

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 1336

INTRODUCER: Senator Evers

SUBJECT: Lionfish

DATE: March 17, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hinton	Uchino	EP	Pre-meeting
2.	_____	_____	CM	_____
3.	_____	_____	AG	_____

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. The bill makes a violation of the provisions of the bill 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 thousands of eggs at a time. 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. The fish is a threat to Florida's saltwater fish, wildlife, and habitat.²

Lionfish are not native to the United States. They were first spotted in 1985, near Dania Beach in Broward County, Florida. During the 2000s, the lionfish population expanded north to the waters off the coasts of Georgia, South Carolina, and North Carolina and into the Gulf of Mexico.³

¹ FWC, *Lionfish – Pterois volitans*, <http://myfwc.com/wildlifehabitats/nonnatives/marine-species/lionfish/> (last accessed Mar. 16, 2014).

² *Id.*

³ *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.⁴ The series of images illustrates the spread of lionfish in the Atlantic Ocean and the Gulf of Mexico.

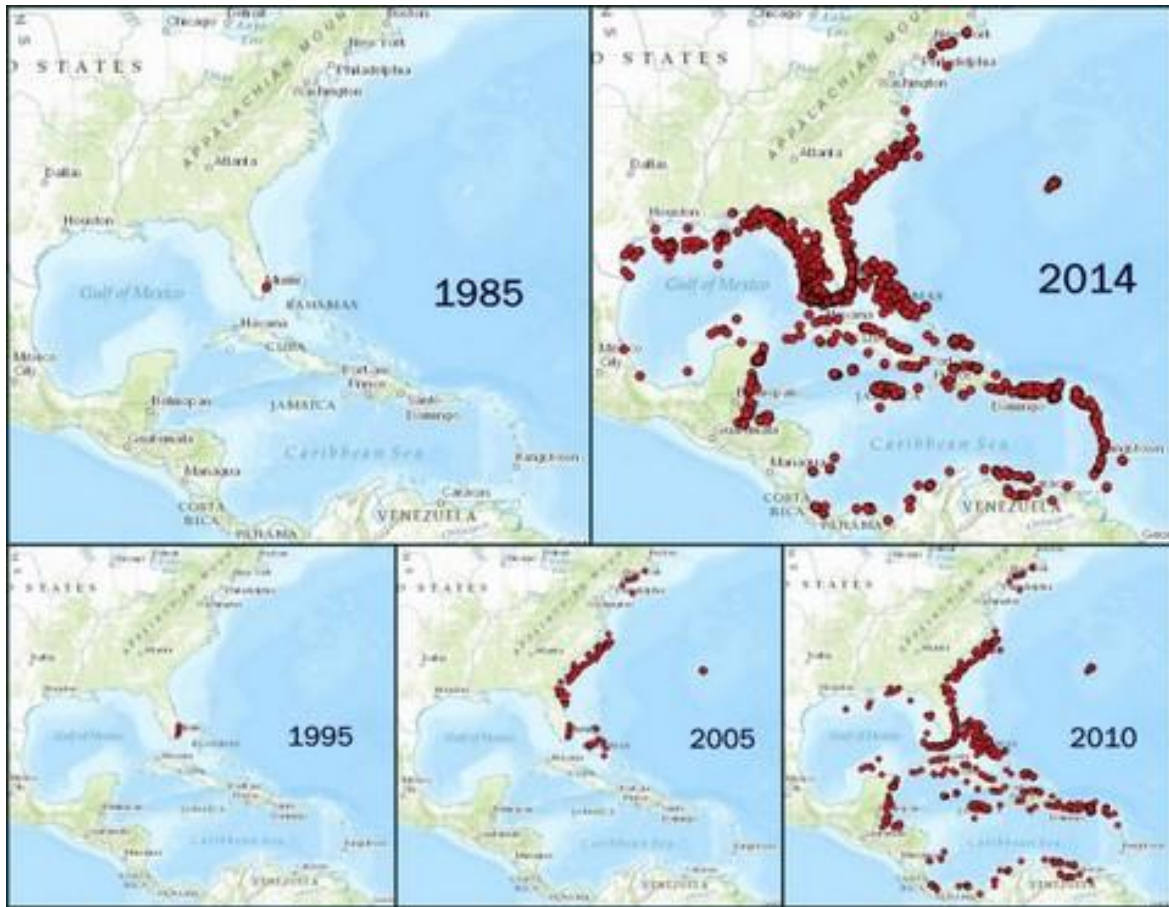


Figure 1. Lionfish population in the United States from 1985 to 2014.

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 Sling, a handheld net, or any spearing device specifically designed and marketed for lionfish. Otherwise, a recreational fishing license is required for all other methods of harvesting lionfish. There are no recreational or commercial bag limits for lionfish.⁶

The poisonous spines of the lionfish need to be avoided when capturing the fish, but the flesh is non-poisonous⁷ and served in several restaurants, primarily in South Florida. Anecdotally, customer response has been positive, but the fish can be difficult to prepare.

⁴ United States Geological Society, *NAS – Nonindigenous Aquatic Species*, (July 12, 2013), <http://nas.er.usgs.gov/queries/SpeciesAnimatedMap.aspx?speciesID=963> (last visited Mar. 15, 2014).

⁵ *Supra* note 1.

⁶ FWC, Lionfish Recreational Regulations, <http://myfwc.com/fishing/saltwater/recreational/lionfish/> (last visited Mar. 15, 2014).

⁷ *Supra* note 1.

Section 379.401, F.S., details punishments for various violations. The statute categorizes violations on a scale of one to four, four being the most severe. Level two violations are punished as follows:

- A conviction for a level two violation that is not a second level two or higher violation within three years is a second degree misdemeanor.
- A conviction for a level two violation within three years of a previous conviction for a level two or higher violation is a first degree misdemeanor and subjects the violator to a mandatory minimum fine of \$250.
- A conviction for a level two violation within five years of two previous convictions for level two or higher violations is a first degree misdemeanor and subjects the violator to a mandatory minimum fine of \$500 and suspension of any recreational license or permit for one 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 and subjects the violator to a mandatory minimum fine of \$750 and suspension of any recreational license or permit for three years.⁸

III. Effect of Proposed Changes:

The bill creates s. 379.2414, F.S., defining lionfish as finfish of the genus *Pterois*. It prohibits 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 conviction for violating any provision of the bill is a Level Two violation under s. 379.401, F.S. It 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. Lastly, the bill amends s. 379.401, F.S., adding the prohibitions of the bill to the enumerated list of Level Two violations. The act will take effect August 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁸ Section 379.401(2)(b), F.S.

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

None.

B. Private Sector Impact:

Given the rapid spread of lionfish in Florida's waters, the effects of this bill on the private sector will likely be minimal.

C. Government Sector Impact:

There could be a small increase in fines for violations of the bill. The effect will likely be minimal.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 379.2414 of the Florida Statutes.

This bill substantially 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.