

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

BILL: SB 168

INTRODUCER: Senator Steube

SUBJECT: Nonnative Animals

DATE: January 8, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Pre-meeting
2.			AEN	
3.			AP	

I. Summary:

SB 168 requires the Fish and Wildlife Conservation Commission (FWC) to establish a pilot program to mitigate the impact of priority invasive species on lands or waters of the state. The FWC is required to submit a report of its recommendations and findings regarding the pilot program by January 1, 2021 to the Governor and the Legislature.

Additionally, the FWC is required to identify nonnative animals that threaten the state's wildlife habitats. A pet dealer must implant any such animal identified by the FWC with a passive integrated transponder tag before that animal is sold, resold, or offered for sale.

The fiscal impact of the pilot program is indeterminate at this time; however, the bill provides for an appropriation from the State Game Trust Fund of \$300,000 during both the 2018-2019 Fiscal Year and the 2019-2020 Fiscal Year, for a total appropriation of \$600,000.

II. Present Situation:

Nonnative Species

Pursuant to s. 9, Art. IV of the State Constitution, the FWC exercises the regulatory and executive powers of the state with respect to wild animal life, fresh water aquatic life, and marine life.¹ These powers include authority with respect to the control and management of nonnative species.² Nonnative species are animals living outside captivity and which are not historically present in the state.³ More than 500 fish and wildlife nonnative species have been documented in

¹ Fla. Const. Art. IV, s. 9.

² Fish and Wildlife Conservation Commission (FWC), *Senate Bill 230 Agency Bill Analysis*, 2 (Feb. 17, 2017) (on file with the Senate Committee on Environmental Preservation and Conservation).

³ FWC, *What is a nonnative species?*, <http://myfwc.com/wildlifehabitats/nonnatives/what-are-nonnatives/> (last visited Dec. 22, 2017).

Florida.⁴ Not all nonnative species pose a threat to Florida's ecology, but some nonnative species become invasive species by causing harm to native species, posing a threat to human health and safety, or causing economic damage.⁵ To manage and minimize the impacts of nonnative species, it is unlawful to import for sale or use, or to release within the state, any species not native to Florida unless authorized by the FWC.⁶

Prohibited or conditional nonnative snakes and lizards

Prohibited species are nonnative species that pose a very high risk to native fish and wildlife, to the ecology of native wildlife communities, or to human safety. Possession of these species requires a permit from the FWC and is generally limited to public exhibition and research.⁷

Conditional species are nonnative species that pose a risk to native fish and wildlife or to the ecology of native wildlife communities. Conditional nonnative snakes and lizards are not authorized to be acquired for personal possession.⁸ Specifically, the following nonnative snakes and lizards are prohibited from being kept, possessed, imported into the state, sold, bartered, traded, or bred for personal use or for sale for personal use:

- Burmese or Indian python;
- Reticulated python;
- Northern African python;
- Southern African python;
- Amethystine or scrub python;
- Green Anaconda;
- Nile Monitor; and
- Any other reptile designated as a conditional or prohibited species by the FWC.⁹

A reptile dealer, public exhibitor, researcher, or nuisance trapper may apply for a permit to import or possess conditional nonnative snakes and lizards.¹⁰ Conditional nonnative snakes and lizards must be kept indoors or in outdoor enclosures with a fixed roof and must be permanently identified with a passive integrated transponder (PIT) tag, also known as a microchip.¹¹ Owners of such species must submit a Captive Wildlife Disaster and Critical Incident Plan to the FWC and must maintain records of their inventory.¹²

Tegus

The Argentine Black and White Tegu (*Tupinambis merianae*), commonly referred to as a tegu, is a large species of lizard that can grow up to four feet in length and is native to South America.¹³

⁴ FWC, *Florida's Exotic Fish and Wildlife*, <http://myfwc.com/wildlifehabitats/nonnatives/> (last visited on Dec. 22, 2017).

⁵ *Id.*

⁶ Section 379.231, F.S.

⁷ Section 379.372, F.S.; see Fla. Admin. Code R. 68-5.003 for a complete list of prohibited species.

⁸ FWC, *Conditional Snakes and Lizards*, <http://myfwc.com/wildlifehabitats/nonnatives/regulations/snakes-and-lizards/> (last visited Dec. 22, 2017).

⁹ Section 379.372(2)(a), F.S.

¹⁰ Fla. Admin. Code R. 68-5.001(3)(e); see FWC, *Conditional Snakes and Lizards*, <http://myfwc.com/wildlifehabitats/nonnatives/regulations/snakes-and-lizards/> (last visited Dec. 22, 2017).

¹¹ *Id.*

¹² *Id.*

¹³ FWC, *Tegus in Florida*, <http://myfwc.com/media/2380549/Tegu-brochure.pdf> (Aug. 2015) (last visited Dec. 22, 2017).

Tegus are not innately aggressive but have sharp teeth, strong jaws, and sharp claws which they will use to defend themselves if threatened.¹⁴ Tegus are an invasive species and have known breeding populations in Miami-Dade and Hillsborough counties.¹⁵ The tegu causes harm to native species by disturbing alligator nests and consuming their eggs, and utilizing gopher tortoise burrows and consuming juvenile gopher tortoises.¹⁶ The tegu is not designated as a conditional or prohibited species.¹⁷ However, a person must possess a license from the FWC to sell a tegu.¹⁸ In south Florida, tegus are mainly found on private lands and lands managed by other agencies; tegus are not commonly found on lands managed by the FWC.¹⁹ In Hillsborough County, tegus are found mostly on public conservation land that is managed by the county or in state parks.²⁰

The FWC developed a trapping removal program and works with other agencies and organizations to assess the tegu's threat and develop management strategies.²¹ The goal of the program is to minimize the impact of tegus on native wildlife and natural areas.²² Over 5,000 tegus have been removed from the wild in the last five years, primarily in Miami-Dade County.²³ A limited number of commercial wildlife operators trap and remove tegus for homeowners or on other private lands.²⁴

Lionfish

The lionfish (*Pterois volitans* and *Pterois miles*) is the only marine nonnative species with an established population in Florida.²⁵ The lionfish population has rapidly grown since its introduction into the coastal waters of southern Florida around 30 years ago.²⁶ Lionfish do not have any significant predators off Florida's coasts and can tolerate a wide range of temperatures, salinities, and depths.²⁷ They are able to consume prey that is more than half of their own length and have venomous spines they use for defense.²⁸ Lionfish consume a wide variety of fish and

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ FWC, *Nonnative Fish and Wildlife Update*, 10 (Dec. 5, 2017), available at <http://myfwc.com/media/4339787/4A-NonnativePresentation.pdf> (last visited Dec. 22, 2017).

¹⁷ FWC, *Senate Bill 230 Agency Bill Analysis*, 2 (Feb. 17, 2017) (on file with the Senate Committee on Environmental Preservation and Conservation).

¹⁸ *Id.*; see s. 379.3761, F.S.

¹⁹ FWC, *Senate Bill 230 Agency Bill Analysis*, 2 (Feb. 17, 2017) (on file with the Senate Committee on Environmental Preservation and Conservation).

²⁰ *Id.*

²¹ FWC, *Tegus in Florida*, <http://myfwc.com/media/2380549/Tegu-brochure.pdf> (Aug. 2015) (last visited Dec. 22, 2017).

²² *Id.*

²³ FWC, *Nonnative Fish and Wildlife Update*, 10 (Dec. 5, 2017), available at <http://myfwc.com/media/4339787/4A-NonnativePresentation.pdf> (last visited Dec. 22, 2017).

²⁴ FWC, *Senate Bill 230 Agency Bill Analysis*, 2 (Feb. 17, 2017) (on file with the Senate Committee on Environmental Preservation and Conservation).

²⁵ FWC, *Nonnative Marine Species*, <http://myfwc.com/wildlifehabitats/nonnatives/marine-species/> (last visited Dec. 22, 2017).

²⁶ FWC, *Lionfish: Be the Predator!*, available at <http://myfwc.com/media/4039504/LionfishBrochure.pdf> (last visited Dec. 22, 2017).

²⁷ *Id.*

²⁸ *Id.*

invertebrates, which greatly alters the populations of native marine species and impacts recreational and commercial fishing in Florida.²⁹

The importation of live lionfish or hybrids or their eggs is prohibited.³⁰ Live lionfish imported from outside the state after August 1, 2014, may not be sold, offered for sale, bartered, or otherwise exchanged.³¹ A recreational fishing license is not required for harvesting lionfish by divers if the following gear is used:

- Hand-held net;
- Pole spear;
- Hawaiian sling; or
- Any other spearing device specifically designed and exclusively marketed for lionfish.³²

Additionally, there is no minimum size limit, closed season, or bag limit for the recreational or commercial harvesting of lionfish.³³

Nonnative Species Management

Removal Permit Program

Pursuant to Florida Administrative Code Rule 68A-9.002, the FWC authorizes individuals to remove Burmese pythons and other conditional reptiles on the Holey Land, Rotenberger, and Everglades and Francis S. Taylor wildlife management areas.³⁴ Under the year-round program, qualified applicants may obtain a removal permit at no cost to eradicate nonnative reptiles from these wildlife management areas.³⁵ To qualify an applicant must successfully complete an online training course.³⁶ As of February 2017, 129 individuals have obtained this permit.³⁷ The program is not considered a hunting program, rather it is a management tool that aims to collect data on the locations of such reptiles.³⁸

All conditional reptiles and tegus are authorized to be collected under the permit.³⁹ Snakes may be captured by hand or with hand-held equipment, such as tongs or snake hooks. When a permit holder captures a reptile under the program he or she must report the location and take a digital

²⁹ *Id.*

³⁰ Fla. Admin. Code R. 68-5.005.

³¹ *Id.*

³² Fla. Admin. Code R. 68B-5.006.

³³ *Id.*; FWC, *Lionfish: Be the Predator!*, available at <http://myfwc.com/media/4039504/LionfishBrochure.pdf> (last visited Dec. 22, 2017).

³⁴ Fla. Admin. Code R. 68A-15.064; FWC, *Burmese Python Removal Program*, <http://myfwc.com/license/wildlife/nonnative-species/python-permit-program/> (last visited Dec. 22, 2017); and FWC, *Python Permit Program, Frequently Asked Questions*, <http://myfwc.com/wildlifehabitats/nonnatives/python/faqs/permit-faqs/> (last visited Dec. 22, 2017).

³⁵ FWC, *Senate Bill 230 Agency Bill Analysis*, 3 (Feb. 17, 2017) (on file with the Senate Committee on Environmental Preservation and Conservation).

³⁶ FWC, *Burmese Python Removal Program*, <http://myfwc.com/license/wildlife/nonnative-species/python-permit-program/> (last visited Dec. 22, 2017).

³⁷ FWC, *Senate Bill 230 Agency Bill Analysis*, 3 (Feb. 17, 2017) (on file with the Senate Committee on Environmental Preservation and Conservation).

³⁸ FWC, *Burmese Python Removal Program*, <http://myfwc.com/license/wildlife/nonnative-species/python-permit-program/> (last visited Dec. 22, 2017).

³⁹ FWC, *Python Permit Program, Frequently Asked Questions*, <http://myfwc.com/wildlifehabitats/nonnatives/python/faqs/permit-faqs/> (last visited Dec. 22, 2017).

picture of the animal. Captured reptiles may be euthanized onsite by a legal and humane means or deposited alive at a drop-off site designated by the FWC. Any captured reptile is taken to the University of Florida Research and Education Center, where the stomach contents are analyzed.⁴⁰

Hunting in Wildlife Management Areas

The FWC authorizes licensed hunters to harvest conditional nonnative snakes and lizards in the Holey Land, Rotenberger, Everglades and Francis S. Taylor, and the Big Cypress wildlife management areas during hunting seasons established for the taking of game animals or alligators on those areas or during seasons specific for conditional reptiles.⁴¹ The hunters must have a valid hunting license and a wildlife management area permit, and adhere to the regulations specific to each wildlife management area.⁴² To be considered a resident of the state for purposes of hunting a conditional reptile, a person must be a United States citizen who has continuously resided in the state for six months prior to applying for a hunting license.⁴³ Live pythons may not be removed from the wildlife management areas, but hunters may keep or sell the skins and meat of the reptiles. The Big Cypress Wildlife Management Area is the only federally owned land where hunting for conditional reptiles is authorized.⁴⁴ Hunting within the Everglades National Park is prohibited by federal law.⁴⁵

The Python Challenge and Python Removal Training

The FWC, in coordination with the Fish and Wildlife Foundation of Florida, conducted a Python Challenge in 2013 and again in 2016. The Python Challenge is designed to raise awareness concerning the potential impacts of nonnative animals, while engaging the public in conservation through invasive species removal. Each participant is required to complete an online training module designed to teach him or her how to identify, locate, and safely and humanely capture Burmese pythons. In the 2016 Python Challenge more than 1,000 people from 29 states registered to take part in the month-long challenge and 106 snakes were turned in as a result.⁴⁶

The FWC provides a training program to teach individuals about the control and management of Burmese pythons in the state.⁴⁷ The program provides information related to rules and regulations, permits, python detection, species identification, data reporting, and safe capture techniques. The participants receive a hands-on experience catching wild Burmese pythons. These training programs are held in south and southwest Florida and are free of charge.

⁴⁰ *Id.*

⁴¹ Fla. Admin. Code R. 68A-15.064.

⁴² *Id.*

⁴³ Section 379.101(30)(a), F.S.

⁴⁴ FWC, *Senate Bill 230 Agency Bill Analysis*, 3 (Feb. 17, 2017) (on file with the Senate Committee on Environmental Preservation and Conservation).

⁴⁵ *Id.* at 2.

⁴⁶ Press release, FWC, *With 106 snakes removed, 2016 Python Challenge a success*, Feb. 27, 2016, available at <http://myfwc.com/news/news-releases/2016/february/27/python-awards/> (last visited Dec. 22, 2017).

⁴⁷ FWC, *Python Patrol*, <http://myfwc.com/wildlifehabitats/nonnatives/python/patrol/> (last visited Dec. 22, 2017).

Additionally, the South Florida Water Management District (SFWMD) in 2017 initiated the Python Elimination Program to eliminate pythons from SFWMD lands.⁴⁸ The program is designed to encourage members of the public to locate and remove Burmese and Northern African pythons in Miami-Dade, Broward, and Collier counties. As of December 2017, participants in the program removed nearly 800 pythons.⁴⁹

Lionfish Derby Days and Tournaments

The FWC coordinated a statewide Lionfish Challenge from May 20, 2017, through September 4, 2017.⁵⁰ The challenge is an annual removal incentive program in which participants receive prizes, such as t-shirts and tumblers, for harvesting lionfish.⁵¹ During the 2017 challenge, a total of 26,454 lionfish were removed.⁵² Additionally, the FWC coordinates an annual Lionfish Removal and Awareness Day to raise awareness about lionfish.⁵³ Divers removed over 12,000 lionfish from Florida waters during a two-day period.⁵⁴ The FWC was awarded donations to be used for cash prizes for a new lionfish removal incentive program designed to remove lionfish previously tagged by the FWC staff. This program will coincide with the annual Lionfish Challenge.

Public Reporting and Exotic Pet Amnesty

To raise awareness of invasive species the FWC provides the public with a reporting hotline, website, and smartphone application. To report nonnative fish or wildlife to the FWC, call the invasive species hotline at 888-IVE-GOT1, go to IVEGOT1.org, or download the IVEGOT1 smartphone application.

Additionally, the FWC sponsors the Exotic Pet Amnesty Program, which is an effort to reduce the number of nonnative species being released into the wild by pet owners who can no longer care for their pets or no longer wish to keep them.⁵⁵ Exotic Pet Amnesty Days are held periodically around the state to provide the opportunity for individuals to surrender their exotic pets free of charge and with no penalty.⁵⁶

⁴⁸ South Florida Water Management District (SFWMD), *Python Elimination Program*, <https://www.sfwmd.gov/our-work/python-program> (last visited Jan. 4, 2018).

⁴⁹ *Id.*

⁵⁰ FWC, *2017 Lionfish Challenge*, <http://myfwc.com/fishing/saltwater/recreational/lionfish/challenge/> (last visited Dec. 22, 2017).

⁵¹ *Id.*

⁵² FWC, *Lionfish Challenge Hall of Fame*, <http://myfwc.com/fishing/saltwater/recreational/lionfish/challenge/hall-of-fame/> (last visited Dec. 22, 2017).

⁵³ See Reef Rangers, *Lionfish Removal and Awareness Day*, <http://reefrangers.com/event-info/> (last visited Dec. 22, 2017).

⁵⁴ *Id.*

⁵⁵ Fla. Admin. Code R. 68-5.004; see FWC, *Exotic Amnesty Program*, <http://myfwc.com/wildlifehabitats/nonnatives/amnesty-program/> (last visited Dec. 22, 2017).

⁵⁶ *Id.*

Since its creation in 2006, the Exotic Pet Amnesty Program has successfully found adoptive homes for hundreds of surrendered exotic pets.⁵⁷ Finding homes for these animals with pre-approved adopters helps to ensure that they are not released into Florida’s natural areas.⁵⁸ The following chart provides the total number of animals surrendered by year.⁵⁹

Year	Number of Events	Number of Animals surrendered			Running totals
		Events	Hotline	Total	
2006	1	6		6	6
2007	1	50		50	56
2008	2	203		203	259
2009	3	252		252	511
2010	3	132		132	643
2011	2	126	90	216	859
2012	6	279	227	506	1365
2013	7	188	152	340	1705
2014	5	234	235	469	2174
2015	3	223	133	356	2530

Public Procurement Process

Chapter 287, F.S., governs the public procurement of personal property and services. The Florida Department of Management Services is responsible for overseeing state purchasing activity, including professional and commodity and contractual services needed to support agency activities.⁶⁰ The Division of State Purchasing within the Department of Management Services establishes statewide purchasing rules and negotiates contracts and purchasing agreements that are intended to leverage the state’s buying power.⁶¹

Contracts for commodities or contractual services in excess of \$35,000 must be procured through a competitive solicitation process.⁶² Section 287.058, F.S., outlines the provisions and conditions that must be present in contractual agreements for competitively procured services. The section also provides that a contract may be renewed for a period of time upon satisfactory performance evaluations by the agency and subject to the availability of funds.⁶³

III. Effect of Proposed Changes:

SB 168 requires the Fish and Wildlife Conservation Commission (FWC) to establish a pilot program to mitigate the impacts of priority invasive species on lands or waters of the state. The bill defines the term “priority invasive species” to include:

- Lizards of the genus *Tupinambis*, also known as tegus;
- Species identified in s. 379.372(2), F.S., which includes the:

⁵⁷ FWC, *Exotic Amnesty Program*, <http://myfwc.com/wildlifehabitats/nonnatives/amnesty-program/> (last visited Dec. 22, 2017).

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ See ss. 287.032 and 287.042, F.S.

⁶¹ Division of Purchasing rules are published under Chapter 60A of the Florida Administrative Code.

⁶² Section 287.057(1), F.S., requires a competitive solicitation process for contracts that exceed the Category Two threshold. Category thresholds are listed in s. 287.017, F.S. Contracts exceeding \$35,000 are designated as Category Two.

⁶³ Section 287.058(1)(g), F.S.

- Burmese or Indian python;
- Reticulated python;
- Northern African python;
- Southern African python;
- Amethystine or scrub python;
- Green Anaconda;
- Nile Monitor; and
- Any other reptile designated as a conditional or prohibited species by the FWC;
- *Pterois volitans*, also known as red lionfish; and
- *Pterois miles*, also known as the common lionfish or devil firefish.

The goal of the pilot program is to examine the benefits of using strategically deployed and trained private contractors to slow the advance of the specified nonnative animals, contain their populations, and eradicate them from the state.

The bill authorizes the FWC to enter into contracts, in accordance with the public procurement requirements of the state, with entities or individuals to capture or destroy certain nonnative species found on lands or waters of the state. Any private contracted work performed on lands or waters of the state that is not owned or managed by the FWC must be performed with the consent of the landowner.

Each capture and disposal of a nonnative animal is required to be documented and photographed and the geographic location of the take must be recorded for research purposes. All animals captured, but not destroyed, in the removal efforts are required to be disposed of at the direction of the FWC. The FWC is required to submit a report of findings and recommendations regarding the implementation of the pilot program to the Governor and the Legislature by January 1, 2021.

Additionally, the FWC is required to identify by rule nonnative animals that threaten the state's wildlife habitats. Any nonnative animal identified by the FWC must be implanted with a passive integrated transponder (PIT) tag before such animal is sold, resold, or offered for sale by a pet dealer. The bill defines the term "pet dealer" to include any person who, in the ordinary course of business, engages in the sale of more than twenty animals per year to the public, including breeders who sell animals directly to the public. The FWC is required to establish by rule standards for the types of PIT tags that must be used by pet dealers and the manner in which the tags must be implanted.

The bill provides for an appropriation from the State Game Trust Fund of \$300,000 during both the 2018-2019 Fiscal Year and the 2019-2020 Fiscal Year, for a total appropriation of \$600,000.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill authorizes the FWC to contract with private entities or individuals to capture or destroy nonnative animals found on lands or waters of the state. This will have a positive indeterminate fiscal impact on the entities or individuals who are awarded such contracts.

C. Government Sector Impact:

The FWC will incur additional costs associated with the pilot program. The FWC stated that one or two additional staff positions are necessary to cover the workload required to develop and oversee private contractors and to develop and oversee agreements with other public land managing agencies.⁶⁴ Also, additional staff may be needed for budgeting oversight.⁶⁵ The total fiscal impact of the pilot program is indeterminate at this time; however, the bill provides for an appropriation from the State Game Trust Fund of \$300,000 during both the 2018-2019 Fiscal Year and the 2019-2020 Fiscal Year, for a total appropriation of \$600,000.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 379.2311 of the Florida Statutes.

⁶⁴ FWC, *Senate Bill 230 Agency Bill Analysis*, 3 (Feb. 17, 2017) (on file with the Senate Committee on Environmental Preservation and Conservation).

⁶⁵ *Id.*

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
