

STATE OF FLORIDA
SECOND JUDICIAL CIRCUIT COURT
IN AND FOR LEON COUNTY

CASE NO.: 2025 CA 001772

BEAR WARRIORS UNITED, INC.,
Plaintiff,

v.

FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION,
Defendant.

and

SAFARI CLUB INTERNATIONAL,
Intervenor-Defendant.

**AMICUS CURIAE BRIEF IN SUPPORT OF
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION**

JASON GONZALEZ

FLORIDA BAR NUMBER: 146854

ROBERT E. MINCHIN III

FLORIDA BAR NUMBER: 1033022

LAWSON HUCK GONZALEZ, PLLC

101 E. College Avenue, 5th Floor

Tallahassee, FL 32301

Telephone: 850-825-4334

jason@lawsonhuckgonzalez.com

bob@lawsonhuckgonzalez.com

Counsel for Amicus Curiae

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IDENTITY AND INTEREST OF AMICUS CURIAE

The International Order of T. Roosevelt (“IOTR”) is a national nonprofit foundation championing science-based wildlife management policies that prioritize hunting and fishing as the preferred means of sustaining healthy ecosystems. IOTR focuses on protecting hunters’ rights because hunting and fishing are humane and natural tools for preventing overpopulation and ensuring species perpetuity, public safety, and cultural heritage. IOTR boasts a diverse membership of more than 300,000 activists including hunters, anglers, conservationists, scientists, and outdoor enthusiasts across thirty-nine states. More than 150,000 IOTR activists are Florida residents who participate in the state’s multibillion-dollar outdoor recreation economy. Many hold licenses issued by the Florida Fish and Wildlife Conservation Commission (“FWC”), whose fees contribute directly to Florida’s conservation efforts by funding FWC’s operations without the use of taxpayer dollars.

This case directly implicates IOTR’s core mission and the interests of its activists nationwide. Florida voters’ overwhelming approval of Amendment 2 to the Florida Constitution in November 2024—enshrining hunting and fishing as “public rights” and the “preferred means” of responsibly managing wildlife—represents a landmark victory for conservationists such as IOTR. FWC’s establishment of a limited 2025 black bear hunting season exemplifies the voters’

mandate, directly benefiting IOTR activists who rely on such opportunities for ethical harvest, family traditions, and ecosystem stewardship. An adverse ruling would undermine Amendment 2’s protections, emboldening challenges to similar “right to hunt” amendments in states where IOTR members hunt and influencing wildlife policy as states look to Florida’s implementation of voter-approved rights.

INTRODUCTION AND SUMMARY OF ARGUMENT

In November 2024, Florida joined a growing number of states in preserving and protecting the right to hunt through constitutional amendment.¹ By passing Amendment 2, Florida voters also designated hunting as a “preferred means of responsibly managing and controlling . . . wildlife.”² FWC directly implemented the electorate’s mandate in the following months by unanimously approving a limited black bear hunting season for 2025.³ Plaintiff’s alleged procedural deficiencies cannot be allowed to trump the will of the electorate. Amendment 2 compels approval of the black bear hunting season as a protected exercise of a public right, preempting challenges from so-called “animal rights” groups such as Plaintiff who seek to end hunting or at least subordinate it to wildlife management

¹ Art. I, § 28, FLA. CONST.

² *Id.*

³ See Jesse Schekner, *FWC approves first black bear hunt in a decade amid fierce opposition*, FLORIDA POLITICS (Aug. 13, 2025), <https://floridapolitics.com/archives/751522-fw-approves-first-black-bear-hunt-in-a-decade-amid-fierce-opposition>.

alternatives that they—not the Constitution—prefer. Because the hunting season squarely aligns with Amendment 2’s text, voter intent, and FWC’s preserved constitutional authority, this Court should deny Plaintiff’s Motion for Emergency Temporary Injunctive Relief.

ARGUMENT

Humans have hunted in Florida since time immemorial. Yet despite its historical and cultural significance, its critical role in wildlife management, and its widespread practice across generations of Floridians, hunting in Florida was never preserved or protected as a constitutional right. In 2024, Amendment 2 gave Florida voters a chance to change that. At the same time, it asked Floridians whether exercising that right through traditional methods should be a preferred means of responsibly managing and controlling wildlife.

In their campaign to persuade voters to reject Amendment 2, “animal rights” activists denounced the righthood of hunting and presented the electorate with numerous alternative means of managing and controlling wildlife. Floridians overwhelmingly approved Amendment 2 despite those efforts. FWC subsequently executed its constitutional authority and instituted the 2025 black bear hunting season, thus delivering on the voters’ dual mandate of (1) providing Floridians an opportunity to exercise their right to hunt by traditional methods and (2) responsibly managing and controlling the black bear population in the process.

Unwilling to admit defeat, anti-hunting activists now seek to thwart hunters' rights through death by a thousand injunctions. Amicus respectfully asks that this Court reject this attempt to veto the vote and kickstart a robust jurisprudence protecting Floridians' constitutional right to hunt.

I. The enshrinement of Floridians' hunting rights was a long time coming.

A. Historical background

Americans' recognition of a public right to hunt is one of few significant breaks from our common-law forebears. "Historically, the English game laws made hunting a monopoly of those privileged to do so by the Crown, and imposed draconian penalties—sometimes including the death penalty—on commoners for hunting."⁴ William Blackstone noted in his *Commentaries on the Laws of England* that "the right of pursuing, taking, and destroying [game] is vested in the king alone, and from him derived to such of his subjects as have received the grants of a chase, a park, a free warren, or free fishery."⁵

In contrast to the royal prerogative of British tradition, which denied hunting rights to commoners, Americans have regarded hunting as a universal liberty, free

⁴ Stephen P. Halbrook, *The Constitutional Right to Hunt: New Recognition of an Old Liberty in Virginia*, 19 WM. & MARY BILL OF RIGHTS J. 197, 199–200 (2010).

⁵ 2 WILLIAM BLACKSTONE COMMENTARIES *409.

from any serious threat by its governments.⁶ Indeed, despite many founding-era acknowledgments of hunting as a public right,⁷ it was long taken for granted. Hunting rights were excluded from the federal Bill of Rights⁸ and most state constitutions.⁹

⁶ See Jodi A. Janecek, *Hunter v. Hunter: The Case For Discriminatory Nonresident Hunting Regulations*, 90 MARQ. L. REV. 355, 355 (2006) (“Prior to the nineteenth century, hunting regulations were few or nonexistent in the United States.”). About 100 years into our republican experiment, the Michigan Supreme Court in *Sterling v. Jackson* captured the American view as follows:

We can borrow no light, in this discussion, from the English game and forestry laws, which are not a part of our common law, and which are repugnant and hostile to the theory of our institutions. The wild game and fish abounding in our woods and waters have never been the property of the general government or of the state, in the sense that they were held the property of the crown in England. No man here is granted special permission by the national or state government to kill game or catch fish exclusively at certain times or in certain places. Our game and fish laws are general, and apply to and govern the whole people. The fish of our waters, and the game of our woods, and the wild birds of the air, belong to the people, and not to the crown, and should always, when they can be captured or killed without detriment to private rights, be preserved to the people.

37 N.W. 845, 865 (Mich. 1888).

⁷ See, e.g., PA. CONST. OF 1776, ch. II, § 43 (“The inhabitants of this State shall have liberty to fowl and hunt in seasonable times on the lands they hold, and on all other lands therein not inclosed.”).

⁸ Despite its ultimate omission from the final form of the Second Amendment, hunting rights were an important subject in the debate over the Bill of Rights. See, e.g., 2 THE DOCUMENTARY HISTORY OF THE RATIFICATION OF THE CONSTITUTION 623–24 (Merrill Jensen ed., 1976) (quoting antifederalists from Pennsylvania who insisted on constitutional provisions protecting “a right to bear arms . . . for the purpose of killing game” and stating that the “inhabitants of the several states shall have liberty to fowl and hunt in seasonable times, on the lands they hold, and on all other lands in the United States not enclosed”).

⁹ The lone exception was Vermont, which was “well aware of the history of abuses that had occurred in England under authority of fish and game laws,” *Cabot v. Thomas*, 514 A.2d 1034,

In the late twentieth century, however, “[a] new elite with the agenda of ‘animal rights’ who abhor hunting . . . replaced the Crown as the political force seeking to repress hunting by the average person.”¹⁰ As hunters began to rethink the wisdom of taking their rights for granted, states began adopting constitutional guarantees to prevent the long-held freedom to hunt from being preempted by legal and political activism.¹¹ Between 1971 and 2023, twenty-three states adopted hunting rights amendments.¹²

B. Florida’s right to hunt

Other states recognized hunting as a common-law right predating formal constitutional enshrinement.¹³ Florida took a different view. Despite the age-old

1037 (Vt. 1986), and thus enshrined constitutional hunting rights in 1777, VT. CONST. ch. II, § 67 (“The inhabitants of this State shall have liberty in seasonable times, to hunt and fowl on the lands they hold, and on other lands not enclosed . . .”).

¹⁰ Halbrook, *supra* note 4, at 203.

¹¹ See *id.* at 198–99; Young-Eun Park, *Life, Liberty, and the Pursuit of Hunting & Fishing: The Implications of Kentucky’s “Right to Hunt” Constitutional Amendment*, 7 KY. J. OF EQUINE, AGRIC., & NAT. RES. L. 351, 352 (2015) (“Fervor for the recent amendments stems from ‘worries that hunting will one day be banned or restricted’ since animal rights groups have been relatively successful in efforts to curtail some hunting practices over the past few decades.”).

¹² See Halbrook, *supra* note 4, at 229–33 (listing the amendments adopted between 1971 and 2010); Mark Lance, *Florida Becomes the 24th State to Adopt a Constitutional Right to Hunt and Fish Amendment*, CONGRESSIONAL SPORTSMEN’S FOUNDATION (Nov. 12, 2024), <https://congressionalsportsmen.org/news/florida-becomes-the-24th-state-to-adopt-a-constitutional-right-to-hunt-and-fish-amendment>.

¹³ See, e.g., *Wis. Citizens Concerned for Cranes & Doves v. Wis. Dep’t of Nat. Res.*, 677 N.W.2d 612, 629 (Wis. 2004) (acknowledging a “common law right to hunt that existed prior to” the adoption of Wisconsin’s constitutional hunting rights amendment in 2003).

practice of hunting and the critical role it played in conservation and management, Florida courts viewed hunting rights as coterminous with property rights.¹⁴ This view changed in 2002, when the Legislature codified a “right to hunt and fish” into Florida law.¹⁵ Unsatisfied with a “right” that is subject to the political whims of a biennial Legislature, citizens and conservation groups—led in part by Amicus—mobilized to educate voters on the importance of hunting as a safe and humane approach to wildlife management and urge them to protect and preserve hunting as a fundamental right for future generations. The electorate responded by overwhelmingly approving Amendment 2.

Effective January 8, 2025, the amendment added Article I, Section 28 to the Florida Constitution, which states in full:

Fishing, hunting, and the taking of fish and wildlife.—
Fishing, hunting, and the taking of fish and wildlife,
including by the use of traditional methods, shall be

¹⁴ See *Hamilton v. Williams*, 200 So. 80, 81 (Fla. 1941) (“The owner of the soil, however, has a special and qualified interest in the wild game while it is thereon. Such special and qualified interest is a property right incident to his ownership of the soil. That property right is the right to exclusively hunt such wild game upon the soil, subject to any lawful regulation by the State.”); *Alford v. Finch*, 155 So. 2d 790, 793 (Fla. 1963) (“The landowner is not the owner of the game, *ferae naturae*, but he does own, as private property, the right to pursue game upon his own lands. That right is property, just as are the trees on the land and the ore in the ground, and is subject to lease, purchase and sale in like manner.”).

¹⁵ § 379.104, FLA. STAT. (“The Legislature recognizes that hunting, fishing, and the taking of game are a valued part of the cultural heritage of Florida and should be forever preserved for Floridians. The Legislature further recognizes that these activities play an important part in the state’s economy and in the conservation, preservation, and management of the state’s natural areas and resources. Therefore, the Legislature intends that the citizens of Florida have a right to hunt, fish, and take game, subject to the regulations and restrictions prescribed by general law and by s. 9, Art. IV of the State Constitution.”).

preserved forever as a public right and preferred means of responsibly managing and controlling fish and wildlife. This section does not limit the authority granted to the Fish and Wildlife Conservation Commission under Section 9 of Article IV.

In August 2025, FWC—the constitutionally designated body for wildlife management—unanimously approved a limited 23-day black bear hunting season for 2025 in four bear management units across 31 counties, capped at 187 permits based on a scientific assessment of population surplus, ecological impacts, and human–bear conflicts.¹⁶ In doing so, FWC delivered on the voters’ mandate in approving Amendment 2. It also restored a “traditional method” of managing the bear population—i.e., a limited hunting season—that had existed annually in some form until 1994.¹⁷

II. The voters voted for hunting. FWC delivered hunting. Now Plaintiff wants to take hunting away.

Florida voters placed Amendment 2’s language in their Constitution despite widespread campaigns and media coverage denouncing the amendment. Some opponents had condemned the practice of hunting itself, launching full-throated

¹⁶ Schekner, *supra* note 3.

¹⁷ See James Call, *FWC approves Florida black bear hunting season amid protests, possible lawsuit*, TALLAHASSEE DEMOCRAT (Aug. 13, 2025, 12:14 PM), <https://www.tallahassee.com/story/news/local/state/2025/08/13/florida-black-bear-hunt-approved-faces-protest-lawsuit-dates-quotas/85631816007>.

attacks on the “traditional methods” to be protected by the amendment.¹⁸ Others were more nuanced, avoiding blanket denunciations of hunting but arguing that it should not supersede their favored means of wildlife management as constitutionally “preferred.”¹⁹ Notably, many campaigns identified the black bear as a species most likely to be affected by passing Amendment 2. In urging Floridians to vote against the amendment, these opponents argued that other approaches to stabilizing the black bear population and reducing bear–human interactions would be more effective than hunting.²⁰

¹⁸ See, e.g., Kitty Block, *Stand for wildlife against Florida’s absurd and deceptive ‘right to hunt’ amendment*, HUMANE WORLD BLOG (Oct. 3, 2024), <https://www.humaneworld.org/en/blog/florida-vote-no-amendment-2-right-to-hunt> (“Amendment 2 seeks to enshrine and elevate cruel and inhumane methods to the level of a *constitutional public right* on par with freedom of speech.”).

¹⁹ See, e.g., Macie J.H. Codina & Savannah Sherman, *Qualifying Hunting and Fishing as the Preferred Means of Managing Wildlife: A Potentially Dangerous Ballot Initiative that Provides Little Protection to Hunters and Fishermen*, 98 FLA. BAR J. 40 (2024) (acknowledging that “[h]unting and fishing are essential to the culture, livelihood, and sustainability of Florida” but opposing Amendment 2 because “[i]t would make hunting and fishing the ‘preferred means of responsibly managing and controlling fish and wildlife,’” thus placing “hunting and fishing ahead of other, non-lethal means for managing Florida’s wildlife.” (footnote omitted)); FNPS OPPOSES AMENDMENT 2—FLORIDA NATIVE PLANT SOCIETY (FNPS), <https://www.fnps.org/news/alert/fnps-amendment-2-2024> (last visited Oct. 7, 2025) (“FNPS does not oppose fishing or hunting. . . . However, Amendment 2 would designate hunting as the preferred method of wildlife management and enshrine that designation in the Florida Constitution. The most effective tools for managing wildlife are rooted in habitat management.”); VOTE NO ON AMENDMENT 2—FRIENDS OF THE EVERGLADES, <https://www.everglades.org/vote-no-on-amendment-2> (last visited Oct. 7, 2025) (“[D]esignat[ing] hunting as the ‘preferred’ method of wildlife management in the Florida Constitution . . . risks supplanting methods rooted in habitat management—such as hydrologic restoration and prescribed fire—which are vital, science-backed methods of wildlife conservation and management.”).

²⁰ See, e.g., Block, *supra* note 18 (“Undoubtedly, the Florida Fish and Wildlife Conservation Commission would be pressured to open a trophy hunting season on Florida’s black bears, distracting the agency from dedicating more resources toward improved public management of

Having failed to persuade the electorate, true to their playbook,²¹ anti-hunting activists now seek to thwart the voters' will. In its complaint, Plaintiff alleges that its "mission" is the "preservation of bears."²² Citing several wildlife-management alternatives it likes, Plaintiff further alleges that it will "do everything possible to oppose bear hunting."²³ In other words, the stated purpose of Plaintiff—and, by extension, this case—is to contravene the express will of the electorate and strip away their freedom to exercise the right they voted for. This Court should not let that happen.

Ever since the 1968 Constitution gave Floridians the ability to amend the constitution by voter initiative, Florida's courts have placed on themselves the "obligat[ion] to give effect to [the] language [of a constitutional amendment] according to its meaning and what the people must have understood it to mean

trash and other food attractants, which are the root of nearly all negative human-bear interactions."); Codina & Sherman, *supra* note 19 ("The Florida black bear is one species that may face increased challenges to its population should the amendment pass."); FNPS, *supra* note 19 ("In the event the Florida black bear is ever again subject to hunting, would traditional methods include baiting?").

²¹ See, e.g., *Friends of Animals, Inc. v. Hodel*, No. 88–2978, 1988 WL 236545, at *2 (D.D.C. Nov. 10, 1988) ("With hunting for deer occurring all over the United States, and having occurred in the past in the Supawna Refuge as well, the Court cannot find that plaintiff—which relies almost exclusively on the aesthetic affront from hunting to its members—would be sustaining irreparable injury in the absence of a preliminary injunction.").

²² Compl. at 3.

²³ *Id.*

when they approved it.”²⁴ Both state and federal courts interpreting Florida law have endeavored to avoid “nullify[ing] the will of the Florida electorate” when a constitutional amendment is approved in a general election.²⁵

Scholars and jurists have long struggled with how best to comprehend the will of the people as expressed in voter-approved constitutional amendments, promoting novel canons such as “democratic proportionality review”²⁶ or even suggesting that “courts should be wary of voter intent as it is extremely difficult to divine—if it exists at all.”²⁷ Florida courts have cut through this noise and settled on a textualist approach by which the will of the people is to be divined from the plain language of the amendment.²⁸ As expressed in its plain language, Amendment 2’s core directive—“Fishing and hunting shall be preserved forever as a public right”—mandates that hunting is a fundamental right to be enjoyed by all

²⁴ *City of St. Petersburg v. Briley, Wild & Assocs., Inc.*, 239 So. 2d 817, 822 (Fla. 1970).

²⁵ *Jones v. Governor of Fla.*, 975 F.3d 1016, 1037 (11th Cir. 2020).

²⁶ Jessica Bulman-Pozen & Miriam Seifter, *The Right to Amend State Constitutions*, YALE L.J. FORUM (Mar. 29, 2024), <https://www.yalelawjournal.org/forum/the-right-to-amend-state-constitutions>.

²⁷ Christopher S. Emmanuel, *A Critical Look at the First 50 Years of Florida’s “Citizen” Initiative Process*, 51 STETSON L. REV. 1, 18 (2021).

²⁸ *Advisory Op. to Governor re Implementation of Amend. 4, The Voting Restoration Amend.*, 288 So. 3d 1070, 1078 (Fla. 2020) (holding that “constitutional language approved by the voters” must be “expounded in its plain, obvious, and common sense, unless the context furnishes some ground to control, qualify, or enlarge it”); *Jones*, 975 F.3d at 1037 (holding that “the will of the electorate” is to be determined by looking at “the face of the amendment”).

Floridians. FWC has implemented this directive by establishing a responsible, limited black bear hunting season. This Court should not take that away. Instead, because it is “obligated to give effect to this language,”²⁹ this Court should reject Plaintiff’s efforts to “nullify the will of the Florida electorate”³⁰ through litigation.

III. The black bear hunting season also delivers on Amendment 2’s directive that hunting is a preferred wildlife management tool.

Although Plaintiff purports to challenge FWC’s scientific basis of the bear hunt and the public input it relied on, as discussed above, Plaintiff’s goal—as apparent from the face of the complaint—is to force its will on the voters through litigation. This includes (1) ending hunting and (2) instead using activist-approved alternatives as the only means of managing and controlling wildlife. These preferences must give way to the will of the electorate as established in the amendment’s plain language.

Indeed, the second part of Amendment 2’s core directive—establishing hunting as a “preferred means of responsibly managing and controlling fish and wildlife”³¹—elevates Floridians’ exercise of their right to hunt above other methods (e.g., nonlethal relocation, sterilization, creative waste management) of wildlife management and control. In adopting the rule establishing the 2025 black

²⁹ *Briley*, 239 So. 2d at 822.

³⁰ *Jones*, 975 F.3d at 1037.

³¹ Art. I, § 28, FLA. CONST.

bear hunting season, FWC’s reliance on population data showing a surplus of approximately 4,000 adult bears—exceeding sustainable levels and correlating with increased vehicle collisions and property damage—demonstrates “responsible” management and control under the amendment’s plain terms.³² To rule otherwise would eviscerate the amendment’s “preferred means” clause, reducing it to the sort of surplusage abhorred by Florida law.³³

IV. FWC’s establishment of a black bear hunting season was an exercise of constitutional regulatory authority that Amendment 2 preserved.

Amendment 2 states that it “does not limit the authority granted to the Fish and Wildlife Conservation Commission under Section 9 of Article IV,”³⁴ which vests FWC with plenary “regulatory and executive powers of the state with respect to wild animal life,”³⁵ including seasons, quotas, and methods, subject only to general laws and due process. This clause reinforces FWC’s independence from

³² *Id.*

³³ *See Edwards v. Thomas*, 229 So. 3d 277, 285 (Fla. 2017) (holding that any result rendering constitutional language as “mere surplusage” is “directly contrary to the rules of statutory and constitutional construction in this State”).

³⁴ Art. I, § 28, FLA. CONST.

³⁵ *Id.* § 9.

legislative micromanagement or judicial second-guessing, aligning with Florida's separation of powers doctrine.³⁶

Plaintiffs' procedural attacks—e.g., alleged inadequate public participation or improper delegation—fail because FWC's unanimous vote followed extensive workshops, data review, and a random-draw permitting system, all within its constitutional mandate. Amicus was unable to locate a case where a court invalidated FWC actions under similar scrutiny. Because Amendment 2's structure precludes such claims by codifying the primacy of hunting as a preferred means of managing and controlling wildlife while deferring implementation to FWC, this Court should reject Plaintiff's challenge as an impermissible infringement on both the voters' will and FWC's constitutional authority.

V. Florida courts have an opportunity to set the tone on protecting voter-approved rights, especially the right to hunt.

Gun rights have been front and center in American jurisprudence since the Supreme Court's landmark decision in *United States v. Lopez*.³⁷ Most cases on gun rights have focused on handguns and their role in self-defense.³⁸ Although one can

³⁶ See *Airboat Ass'n of Fla., Inc. v. Fla. Game and Fresh Water Fish Comm'n*, 498 So. 2d 629, 631–32 (Fla. 3d DCA 1986).

³⁷ 514 U.S. 549 (1995) (holding that possession of a handgun near a school is not an economic activity, does not have a substantial effect on interstate commerce, and therefore cannot be regulated by Congress).

³⁸ See, e.g., *McDonald v. City of Chicago*, 561 U.S. 742 (2010) (holding that the right to keep and bear arms for self-defense in one's home is protected under the Second Amendment);

argue that self-defense is the primary purpose for *owning* a gun in the twenty-first century, the primary purpose for *using* a gun—by far—remains hunting.³⁹

Yet, as scholars have noted, there is little caselaw nationwide on the right to hunt.⁴⁰ And what little there is does not inspire confidence in the judiciary’s motivation to take it seriously. For example, North Carolina effectively has assigned second-class status to the right to hunt, refusing to treat it as a “fundamental right” even though it is “explicitly” guaranteed by the state constitution.⁴¹ A Kansas court sarcastically noted in dicta that the recently adopted “right to hunt, fish, and trap using traditional methods might test [the] proposition” that “whether inclusion in the Kansas Constitution Bill of Rights is a sufficient condition to declare a stated right to be fundamental,” “especially in the post-frontier society of the 21st century with its supermarkets, online shopping, and dearth of tanneries.”⁴²

District of Columbia v. Heller, 554 U.S. 570 (2008) (holding that the Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home).

³⁹ See Joseph Blocher, *Hunting and the Second Amendment*, 91 NOTRE DAME L. REV. 133, 134–35 (2015).

⁴⁰ See Halbrook, *supra* note 4, at 228.

⁴¹ *Oates v. Berger*, 915 S.E.2d 262, 266–67 (N.C. Ct. App. 2025) (using rational basis—rather than the strict scrutiny deserved by “fundamental” constitutional rights—to scrutinize a hunting regulation after passage of the state’s hunting rights amendment).

⁴² *State v. Hall*, 564 P.3d 786, 794 n.3 (Kan. Ct. App. 2025) (cleaned up). The court also noted that only “various sections of the Kansas Bill of Rights embody fundamental rights.” *Id.* at 794.

Florida courts are not permitted to pick and choose which rights protected by the Florida Constitution are fundamental. “[I]t is settled in Florida that each of the personal liberties enumerated in the Declaration of Rights is a fundamental right.”⁴³ Accordingly, the right to hunt now has equal footing under Florida law with the right to bear arms, the right to freedom of assembly, and the right to freedom of expression. And, as discussed above, Florida courts have bound themselves to a strict textualist approach to constitutional amendments to avoid nullifying the will of the electorate. These principles compel this Court to rigorously guard Florida’s new right to hunt.

As these cases trickle before the courts, civil rights and animal law scholars and commentators seize on every court decision for an opportunity to publish literature on the emerging jurisprudence.⁴⁴ Given Florida’s outsized role in the current societal landscape, what we do here—and how we implement voter-

⁴³ *N. Fla. Women’s Health & Counseling Servs., Inc. v. State*, 866 So. 2d 612, 635 (Fla. 2003), *receded from on other grounds*, *Planned Parenthood of Sw. & Cent. Fla. v. State*, 384 So. 3d 67 (Fla. 2024); *see also Boynton v. State*, 64 So. 2d 536, 552–53 (Fla. 1953) (“Every particular section of the Declaration of Rights stands on an equal footing with every other section.”).

⁴⁴ *See, e.g., Trent Turk, Give a man a fish and you feed him for a day. Teach a man to fish and he sues you for failing to protect his constitutional rights: North Carolina Court of Appeals holds the State has a duty to protect your right to fish*, WAKE FOREST L. REV. BLOG (Oct. 11, 2022), <https://www.wakeforestlawreview.com/2022/10/give-a-man-a-fish-and-you-feed-him-for-a-day-teach-a-man-to-fish-and-he-sues-you-for-failing-to-protect-his-constitutional-rights-north-carolina-court-of-appeals-holds-the-state-has-a-duty-to-protect> (analyzing a case expounding on North Carolina’s recently adopted constitutional right to hunt, fish, and harvest wildlife); Halbrook, *supra* note 4 (analyzing a case expounding on Virginia’s recently adopted constitutional right to hunt, fish, and take game).

approved rights—almost certainly will ripple into other jurisdictions as courts weigh challenges to similar “right to hunt” amendments. This Court has the opportunity to take the lead in crafting a jurisprudence that protects a freedom enjoyed by Americans since before the founding and now is enshrined by the Florida electorate in our Constitution.

CONCLUSION

“In the inevitable courtroom conflicts, eventually a jurisprudence of the right to hunt will evolve.”⁴⁵ This case presents the opportunity for a quantum leap in that evolution. Florida voters overwhelmingly approved the enshrinement of a fundamental right, and FWC has acted under its constitutional authority to deliver an opportunity to exercise it. Activist exploitation of the judicial process to take away that right must fail. This Court should stand with the will of the electorate and allow FWC to deliver on the Constitution’s promise.

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Respectfully Submitted,

/s/Jason Gonzalez

JASON GONZALEZ

FLORIDA BAR NUMBER: 146854

ROBERT E. MINCHIN III

FLORIDA BAR NUMBER: 1033022

LAWSON HUCK GONZALEZ, PLLC

101 E. College Avenue, 5th Floor

Tallahassee, FL 32301

Telephone: 850-825-4334

jason@lawsonhuckgonzalez.com

⁴⁵ Halbrook, *supra* note 4, at 228.

bob@lawsonhuckgonzalez.com
michelle@lawsonhuckgonzalez.com
leah@lawsonhuckgonzalez.com

Counsel for Amicus Curiae

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed in the Florida Courts E-Filing Portal this 10th day of November 2025, which will serve the following counsel of record by email:

Thomas P. Crapps
tom@meenanlawfirm.com
Meenan P.A.
300 S. Duval Street, Suite 410
Tallahassee, Florida 32301
Tel (850) 425-4000

Raquel Levy
Atlantic Law Center
1335 Ridgewood Ave.
Holly Hill, Florida 32117
Raquel@atlanticlawcenter.com

*Attorneys for Bear Warriors United,
Inc.*

Rhonda E. Parnell
620 South Meridian Street
Tallahassee, FL 32399-1600
Telephone: 850-487-1764
E-mail: Rhonda.Parnell@myfwc.com

*Assistant General Counsel for
Florida Fish and Wildlife
Conservation Commission*

GUILLERMO FLORES, JR. ESQ.
THE FLORES LAW FIRM
4600 Military Trail, Ste. A-101
Jupiter, FL 33458
(P) 561-328-9678
(F) 855-548-4484
efileservice@thefloreslawfirm.com
gfloresjr@thefloreslawfirm.com

Counsel for Intervenor-Defendant.

/s/Jason Gonzalez
Attorney