



MEMORANDUM TO VENICE CITY COUNCIL

FROM: Dr. Mitzie Fiedler

DATE: 3/30/23

COUNCIL MEETING DATE: April 11, 2023

SUBJECT / TOPIC: Non-Native Invasive Species - Strategy OS 1.4.4 Comprehensive Plan (pg 77)

BACKGROUND INFORMATION ON THE TOPIC AND THE PROPOSED SOLUTION:

The City of Venice has an interest in preventing the spread of non-native species. State and Federal laws mandate the prevention of the spread of non-native invasive species.

The word "shall" is used to show strong intention or assertion about an action. Whereas the word "should" is used to give suggestion or advise.

While serving on the Environmental Advisory Board (2016) we made a motion to eliminate all language which includes but is not limited to the following: "where feasible", "as financially feasible", "as possible", "as feasible", "should", and "appropriate" from Section 11 Elements - Open Spaces of the City of Venice Comprehensive Plan 2017-2027 that was presented to Planning Commission. They approved this and corrections were made to all sections and strategies but one.

Attached is a fully detailed summary of the request.

SUPPORTS STRATEGIC PLAN: Goal Six: Preserve the Venice Quality of Life through Proper Planning

COUNCIL ACTION REQUESTED: Subject Matter: Immediate Action Requested

Council directive to staff to change the words "should" to shall in Strategy OS 1.4.4 of the Comprehensive Plan.

The City **shall** prevent the spread of non-invasive vegetation, wildlife, insects, and other species and protect the health and well-being of the native environment through...

Attachments:

- Comprehensive Plan Strategy OS 1.4.4 - Non-Native Species (page 77)
- Lists of invasive Non-Native Plant Laws and Regulations for non-native, conditional, and prohibited species.
- Included are the regulations of Brazilian pepper.

Apr 11 2023

Memorandum

From: Dr. Fiedler

To: City Council

Council Meeting Date: April 11, 2023

Subject/Topic: Non-Native Invasive Species - Strategy OS 1.4.4 of the Comprehensive Plan (P. 77)

Background information:

Shall is used to show strong intention/assertion about an action.

Should is used to give suggestions/advice.

In the Comprehensive Plan: Section III-Elements-Open Space (pp.73-90)

Strategy OS 1.4.4 states: *The City **should** prevent the spread of non-native invasive vegetation, wildlife, insects, and other species and protect the health and well-being of the native environment through ...*

At the time of writing the Comprehensive Plan (2016) I was on the Environmental Advisory Board, and we made the motion to eliminate all language which includes, but is not limited to: *where feasible, as financially feasible, as possible, as feasible, should, and appropriate* in section 111 Elements-Open Spaces. This language was to be included in the City of Venice Comprehensive Plan 2017-2027 - which was presented to the Planning Commission. They approved and stated that they would make the corrections which they did in all sections and strategies but one.

All sections in Sect. III *Elements-Open Space* (pp 73-90), read that the city **shall**, or the city **will** - except for one strategy - Strategy OS 1.4.4

I was told at the time that this was an error and would be corrected.

The City of Venice has an interest in preventing the spread of non-native invasive species. State and Federal laws mandate the prevention of the spread of non-native invasive species.

I would like the sentence to be changed to read:

*The City **shall** prevent the spread of non-invasive vegetation, wildlife, insects, and other species and protect the health and well-being of the native environment through....*

And therefore, be consistent with the rest of Section III- Elements-Open Space

Action:

Consensus to change the word **should** to **shall** in Strategy OS 1.4.4

Attached:

Comprehensive Plan Strategy OS 1.4.4-Non-Native Species (p.77)

Lists of invasive Non-Native Plant Laws and regulations for non-native, conditional, and prohibited species. Included are the regulations of Brazilian pepper.

sampling techniques to identify listed species, and to provide documentation of such coordination and compliance prior to City approval to conduct any activities that could disturb listed species or their habitat

- a. If endangered or threatened species, or species of special concern are found, such species' habitat shall be identified on the proposed site plan and a plan for mitigation shall be discussed in the site plan narrative
 - b. Such information shall be addressed through the project staff report
3. Coordinate with Sarasota County Environmental Protection Programs including, but not limited to, those regarding preservation and or permitting requirements
 4. Promote connectivity and minimize habitat fragmentation

Strategy OS 1.4.4 - Non-Native Invasive Species

The City **should** prevent the spread of non-native invasive vegetation, wildlife, insects, and other species and protect the health and well-being of the native environment through:

1. Removal of existing non-native invasive species in coordination with City initiated work projects and replacement with native Florida plant species
2. Prohibition of the use of non-native invasive species
3. At the time of development, require the developer to remove non-native invasive species through conditions of approval for the project area subject to the site and development review; property owners shall continue to prevent the existence of non-native invasive species in perpetuity
4. Public awareness about the harmful impacts of non-native species into the environment
5. Regional, state, and federal partnerships on efforts to eradicate invasive species

Strategy OS 1.4.5 – Floodplain and Flood prone areas

The City will not issue any development order which would permit unmitigated development in 100 year floodplains, as designated on Federal Emergency Management Agency Flood Insurance Rate Maps or adopted County flood studies, or on floodplain associated soils, defined as Soils of Coastal Islands, Soils of the Hammocks, Soils of Depressions and Sloughs, and Soils of the Floodplains that would adversely affect the function of the floodplains or that would degrade the water quality of water bodies associated with said floodplains in violation of any local, State, or federal regulation, including water quality regulations.

Unique Habitats

Intent OS 1.5 - Unique Habitats

The City recognizes the importance of its unique habitats and shall implement preservation strategies that protect and conserve their environments consistent with applicable laws and regulations

Strategy OS 1.5.1- Marine Habitats

The City shall partner with local, regional, state, and federal marine environmental agencies to maintain or increase the amount of native marine habitats, particularly those located within the Coastal Planning Area, by:

1. Maximizing retention and reestablishment of marine habitats



Brazilian pepper is classified by the State of Florida as a noxious weed, though the federal government does not list it as so. This means it is unlawful to introduce, possess, move, or release any part of the plant in the State of Florida. It also means the live plants are not protected by any local or state laws or ordinances.

Invasive Non-native Plant Laws

Laws Pertaining to Invasive Plants

Some invasive plants are regulated by state, federal, or local law. The primary invasive plant laws affecting forestry in Florida are identified below.

Federal Regulations

Federal Noxious Weed List

The United States Department of Agriculture and Consumer Services administers the Federal Noxious Weed Act (USDA, 7CR-360). Plants listed under this rule are prohibited from importation and interstate transport without a permit. [Visit the USDA Plant Health website.](#)

State Regulations

Florida Noxious Weeds List

The Florida Department of Agriculture and Consumer Services administers FDACS, F.A.C. Chapter 5B-57 which prohibits listed plants from cultivation, introduction, collection, and transport without a permit. This is the primary invasive plant law of concern to forest managers in Florida. In particular, the listings of Japanese climbing fern, and cogon grass have impact on movement and sale of some forest products. [Visit FDACS's Plant Industry web page for Noxious Weeds.](#)

Florida Prohibited Aquatic Plants List

[Aquatic Plant Importation, Transportation, Non-nursery Cultivation, Possession and Collection](#)

Local Ordinances

iguanas or tegus possessed by qualifying entities under a limited exception commercial use permit.

APPLY FOR A PERMIT

You can apply for a permit today.

APPLY

The Florida Administrative Code and the Florida Statutes govern the importation and introduction of nonnative fish and wildlife:

- It is unlawful for any person to possess, transport or otherwise bring into the state or to release or introduce in the state any freshwater fish, aquatic invertebrate, marine plant, marine animal, or wild animal life that is not native to the state without a permit from the Commission, except fathead minnow, variable platy, coturnix quail, and ring-necked pheasant. ([68-5.001](#), F.A.C.)
- It is unlawful to import into the state or place in any of the fresh waters of the state any freshwater fish of any species without having first obtained a permit from the Fish and Wildlife Conservation Commission. (379.28, F.S.)
- It is unlawful to import for sale or use, or to release within this state, any species of the animal kingdom not indigenous to Florida without having first obtained a permit from the Fish and Wildlife Conservation Commission. (379.231, F.S.)
- It is unlawful to import or possess any marine plant or marine animal, not indigenous to the state, which, due to the stimulating effect of the waters of the state on procreation, may endanger or infect the marine resources of the state or pose a human health hazard, except as provided in this section. (379.26, F.S.)

Rules concerning Conditional and Prohibited nonnative species are found in [Chapter 68-5](#), F.A.C. More information is available in [Florida Administrative Code](#) and [Florida Statutes](#).