

MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 19, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the U.S.
Congress to pass H.R. 511 or
similar legislation prohibiting
the importation or sale of the
Burmese pythons and eight
other species of large
constrictor snakes without a
permit

Resolution No. R-1115-11

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

1



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 19, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(1)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(1)
12-19-11

RESOLUTION NO. R-1115-11

RESOLUTION URGING THE U.S. CONGRESS TO PASS H.R. 511 OR SIMILAR LEGISLATION PROHIBITING THE IMPORTATION OR SALE OF THE BURMESE PYTHONS AND EIGHT OTHER SPECIES OF LARGE CONSTRICTOR SNAKES WITHOUT A PERMIT; SUPPORTING U.S. FISH & WILDLIFE SERVICE RULEMAKING TO LIST THESE SPECIES OF LARGE CONSTRICTOR SNAKES AS "INJURIOUS WILDLIFE" UNDER THE LACEY ACT TO PROHIBIT THE IMPORTATION AND INTERSTATE TRANSPORTATION OF THESE ANIMALS; URGING THE FLORIDA LEGISLATURE AND THE FLORIDA FISH & WILDLIFE CONSERVATION COMMISSION TO EXPLORE ADDITIONAL STEPS TO ADDRESS THESE SNAKES AT THE STATE LEVEL

WHEREAS, many exotic animals have been removed from their native lands and placed where they are not always welcome arrivals as part of an increasingly popular international pet trade market; and

WHEREAS, among these invasive species are a growing number of Burmese pythons and other large constrictor snakes in the Florida Everglades; and

WHEREAS, the same conditions that allow the vast diversity of wildlife to thrive in the Everglades also support invasive exotic species that throw off the delicate balance of the Everglades' unique ecosystem; and

WHEREAS, these invaders can harm native species, some of which are threatened and endangered, and add economic burdens to private landowners and public land managers; and

WHEREAS, giant pythons are well-adapted for success in the Florida Everglades, where the habitat is similar to their Asian home; and

3

WHEREAS, their size and power makes them one of the top predators in the Florida Everglades, taking on alligators, blue herons and full-grown deer, and posing a threat to many of the indigenous and endangered species; and

WHEREAS, in October, 2011, for example, a 15.7-foot python was discovered digesting an intact deer in West Miami-Dade County; and

WHEREAS, finding solutions for eradicating these damaging snakes is challenging for a number of reasons, including the difficulty of locating them in the Everglades and ensuring that actions that are taken do not adversely impact native animals; and

WHEREAS, during the 2010 session, the Florida Legislature passed Chapter No. 2010-185, Laws of Florida (SB 318), which prohibited the following reptiles from being acquired for personal possession:

- Indian or Burmese python;
- Reticulated python;
- Northern African python;
- Southern African python;
- Amethystine python;
- Scrub python;
- Green anaconda;
- Nile monitor; and

WHEREAS, people who owned one or more of these reptiles before July 1, 2010 were allowed to keep their animal for the remainder of its life, provided the pet owners maintained a valid license, while public exhibitors, zoos, researchers and reptile dealers can currently apply for a permit to import or possess these reptiles; and

WHEREAS, the Florida Fish and Wildlife Conservation Commission also initiated a program to eradicate these invasive reptiles from the Florida Everglades; and

WHEREAS, these efforts at the state level may have stemmed the flow of these invasive reptiles into Florida, but do not appear to have fully addressed the large and growing population of these snakes currently living in the Everglades; and

WHEREAS, under the Lacey Act, the U.S. Secretary of the Interior is authorized to regulate the importation and interstate transport of species determined to be injurious to humans, the interests of agriculture, horticulture or forestry, and the welfare and survival of wildlife resources of the U.S.; and

WHEREAS, on January 20, 2010, the U.S. Secretary of the Interior announced that it would propose to list the Burmese python and eight other large constrictor snakes that threaten the Everglades and other sensitive ecosystems as "injurious wildlife" under the Lacey Act, Title 18 U.S. Code Section 42(a)(1); and

WHEREAS, this federal rulemaking is currently pending and under administrative review; and

WHEREAS, Representative Tom Rooney (R - Florida) has filed H.R. 511 for consideration during the 112th Session of Congress; and

5

WHEREAS, H.R. 511 would add large constrictor snakes by statute to the “injurious wildlife” list under the Lacey Act, prohibiting the importation and interstate movement of the following species:

- Indian python
- Burmese python
- Reticulated python Northern African python
- Boa constrictor
- Yellow anaconda
- DeSchauemsee’s anaconda
- Green anaconda
- Beni anaconda; and

WHEREAS, Florida Senator Bill Nelson filed similar legislation in 2010 and is expected to reintroduce a similar bill in the U.S. Senate soon; and

WHEREAS, this Board supports H.R. 511 or similar legislation prohibiting the importation and interstate movement of pythons and other large constrictor snakes and also supports the similar rulemaking by the U.S. Department of the Interior, Fish & Wildlife Service,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges Congress to pass H.R. 511 or similar legislation prohibiting the importation and interstate movement of pythons and other large constrictor snakes.

Section 2. Urges the U.S. Secretary of the Interior to adopt rules listing the Burmese python and eight other large constrictor snakes as “injurious wildlife” under the Lacey Act.

Section 3. Urges the Florida Legislature and the Florida Fish & Wildlife Commission to explore additional steps to address the presence of these snakes in the Everglades.

6

Section 4. Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation, the U.S. Secretary of the Interior, the Chair and Members of the Miami-Dade State Legislative Delegation and the Executive Director of the Florida Fish and Wildlife Conservation Commission.

Section 5. Directs the County's federal lobbyists to advocate for the passage of the legislation set forth in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2012 Federal Legislative Package.

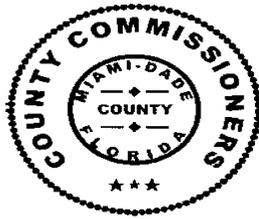
Section 6. Directs the County's state lobbyists to advocate for the action set forth in Section 3 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2012 State Legislative Package to include this issue.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss. It was offered by Commissioner **Jose "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Joe A. Martinez** and upon being put to a vote, the vote was as follows:

	Joe A. Martinez, Chairman	aye
	Audrey M. Edmonson, Vice Chairwoman	aye
Bruno A. Barreiro	aye	Lynda Bell aye
Esteban L. Bovo, Jr.	aye	Jose "Pepe" Diaz aye
Sally A. Heyman	aye	Barbara J. Jordan aye
Jean Monestime	aye	Dennis C. Moss aye
Rebeca Sosa	aye	Sen. Javier D. Souto aye
Xavier L. Suarez	aye	

7

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of December, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink that reads "JMM".

Jess M. McCarty

A handwritten mark consisting of a stylized, cursive letter, possibly "S" or "J", written in black ink.