

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 Environment and Natural Resources

BILL: SJR 1234

INTRODUCER: Senator Brodeur

SUBJECT: Hunting and Fishing

DATE: March 24, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	Pre-meeting
2.			JU	
3.			RC	

I. Summary:

SJR 1234 proposes an amendment to the Florida Constitution to preserve hunting and fishing in perpetuity as a public right. If adopted by the Legislature, the proposed amendment will be submitted to Florida’s electors for approval or rejection at the next general election in November 2024 or at an earlier special election.

II. Present Situation:

The Right to Hunt and Fish in Florida

Citizens of Florida have the statutory right to hunt, fish, and take game subject to the regulations and restrictions prescribed by law and by the State Constitution.¹ The Legislature recognizes that hunting, fishing, and the taking of game are a valued part of the cultural heritage of Florida and should be forever preserved for Floridians. The Legislature also recognizes that these activities play an important role in the state’s economy and in the conservation, preservation, and management of the state’s natural areas and resources.² Additionally, it can be a criminal infraction to intentionally harass hunters, trappers, or fishers.³

The Florida Fish and Wildlife Conservation Commission (FWC) is responsible for regulating, managing, protecting, and conserving the state’s fish and wildlife resources.⁴ FWC is governed by a board of seven members who are appointed by the Governor and confirmed by the Florida Senate.⁵ Under Article IV, Section 9 of the Florida Constitution, FWC has the authority to exercise the regulatory and executive powers of the state with respect to wild animal life, fresh

¹ Section 379.104, F.S.

² *Id.*

³ Section 379.105, F.S.

⁴ FLA. CONST. art. IV, s. 9.

⁵ *Id.*; see also s. 379.102(1), F.S.

water aquatic life, and marine life. All license fees for taking wild animal life, fresh water aquatic life, and marine life and penalties for violating FWC regulations are found in statute.⁶ The Legislature may enact laws to aid FWC, except for special laws or general laws of local application pertaining to hunting or fishing.⁷

In Other States

Twenty-three states have passed constitutional amendments giving their citizens the right to hunt, fish, or both.⁸ States that preserve the right to both hunt and fish are Alabama, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Minnesota, Montana, Nebraska, North Carolina, North Dakota, Oklahoma, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin, and Wyoming. Both California and Rhode Island have amended their state constitutions to guarantee the right to fish, but not to hunt, and New Hampshire statutorily recognizes the right to hunt and fish.⁹

III. Effect of Proposed Changes:

The joint resolution proposes the creation of Article I, s. 28 of the Florida Constitution to preserve hunting and fishing in perpetuity as a public right. The section does not limit the authority granted to the Florida Fish and Wildlife Conservation Commission under Article IV, s. 9 and does not limit or restrict any law relating to trespass, property rights, or eminent domain.

If adopted by the Legislature, the proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election in November 2024 or at an earlier special election specifically authorized by law for that purpose.

The joint resolution also provides the ballot statement, which will appear on the November 2024 ballot if adopted by the Legislature, as follows:

RIGHT TO HUNT, FISH, AND HARVEST WILDLIFE.—Proposing an amendment to the State Constitution to preserve in perpetuity hunting and fishing as a public right. Specifies that the amendment does not limit the authority granted to the Fish and Wildlife Conservation Commission under Section 9 of Article IV of the State Constitution and does not limit or restrict any law relating to trespass, property rights, or eminent domain.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁶ FLA. CONST. art. IV, s. 9.

⁷ *Id.*

⁸ National Conference of State Legislatures, *State Constitutional Right to Hunt and Fish*, <https://www.ncsl.org/environment-and-natural-resources/state-constitutional-right-to-hunt-and-fish> (last visited Mar. 22, 2023); N.C. CONST. art. I, s. 38; UTAH CONST. art. I, s. 30.

⁹ *Id.*

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Article XI, s. 1 of the Florida Constitution authorizes the Legislature to propose amendments to the Florida Constitution by joint resolution approved by a three-fifths vote of the membership of each house. Article XI, s. 5(a) of the Florida Constitution requires the amendment be placed before the electorate at the next general election¹⁰ held more than 90 days after the proposal has been filed with the Secretary of State or at a special election held for that purpose. Constitutional amendments submitted to the electors must be printed in clear and unambiguous language on the ballot.¹¹

Article XI, s. 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published once in the 10th week and again in the 6th week immediately preceding the week the election is held.

Article XI, s. 5(e) of the Florida Constitution requires approval by 60 percent of voters for a constitutional amendment to take effect. The amendment, if approved, becomes effective on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

¹⁰ Section 97.021(16), F.S., defines “general election” as an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

¹¹ Section 101.161(1), F.S.

C. Government Sector Impact:

Article XI, Section 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published in the 10th week and again in the 6th week immediately preceding the week the election is held.

The Division of Elections (division) within the Department of State pays for publication costs to advertise all constitutional amendments in both English and Spanish,¹² typically paid from non-recurring General Revenue funds.¹³ Accurate cost estimates for the next constitutional amendment advertising cannot be determined until the total number of amendments to be advertised is known and updated quotes are obtained from newspapers.

There is an unknown additional cost for the printing and distributing of the constitutional amendments, in poster or booklet form, in English and Spanish, for each of the 67 Supervisors of Elections to post or make available at each polling room or each voting site, as required by s. 101.171, F.S. Historically, the division has printed and distributed booklets that include the ballot title, ballot summary, text of the constitutional amendment, and, if applicable, the financial impact statement. Beginning in 2020, the summary of such financial information statements was also included as part of the booklets.¹⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This resolution creates a new section in Article I of the Florida Constitution.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

¹² Pursuant to *Section 203 of the Voting Rights Act (52 U.S.C.A. § 10503)*.

¹³ *See Ch. 2020-111, Specific Appropriation 3132, Laws of Fla.*

¹⁴ *Section 100.371(13)(e)4., F.S. See also Chapter 2019-64, s. 3, Laws of Fla.*

B. Amendments:

None.

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