

FLORIDA LAW CONCERNING THREATENED AND ENDANGERED PLANTS

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Florida is unique in the United States as far as climate and the range of plant species are concerned. The climatic range from temperate in parts of the panhandle to tropical in extreme South Florida and the Keys allows some plants to grow here which normally grow in such widely separated places as the Appalachian Mountains northward or in tropical America. Florida also has a few plants which occur nowhere else (endemics) as well as many plants of wide distribution.

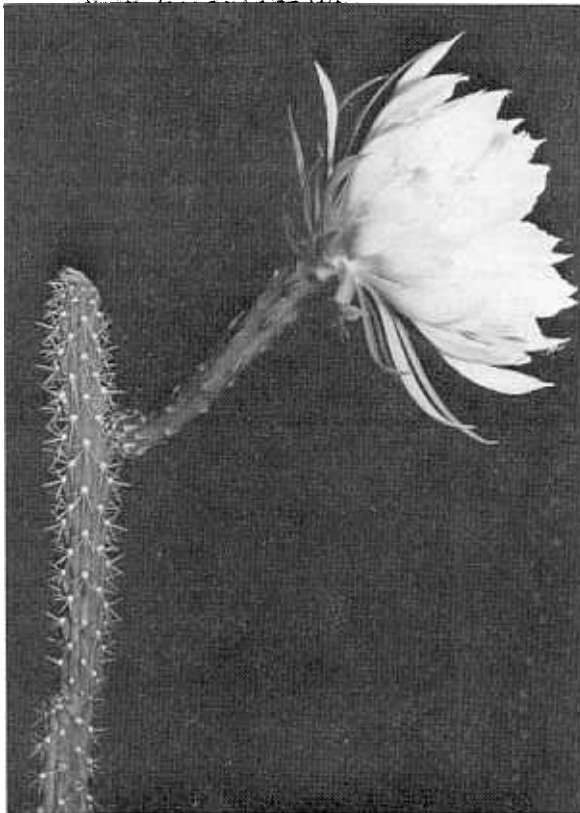


Fig. 1. Prickly-apple, Cereus gracilis (DPI Neg. #702411-3)

For example, we have such endangered plants as Fuch's bromeliad, Guzmania monostachia (L.) Rusby ex Mez, and dwarf epidendrum, Encyclia pygmaea (Hook.) Dressler, from the American tropics just extending into Florida in Dade and Collier counties, respectively. We also have plants like rue-anemone, Anemonella thalictroides (L.) Spach, and pagoda dogwood, Cornus alternifolia L. f., common in central and northern U.S. with isolated populations along the Apalachicola River in West Florida. Chapman's rhododendron, Rhododendron chapmanii Gray, with three separate small populations, one in Clay County and two in West Florida, and scrub plum, Prunus geniculata Harper, in scattered locations in the sand ridge scrub of Central Florida are examples of endemic plants growing only in Florida. Another endangered species with a narrow distribution and small number of plants is prickly-apple, Cereus gracilis Mill. (Fig. 1), with two varieties along the southwest coast of Florida and the Keys. A third variety grows in Jamaica and the Cayman Islands. These and a number of other species are rare in Florida. Several of them are in danger of becoming extinct within the near future if not protected.

Ward (2) has edited a book on threatened and endangered plants of Florida. It gives a slightly different list of plants from those listed in the Florida statutes. The differences in plants listed result from the somewhat different purposes of the two lists. Several other lists exist, including the Smithsonian list (1).

Prior to 1978, a degree of protection was given to some of our rarer plants by Section 865.06, Florida Statutes. The main feature of this law was that written permission from the property owner was required before any of the listed plants could be collected. In effect, this amounted to a prohibition against stealing, which was better covered elsewhere. For all practical purposes, this law was unenforceable, and few, if any, prosecutions were made under it.

The Florida State Legislature in 1978 repealed Section 865.06 and passed a new law, Section 581.185, Florida Statutes, intended to do a more effective job of protecting our threatened and endangered plants. This law divides the listed plants into two groups, threatened and endangered. The provisions concerning plants on the threatened plant list are very similar to those in the repealed Section 865.06. The provisions concerning endangered plants, however, require both written permission from the owner or legal representative and a permit issued by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, P.O. Box 1269, Gainesville, FL 32602. This law provides a means of controlling what, where, and how many plants are collected. Permits are issued or refused according to the plant involved and other pertinent factors. No permits are issued for extremely rare plants, such as Rhododendron chapmanii (Chapman's rhododendron) and Ribes echinellum (Coville) Rehder (Miccosukee gooseberry). Both species are also on the federal endangered plant list.

There is a provision in the law which allows registered nurseries to propagate endangered plants and sell their nursery propagated material, although they might be prohibited from collecting and selling these same species from the wild. This way, it is hoped to be able to satisfy the horticultural demand for such plants without further endangering the natural populations.

An Endangered Plant Advisory Council was formed to make recommendations to the legislature through the Division of Plant Industry. That council presently consists of a representative from each of the following: the Committee for Rare and Endangered Plants and Animals, the Florida Federation of Garden Clubs, botanists of the Florida universities, the Florida Forestry Association, and the Florida Nurserymen and Growers Association. Also normally in attendance at council meetings, though not members of the council, are Mr. R. E. Brown, Coordinator between the council and the Division of Plant Industry, and Dr. K. R. Langdon, Botanist for the Division, handling most of the endangered plant work except permitting. Meetings are advertised and are open to interested citizens.

The council is charged with reviewing the endangered and threatened plant lists and advising the legislature on additions, deletions, and other changes which need to be made to the lists or suggestions concerning the law itself. Citizens wishing to give input can contact any member of the council or work through the organizations represented by the council members.

On the advice of the council, the legislature revised Section 581.185 in 1980. The revision consisted of an alphabetizing of plant names, some additions and deletions, and transfer of some plants from one list to the other. The statute now lists more than 40 endangered species and a larger list of threatened plants. The council is scheduled to make a report in January 1984 and at 4-year intervals, but other reports can be given, if needed.

This new law (Section 581.185) has been an important step in the right direction for protecting our endangered plants. One major task now is to acquaint people with this law and its provisions. Once citizens become more familiar with this law and enforcement is better developed, depredations of our rare plants should diminish, and those plants should have an improved chance for survival. This law, however, has no bearing on the problem of habitat destruction, which is probably the greatest threat to most of our endangered species. This is an area which needs much work in the future.

#### LITERATURE CITED

1. Ayensu, E. S., and R. A. DeFilipps. 1978. Endangered and threatened plants of the United States. Smithsonian Inst., Washington, D.C. 403p.
2. Ward, D. B., editor. 1978. Rare and endangered biota of Florida. Vol. 5. Plants. University Presses of Florida, Gainesville. 175p.