

# ENDANGERED SPECIES REGULATION

## The Statute Entitled

### "Preservation of Native Flora of Florida"



by **Ralph E. Brown**

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A law protecting native plants was passed prior to 1962. This law named certain species of plants as protected and disallowed their sale. No specific agency was named to administer the statute with the responsibility for enforcement resting on local law enforcement officers.

In 1978, the present statute was passed. This statute has several provisions which are a positive step:

*Designation of endangered species.* The earlier law had a long list consisting of mostly large categories like orchids, bromeliads, palms, etc. The majority of the public is law abiding but expects the laws to

be realistic. Laws that group plants found in the wilds in abundance with those near extinction are not considered realistic to many people.

*It makes the Florida Department of Agriculture and Consumer Services responsible for enforcement.* Several agencies could have been named and could have satisfactorily policed the statute. The Florida Department of Agriculture and Consumer Services, Division of Plant Industry, was named, however, probably because the division's responsibility for surveying nurseries, groves, farms, etc., for plant pests, required it to have a trained group of plant specialists. Sale and distribution of plants are regulated by the Division of Plant Industry; thus any offering of plants for sale is a responsibility of the Division of Plant Industry under the plant pest laws and will normally be brought to their attention.

*It created the Endangered Plant Advisory Council.* The council, consisting of botanists and others interested in native plants, reviews and updates the list of endangered and threatened plants in an orderly fashion.

*It requires permitting for plant movement.* The 1978 statute requires that the movement of three or more plants on the endangered list must be accompanied by a permit to harvest and move a specified number of a named species from a given location. Previously, one had only the word of the harvester or transporter that he had the permission of the property owner to harvest the plants.

*It requires written permission.* The property owner or supervisor must give written permission to harvest or transport threatened or endangered plants from a property.

The responsibility of enforcing this statute has been that of the Division of Plant Industry for approximately four years. We realized that, to begin with, we needed to control commercial exploitation. Harvesting of wild plants had been occurring unabated since the Spanish came to Florida. We began controlling the sale of endangered species by closer investigation of sales of regulated plant species at nurseries, roadside stands, flea markets, and in shipments to other states. The word quickly made the rounds in commercial circles and to our knowledge the indiscriminate harvesting and sale has abated. It is true that we have had very few reports of violations and no prosecutions, but as with most laws the potential profit has to be sufficient to make the illegal act tempting. In addition, many of the plants harvested in numbers over the past 40 years which are truly endangered are not found in numbers sufficient to make their harvest profitable. For example, the cowhorn orchid was found in numbers in the Everglades 20 years ago. Our division botanist and I spent three days looking for these orchids growing in the wilds in 1980 and found three specimens, through the guidance of my uncle who lived in Ochopee and had located the plants while hunting. It certainly would be difficult to make a profit harvesting and selling that

species today.

One thing going for conservation of species in the eastern portion of Collier County and the Fakahatchee Strand is government acquisition of that area as a water management area. The elimination of camps and homes over the area and subsequent limiting of human access will be a tremendous help in conservation of plant species found there.

The Division of Plant Industry may be criticized for not requesting a large budget and a small army to police the removal of plants from the wilds. Realistically, however, it would be impossible to police the entire state. It is necessary to utilize citizens such as yourselves and other interested persons. Your attention to the removal and destruction of the plants from the wilds and reporting of violations will help protect endangered plants. Very seldom is the policeman at the scene of the crime, but he responds when the crime is reported by the victim or other interested parties. You and your children are the victims of the plant rip-off and we need your help.



### USING NATIVE PLANTS ON PUBLIC SCHOOL PROPERTY

by Joseph T. Lawson

Dept. of Maintenance and Operations, Palm Beach County School Board.

There are many reasons for saving and utilizing native plants on land developed by public organizations — Federal, State and Local. Not only can we save our natural heritage for the future and aid in teaching about our environment, but we can realize significant cost savings in our grounds maintenance programs.

A native plant is one that occurs naturally in a geographical area and has not been introduced by man. An exotic, or non-native plant, is one that has been introduced to a geographical area by man. While many of our common exotic plants are attractive ornamentals that pose little threat to the environment except for a drain on energy resources, some exotics are undesirable pest plants that prevent the natural recovery of disturbed ecosystems and even invade native plant communities, disrupting natural function. Problem pest plants like Brazilian pepper, Australian pine, and melaleuca should never be planted and should be destroyed when possible.

The Department of Maintenance and Operations of the School Board of Palm Beach County is actively involved in using native plants for landscaping and educational purposes at county public schools. In addition to using and encouraging the use of natives in campus beautification projects and in landscaping new construction, we are involved with the development of Environmental Study Areas at county school centers.

These programs encompass the preservation and acquisition of native plants through several different methods. We work with other departments of the system to