

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 Commerce and Tourism

BILL: SB 1336

INTRODUCER: Senator Evers

SUBJECT: Lionfish

DATE: March 28, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hinton</u>	<u>Uchino</u>	<u>EP</u>	Favorable
2.	<u>Baye</u>	<u>Hrdlicka</u>	<u>CM</u>	Favorable
3.	_____	_____	<u>AG</u>	_____

I. Summary:

SB 1336 creates a new section of law that prohibits the importation of live lionfish, hybrids, or their eggs. It also prohibits lionfish aquaculture or the sale of illegally imported live lionfish. This bill provides that violations of this bill are a Level Two offense, and provides rulemaking authority to the Fish and Wildlife Conservation Commissions (FWC) and the Department of Agriculture and Consumer Services (DACs).

II. Present Situation:

Lionfish are native to the Indo-Pacific and the Red Sea.¹ They grow to about 12 to 15 inches in length, spawn frequently, and release tens of thousands of eggs at a time.² Lionfish have 18 venomous spines that they use defensively against predators. Lionfish are predatory reef fish that reduce Florida's native populations, compete with native predatory fish, such as grouper and snapper, and disrupt the balance of reef communities.³ The fish is a threat to Florida's saltwater fish, wildlife, and habitat.⁴

Lionfish were first spotted in 1985, near Dania Beach in Broward County, Florida.⁵ Lionfish reports have increased rapidly since the mid-2000s and have been reported as far north as off the coast of North Carolina and as far west as the Gulf coast near Pensacola and Apalachicola.⁶

¹ Florida Fish and Wildlife Conservation Commission, *Lionfish – Pterois volitans*, <http://myfwc.com/wildlifehabitats/nonnatives/marine-species/lionfish/> (last visited Mar. 21, 2014).

² *Id.*

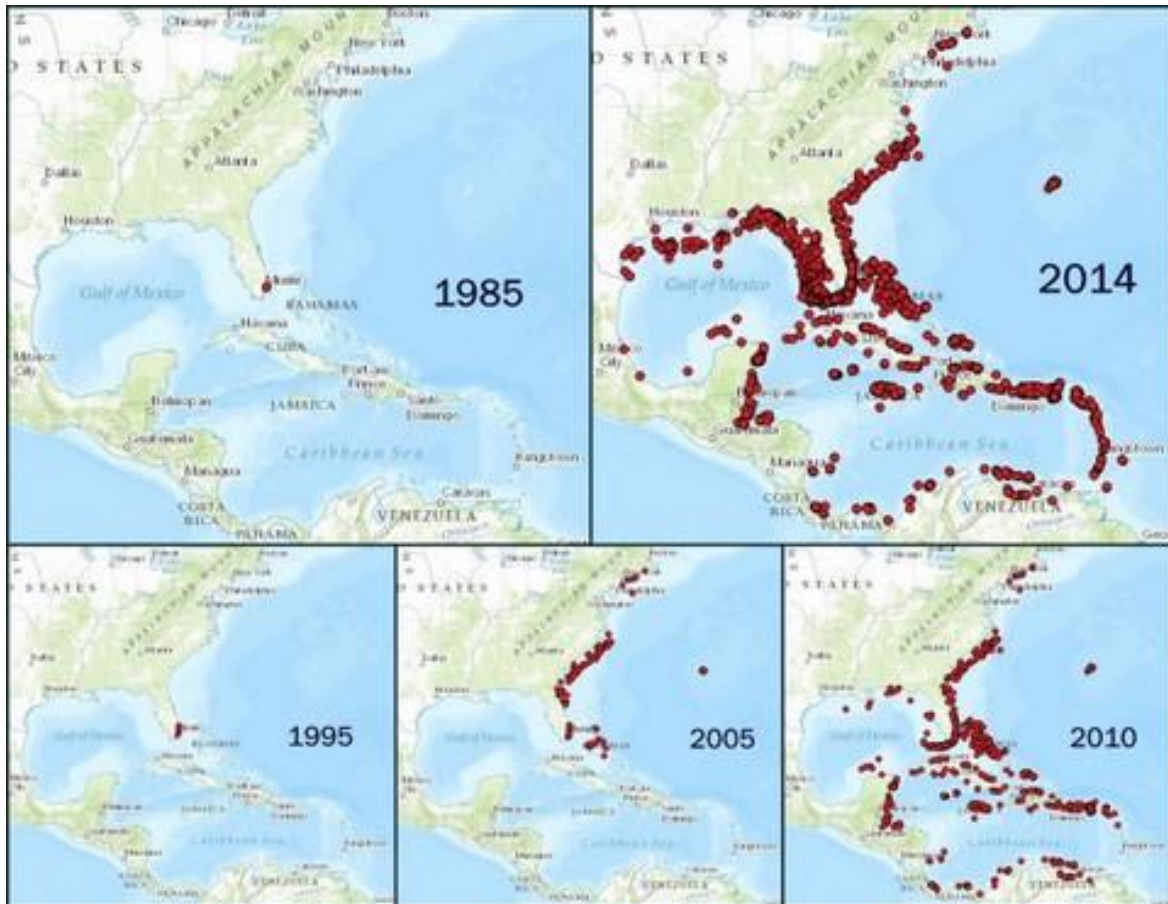
³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

The United States Geological Society produced a time lapse series of yearly sightings, beginning with the first report of lionfish in U.S. coastal waters.⁷ The following series of images illustrates the spread of lionfish in the Atlantic Ocean and the Gulf of Mexico from 1985-2014.



There are relatively few restrictions for taking lionfish in state waters. A recreational fishing license is not required to fish for lionfish when using a pole spear, a Hawaiian Slings, a handheld net, or any spearing device specifically designed and marketed for lionfish. For all other methods of harvesting lionfish, a recreational fishing license is required. There are no recreational or commercial bag limits for lionfish.⁸

The FWC encourages divers and recreational and commercial fishermen to remove lionfish to limit negative impacts to native marine life and ecosystems.⁹ The poisonous spines of the lionfish need to be avoided when capturing the fish, but the flesh is non-poisonous¹⁰ and served in several restaurants, primarily in South Florida. Anecdotally, customer response has been positive, but the fish can be difficult to prepare.

⁷ United States Geological Society, *NAS – Nonindigenous Aquatic Species* (July 12, 2013), <http://nas.er.usgs.gov/queries/SpeciesAnimatedMap.aspx?speciesID=963> (last visited Mar. 21, 2014).

⁸ FWC, *Lionfish Recreational Regulations*, <http://myfwc.com/fishing/saltwater/recreational/lionfish/> (last visited Mar. 15, 2014).

⁹ *Id.*

¹⁰ *Supra* note 1.

III. Effect of Proposed Changes:

The bill creates s. 379.2414, F.S., to prohibit:

- The importation of live lionfish, hybrids, or their eggs;
- The aquaculture of lionfish; and
- The sale of illegally imported live lionfish.

It provides that a violation of any of the prohibitions is a Level Two violation under s. 379.401, F.S. The bill amends s. 379.401, F.S., adding the prohibitions of the bill to the enumerated list of Level Two violations.

Under current law s. 379.401, F.S., Level Two violation penalties are as follows:¹¹

- A conviction for a Level Two violation that is not a conviction for a second Level Two or higher violation within 3 years is a second degree misdemeanor, punishable by up to 60 days imprisonment and a fine of up to \$500.
- A conviction for a Level Two violation within 3 years of a previous conviction for a Level Two or higher violation is a first degree misdemeanor, punishable by up to 1 year imprisonment and a mandatory minimum fine of \$250 and not more than \$1,000.
- A conviction for a Level Two violation within 5 years of two previous convictions for Level Two or higher violations is a first degree misdemeanor, punishable by a up to 1 year imprisonment, a mandatory minimum fine of \$500 and no more than \$1,000, and suspension of any recreational license or permit for 1 year.
- A conviction for a Level Two violation within 10 years of three previous convictions for Level Two or higher violations is a first degree misdemeanor, punishable by up to 1 year imprisonment and a mandatory minimum fine of \$750 and no more than \$1,000, and suspension of any recreational license or permit for 3 years.¹²

The bill provides rulemaking authority for the FWC to adopt rules to administer the provisions of the bill and provides the DACS rulemaking authority to adopt rules relating to the aquaculture of lionfish.

The act has an effective date of August 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹¹ The statute categorizes violations on a scale of one to four, four being the most severe.

¹² Section 379.401(2)(b), F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals who import, raise, or sell lionfish will be subject to criminal violations. This bill may also have a positive impact on individuals who catch lionfish in state waters for sale in the aquarium trade.¹³

C. Government Sector Impact:

Indeterminate. There could be a minimal increase in fines for violations of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 379.2414 of the Florida Statutes.

This bill amends section 379.401 of the Florida Statutes.

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.

¹³ See also Fish and Wildlife Conservation Commission, *Senate Bill 1336 Agency Analysis* (Mar. 10, 2014).