



life and penalties for violating regulations of the commission are required to be prescribed by general law.<sup>2</sup> Revenue derived from FWC license fees are appropriated by the Legislature for the purposes of management, protection, and conservation.<sup>3</sup> According to FWC, the constitutional authority provided in Article IV, section 9 of the Florida Constitution “provides adequate scope, authority, and means for the Commission to conserve the features essential to sustaining fish and wildlife, including impacts that could result in death or injury of imperiled species, or that could significantly impair essential behavioral patterns such as breeding, feeding, or sheltering.”<sup>4</sup>

FWC is governed by a board of seven members who are appointed by the Governor and confirmed by the Florida Senate to five-year terms.<sup>5</sup> Sections 20.331 and 20.3311, F.S., further provide FWC’s organizational structure and additional powers. Chapter 379, F.S., provides additional responsibilities and duties, licenses, fees, and penalties.

### **Habitats and Wildlife Corridors**

Section 379.2222, F.S., authorizes FWC to acquire, with the approval of the Governor, lands and waters suitable for the protection and propagation of game, fish, nongame birds, or fur-bearing animals, or for hunting purposes. These state game lands are controlled, managed, maintained, and protected by FWC.<sup>6</sup> Lands acquired pursuant to the Land Acquisition Trust Fund, created to implement Article X, section 28 of the Florida Constitution, must be managed by FWC for the primary purpose of maintaining and enhancing their habitat value for fish and wildlife.<sup>7</sup> Section 20.3315, F.S., creates the Florida Forever Program Trust Fund within FWC to carry out the Florida Forever Act, which includes preservation of habitat, linkages, and corridors among the purposes of the Act’s projects or acquisitions.<sup>8</sup> Additional habitat management or preservation conducted by FWC includes, but is not limited to, specified activities related to habitats for the Florida panther,<sup>9</sup> marine turtles,<sup>10</sup> manatees,<sup>11</sup> and spiny lobster.<sup>12</sup>

Among FWC’s projects related to habitats and wildlife corridors is the Cooperative Conservation Blueprint (Blueprint). The Blueprint is focused on “voluntary and non-regulatory conservation incentives that can be applied to a comprehensive vision of wildlife habitat and connectivity priorities across Florida.”<sup>13</sup> Among other goals, a regional pilot project of the Blueprint sought to “promote landscape connectivity by

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<sup>2</sup> Article IV, s. 9, FLA. CONST. *See* part VIII, ch. 379, F.S.

<sup>3</sup> *Id.* *See also* ch. 379, F.S.

<sup>4</sup> FWC, Proposal 48 Analysis, p.1, on file with Executive Committee staff.

<sup>5</sup> Article IV, s. 9, FLA. CONST.

<sup>6</sup> Sections 379.2222 and 379.2223, F.S.

<sup>7</sup> Section 379.212, F.S. Other uses of such lands are allowed if not contrary to this purpose.

<sup>8</sup> *See* s. 259.105, F.S.

<sup>9</sup> Section 379.205, F.S.

<sup>10</sup> Section 379.2431, F.S.

<sup>11</sup> *Id.*

<sup>12</sup> Section 379.3671, F.S.

<sup>13</sup> Florida Fish and Wildlife Conservation Commission, “Cooperative Conservation Blueprint Regional Pilot Project: A Strategic approach Toward Regional Conservation Connectivity,” p.4, <http://myfwc.com/media/2671373/StrategicApproach.pdf> (last visited 11/24/2017).

identifying wildlife corridors,”<sup>14</sup> to incentivize voluntary conservation, and to coordinate with governmental and non-governmental organizations and landowners to gain consensus on conservation priorities and enlist stakeholder involvement.<sup>15</sup>

FWC is one of several partners that maintain and protect the Babcock Ranch Preserve (Preserve) in southeast Charlotte County.<sup>16</sup> The Preserve is part of a conservation corridor of public and private land that stretches from Lake Okeechobee to the Gulf of Mexico.<sup>17</sup> The Preserve is part of the Florida Wildlife Corridor, a statewide network of lands and waters from the Everglades to Okefenokee and the Florida Panhandle.<sup>18</sup> The Babcock Ranch Regional Connectivity Study concluded that benefits of connectivity, such as in the Preserve, include:

- Providing dwelling and breeding habitat;
- Facilitating movement of animals within home ranges;
- Facilitating seasonal migrations; and
- Facilitating colonization or recolonization of habitat through dispersal of animal or plant species.<sup>19</sup>

#### Defining “Habitat” and “Wildlife Corridor”

The terms “habitat” and “wildlife corridor” are not defined by the Florida Constitution. For purposes of construing an undefined constitutional provision, the Florida Supreme Court will first begin with an examination of the provision’s explicit language. If that language is clear and unambiguous, and addresses the matter at issue, it is enforced as written. If, however, the provision’s language is ambiguous or does not address the exact issue, a court must endeavor to construe the constitutional provision in a manner consistent with the intent of the framers and the voters.<sup>20</sup>

Merriam-Webster Dictionary defines habitat as “the place or environment where a plant or animal naturally or normally lives and grows.”<sup>21</sup> Oxford Dictionary defines wildlife corridor as “a strip of natural habitat connecting populations of wildlife otherwise separated by cultivated land, roads, etc.”<sup>22</sup>

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at p. 4-5. The regional pilot project began in 2010 in south central and southwest Florida.

<sup>16</sup> Florida Fish and Wildlife Conservation Commission, “Babcock Ranch Preserve,”

<http://myfwc.com/viewing/recreation/wmas/cooperative/babcock-ranch-preserve> (last visited 11/24/2017). Other partners include the Babcock Ranch, Inc., Babcock Ranch Management, LLC, and Florida Forest Service.

<sup>17</sup> *Id.*

<sup>18</sup> Florida Wildlife Corridor, <http://floridawildlifecorridor.org/> (last visited 11/24/2017).

<sup>19</sup> Noss, Reed F. and Thomas S. Hoctor, “Babcock Ranch Regional Connectivity Study,” February 22, 2010, p. 2,

<http://conservation.dep.ufl.edu/Babcock%20Ecological%20Connectivity%20Report%2022%202010%20Final.pdf> (last visited 11/24/2017).

<sup>20</sup> *West Florida Regional Medical Center v. See*, 79 So. 3d 1, 9 (Fla. 2012).

<sup>21</sup> Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/habitat> (last visited 11/24/2017).

<sup>22</sup> Oxford Dictionary, [https://en.oxforddictionaries.com/definition/wildlife\\_corridor](https://en.oxforddictionaries.com/definition/wildlife_corridor) (last visited 11/24/2017). Merriam-Webster Dictionary does not include a definition of wildlife corridor.

**B. EFFECT OF PROPOSED CHANGES:**

Proposal 48 revises Article IV, section 9 of the Florida Constitution to expand the regulatory and executive powers of FWC to include habitats, including wildlife corridors.

The terms “habitat” and “wildlife corridor” are undefined. Therefore, it is difficult to determine the potential impacts of this change in relation to the jurisdiction of FWC; other state, federal or local government agencies; private property; or other entities.

**C. FISCAL IMPACT:**

Indeterminate.

**III. Additional Information:**

**A. Statement of Changes:**

(Summarizing differences between the current version and the prior version of the proposal.)

None.

**B. Amendments:**

None.

**C. Technical Deficiencies:**

None.

**D. Related Issues:**

None.