

EXECUTIVE SUMMARY. FL SJR 1364

Florida Senate Joint Resolution 1364 proposes a constitutional amendment that reframes wildlife stewardship, restructures the Fish and Wildlife Conservation Commission (FWC), and elevates conservation language within Florida's Constitution.

While SJR 1364 introduces meaningful **governance reforms**—including expanded commission membership, credential requirements, and term limits—it **does not directly prevent development within wildlife conservation zones**, nor does it establish enforceable protections against habitat loss or fragmentation.

As currently drafted, SJR 1364 should be understood as a **procedural and administrative reform**, not a comprehensive wildlife-land protection measure. Without additional substantive provisions, it risks strengthening institutional capacity without constraining outcomes that continue to permit overdevelopment.

To be viable as a true wildlife-protection amendment, SJR 1364 would require explicit additions addressing:

- land-use prohibitions,
- habitat loss standards,
- corridor protection,
- conflict-of-interest safeguards, and
- enforceability.

BACKGROUND: WHAT SJR 1364 DOES

SJR 1364 proposes changes to the Florida Constitution that:

1. **Declare wildlife stewardship principles**

Establishes that Florida's wildlife and aquatic life "belong to all of the people" and must be conserved and sustainably managed for present and future generations.

2. **Restructure the Fish and Wildlife Conservation Commission (FWC)**

- Expands FWC membership from 7 to 9 commissioners
- Requires that at least three commissioners possess postgraduate degrees and professional experience in wildlife or fisheries management
- Encourages geographic representation across administrative regions

3. Impose term limits

Limits commissioners to two terms, reducing long-term entrenchment.

4. Reset certain existing appointments

Creates staggered implementation dates for compliance with new requirements.

EXISTING STRENGTHS (PROS)

1. Elevation of Conservation Language

Embedding stewardship principles in the Constitution strengthens the normative framework for wildlife management and provides a stronger reference point for future legislation and policy debates.

2. Professional Qualification Requirements

Minimum credential requirements may reduce the likelihood of unqualified or purely political appointments to FWC.

3. Expanded and More Diverse Commission

Additional seats and geographic considerations may broaden representation and dilute concentrated influence.

4. Term Limits

Regular turnover reduces institutional capture and increases public accountability over time.

EXISTING LIMITATIONS (CONS)

1. No Direct Protection of Wildlife Lands

SJR 1364 **does not prohibit development** in wildlife conservation areas, corridors, or critical habitats. Land-use authority remains largely untouched.

2. Stewardship Language Is Aspirational

The resolution does not:

- define stewardship in land-use terms,
- impose mandatory conservation outcomes, or
- create enforceable duties.

3. Credentials Do Not Prevent Pro-Development Bias

The bill does not restrict commissioners with:

- financial ties to developers,
- mitigation banking interests, or
- development-related environmental consulting backgrounds.

A commissioner can be credentialed and still development-oriented.

4. Mitigation Banking and Net Habitat Loss Remain Untouched

The amendment does not address the widespread use of off-site mitigation as a substitute for preserving on-site habitat and corridors.

5. No Enforcement Mechanism or Citizen Standing

Without standing or enforcement provisions, stewardship commitments depend entirely on agency discretion and political will.

WHAT A VIABLE WILDLIFE-PROTECTION LAW MUST CONTAIN

To move from **procedural reform** to **substantive protection**, the following elements are essential.

1. Public Trust Duty Over Wildlife Lands

Required provision:

Wildlife conservation lands must be explicitly held in trust by the State, with FWC acting as trustee.

Why it matters:

Public trust language imposes a fiduciary duty, narrowing discretion and strengthening judicial review.

2. Prohibition on Development in Wildlife Zones

Required provision:

No commercial, residential, industrial, or infrastructure development within designated wildlife conservation areas, corridors, or critical habitats, except for restoration or immediate public safety.

Why it matters:

“Compatible use” has historically enabled incremental habitat loss.

3. No-Net-Loss Standard Without Mitigation Loopholes

Required provision:

FWC actions must not result in net loss of habitat acreage, ecological function, or connectivity. Mitigation banking alone cannot justify destruction.

Why it matters:

Financial offsets do not replace localized ecological value or corridors.

4. Mandatory Corridor Protection and Expansion

Required provision:

FWC must identify, preserve, and where practicable expand conservation lands and wildlife corridors.

Why it matters:

Static boundaries lead to fragmentation and long-term species decline.

5. Precautionary Standard

Required provision:

Where ecological impacts are uncertain, decisions must err in favor of conservation, with the burden of proof on the proponent of development.

Why it matters:

Irreversible damage cannot be undone once approved.

6. Conflict-of-Interest Safeguards

Required provision:

Commissioners with recent financial ties to land development, mitigation banking, or development-related permitting must be recused or barred from participation in relevant decisions.

Why it matters:

Independence is essential to credible stewardship.

7. Enforceability and Citizen Standing

Required provision:

Citizens and conservation organizations must have standing to seek injunctive or declaratory relief for violations.

Why it matters:

Protections without enforcement are symbolic only.

OVERALL ASSESSMENT

As introduced:

SJR 1364 is a governance reform with symbolic conservation language.

As a wildlife-protection tool:

It is insufficient to prevent overdevelopment, habitat fragmentation, or corridor loss.

With the additions outlined above:

SJR 1364 (or a companion measure) could become a durable, enforceable framework capable of genuinely protecting Florida's wildlife zones.

CONCLUSION

Florida's wildlife lands face pressure not because of a lack of rhetoric, but because of **structural loopholes** that allow development under the banner of management.

If lawmakers intend SJR 1364 to be more than a procedural reshuffle, it must be paired with clear land-use prohibitions, conflict-of-interest safeguards, and enforceable standards.

Wildlife conservation that allows steady encroachment is not stewardship—it is managed decline.

Disclaimer: This document is for informational purposes only and does not constitute legal advice. The author is not an attorney.

Prepared by:

Frank J. Bell

Policy Analyst / Civic Advocate

Lighthouse Point, FL

lhp_gop@protonmail.com