

# Florida Fish and Wildlife Conservation Commission

by **Melissa A. Mora**

*Commission's Mission Statement: To manage fish and wildlife resources for their long-term well-being and the benefit of people.*

## **Background:**

The Florida Fish and Wildlife Conservation Commission (FWC) is charged with managing the state's fish and wildlife resources. FWC protects and manages more than 575 species of wildlife and 700 species of freshwater and saltwater fish. FWC came into existence on July 1, 1999 as the result of a constitutional amendment approved in the 1998 General Election as part of the package proposed by the Constitution Revision Commission. More specifically, Article IV, Section 9, Florida Constitution, as amended by Constitution Revision Commission Revision 5, as adopted in 1998, created the FWC to exercise the state's regulatory and executive authority with respect to wild animal life and freshwater aquatic life and to exercise executive and regulatory authority with respect to marine life. In the implementation of the Constitutional Amendment, the Florida Legislature combined the staff and Commissioners of the former Marine Fisheries Commission, elements of the Divisions of Marine Resources and Law Enforcement of the Florida Department of Environmental Protection and all of the employees and Commissioners of the former Game and Fresh Water Fish Commission. When acting pursuant to statutory authority derived from the Legislature, FWC is subject to Chapter 120, Florida Statutes. However, when acting pursuant to its constitutional authority, FWC, in compliance with the constitution and the merger bill, has adopted due process procedures which address and satisfy constitutional requirements and legislative recommendations. A copy of FWC's Due Process Procedures can be found on-line at:

[http://myfwc.com/docs/AboutFWC/About\\_Legal\\_DueProcessProc\\_May06.pdf](http://myfwc.com/docs/AboutFWC/About_Legal_DueProcessProc_May06.pdf).

## **Commissioners:**

Chairman Rodney Barreto (Appointed through August 2011, Current Chair)  
Vice-Chairman Richard A. "Dick" Corbett (Appointed through January 6, 2013)  
Commissioner Kathy Barco (Appointed through August 1, 2012)  
Commissioner Ronald Bergeron (Appointed through August 1, 2012)  
Commissioner Dwight Stephenson (Appointed through January 2011)  
Commissioner Kenneth W. Wright (Appointed through August 1, 2012)  
Commissioner Brian S. Yablonski (Appointed through January 2014)

## **Executive Director:**

Nick Wiley  
Office of Executive Director  
Farris Bryant Building  
620 S. Meridian St.  
Tallahassee, FL 32399-1600  
(850) 488-4676

The executive director provides day-to-day administrative leadership for the 1,875+ full-time and 840+ OPS employees of FWC. The executive director serves at the pleasure of the Commissioners. The Florida Senate must also confirm any new appointee the Commissioners select. The executive director's duties include direct supervision over the Fish and Wildlife Research Institute, headquartered in St. Petersburg.

## **Agency Clerk:**

Jackie Uhler  
620 S. Meridian St.  
Tallahassee, FL 32399-1600

The Legal Office is directly under the Executive Director's Office and provides a wide range of legal services to all divisions and offices of the Commission.

**General Counsel:**

Harold G. "Bud" Vielhauer  
Office of the General Counsel  
620 S. Meridian St.  
Tallahassee, FL 32399-1600

Mr. Vielhauer received his J.D. with honors from the University of Toledo and his M.S. from the University of Washington, Seattle, in environmental and marine affairs. He was admitted to The Florida Bar in 1986. Prior to serving as General Counsel for FWC, Mr. Vielhauer served as Deputy General Counsel for the Florida Department of Environmental Protection's Office of General Counsel, Public Lands Section.

**Number of Lawyers on Staff:** 7

**Kinds of Cases:**

Art. IV, Section 9 of the Florida Constitution mandates that FWC shall exercise the regulatory and executive power of the state with respect to wild animal life, fresh water aquatic life and marine life. To comply with this mandate, FWC has promulgated numerous administrative rules which are continually amended and subject to rule challenges. FWC also manages several licensing and permitting programs ranging from licensing the possession of captive wildlife to the licensing of commercial fishermen. Consequently, the agency defends challenges to license and permit denials, revocations, fines and suspensions. The agency also has over 700 sworn law enforcement officers enforcing FWC regulations as well as state and federal laws. State and federal prosecutors handle the criminal cases resulting from the enforcement activities of these officers.

**How does Chapter 120 affect the mission of the agency?**

Chapter 120 provides FWC with guidance to ensure the agency complies with procedural due process requirements and meets the needs of its constituents.

**How does the rulemaking process affect the agency?**

The rulemaking process for FWC is more difficult than it is for most agencies because a collegial body which meets only five times per year governs FWC. FWC's very talented and dedicated staff, however, has managed to conduct rulemaking very effectively despite this difficulty.