

## 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.

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