

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 Rules

BILL: CS/CS/CS/SB 1414

INTRODUCER: Rules Committee; Agriculture Committee; Environment and Natural Resources Committee; and Senator Mayfield

SUBJECT: Fish and Wildlife Activities

DATE: February 26, 2020 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rogers</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	<u>Fav/CS</u>
3.	<u>Rogers</u>	<u>Phelps</u>	<u>RC</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1414 broadens the prohibition on the harassment of hunters, trappers, or fishers to include harassment on any public lands, public waters, or publicly or privately owned wildlife management and fish management areas.

The bill expands the number of free fishing days from 4 to 6.

The bill adds tegus and iguanas to the conditional nonnative snakes and lizards list and tightens the restrictions on the list from applying to possession of these species for sale or personal use to prohibiting any use except for educational, research, or eradication or control purposes. The bill authorizes the Fish and Wildlife Conservation Commission (FWC) to grandfather certain persons holding a valid captive wildlife Class III exhibition or sale license to continue dealing in green iguanas or tegus commercially, with limitations. The bill allows the sale of inventory of the species only outside of the state and prohibits import of the species into the state. The bill requires FWC to adopt rules to establish reporting requirements, biosecurity measures to prevent the escape of the species, and grandfathering provisions for persons that are currently in possession of green iguanas or tegus who do not qualify for the grandfathering provisions applicable to sale or exhibition.

II. Present Situation:

Penalties for Violations Pertaining to Fish and Wildlife

Under Art. IV, s. 9 of the Florida Constitution, the Fish and Wildlife Conservation Commission (FWC) is granted the authority to exercise the regulatory and executive powers of the state with respect to wild animal life, fresh water aquatic life, and marine life. The Legislature may enact laws that aid FWC in its exercise of regulatory functions and executive powers in the areas of planning, budgeting, personnel management, and purchasing.¹

Section 379.401, F.S., details FWC’s four-tier system for penalties and violations, civil penalties for noncriminal infractions, criminal penalties, and suspension and forfeiture of licenses and permits. Level One violations are considered the least serious while Level Four violations are considered the most serious.

The penalties for Level Two violations are as follows:

Level Two Violation	Type of Infraction	Civil Penalty or Jail Time	License Restrictions
First offense	2 nd Degree Misdemeanor ²	Max: \$500 or Max: 60 days	None
Second offense within three years of previous Level Two violation (or higher)	1 st Degree Misdemeanor ³	Min: \$250; Max: \$1,000 Max: one year	None
Third offense within five years of two previous Level Two violations (or higher)	1 st Degree Misdemeanor ⁴	Min: \$500; Max: \$1,000 Max: one year	Suspension of license for one year
Fourth offense within 10 years of three previous Level Two violations (or higher)	1 st Degree Misdemeanor ⁵	Min: \$750; Max \$1,000 or Max: one year	Suspension of license for three years

Right to Hunt or Fish

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.⁶ 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 the FWC.⁷

¹ FLA. CONST. art. IV, s. 9.

² Section 379.401(2)(b)1., F.S.

³ Section 379.401(2)(b)2., F.S.

⁴ Section 379.401(2)(b)3., F.S.

⁵ Section 379.401(2)(b)4., F.S.

⁶ Section 379.104, F.S.

⁷ *Id.*

Fees for Freshwater or Saltwater Fishing Licenses

The law and FWC rules prohibit the taking of game, freshwater or saltwater fish, or fur-bearing animals within this state without having first obtained a license, permit, or authorization number and paid the associated fees.⁸ The following lists are freshwater and saltwater fees for fishing licenses set out in statute, though there can be additional fees for specialized permits.

For residents:

- An annual freshwater or saltwater fishing license costs \$15.50.⁹
- A 5-year freshwater or saltwater fishing license costs \$77.50.¹⁰
- A lifetime freshwater or saltwater fishing license costs:¹¹
 - \$125 for persons 4 years of age or younger.
 - \$225 for persons 5 years of age or older but under 13 years of age.
 - \$300 for persons 13 years of age or older.

For nonresidents:

- A freshwater or saltwater fishing license for 3 consecutive days costs \$15.50.
- A freshwater or saltwater fishing license for 7 consecutive days costs \$28.50.
- An annual freshwater or saltwater fishing license costs \$45.50.¹²

FWC also charges \$1.50 for the cost of issuing the permit.¹³ Exemptions from the fishing license requirement exist for those under the age of 16 or over the age of 65.¹⁴

Free Fishing Days

Florida law expressly authorizes FWC to designate by rule no more than 4 days a year as free freshwater fishing days and no more than 4 days a year as free saltwater fishing days.¹⁵ This means people can fish without a license or permit on those days. A person who takes freshwater or saltwater fish on a free fishing day must comply with all laws, rules, and regulations governing the holders of a fishing license or permit and all other conditions and limitations regulating the taking of freshwater or saltwater fish as are imposed by law or rule.¹⁶

Harassment of Hunters, Trappers, or Fishers

Under s. 79.105, F.S., a person may not intentionally, within a publicly or privately owned wildlife management or fish management area or on any state-owned water body:

- Interfere with or attempt to prevent the lawful taking of fish, game, or nongame animals by another.

⁸ Section 379.354(1), F.S.

⁹ Section 379.354(4), F.S.

¹⁰ Section 379.354(9), F.S.

¹¹ Section 379.354(11), F.S.

¹² Section 379.354(5), F.S.

¹³ Section 379.352(5), F.S.

¹⁴ Section 379.353, F.S.

¹⁵ Section 379.354(15), F.S.; Fla. Amin. Code R. 68A-5.006 sets out “Free-Freshwater Fishing Day-Spring” as the first weekend in April, and “Free-Freshwater Fishing Day-Summer” as the second weekend in June, or such other period as may be specified by order of FWC; Fla. Amin. Code R. 68A-5.006 sets out “License-Free Saltwater Fishing Days” as the first weekend in June, the first Saturday in September, and the Saturday following Thanksgiving.

¹⁶ Section 379.354(15), F.S.

- Attempt to disturb fish, game, or nongame animals or attempt to affect their behavior with the intent to prevent their lawful taking by another.
- Anyone in violation of this provision is guilty of a Level Two violation (see above).

Nonnative Species

FWC is responsible for the control and management of nonnative species.¹⁷ Nonnative species are animals living outside captivity and which are not historically present in the state.¹⁸ More than 500 fish and wildlife nonnative species have been documented in Florida.¹⁹ 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.²⁰ 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.²¹

Class III Wildlife

Any non-domesticated wildlife species that do not appear on the list of Class I²² or Class II²³ wildlife are considered Class III wildlife.²⁴ Examples of Class III species include, but are not limited to, parrots, finches, skunks, foxes, geckos, snakes, and frogs.²⁵ A permit is required for personal possession, exhibition, or sale of Class III wildlife; however, a permit is not required to possess certain Class III wildlife as a personal pet.²⁶ Permittees must meet various caging and transportation requirements pursuant to FWC rules.²⁷

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 FWC and is generally limited to public exhibition and research.²⁸

¹⁷ Fla. Admin. Code Ch. 68-5.

¹⁸ Fish and Wildlife Conservation Commission (FWC), *What is a nonnative species?* <https://myfwc.com/wildlifehabitats/nonnatives/exotic-information/> (last visited February 6, 2020).

¹⁹ FWC, *Florida's Exotic Fish and Wildlife*, <http://myfwc.com/wildlifehabitats/nonnatives/> (last visited on February 6, 020).

²⁰ *Id.*

²¹ Section 379.231, F.S.

²² Class I wildlife are those that pose a significant danger to people. Species include bears, cheetahs, baboons, crocodiles, elephants, gorillas, etc. FWC, *Captive Wildlife*, <https://myfwc.com/license/captive-wildlife/> (last visited Feb. 25, 2020). See Fla. Admin. Code R. 68A6.002(1)(a) for a list of Class I wildlife.

²³ Class II wildlife are those that can pose a danger to people. Species include alligators, badgers, bobcats, monkeys, ostrich, wolves, etc. FWC, *Captive Wildlife*, <https://myfwc.com/license/captive-wildlife/> (last visited Feb. 25, 2020). See Fla. Admin. Code R. 68A6.002(1)(b) for a list of Class II wildlife.

²⁴ Fla. Admin. Code R. 68A-6.002(1)(c); FWC, *Captive Wildlife*, <https://myfwc.com/license/captive-wildlife/> (last visited Feb. 25, 2020).

²⁵ FWC, *Captive Wildlife*, <https://myfwc.com/license/captive-wildlife/> (last visited Feb. 25, 2020).

²⁶ Fla. Admin. Code R. 68A-6.003; FWC, *Captive Wildlife*, <https://myfwc.com/license/captive-wildlife/> (last visited Feb. 25, 2020).

²⁷ Fla. Admin. Code R. 68A-6.011, 6.013-6.016.

²⁸ Section 379.372, F.S.; see Fla. Admin. Code R. 68-5.003 for a complete list of prohibited species.

Conditional species²⁹ 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.³⁰ Specifically, the following nonnative snakes and lizards are prohibited from being kept, possessed, or 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 FWC.³¹

A reptile dealer, researcher, or public exhibitor providing educational exhibits may apply for a permit to import or possess conditional nonnative snakes and lizards.³² 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.³³ Owners of such species must submit a Captive Wildlife Disaster and Critical Incident Plan to FWC and must maintain records of their inventory.³⁴

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 take 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;

²⁹ 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 February 6, 2020); s. 379.372(b), F.S.

³⁰ FWC, *Conditional Snakes and Lizards*, <http://myfwc.com/wildlifehabitats/nonnatives/regulations/snakes-and-lizards/> (last visited February 6, 2020).

³¹ Section 379.372(2)(a), F.S.

³² 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 February 6, 2020).

³³ Fla. Admin. Code R. 68-5.005(5).

³⁴ *Id.*

- *Pterois volitans*, also known as red lionfish; and
- *Pterois miles*, also known as the common lionfish or devil firefish.³⁵

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.³⁶ Tegus are not innately aggressive but have sharp teeth, strong jaws, and sharp claws, which they will use to defend themselves if threatened.³⁷ Tegus are an invasive species and have known breeding populations in Miami-Dade and Hillsborough counties³⁸ and an emerging population in Charlotte County.³⁹ 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.⁴⁰

The tegu is not designated as a conditional or prohibited species.⁴¹ However, a person must possess a license from FWC to sell a tegu or for public exhibition.⁴² A November 2019 survey of 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.⁴³ FWC developed a trapping removal program and works with other agencies and organizations to assess the tegu's threat and develop management strategies.⁴⁴ The goal of the program is to minimize the impact of tegus on native wildlife and natural areas.⁴⁵ A limited number of commercial wildlife operators trap and remove tegus for homeowners or on other private lands.⁴⁶

Members of the public may also remove and kill tegus from 22 FWC managed public lands without a license or permit.⁴⁷ 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.⁴⁸

Green Iguanas

Green iguanas (*Iguana iguana*) are large, typically green lizards, though they can sometimes be brown or almost black in color.⁴⁹ Some adults can take on an orange or pink coloration during

³⁵ Section 379.2311, F.S.

³⁶ FWC, *Argentine black and white tegu*, <https://myfwc.com/wildlifehabitats/nonnatives/reptiles/whiptails-and-wall-lizards/tegu/> (last visited February 6, 2020).

³⁷ *Id.*

³⁸ *Id.*

³⁹ FWC, *Senate Bill 1414 Agency Bill Analysis*, 2 (Dec. 19, 2019) (on file with the Senate Agriculture Committee).

⁴⁰ FWC, *Argentine black and white tegu*, <https://myfwc.com/wildlifehabitats/nonnatives/reptiles/whiptails-and-wall-lizards/tegu/> (last visited February 6, 2020).

⁴¹ *Id.*

⁴² *Id.*; see s. 379.3761, F.S.

⁴³ FWC, *Senate Bill 1414 Agency Bill Analysis*, 2 (Dec. 19, 2019) (on file with the Senate Agriculture Committee).

⁴⁴ *Id.* (under Frequently Asked Questions).

⁴⁵ *Id.*

⁴⁶ FWC, *Senate Bill 230 Agency Bill Analysis*, 2 (Feb. 17, 2017) (on file with the Senate Agriculture Committee).

⁴⁷ FWC, EO 17-11 (Mar. 31, 2017), available at <https://myfwc.com/media/3682/eo-17-11.pdf> (last visited February 6, 2020).

⁴⁸ FWC, *Senate Bill 1414 Agency Bill Analysis*, 2 (Dec. 19, 2019) (on file with the Senate Agriculture Committee).

⁴⁹ FWC, *Invasive Green Iguana*, <https://myfwc.com/wildlifehabitats/profiles/reptiles/green-iguana/> (last visited February 6, 2020).

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.⁵⁰

Green iguanas are a nonnative, invasive species in Florida.⁵¹ Green iguanas can live on the ground, in shrubs, or in trees in a variety of habitats including suburban developments, urban areas, small towns, and agricultural areas. They are excellent swimmers, tolerating both salt and freshwater and can submerge themselves for up to four hours at a time.⁵²

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.

Green iguanas are not designated as conditional or prohibited species.⁵³ However, a person must possess a license from the FWC to sell a green iguana or for public exhibition.⁵⁴ 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.⁵⁵

The FWC encourages 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.⁵⁶ The FWC hosts Iguana Technical Assistance Public Workshops to help empower homeowners to manage this nonnative species on their own property with legal trapping and removal options.⁵⁷ In 2018, FWC initiated removal efforts on public conservation lands, resulting in nearly 5,000 iguanas being removed.⁵⁸

III. Effect of Proposed Changes:

Section 1 amends s. 379.105, F.S., relating to harassment of hunters, trappers, or fishers. The bill revises existing language to protect hunters, trappers, or fishers from harassment within or on any public lands, publicly or privately owned wildlife management areas or fish management areas, or public waters. The bill increases areas upon which hunters, trappers, or fishers are protected from harassment by expanding the protection to all public lands and all public waters (from wildlife management or fish management areas or a state-owned water body).

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*; see s. 379.3761, F.S.

⁵⁵ FWC, *Senate Bill 1414 Agency Bill Analysis*, 3 (Dec. 19, 2019) (on file with the Senate Agriculture Committee).

⁵⁶ FWC, EO 17-11 (Mar. 31, 2017), available at <https://myfwc.com/media/3682/eo-17-11.pdf> (last visited February 6, 2020).

⁵⁷ FWC, *Nonnative Species Public Workshops*, <https://myfwc.com/wildlifehabitats/nonnatives/public-workshops/> (last visited February 6, 2020).

⁵⁸ FWC, *Senate Bill 1414 Agency Bill Analysis*, 2 (Dec. 19, 2019) (on file with the Senate Agriculture Committee).

Section 2 amends s. 379.354, F.S., to increase the free saltwater and freshwater fishing days from 4 to 6.

Section 3 amends s. 379.372, F.S., to state that no person, party, firm, association, or corporation may keep, possess, import into the state, sell, barter, trade, or breed the following species except for educational, research, or eradication or control purposes:

- Burmese or Indian python (*Python molurus*).
- Reticulated python (*Python reticulatus*).
- Northern African python (*Python sebae*).
- Southern African python (*Python natalensis*).
- Amethystine or scrub python (*Morelia amethystinus*).
- Green Anaconda (*Eunectes murinus*).
- Nile monitor (*Varanus niloticus*).
- Green iguana (*Iguana iguana*).
- Tegu Lizard (any species of the genera *Salvator* or *Tupinambis*).
- Any other reptile designated as a conditional or prohibited species by FWC.

This adds the green iguana and the tegu lizard to the list of species that cannot be kept or sold for personal use. It also makes the prohibition stricter by changing it from prohibiting these species for being “kept or sold for personal use” to prohibiting anyone from possessing them “except for educational or research purposes.”

The bill specifies that FWC can allow a person, party, firm, association, or corporation who documented an inventory of green iguanas or tegus on their 2019 application for a Class III captive wildlife exhibition or sales license and held a valid license on January 1, 2020, to continue dealing in green iguanas or tegus commercially for as long as the license remains active. This grandfathering provision is void upon the transfer or lapse of the license.

The bill limits the sale of an existing inventory of green iguanas or tegus to sale outside of the state and prohibits the import of species into the state.

The bill requires FWC to adopt rules to establish reporting requirements, biosecurity measures to prevent the escape of the species, and grandfathering provisions for persons that are currently in possession of green iguanas or tegus who do not qualify for the grandfathering provisions applicable to sale or exhibition.

Section 4 provides an effective date of July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

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 to commercial owners of tegus and iguana who are no longer able to sell their remaining inventory of species within the state under the bill.

C. Government Sector Impact:

There may be a negative fiscal impact to the state for additional free fishing days, but it is likely negligible.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This committee substitute substantially amends the following sections of the Florida Statutes: 379.105, 379.354, and 379.372.

This committee substitute reenacts s. 379.2311(1) of the Florida Statutes.

IX. Additional Information:

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

CS/CS/CS by Rules on February 26, 2020:

- FWC is authorized to allow a person, party, firm, association, or corporation who documented an inventory of green iguanas or tegus on their 2019 application for a Class III captive wildlife exhibition or sales license and held a valid license on January 1, 2020, to continue dealing in green iguanas or tegus commercially for as long as the license is active. This grandfathering provision is void upon the transfer or lapse of the license.
- The sale of an existing inventory of green iguanas or tegus is limited to sale outside of the state and the import of the species into the state is prohibited.
- FWC is required to adopt rules to establish reporting requirements, biosecurity measures to prevent the escape of the species, and grandfathering provisions for persons that are currently in possession of green iguanas or tegus who do not qualify for the grandfathering provisions applicable to sale or exhibition.

CS/CS by Agriculture on February 11, 2020:

The exceptions to keeping, possessing, importing into the state, selling, bartering, trading, or breeding specified nonnative snakes and lizards has been expanded to include eradication or control purposes, as well as for educational and research.

CS by Environment and Natural Resources on February 3, 2020:

The prohibition on tegus is expanded to include any species of the genera *Salvator* or *Tupinambis*.

- B. **Amendments:**

None.