

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:

29 |

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  
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.—

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  
 96 | that should be placed on the Regulated Plant Index which is in  
 97 | danger of disappearing from its native habitat within the  
 98 | foreseeable future throughout all or a significant portion of  
 99 | the range of 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  
108 recommendations under paragraphs (a) and (b), the department and  
109 the advisory council shall use the best scientific and  
110 commercial data available and shall consult with interested  
111 persons and 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.

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*).

146 Section 5. This act shall take effect July 1, 2023.