

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 Community Affairs

BILL: CS/SB 906

INTRODUCER: Community Affairs Committee and Senator Farmer

SUBJECT: Prohibited Reptiles

DATE: February 10, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Anderson</u>	<u>Rogers</u>	<u>EN</u>	Favorable
2.	<u>Paglialonga</u>	<u>Ryon</u>	<u>CA</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 906 adds the green iguana (*Iguana iguana*) and the black and white tegu (*Salvator merianae*) to the list of species that may not be kept, possessed, imported into the state, sold, bartered, traded, or bred in this state. However, the bill provides an exception to this provision, which allows persons and entities to legally possess such species for the purpose of the out-of-state sale of such species, upon being issued a permit by the Florida Fish and Wildlife Conservation Commission (FWC).

The bill directs the FWC to establish by rule methods and processes for the capture, purchase, inventory, and sale of all green iguanas and black and white tegus.

II. Present Situation:

Nonnative Species

Under Article IV, section 9 of the Florida Constitution, the FWC exercises the regulatory and executive powers of the state concerning wild animal life, freshwater aquatic life, and marine life.¹ These powers include the authority to control and manage nonnative species.² Nonnative

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 Environment and Natural Resources).

species are animals living outside captivity and which are not historically present in the state.³ More than 500 nonnative fish and wildlife species inhabit Florida environments.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, Florida law and regulations provide that it is illegal 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 human safety. Possession of these species requires a permit from the FWC and is generally limited to public exhibition and research.⁷

Conditional species⁸ are nonnative species that pose a risk to native fish and wildlife or the ecology of native wildlife communities. Conditional nonnative snakes and lizards are not authorized for personal possession.⁹ 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:

- 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.¹⁰

A reptile dealer, researcher, or public exhibitor providing educational exhibits may apply for a permit to import, export, or possess conditional nonnative snakes and lizards.¹¹ 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

³ FWC, *What is a nonnative species?*, <https://myfwc.com/wildlifehabitats/nonnatives/exotic-information/> (last visited Jan. 13, 2020).

⁴ FWC, *Florida's Exotic Fish and Wildlife*, <http://myfwc.com/wildlifehabitats/nonnatives/> (last visited on Jan. 13, 2020).

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 Statute uses the phrase "reptiles of concern," but FWC lists such species in its conditional species list. See FWC, *Reptiles of Concern*, <https://myfwc.com/license/captive-wildlife/reptiles-of-concern/> (last visited Dec. 30, 2019); s. 379.372(b), F.S.

⁹ FWC, *Conditional Snakes and Lizards*, <http://myfwc.com/wildlifehabitats/nonnatives/regulations/snakes-and-lizards/> (last visited Jan. 13, 2020).

¹⁰ Section 379.372(2)(a), F.S.

¹¹ Fla. Admin. Code R. 68-5.005(1); see FWC, *Conditional Snakes and Lizards*, <http://myfwc.com/wildlifehabitats/nonnatives/regulations/snakes-and-lizards/> (last visited Jan. 13, 2020).

microchip.¹² Owners of such species must submit a Captive Wildlife Disaster and Critical Incident Plan to the FWC and must maintain records of their inventory.¹³

In 2018, the Legislature created s. 379.2311, F.S., which directed FWC to create a pilot program to mitigate the impact of priority invasive species on the public lands or waters of the state. The goal of the pilot program is to examine the benefits of using strategically deployed, trained private contractors to slow the advance of priority invasive species, contain their populations, and eradicate them from this state. As part of the program, FWC is authorized to enter into contracts to capture or destroy animals belonging to priority invasive species found on public lands, in the waters of this state, or on private lands or waters with the consent of the owner. All captures and disposals of animals that are priority invasive species must be documented and photographed, and the geographic location of the capture must be recorded for research purposes. FWC is required to submit a report of findings and recommendations regarding its implementation of the pilot program to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2021.

Priority invasive species are:

- Lizards of the genus *Tupinambis*, also known as tegu lizards;
- The conditional lizard and snake species listed above;
- *Pterois volitans*, also known as red lionfish; and
- *Pterois miles*, also known as the common lionfish or devil firefish.¹⁴

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.¹⁵ Tegus are not innately aggressive but have sharp teeth, strong jaws, and sharp claws, which they will use to defend themselves if threatened.¹⁶ Tegus are an invasive species and have known breeding populations in Miami-Dade and Hillsborough counties¹⁷ and an emerging population in Charlotte County.¹⁸ 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.¹⁹

The tegu is not designated as a conditional or prohibited species.²⁰ However, a person must possess a license from FWC to sell a tegu or for public exhibition.²¹ A November 2019 survey of

¹² Fla. Admin. Code R. 68-5.005(5).

¹³ *Id.*

¹⁴ Section 379.2311, F.S.

¹⁵ FWC, *Argentine black and white tegu*, <https://myfwc.com/wildlifehabitats/nonnatives/reptiles/whiptails-and-wall-lizards/tegu/> (last visited Jan. 2, 2020).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Fish and Wildlife Conservation Commission (FWC), *Senate Bill 906 Agency Bill Analysis*, 2 (Nov. 27, 2019) (on file with the Senate Committee on Environment and Natural Resources).

¹⁹ FWC, *Argentine black and white tegu*, <https://myfwc.com/wildlifehabitats/nonnatives/reptiles/whiptails-and-wall-lizards/tegu/> (last visited Jan. 2, 2020).

²⁰ *Id.*

²¹ *Id.*; see s. 379.3761, F.S.

all Class III license holders allowing for the sale of reptiles found 106 license holders listed that may sell tegus with more than 1,245 in inventory.²² FWC developed a trapping removal program and works with other agencies and organizations to assess the tegu's threat and develop management strategies.²³ The goal of the program is to minimize the impact of tegus on native wildlife and natural areas.²⁴ A limited number of commercial wildlife operators trap and remove tegus for homeowners or on other private lands.²⁵

Members of the public may also remove and kill tegus from 22 FWC managed public lands without a license or permit.²⁶ Through these efforts, over 7,800 tegus have been reported to the Commission as removed from the wild or found dead in Florida by FWC staff, partners, and the public since 2012, primarily in Miami-Dade County.²⁷

Green Iguanas

Green iguanas (*Iguana iguana*) are large, typically green lizards, though they can sometimes be brown or almost black.²⁸ Some adults can take on an orange or pink coloration during certain times of the year. Male green iguanas can grow to over five feet in length and weigh up to 17 pounds. Females can also reach five feet in length but usually do not exceed seven pounds. Females typically reach reproductive maturity at two to four years of age. Green iguanas can live up to 10 years in the wild and 19 years in captivity. Green iguanas thrive in southern Florida and are not cold hardy.²⁹

Green iguanas are a nonnative, invasive species in Florida.³⁰ Green iguanas can live on the ground, in shrubs, or trees in a variety of habitats, including suburban developments, urban areas, small towns, and agricultural areas. They are excellent swimmers, tolerating both salt and fresh water and can submerge themselves for up to four hours at a time.³¹

Green iguanas cause damage to residential and commercial landscape vegetation and are often considered a nuisance by property owners. Iguanas are attracted to trees with foliage or flowers, most fruits (except citrus), and almost any vegetable. Some green iguanas cause damage to infrastructure by digging burrows that erode and collapse sidewalks, foundations, seawalls, berms, and canal banks. Green iguanas may also leave droppings on docks, moored boats, seawalls, porches, decks, pool platforms, and inside swimming pools.

²² Fish and Wildlife Conservation Commission (FWC), *Senate Bill 906 Agency Bill Analysis*, 3 (Nov. 27, 2019) (on file with the Senate Committee on Environment and Natural Resources).

²³ *Id.* (under Frequently Asked Questions).

²⁴ *Id.*

²⁵ FWC, *Senate Bill 230 Agency Bill Analysis*, 2 (Feb. 17, 2017) (on file with the Senate Committee on Environment and Natural Resources).

²⁶ FWC, EO 17-11 (Mar. 31, 2017), available at <https://myfwc.com/media/3682/eo-17-11.pdf>.

²⁷ Fish and Wildlife Conservation Commission (FWC), *Senate Bill 906 Agency Bill Analysis*, 2 (Nov. 27, 2019) (on file with the Senate Committee on Environment and Natural Resources).

²⁸ FWC, *Invasive Green Iguana*, <https://myfwc.com/wildlifehabitats/profiles/reptiles/green-iguana/> (last visited Dec. 30, 2019).

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

Green iguanas are not designated as conditional or prohibited species.³² However, a person must possess a license from the FWC to sell a green iguana or for public exhibition.³³ A November 2019 survey of all Class III license holders allowing for the sale of reptiles found 382 license holders listed that may sell iguanas with more than 5,307 in inventory.³⁴

The FWC encourages the removal of green iguanas from private properties by landowners. Members of the public may also remove and kill iguanas from 22 FWC managed public lands without a license or permit.³⁵ The FWC hosts Iguana Technical Assistance Public Workshops to help empower homeowners to manage this nonnative species on their property with legal trapping and removal options.³⁶ In 2018, FWC initiated removal efforts on public conservation lands, resulting in the removal of nearly 5,000 iguanas.³⁷

III. Effect of Proposed Changes:

Section 1 amends s. 379.372, F.S., to add the green iguana (*Iguana iguana*) and the black and white tegu (*Salvator merianae*) to the list of reptiles to the list of species that may not be kept, possessed, imported into the state, sold, bartered, traded, or bred in this state. However, the bill provides an exception to this provision, which allows a person, party, firm, association, or corporation who holds a permit issued by the FWC to legally possess such species for the purpose of the out-of-state sale of such species.

The bill directs the FWC to establish methods and processes for the capture, purchase, inventory, and sale of these reptiles by administrative rule.

Section 2 reenacts s. 379.2311, F.S., to incorporate the amendment made in section 1.

Section 3 provides an effective date of July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

³² *Id.*

³³ *Id.*; see s. 379.3761, F.S.

³⁴ Fish and Wildlife Conservation Commission (FWC), *Senate Bill 906 Agency Bill Analysis*, 3 (Nov. 27, 2019) (on file with the Senate Committee on Environment and Natural Resources).

³⁵ FWC, EO 17-11 (Mar. 31, 2017), available at <https://myfwc.com/media/3682/eo-17-11.pdf>.

³⁶ FWC, *Nonnative Species Public Workshops*, <https://myfwc.com/wildlifehabitats/nonnatives/public-workshops/> (last visited Dec. 30, 2019).

³⁷ Fish and Wildlife Conservation Commission (FWC), *Senate Bill 906 Agency Bill Analysis*, 2 (Nov. 27, 2019) (on file with the Senate Committee on Environment and Natural Resources).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There may be a negative fiscal impact on commercial owners of tegus and iguana who are no longer able to sell the species to in-state customers under the bill.

C. Government Sector Impact:

The FWC may incur costs associated with establishing rules governing the methods and processes for the capture, purchase, inventor, and sale of all green iguanas and black and white tegus.

VI. Technical Deficiencies:

None.

VII. Related Issues:

FWC has suggested that for enforcement purposes, language including all tegu species would be preferable. FWC recommends that the language on line 69 of the bill be replaced with “any species of the genera *Salvator* and *Tupinambis*” to prevent law enforcement and prosecutors from having to prove species and reduce additional damage from other tegu species that aren’t currently listed.³⁸

There is more than one species of tegu currently in trade in the commercial herpetological industry, including but not limited to, gold tegus and red tegus. The pet industry has created designer color hybrids of tegu species, which could make it difficult for law enforcement to enforce the proposed language because of challenges in the identification of the species.³⁹ If all

³⁸ Fish and Wildlife Conservation Commission (FWC), *Senate Bill 906 Agency Bill Analysis*, 6 (Nov. 27, 2019) (on file with the Senate Committee on Environment and Natural Resources).

³⁹ *Id.*

species of tegu are not regulated simultaneously, the commercial herpetological industry may move to sell other species that would cause similar impacts to native species if released or create additional hybrid species that may make the statute difficult to enforce.⁴⁰ There are currently seven identified species of tegus split between two genera: *Salvator* and *Tupinambis*.⁴¹

VIII. Statutes Affected:

This bill substantially amends section 379.372 of the Florida Statutes.
This bill reenacts section 379.2311 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.)

CS by Community Affairs on February 10, 2020:

The committee substitute:

- Provides an exception to allow persons and entities to possess green iguanas and black and white tegus for the purpose of the out-of-state sale of such species; and
- Directs the FWC to establish methods and processes for the capture, purchase, inventory, and sale of these reptiles by administrative rule.

- B. **Amendments:**

None.

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

⁴⁰ *Id.*

⁴¹ *Id.*