

Nonnative Species Final Rules



Final Rules
February 21, 2019



Florida Fish and Wildlife Conservation Commission

Version 1

Division: Habitat and Species Conservation

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Photos:

Yellow anaconda (The Wandering Fowl, Flickr)

Dwarf mongoose (Wikimedia Commons)

Red-whiskered bulbul (Wikimedia Commons)

Proposed Nonnative Species Rules

- 68-5.002- Definitions
- 68-5.006- Adding high-risk species to Prohibited list
- 68-5.007- Grandfathering language for persons in possession of proposed Prohibited species prior to effective date of new rule



The nonnative species rule Chapter 68-5, Florida Administrative Code (F.A.C.), regulates use, possession and importation of nonnative species, identifies harmful invasive species as Conditional or Prohibited, and establishes exotic pet amnesty among other topics. Throughout the last year, staff have worked with stakeholders on addressing gaps in these regulations that became apparent after a federal court ruling in 2017 that pertained to “Injurious” wildlife.

In the December commission meeting, staff received direction to publish draft rule language to gather formal public comment.

Photo: Brown tree snake – pictured here in Guam (Janelle Lugge).

Proposed Definitions

- Closed tank system
- Commercial import or export business
- Educational exhibit
- Escape proof
- Export
- Import
- Personal possession
- Public aquaria, public exhibitor, and public zoological park
- Research



Draft rule language was posted for these key terms. These terms are currently used in the nonnative species rules, but lack clear definitions. Recommendations to improve clarity and intent of these terms were incorporated into the rules provided to you for consideration.

Photo: Fish on display at a public facility (Wikimedia Commons)

Proposed Prohibited Species

- Mammals: meerkats/mongoose, raccoon dog, dhole, brushtail possum, flying foxes
- Birds: red-whiskered bul-bul, dioch, Java sparrow, pink starling
- Reptiles: Brown tree snake, yellow anaconda, Beni anaconda, Deschauensee's anaconda



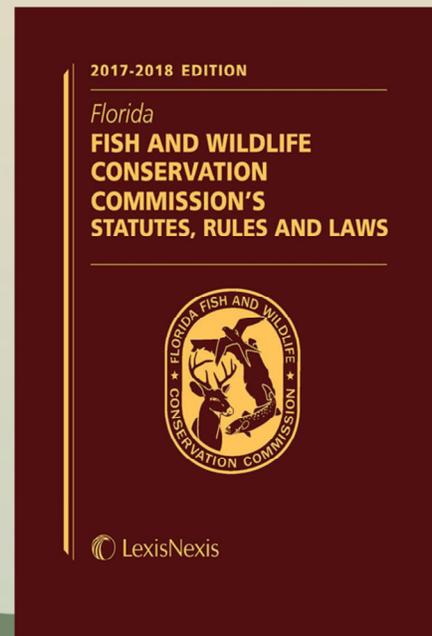
These species are listed by the U.S. Fish and Wildlife Service (USFWS) as “Injurious”, meaning they can not be imported into the U.S. without a federal permit. However, they are not on the State of Florida’s Prohibited List and therefore can be imported into Florida from other states or possessed as pets. Staff utilized recent risk assessments or conducted new risk screenings and determined these species present a high level of risk to the state. Species listed as “prohibited” in Florida can be possessed for the uses of research and public exhibition through a no-cost permit.

A majority of the feedback received by members of the public supported adding these high-risk species to the Prohibited species list. For persons currently in possession of these species for personal use, grandfathering language was drafted and included in Rule 68-5.007, F.A.C. This grandfathering language will allow people with these species in current personal possession to keep the animal for the life of the individual animal with a no-cost permit. No additional animals could be acquired with this type of permit for personal possession.

Photo: Dhole/Indian wild dog (Wikimedia Commons)

Rule Making Process and Public Comment

- Draft rule published January 15, 2019
- Solicit input
 - Email/GovDelivery
 - Social media
- Public comment received for minimum of 21 days



Draft rule language was published in the Florida Administrative Register in January. Staff collected public comment on Draft Rules during the 21-day open comment period through early February which was announced using GovDelivery, contacting stakeholders directly, and social media.

Staff Recommendations

- Authorize staff to publish a Notice of Change for Rule 68-5.002, F.A.C., that includes changes made to definitions of key terms in response to stakeholder input.
- Approve Final Rule 68-5.006, F.A.C., that adds high-risk “Injurious” species to the Prohibited species list
- Authorize staff to publish a Notice of Change for Rule 68-5.007, F.A.C., that includes changes to the grandfathering language in response to stakeholder input.

All rules are proposed to be effective as soon as possible.

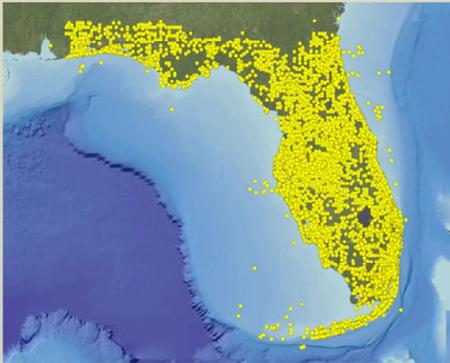


Today, staff recommend approval of the proposed rule language for Rule 68-5.006, F.A.C., as advertised. In response to additional review and discussion with stakeholders, some changes are proposed to the language originally published for Rules 68-5.002 and 5.007. Staff recommend authorization to publish Notices of Change and subsequently file all of the rules for adoption pursuant to Section 120.54, Florida Statutes. If approved, final rules will be effective as soon as possible.

The following slides are considered backup material and are not anticipated to be part of the actual presentation

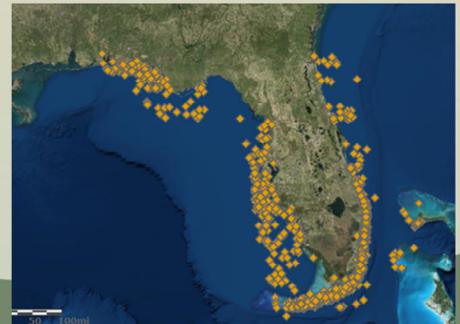


Nonnative Fish and Wildlife in Florida



FWC 1924 - Present

- Over 500 nonnative fish and wildlife species have been observed in Florida
- At least 150 species are reproducing
- Nearly 60,000 observations of nonnative wildlife (not lionfish)
- Over 500,000 lionfish removed from around Florida

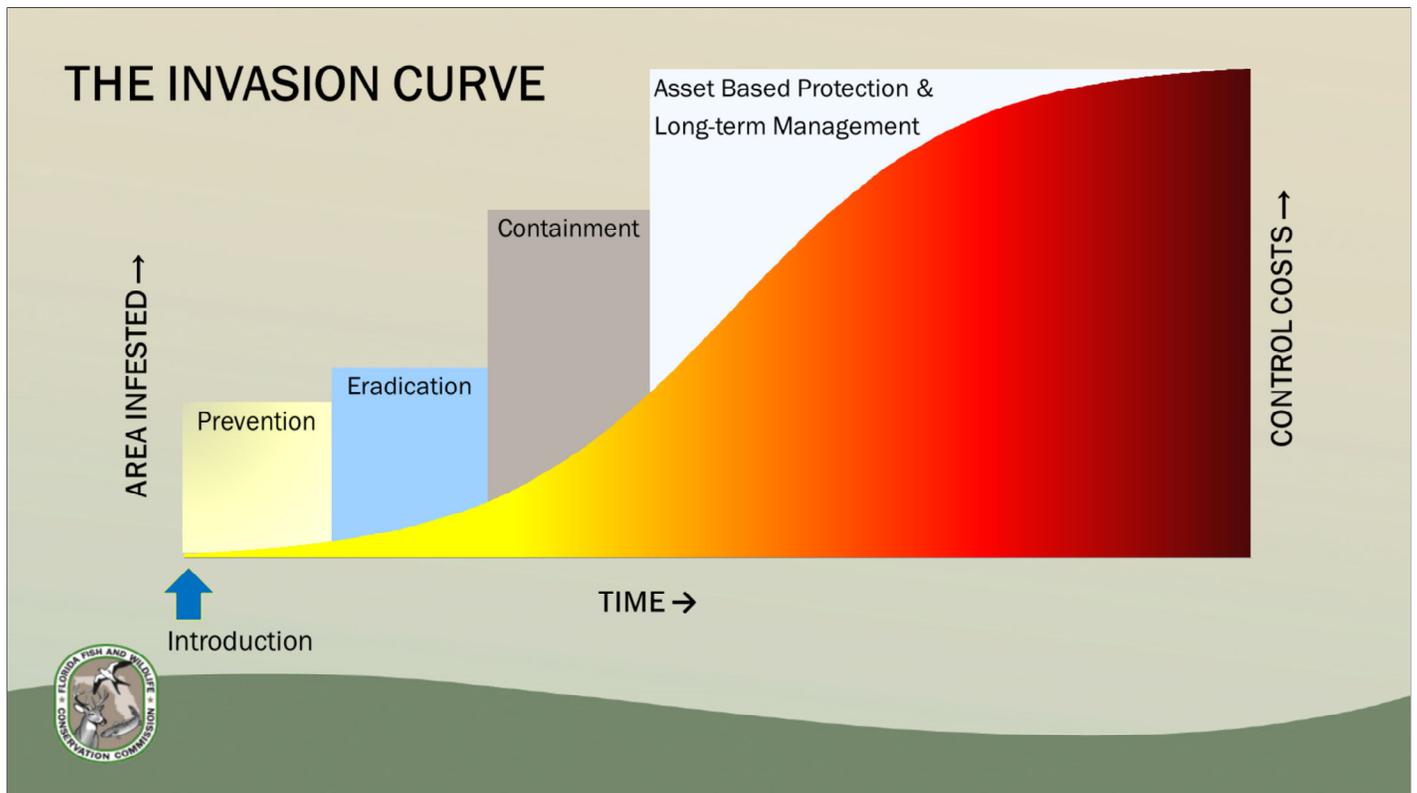


Lionfish reports in the USGS
Nonindigenous Aquatic Species
Database 1985-Present



Almost 60,000 observations of nonnative wildlife have been recorded in our state. This represents over 500 different nonnative species. Of these we estimate that more than 150 have reproducing populations. Despite it being illegal to release any animal not native to Florida, it is believed that the vast majority of these species entered the wild as a result of either being released or escaped from captivity.

The marine environment also represents its own challenges. Over 500,000 lionfish have been removed from coastal Florida waters, as documented by FWC staff since the beginning of the FWC Lionfish Program in 2014 through 2018.



The slide illustrates what has been referred to as the invasion curve. As more area becomes infested, the less likely the species will be eradicated and costs of management go up. Preventing the release and establishment of nonnative wildlife is clearly the key. Regulation is considered to be one of the most effective prevention tools available.

Graphic adapted from Department of Environment and Primary Industries, Victoria, Australia

Impacts of Invasive Fish and Wildlife

- Ecological Impacts
 - Direct predation
 - Competition with native species
 - Habitat alteration
 - Disease
- Human health and safety
- Economic impacts



Not all nonnative species are considered invasive or potentially invasive. Invasive species are those known to cause or are likely to cause ecological or economic impact or are a threat to human health and safety. FWC is challenged with determining what species that may enter Florida may become problematic.

Photos:

Top left: Black and white tegu raiding an alligator nest in Miami-Dade County (University of Florida)

Right: Bird remains found in Burmese python, including piled bill grebe, blue heron and roseate spoonbill., (University of Florida)

Bottom left: Burmese python that had consumed adult white-tail deer (Everglades National Park/National Park Service public domain)