

June 6, 2024

Subject: Concerns Regarding CS/HB 87, on the Taking of Bears

Dear Governor DeSantis,

I hope this letter finds you well.

I write to you, on behalf of the Bergeron Everglades Foundation, with one simple request in regards to CS/HB 87: kill the bill, not the bears.

CS/HB 87 purports to be a self-defense bill that would allow those with a reasonable belief that a bear is going to imminently harm them, other people, pets, or dwellings to use lethal force to kill or dispatch the bear. But contrary to this seemingly reasonable purpose, this bill is unnecessary, misleading, and above all, actually dangerous to both humans and bears. The Bergeron Everglades Foundation therefore urges you to veto this bill and to instead direct resources and funding to other, scientifically-validated ways to manage human/wildlife conflict.

First, this bill is practically unnecessary. The risk of deadly human/bear conflicts in Florida is already extraordinarily low. According to the Florida Fish and Wildlife Conservation Commission, the state agency charged with managing fish and wildlife resources for the state, there have been only 39 documented instances of physical contact, such as minor scratches or other minor injuries, between humans and black bears since 2006.¹ In a state of 22 million people over 4000 black bears, this represents an exceedingly low risk—even lower than getting struck by lightning in Florida.² Black bears generally are peaceful, shy animals, and as long as people respect the fact that bears are wild animals and do not antagonize them, there is little risk of a harmful human/bear interaction.

Moreover, this bill is legally unnecessary. In Florida, if one is put in a situation where one reasonably believes that his or her action is necessary to avoid an imminent threat of death or serious bodily injury to himself or herself or others, then one already could claim what is known as the “Common Law Defense of Necessity” to defend themselves. In other words, what this bill claims to do was already a viable defense for someone

¹ <https://myfwc.com/wildlifehabitats/wildlife/bear/living/encounter/>

² From 2007 to 2017, at least 286 people were injured due to lightning strikes.

<https://www.naplesnews.com/story/news/environment/2017/06/24/lightning-killed-52-florida-injured-hundreds-more-over-last-decade/408755001/>.

who was accused of wrongfully killing a bear under Florida Law, making it legally duplicative at best.

Second, this bill is also misleading. Because this bill is already practically and legally unnecessary, signing CS/HB 87 into law risk creating the perception amongst Floridians that it is now more acceptable to shoot a protected species than it was before or that it is legal to kill bears. Previously, if someone was truly in imminent danger and reasonably feared for their life because of a black bear, they likely would have taken whatever steps necessary to protect themselves, only to find out that whatever they did was legally permissible due to the Common Law Defense of Necessity. Now, however, there is a risk that people will be misled into believing that, due to CS/HB 87, they have a right to shoot bears in Florida. While this is not the case, the Bergeron Everglades Foundation does not wish to see any bears wrongfully killed due to misperceptions created by a wholly unnecessary law.

Finally, the Bergeron Everglades Foundation believes that this bill poses a fundamental danger to both people and bears. By focusing on creating a right to self-defense against bears instead of educating people about how to safely interact with bears, people may be more likely to both fear bears and to neglect to take actions that could reduce or avoid human/bear conflicts altogether. Additionally, in the potential situation where someone tries to shoot a bear under CS/HB 87 but fails to actually kill that bear, that person has potentially only created an angry, very scared black bear, increasing the risk of injury for anyone in the vicinity. Any outdoorsman can tell you that oftentimes the most dangerous animal is an injured one.

As Gladesmen and Gladeswomen who believe it is our responsibility to be stewards of the Everglades and all of Florida's wild and wonderful places, the Bergeron Everglades Foundation is concerned that this bill, if signed into law, will cause more harm than good.

Florida law already serves to protect those who find themselves in the rare and tragic circumstance where they must defend themselves or a loved one from a wildlife encounter gone wrong. By signing this bill and allowing it to pass into law, Florida is sending the message that we should expect such rare circumstances to occur and promotes the idea that we should fear wildlife, instead of finding ways to respect and coexist with wildlife and to peacefully steward the land.

Sincerely,



Lonnie Bergeron
Secretary, Bergeron Everglades Foundation

