

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 7001](#) [PCB GOS 25-02](#)

**TITLE:** OGSR/Site-specific Location Information for Endangered and Threatened Species

**SPONSOR(S):** Government Operations Subcommittee and Basabe

**COMPANION BILL:** [SB 7000](#)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Orig. Comm.: Government Operations](#)  
17 Y, 0 N



[Natural Resources & Disasters](#)  
16 Y, 0 N



[State Affairs](#)  
21 Y, 0 N

## SUMMARY

### Effect of the Bill:

The bill saves from repeal the public record exemption for site-specific location information concerning endangered or threatened species. The public record exemption will repeal on October 2, 2025, if the bill does not become law.

### Fiscal or Economic Impact:

None.

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## ANALYSIS

### EFFECT OF THE BILL:

The bill removes the scheduled repeal, created pursuant to the [Open Government Sunset Review Act](#), of the public record exemption for site-specific location information concerning federally designated [endangered or threatened species](#) or state-designated threatened species held by an agency. The public record exemption will repeal on October 2, 2025, if the bill does not become a law. (Section [1](#))

The effective date of the bill is October 1, 2025. (Section [2](#))

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Open Government Sunset Review Act](#)

The Open Government Sunset Review Act (OGSR Act)<sup>1</sup> sets forth a legislative review process for newly created or substantially amended public record or public meeting exemptions. It requires an automatic repeal of the exemption on October 2<sup>nd</sup> of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>2</sup>

The OGSR Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.

<sup>1</sup> S. [119.15.F.S.](#)

<sup>2</sup> S. [119.15\(3\).F.S.](#)

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**DATE:** 4/8/2025

- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protect trade or business secrets.<sup>3</sup>

If, and only if, in reenacting an exemption that will repeal, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required. If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created, then a public necessity statement and a two-thirds vote are not required.<sup>4</sup>

### **Endangered or Threatened Species**

The Fish and Wildlife Conservation Commission (FWC) exercises the regulatory and executive powers of the state with respect to wild animal life, freshwater aquatic life, and marine life.<sup>5</sup> Under the Endangered and Threatened Species Act, FWC is responsible for research and management of freshwater and upland species and for research and management of marine species.<sup>6</sup>

An endangered species is any species of fish and wildlife<sup>7</sup> naturally occurring in Florida, whose prospects of survival are in jeopardy due to:

- Modification or loss of habitat;
- Overutilization for commercial, sporting, scientific, or educational purposes;
- Disease;
- Predation;
- Inadequacy of regulatory mechanisms; or
- Other natural or manmade factors affecting its continued existence.<sup>8</sup>

A threatened species is any species of fish and wildlife naturally occurring in Florida that may not be in immediate danger of extinction, but which exists in such small populations as to become endangered if it is subjected to increased stress as a result of further modification of its environment.<sup>9</sup>

At the federal level, the U.S. Fish and Wildlife Service (USFWS) jointly administers the Endangered Species Act<sup>10</sup> with the National Marine Fisheries Service (NMFS).<sup>11</sup> USFWS is primarily responsible for determining whether to list wildlife and plants as endangered or threatened species,<sup>12</sup> whereas NMFS is primarily responsible for determining whether to list most marine species as endangered or threatened.<sup>13</sup>

At the state level, FWC works in partnership with the federal government to conserve endangered and threatened species. FWC may designate species as threatened.<sup>14</sup> The agency also provides, through agency rule, a list of federally-designated endangered and threatened species.<sup>15</sup> Florida law provides that it is a third-degree felony<sup>16</sup> to intentionally kill or wound any endangered or threatened species or to destroy the eggs or nest of such species.<sup>17</sup>

<sup>3</sup> S. [119.15\(6\)\(b\), F.S.](#)

<sup>4</sup> [Art. I, s. 24\(c\), FLA. CONST.](#)

<sup>5</sup> [Art. IV, s. 9, FLA. CONST.](#)

<sup>6</sup> S. [379.2291\(4\)\(a\), F.S.](#)

<sup>7</sup> Section [379.2291, F.S.](#), defines the term "fish and wildlife" as any member of the animal kingdom, including, but not limited to, any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate.

<sup>8</sup> S. [379.2291\(3\)\(b\), F.S.](#)

<sup>9</sup> S. [379.2291\(3\)\(c\), F.S.](#)

<sup>10</sup> 16 U.S.C § 1531-1544.

<sup>11</sup> U.S. Fish & Wildlife Service, [Listing and Classification](#) (last visited Feb. 10, 2025).

<sup>12</sup> 50 C.F.R. 17 (wildlife and plants); 50 C.F.R. 23 (plants); 50 C.F.R. 223 and 224 (marine and anadromous).

<sup>13</sup> 16 U.S.C § 1533.

<sup>14</sup> R. 68A-27.001, F.A.C.

<sup>15</sup> Rr. 68A-27.003 and 68A-27.0031, F.A.C.; see also FWC, [Wildlife Conservation](#) (last visited Feb. 10, 2025).

<sup>16</sup> S. [379.401\(4\), F.S.](#)

<sup>17</sup> S. [379.411, F.S.](#)

FWC works with a broad pool of public and private partners to research and refine the evaluation and management of endangered and threatened species as well as to address concerns brought forward by the public. The current management system consists of measurable listing criteria; biological status reviews; and species action and management plans. The research or data acquired by FWC may contain site-specific information of endangered or threatened species. For example, biological status reviews contain information that looks at population size and trends, distribution and range, threats to the species and more. Additionally, species action plans contain research and monitoring information for endangered and threatened species.<sup>18</sup>

**Public Record Exemption under Review**

In 2020, the Legislature created a public record exemption for site-specific location information concerning federally-designated endangered or threatened species or a state-designated threatened species held by an agency. The exemption does not apply to animals held in captivity.<sup>19</sup>

The 2020 public necessity statement<sup>20</sup> provided that “the release of [site-specific] location information would jeopardize the continued existence of endangered or threatened species by increasing the risk of exposure to wildlife poachers or by threatening the integrity of the site due to increased use or traffic.”<sup>21</sup> In addition, the exemption “protects private property owners from potential trespass and related liability issues when endangered or threatened species are found on their properties and encourages such property owners, as well as researchers, to provide agencies with information they might not otherwise provide if such location information were made public.”<sup>22</sup>

Pursuant to the OGSR Act, the exemption will repeal on October 2, 2025, unless saved from repeal by the Legislature.<sup>23</sup>

During the 2024 interim, House and Senate committee staff met jointly with staff from FWC to discuss the public record exemption under review. FWC staff indicated they had no issue interpreting or applying the exemption and were unaware of any litigation concerning the exemption. FWC staff recommended that the exemption be reenacted.

BILL HISTORY				
COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Orig. Comm.: Government Operations Subcommittee</a>	17 Y, 0 N	2/18/2025	Toliver	Walker
<a href="#">Natural Resources &amp; Disasters Subcommittee</a>	16 Y, 0 N	4/1/2025	Moore	Gawin
<a href="#">State Affairs Committee</a>	21 Y, 0 N	4/8/2025	Williamson	Walker

<sup>18</sup> FWC, [Florida’s Imperiled Species Management Plan, 2016-2026](#), (last visited Feb. 10, 2025).  
<sup>19</sup> S. 379.1026, F.S.  
<sup>20</sup> [Article I, s. 24\(c\), FLA. CONST.](#), requires each public record exemption to “state with specificity the public necessity justifying the exemption.”  
<sup>21</sup> [Ch. 2020-129, L.O.F.](#)  
<sup>22</sup> *Id.*  
<sup>23</sup> S. 379.1026, F.S.