

- I am here today to present the WVC and propose rule making to implement the Compact

- During our meeting last year, the Wildlife Violator Compact Administrators chose this seal as their emblem

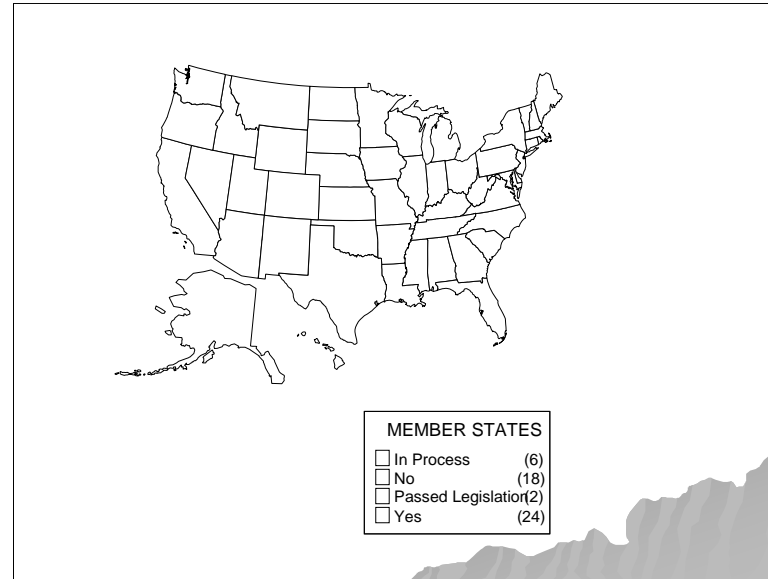
COMPACT

- ◆ Governor Bush signed HB 471 into law on June 26, 2006.
- ◆ Florida became the twenty third (23) member of the WVC.
- ◆ Florida statute 372.8311, states in part, "Upon adoption of the wildlife violators compact, the Commission may adopt rules to administer the provisions of the compact."

As you may recall, House Bill 471 was part of the agency legislative package for the 2006 Session. One of the provisions of HB 471 established the Wildlife Violator Compact (WVC). Governor Bush signed the Bill into law on June 26 and it became effective July 1, 2006.

This historic legislation made Florida the 23rd state to become a member of the WVC.

This new legislation under FS 372.8311, is where the (Commission) has the authority to administer the provision of the WVC.



The WVC started in Colorado, Nevada and Oregon in 1991. There is strong support from the Association of Fish and Wildlife Agencies to implement the WVC throughout the United States.

The states depicted on the map in;

Yellow – Working on legislation

Blue – Not currently working on legislation

Green – Passed Legislation but not implemented

Red – Member states

In September of this year, Tennessee became the 24th state to join the Compact

IMPORTANCE OF THE COMPACT

- ◆ The mobility of many wildlife law violators necessitates interstate cooperation and communication in order to protect and manage our wildlife resources for the benefit of all sportsmen.
- ◆ A proactive approach to deter wildlife violations by suspending their privileges in other states.
- ◆ Wildlife violators cannot escape consequences just by crossing a state line. Revocations have been shown to be a great deterrent to would be wildlife law violators.
- ◆ If a person is arrested for violating a law that protects wildlife in any of the member states, the person is handled or processed in the same manner as a resident of that state.

-It was important for Florida to embrace the WVC for many reasons:

-The Compact addresses the mobility of violators to move from state to state

-The Compact helps protect natural resources by recognizing interstate license suspensions (It has been my experience that there is no great deterrent than a license suspension)

-It holds violators accountable for out of state violations, you just can't cross the state line to escape consequences

-Lastly, Florida residents are treated like a resident of that state (Example: hunter orange violation in Georgia)

BENEFIT TO MEMBER STATES

- ◆ **Reciprocal recognition of license suspensions and revocations by member states.**
- ◆ **Allows officers to stay in the field when dealing with non-residents from member states.**
- ◆ **We control the suspensions for our state.**
- ◆ **Cooperative interstate effort to protect and manage the wildlife resources.**
- ◆ **Being a member state will prevent a person who has had their hunting, fishing or trapping privileges revoked or suspended in any of the member states from engaging in those activities in this state.**

-The WVC offers several benefits for member states:

-We control the suspensions for our state

-Officers can simply issue a citation to a nonresident, without an arrest, which keeps our officer in the field

-Bottom line is that it Keeps bad apples out of Florida

- ◆ **Florida Statute 372.831, Reciprocal Recognition Article V:** Each participating state may recognize the suspension of license privileges of any person by any other participating state as though the violation resulting in the suspension had occurred in that state and would have been the basis for suspension of license privileges in that state.
- ◆ **Florida Statute 372.83, Penalties and Violations:**
(6) Suspension or forfeiture of license.—The Court may order the suspension or forfeiture of any license or permit issued under this chapter to a person who is found guilty of committing a violation of this chapter.

-The key provision of FS 372.831, is that we can recognize or honor a suspension from other states for like violations. (Example; night hunting elk in Colorado)

-If that same person loses their license for night hunting elk in Colorado – we would honor that violation in Florida, under the authority of FS 372.831

-The penalty provisions to suspend licenses are found under FS 372.83 – which states, The Court can suspend a license for any violation under chapter 372.

-Our next step in the implementation of the WVC is the development of a list of the suspensions we will honor from other states

WVC CATEGORIES OF SUSPENSIONS

1. **Accumulated Wildlife Violations**
2. **Illegal Take or Possession of Big Game**
3. **Federal Wildlife Violations**
4. **Felony Wildlife Violation**
5. **Illegal Take or Possession of Fish**
6. **Guide/Outfitter Violations**
7. **License Violations, Fraud, False Statement**
8. **Littering (while hunting, fishing and trapping)**
9. **Other Criminal Violations (while hunting, fishing and trapping)**
10. **Illegal Take or Possession of other Wildlife**
11. **Violations While on Revocation**
12. **Illegal Take or Possession of Small Game or Migratory Birds**
13. **Sale/Purchase of Wildlife**
14. **Illegal Take or Possession of Threatened or Endangered Species**
15. **Trespassing (while hunting, fishing and trapping)**
16. **Tag/Permit/License Transfer**
17. **Waste of Wildlife**

-This is a list of all the potential WVC violations

-All of our recreational fish and wildlife violations fall into one of the categories listed here.

-For the categories listed in black, (Trespass, outfitter violations, other criminal violations, and littering), Florida does not have a like violation that would result in a recreational license suspension.

-This list was used as our starting point for the public work shops that were held around the state.

-Please be aware that under the proposed list of violations there are categories that do not result in license suspensions within this state on a regular basis. Although, in order to maintain the integrity of the reciprocal suspension system these categories have been added for your review.

RULE DEVELOPMENT WORKSHOPS

- ◆ August 3, 2006 - Tallahassee, Farris Bryant Building
- ◆ August 9, 2006 - Dania Beach, International Game and Fish Association
- ◆ August 10, 2006 - Kissimmee, Civic Center

-We held three WVC work shops around the state, which were advertised in the Florida Administrative Weekly
-2455 Stakeholders were notified of the work shops via email

-Unfortunately, we had no attendance, but this was not totally unexpected due to the fact that the Compact was work shopped during the development of the enhanced penalties legislation, as recently as six months ago, where there was overwhelming support for the compact suspensions at that time.

DRAFT RULE

68-1.007 Wildlife Violator Compact, Implementation:

Pursuant to Section 372.831, Florida Statutes, the Fish & Wildlife Conservation Commission hereby recognizes recreational license suspensions or revocations imposed on residents of this state by another participating Wildlife Violator Compact state for the following violations:

- (a) Accumulated Wildlife Violations
- (b) Illegal Take or Possession of Big Game
- (c) Federal Wildlife Violations
- (d) Felony Wildlife Violation
- (e) Illegal Take or Possession of Fish
- (f) License Violations, Fraud, False Statement
- (g) Illegal Take or Possession of other Wildlife
- (h) Violations While on Revocation
- (i) Illegal Take or Possession of Small Game or Migratory Birds
- (j) Sale/Purchase of Wildlife
- (k) Illegal Take or Possession of Threatened or Endangered Species
- (l) Tag/Permit/License Transfer
- (m) Waste of Wildlife

(2) Non-resident violators.

(a) Under the provisions of the wildlife Violator Compact, nonresidents who have a suspended or revoke license and/or privileges from another state will not be eligible to purchase a license in this state during the terms of the license and/or privilege suspension/revocation.

(b) Residents of Florida who have been issued a recreational license that has not yet expired, and who subsequently moved out of state will be considered Florida residents for purposes of this rule and treated as provided in subsection (1).

Staff proposes the following draft rule as amended:

-Section (1) refers to Florida residents only; we propose the current Compact suspensions, as listed. We recommend excluding the four previous categories that do not have provisions for license suspensions, those are Trespass, outfitter violations, other criminal violations, and littering

-Section (2)(a) refers to nonresidents only; staff feels all categories previously listed should apply to nonresidents that have a suspension.

-Section (2)(b) The amended portion of this draft, addresses residents that have a recreational license that subsequently moved out of state will be considered Florida residents for purposes of this rule. This change was to clarify the 5 year and lifetime license issues.

-While developing this rule, we made an effort to maintain the integrity of the reciprocal suspension system of other states. This meant using the broad categories framed in the Compact, instead of listing specific violations. For example; we left the license suspension category in our list for states with criminal license provisions, even though, such violations are non criminal in Florida and would rarely result in a suspension on their own. (Colorado – If you failed to purchase a big game license to hunt elk - could result in a suspension)

RECOMMENDED ACTION

- ◆ We request that the Commission give authority to publish a notice of proposed rulemaking - public hearing if requested.
- ◆ If no hearing is requested within 21 days of the notice, the rule will be filed for adoption, becoming effective 20 days thereafter.

-In closing, I believe we have a good rule that represents what we should recognize as a suspension for residents and nonresidents.

-If accepted by the Commission, as amended, We request that the Commission give authority to publish a notice of proposed rulemaking - public hearing if requested.

-If no hearing is requested within 21 days of the notice, the rule will be filed for adoption, becoming effective 20 days thereafter.

-If a public hearing is requested, we will bring the matter back before you again in December