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High Impact Practices Student Showcase
Spring 2024

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House Bill 87: The Taking of Bears Act

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Recommended Citation

Stillman, Sydney M.; Hafez, Hala; Brown, Emelina; Stricklin, Sara; and Chaparro-Gonzalez, Adriana, "House Bill 87: The Taking of Bears Act" (2024). *High Impact Practices Student Showcase Spring 2024*. 30.
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HB 87

The Taking of Bears Act

Written by: Emelina Brown, Adriana Chaparro-Gonzalez, Hala Hafez, Sydney Stillman, and Sara Stricklin

The "Self-Defense Act"

"Taking of bears; use of lethal force in defense of person or certain property.—

- 1) A person is not subject to any administrative, civil, or criminal penalty for taking a bear with lethal force if:
 - (a) The person reasonably believed that his or her action was necessary to avoid an imminent threat of death or serious bodily injury to himself or herself or to another, an imminent threat of death or serious bodily injury to a pet, or substantial damage to a dwelling as defined in s. 776.013(5);
 - (b) The person did not lure the bear with food or attractants for an illegal purpose, including, but not limited to, training dogs to hunt bears;
 - (c) The person did not intentionally or recklessly place himself or herself or a pet in a situation in which he or she would be likely to need to use lethal force as described in paragraph (a); and
 - (d) The person notified the commission within 24 hours after he or she used lethal force to take the bear.
- (2) A bear taken under this section must be disposed of by the commission. A person who takes a bear under this section may not possess, sell, or dispose of the bear or its parts.
- (3) The commission shall adopt rules to implement this section.

This act shall take effect July 1, 2024." - House Bill 87, Florida Senate

Simply put, this bill proposes the legal taking of bears on private property, if a person feels the presence of the bear is threatening their safety.



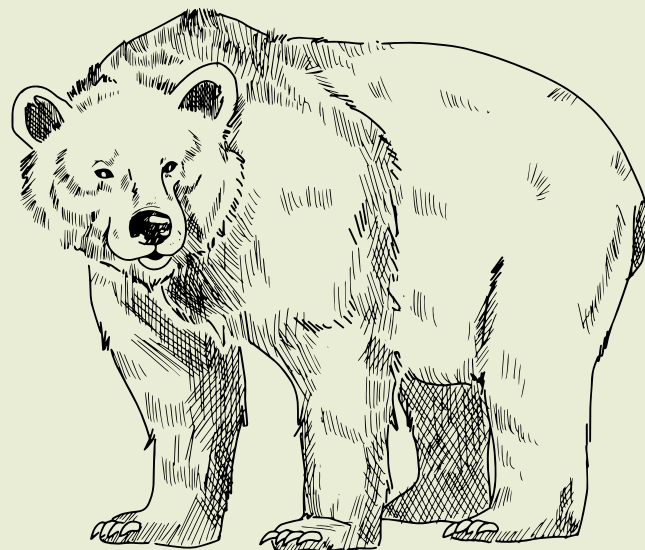
Thought Provoking Points



- Have you heard any information or news about the Florida Black Bear?
- Have you ever had, or know someone who know had an encounter with a bear in Florida?

context

This bill was proposed because there has been an increase of bear-human interactions, with the FWC receiving over 5,000 calls in 2022 alone. In 1970, Florida Black Bear Range had decreased to 18% of their historic range. Today, they are up to 49% (Florida Fish and Wildlife Conservation Commission). They have been reported to roam streets, enter homes, steal food, and sleep on private property. With the increase in bear population and interactions, law enforcement are receiving more and more calls about the bears and it is distracting them from bigger issues. Allowing individuals to shoot bears that are on their property would take away that issue. However, this bill is opposed because the Florida Black Bear is a generally shy animal and they avoid confrontation around 90% of the time, according to the Florida Fish and Wildlife Conservation Commission. Most interactions with these bears are reports of them entering trash. Since 1976 the FWC has been tracking human and black bear incidents that have caused injury and there have only been 14 reports, with none of them being fatal. When bears react in aggression, it is almost always to protect themselves, their cubs, or their food. There have been very few actual human-bear conflicts, and even less that resulted in injury.





positions

The discourse surrounding the proposed bill has ignited a spectrum of opinions, with notable voices from both the public and scholarly domains contributing to the dialogue. At the forefront of this debate are three distinct positions, each advocating for a divergent course of legislative action. It's important to note that each of these positions would take a different route in terms of legislation, and the time constraints could further complicate this debate.

The first position advocates for the passing of this bill as is. This stance argues that the current form of this bill is a safeguard of the rights that the constitution had granted the people of the US such as self defense and the rights to use firearms. This side emphasizes the dangers that the human- bear interactions can pose, such as serious injury or death. Florida has a significant bear population, and the risk of encountering bears is growing as the population grows and their habitats fall. To eliminate that risk, this bill has to pass and allow individuals the right to defend themselves against wildlife related hazards.

Conversely, the second position overwhelmingly opposes the passing of the bill. Many critics argued the bill's ability to act as a loophole for those who are looking for a way to exploit the bears, whether it be for hunting, sport, or profit. As much as the bill tries to limit the case to "threatening situations" it's difficult to define such a thing, and thus can be an opening for those with ill intent. Bears are on the verge of being endangered and should be protected at all costs. Moreover, this bill doesn't address the root of the problem, rather it highlights a superficial and potentially dangerous solution. Advocates of this position want to focus on the "whys" of the human-bear interactions and how they can be avoided. Scholars have concluded that the bear habitats are no longer able to sustain the bear population, and thus more bears are coming onto human territory in hopes of finding food. An alternative solution that many have enacted is to preserve and build new habitats for the bears.

A third, more refined position claims the middle ground between the earlier positions, it calls for the passing of this bill but with adjustments to ensure the problems of position two don't occur. This position values the right of self defense, while still understanding the limitations of this solution and the possible complications. To avoid the negative consequences, the bill will be amended to further clarify the "threatening" situations as well as to further prohibit the acts of hunting, killing for sport, or for profit. This will be done by educating the people who live in areas close to bear habitats to deescalate the human bear-interactions.

This approach tries to be the balanced fix, while providing time for other more prominent solutions to take place.

In essence, this debate is not black and white, there are many concerns and challenges that are posed in this multifaceted situation.



pros and cons

There are pros and cons to all three positions.

Option one, keeping the bill as is, will regulate the now-growing Florida Black Bear population. These bears are also getting more aggressive, so previous methods, like attempting to scare the bear off, are not as effective as they used to be. However, this bill could cause a decrease in the population and send the species back into endangerment. There are also not enough strict guidelines to follow, and could lead to hunters taking advantage of the ability to kill bears.



Option two, eradicating the bill, will protect the species from hunters and potential endangerment and would not contradict the already existing Bear Conservation Rule. Plus, these bears are generally harmless and just hungry, so there is no need to kill them. However, if there was a real life-threatening situation with a bear, someone could get into trouble for protecting their property and dependents.

Option three, suggesting some amendments to the bill, would educate homeowners on preventative measures, like not leaving food outside, that would limit the chance of a bear encounter, thus decreasing the amount of bears that would be killed. However, this could still leave some room for interpretation as to when it is allowed to shoot a bear, and could still lead to people taking advantage.

common values

Some common values reached through discourse in the class include that it's important to consider the ethics of granting legality to the killing of an endangered animal and that it's vital to trace the reasoning behind bear attacks. Students and project participants agreed that the debate is nuanced, and a compromise might be somewhere in the middle.

Students tended to have reservations about the prospect of a bill that could potentially further harm the Florida ecosystem.

next steps

Next steps for our legislature could be going forward with the bill, citing the utmost importance of human safety and trust in citizens to not purposefully provoke the bears; going against the bill, citing hunting culture and the vitality of preserving the Florida ecosystem; or going forward with the bill with adjustments: required education for rural homeowners and more restrictions on the matter. Based on the common values found through discourse and the benefits and tradeoffs, the best solution would likely be a compromise that allows the act of killing as a last resort, but focuses more on preventing such a situation from coming to be in the first place.

