

# CONSTITUTIONAL AMENDMENT FULL TEXT

**Ballot Title:** FLORIDA ICONIC SPECIES PROTECTION

**Ballot Summary:** Enhances protection for the Florida Black Bear, Florida Panther, Manatee, Key Deer, Florida Scrub Jay, Bald Eagle, Red-cockaded Woodpecker, Bottlenose Dolphin, Right Whale, and Marine Turtles iconic to Florida by banning recreational and commercial hunting of those species, providing a private right of action and standing for Florida citizens to preserve Florida's Iconic Species and their habitat, protecting the biodiversity of the State, and conserving the State's symbolic, natural, and cultural heritage.

**Article and Section Being Created or Amended:** ARTICLE I, SECTION 29

## Full Text of the Proposed Amendment:

(a) It is important in Florida to preserve wild, native species that are environmentally unique and symbolic of the State by limiting the commercial and recreational hunting of those species. To preserve and protect these iconic species, the people of Florida hereby enhance the protection afforded to those species as provided herein. In doing so, the people of Florida supersede some authority provided to the Florida Fish and Wildlife Conservation Commission in Article IV, section 9 of the Florida Constitution, and add to Article X of the Florida Constitution a provision which specifically grants enhanced protections to specific species in Florida.

(b) The protection of biodiversity in Florida is a public necessity. All citizens must ensure the health and survival of these species by implementing enhanced protections to avoid harm to Florida Iconic Species, to protect their habitat and the biodiversity of the State, and to conserve the State's symbolic, natural, and cultural heritage.

(c) Florida Iconic Species possess the legal right to exist, thrive, and evolve.

(d) Commercial or recreational hunting of any Florida Iconic Species is prohibited.

(1) Upon passage of this amendment, any person previously authorized to hunt for commercial or recreational purposes any Florida Iconic Species is strictly prohibited from doing so within the State.

(e) To avoid conflict with the executive and administrative authority granted to the FWCC by the Florida Constitution, this amendment shall remove the FWCC's power to permit commercial or recreational hunting of any Florida Iconic Species.

(f) For purposes of this Amendment, "Florida Iconic Species" are the following species:

(1) Florida Black Bear (*Ursus americanus floridanus*)

(2) Florida Panther (*Puma concolor coryi*)

(3) Manatee (*Trichechus manatus latirostris*)

(4) Key Deer (*Odocoileus virginianus clavium*)

(5) Florida Scrub Jay (*Aphelocoma coerulescens*)

(6) Bald Eagle (*Haliaeetus leucocephalus*)

(7) Bottlenose Dolphin (*Tursiops truncatus*)

(8) North Atlantic Right Whale (*Eubalaena glacialis*)

(9) Red Cockaded Woodpecker (*Dryobates borealis*)

(10) Five species of marine turtles:

a. Loggerhead Turtle (*Caretta caretta*)

b. Green Turtle (*Chelonia mydas*)

c. Leatherback Turtle (*Dermochelys coriacea*)

## Initiative Information

**Date Approved** 5/20/2021

**Serial Number** 21-06

**Sponsor Name:** FL5.org

**Sponsor Address:** 555 Winderley Place, Suite 300 Maitland, FL 32751

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d. Kemp's Ridley Turtle (*Lepidochelys kempi*)

e. Hawksbill Turtle (*Eretmochelys imbricata*)

(g) A species, subspecies, and any distinct population segment of a species may become a Florida Iconic Species by request of any citizen of the State upon notice to the FWCC; by submitting a petition to the FWCC and meeting the following qualifications:

(1) Native to Florida or Florida coastal waters; or

(2) Species identified as "threatened" or "endangered" under the federal Endangered Species Act or the Florida Endangered, Threatened, or of Special Concern Statute 379.41; or

(3) Symbolic of the state.

(h) A person who violates this section shall be guilty of a felony of the third degree; punishable as provided by Florida Statutes, unless and until the legislature enacts more stringent penalties for violations hereof. Each intentional killing or debilitation of an individual animal listed as a Florida Iconic Species shall constitute a separate offense.

(i) To enforce the rights and protections established herein, Florida citizens may by private right of action enforce these rights and protections against persons, governmental agencies, non-natural persons, or corporate entities that intentionally or negligently harm a Florida Iconic Species. Any Florida citizen shall have standing to bring an action in their own name or in the name of the affected Florida Iconic Species as the real party in interest to enforce these rights and protections. Such action shall be filed in the circuit court in which the violation occurred.

(j) If any portion of this section is held invalid for any reason, the remaining portion of this section, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force and application.

(k) This section shall take effect immediately upon the passage of this amendment by the voters.

(l) For the purpose of this section:

(1) "Preserve" means to keep alive, healthy or in existence.

(2) "Protect" means to shield from exposure, harassment, injury, or death.

(3) "Enhance" or "enhanced" means to intensify, increase, or improve the extent of.

(4) "Hunt" or "hunting" means the killing, trapping, pursuing, or capturing with the intent to harm or kill an animal.

(5) "Commercial Hunting" means the act of hunting to acquire animal products for sale or trade.

(6) "Recreational Hunting" means the act of hunting for enjoyment, entertainment, sport, or subsistence.

(7) "Exist" means to have life or the functions of vitality.

(8) "Thrive" means to grow or develop vigorously, and to maintain a healthy, robust population, which requires access to species-appropriate, healthy, resilient natural ecosystems.

(9) "Evolve" means to naturally change in the proportions of biological types in a population over time, which requires species to have the ability to travel among subpopulations to breed to ensure genetic diversity.

(10) "Avoid" means to prevent or refrain from.

(11) "Procreate" means to produce viable, fertile offspring.

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