for a person to kill a member of the
144 Florida "endangered species," as defined in s. 379.2291(3),
145 known as the Florida panther (*Felis concolor coryi*).

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Section 5. This act shall take effect July 1, 2022.