

**The Constitution Revision Commission**  
**COMMITTEE MEETING EXPANDED AGENDA**  
**EXECUTIVE**

**MEETING DATE:** Thursday, January 11, 2018  
**TIME:** 11:00 a.m.—5:00 p.m.  
**PLACE:** *City Commission Chambers, City Hall 2nd floor, 300 S Adams St, Tallahassee, Florida*

**MEMBERS:** Commissioners Bondi, Diaz, Gaetz, Jordan, Keiser, Nocco, Sprowls, Stewart, and Thurlow-Lippisch

TAB	PROPOSAL NO. and INTRODUCER	PROPOSAL DESCRIPTION and COMMITTEE ACTIONS	COMMITTEE ACTION
1	Presentation on the Florida Cabinet by the Honorable L. Clayton Roberts		Presented
2	<b>P 14</b> Gaetz	EXECUTIVE, Secretary of State; Sections 3 and 4 of Article IV and section 24 of Article XII and create a new section in Article XII of the State Constitution to provide for the election of the Secretary of State, establish the secretary's duties, and include the secretary as a member of the Cabinet.  EX 01/11/2018 Unfavorable EE	Unfavorable Yeas 2 Nays 4
3	<b>P 24</b> Thurlow-Lippisch	EXECUTIVE, Commissioner of Environmental Protection; Sections 3 and 4 of Article IV and create a new section in Article XII of the State Constitution to establish the office of Commissioner of Environmental Protection as a statewide elected officer, to provide duties of the commissioner, and to include the commissioner as a member of the Cabinet.  EX 01/11/2018 Unfavorable GP EE	Unfavorable Yeas 1 Nays 5
4	<b>P 48</b> Thurlow-Lippisch	EXECUTIVE, Fish and wildlife conservation commission; Section 9 of Article IV of the State Constitution to provide that the Fish and Wildlife Conservation Commission shall exercise the regulatory and executive powers of the state with respect to habitats, including wildlife corridors.  EX 11/28/2017 Not Considered EX 01/11/2018 Unfavorable GP	Unfavorable Yeas 1 Nays 5

# Florida's Cabinet System

Judge L. Clayton Roberts  
First District Court of Appeal

# The Unitary Executive

“The Executive Power shall be vested in a President of the United States of America.” Art. II, s. 1, US Constitution.

“The President shall be the Commander in Chief of the Army and the Navy of the United States, and of the Militia of the several States, when called into the actual service of the United States; **he may require the Opinion, in writing, of the principal Officer in each of the executive Departments...**” Art. II, s. 2, US Constitution.

# Florida's Governor

“The supreme executive power shall be vested in a Governor.”

Art. IV, s. 1(a), Florida Constitution.

# Florida's Cabinet

“There shall be a cabinet composed of an attorney general, a chief financial officer, and a commissioner of agriculture. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law. In the event of a tie vote of the governor and cabinet, the side on which the governor voted shall be deemed to prevail.”

Art. IV, s. 4, Florida Constitution

# Duties Assigned to the Governor & Cabinet by the Constitution

- State Board of Administration (minus the Commissioner of Agriculture)
- Trustees of the Internal Improvement Trust Fund
- Florida Department of Law Enforcement
- Clemency – Pardons, restorations, commutations, remittiturs (Governor plus 2).

# Executive Departments

“The administration of each department, unless otherwise provided in this constitution, shall be placed by law under the direct supervision of the governor, the lieutenant governor, the governor and cabinets, a cabinet member, or an officer or board appointed by and serving at the pleasure of the governor.”

Art. IV, s. 6, Florida Constitution

# Agencies assigned to the Governor and Cabinet by Statute

- Administration Commission
- Department of Highway Safety and Motor Vehicles
- Department of Revenue
- Department of Veterans' Affairs
- Division of Bond Finance
- Electrical Power Plant and Transmission Line Sighting Board
- Florida Land and Water Adjudicatory Commission
- Financial Services Commission



# Attorney General

- “Chief Legal Officer of the State”
- Appoints the Statewide Prosecutor
- Agency Head of the Department of Legal Affairs

# Chief Financial Officer

- Chief Fiscal Officer of the State
- Head of the Department of Financial Services

# Commissioner of Agriculture

- Supervision of matters pertaining to Agriculture
- Head of the Department of Agriculture and Consumer Services

# It is common for states to have multiple elected state-wide executive branch officers

- 1 – Alabama, Maine, New Hampshire New Jersey, Tennessee & Hawaii
- 2 - Maryland
- 3 – Virginia, Michigan & New York
- 4 – Vermont, Colorado, Minnesota & Florida
- 5 – Oregon, Montana, Wyoming, Nebraska, Kansas, Wisconsin, Illinois, Ohio, Pennsylvania, Connecticut & Rhode Island
- 6 – Nevada, New Mexico, Iowa, Missouri, Indiana, Kentucky, West Virginia, Vermont & Massachusetts
- 7 – Idaho, Arkansas & Louisiana

# Multiple Executives (continued)

- 8 – California, Mississippi & Georgia
- 9 – Washington, Texas & South Carolina
- 10 or more – Nevada, Oklahoma, Alabama, North Carolina, North Dakota & South Dakota.

# State-wide executive officers of Texas

- Governor
- Lieutenant Governor – President of the Texas Senate and leader of the Legislative Budget Board.
- Attorney General
- Comptroller
- Land Commissioner – Manages state lands and mineral rights; manages permanent school fund.
- Agriculture Commissioner
- Railroad Commissioners (3) – Regulates oil & gas industries, utilities, pipelines, mining.

# State-wide executive offices in California

- Governor
- Lieutenant Governor
- Attorney General
- State Controller
- State Treasurer
- State Insurance Commissioner
- State Superintendent Of Public Instruction

# State-wide executive offices in New York

- Governor
- Lieutenant Governor
- Attorney General
- Comptroller

These offices have specific duties and do not function as a collegial body.



# Constitution of 1968

- Secretary of State
- Attorney General
- Comptroller
- Treasurer
- Commissioner of Agriculture
- Commissioner of Education

Although the 1885 Constitution as amended refers to these offices as “The Governor’s Cabinet,” it did not provide for the collective decision making that the 1968 Constitution adopted.

# Questions?

**Constitution Revision Commission  
Executive Committee  
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: P 14

Relating to: EXECUTIVE, Secretary of State

Introducer(s): Commissioner Gaetz

Article/Section affected: Article IV, sections 3 and 4; Article XII, section 24

Date: January 5, 2018

	REFERENCE	ACTION
1.	EX	<b>Pre-meeting</b>
2.	EE	

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**I. SUMMARY:**

“Currently, there are three publicly elected officials that comprise the Florida Cabinet: the Commissioner of Agriculture, the Attorney General, and the Chief Financial Officer. The Secretary of State is the state’s chief election officer, chief cultural officer, custodian of state records, and head of the Department of State. The Secretary of State is appointed by the Governor, subject to confirmation by the Senate.”<sup>1</sup>

Proposal 14 makes the Secretary of State a statewide elected office as of January 3, 2023, and makes the Secretary of State a member of the Florida Cabinet. “Beginning in 2022, and every four years thereafter, the Secretary of State will be elected concurrently with the other members of the Florida Cabinet.”<sup>2</sup> The proposal directs the Legislature to enact implementing legislation by January 3, 2023.

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<sup>1</sup> Florida House of Representatives Staff Analysis, HJR 811 (2017), March 13, 2017, p. 1, <http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h0811a.OTA.DOCX&DocumentType=Analysis&BillNumber=0811&Session=2017> (last visited 1/3/2018). Proposal 14 is similar to previously filed legislation in the Florida Senate and Florida House of Representatives, including SJR 882 (2017) and HJR 811 (2017). Legislative staff analyses of the above joint resolutions have been utilized in the CRC staff analysis, where appropriate.

<sup>2</sup> *Id.*

## II. SUBSTANTIVE ANALYSIS:

### A. PRESENT SITUATION:

#### Secretary of State

“The Secretary of State is the state’s chief election officer,<sup>3</sup> chief cultural officer,<sup>4</sup> custodian of state records,<sup>5</sup> and head of the Department of State (DOS).<sup>6</sup> DOS consists of the Office of the Secretary and the Divisions of Administration, Corporations, Cultural Affairs, Elections, Historical Resources, and Library and Information Services.<sup>7</sup> The Secretary of State is appointed by the Governor and serves at his or her pleasure, subject to confirmation by the Senate.<sup>8,9</sup>”

#### Secretaries of State in Other States

Thirty-five states have an elected Secretary of State.<sup>10</sup> The Secretary of State is appointed by the Governor in eight states and selected by the Legislature in three states.<sup>11</sup> Four states have an elected Lieutenant Governor whose role may include similar duties.<sup>12</sup>

Twenty-four states have an elected Secretary of State who serves as the chief election official.<sup>13</sup> The chief election official is appointed by the Governor in five states and selected by the Legislature in three states.<sup>14</sup> Two states have an elected Lieutenant Governor as the chief election official.<sup>15</sup> The remaining 16 states have a board or commission, or a combination of chief election official and a board or commission, with authority over elections in the state.<sup>16</sup>

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<sup>3</sup> Section 97.012, F.S.

<sup>4</sup> Section 265.284, F.S.

<sup>5</sup> Article XII, s. 24(b), FLA. CONST.; *see also* s. 20.10(1), F.S.

<sup>6</sup> Section 20.10(1), F.S.

<sup>7</sup> Section 20.10(2), F.S.

<sup>8</sup> Section 20.10(1), F.S.

<sup>9</sup> Florida House of Representatives Staff Analysis, HJR 811 (2017), March 13, 2017, p. 2,

<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h0811a.OTA.DOCX&DocumentType=Analysis&BillNumber=0811&Session=2017> (last visited 1/3/2018).

<sup>10</sup> *See* National Association of Secretaries of State, *Roster of Secretaries of State/Lieutenant Governors*, <http://www.nass.org/index.php/membership> (last visited 1/5/2018).

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

<sup>12</sup> *Id.*

<sup>13</sup> National Conference of State Legislatures, *Election Administration at State and Local Levels*, June 15, 2016, <http://www.ncsl.org/research/elections-and-campaigns/election-administration-at-state-and-local-levels.aspx> (last visited 1/5/2018).

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

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

## Florida Cabinet

“Currently, there are three publicly elected members of the Florida Cabinet: the Commissioner of Agriculture, the Attorney General, and the Chief Financial Officer. Prior to 2003, there were six publicly elected members of the Florida Cabinet: the Secretary of State, the Attorney General, the Comptroller, the Treasurer, the Commissioner of Agriculture, and the Commissioner of Education.<sup>17,18</sup>

“The 2003 change was the result of a 1998 amendment to the Florida Constitution that restructured the Cabinet from 6 to 3 officers<sup>19</sup>...as well as making other governmental operations changes<sup>20</sup>; the amendment was one of several proposed by the Constitution Revision Commission.”<sup>21</sup>

The Governor as chair, the Chief Financial Officer, the Attorney General, and the Commissioner of Agriculture are the trustees of the Internal Improvement Trust Fund and the Land Acquisition Trust Fund.<sup>22</sup> Additionally, the Governor as chair, the Chief Financial Officer, the Attorney General, and the Commissioner of Agriculture are the agency head of the Department of Law Enforcement.<sup>23</sup> The State Board of Administration is comprised of the Governor as chair, the Chief Financial Officer, and the Attorney General.<sup>24</sup>

### B. EFFECT OF PROPOSED CHANGES:

Proposal 14 increases the size of the Florida Cabinet to four members. The proposal makes the Secretary of State a statewide elected office and member of the Florida Cabinet. The proposal provides that the Secretary of State serves as the chief election officer of the state and the chief cultural affairs, protocol, and historical resource officer of the state. Additionally, the proposal provides that the Secretary of State must keep the records of the official acts of the legislative and executive departments. The proposal substitutes Secretary of State for custodian of state records throughout the Florida Constitution.

The proposal increases the size of the State Board of Administration to 4 members to include the Secretary of State. In instances of a tie vote, the side on which the Governor voted prevails.

<sup>17</sup> Article IV, s. 4, FLA. CONST. (1998).

<sup>18</sup> Florida House of Representatives Staff Analysis, HJR 811 (2017), March 13, 2017, p. 2, <http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h0811a.OTA.DOCX&DocumentType=Analysis&BillNumber=0811&Session=2017> (last visited 1/3/2018).

<sup>19</sup> Florida’s Attorney General, Chief Financial Officer, and the Commissioner of Agriculture.

<sup>20</sup> Constitution Revision Commission Amendment 8 (1998), *Restructuring the State Cabinet*, available at the Florida Secretary of State’s web site at: <http://dos.elections.myflorida.com/initiatives/fulltext/pdf/11-4.pdf> (last visited 1/3/2018).

<sup>21</sup> Florida Senate Bill Analysis and Fiscal Impact Statement, SJR 882 (2017), March 28, 2017, p. 2, <http://www.flsenate.gov/Session/Bill/2017/882/Analyses/2017s00882.rc.PDF> (last visited 1/3/2018).

<sup>22</sup> Article IV, s. 4(f), FLA. CONST. See also Art. X, s. 28, FLA. CONST. and s. 253.01, F.S.

<sup>23</sup> Article IV, s. 4(g), FLA. CONST. See also ch. 943, F.S.

<sup>24</sup> Article IV, s. 4(e), FLA. CONST.

The proposal expands the number of trustees of the Internal Improvement Trust Fund and the Land Acquisition Trust Fund to include the Secretary of State. The proposal expands the agency head of the Department of Law Enforcement to include the Secretary of State.

The proposal takes effect on January 3, 2023, but applies to the qualifying for and holding of the primary and general elections for the office of Secretary of State in 2022. “Beginning with the 2022 general election, the Secretary of State will be elected concurrently with the other members of the Florida Cabinet. As is the case with all members of the Florida Cabinet, the Secretary of State will be subject to an eight-year term limit.”<sup>25,26</sup>

The proposal “requires the Legislature to enact implementing legislation that includes any conforming changes to the Florida Statutes made necessary by the reorganization of the Florida Cabinet by the amendment’s effective date.”<sup>27</sup>

**C. FISCAL IMPACT:**

None known.

**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.

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<sup>25</sup> Article VI, s. 4, FLA. CONST.

<sup>26</sup> Florida House of Representatives Staff Analysis, HJR 811 (2017), March 13, 2017, p. 2, <http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h0811a.OTA.DOCX&DocumentType=Analysis&BillNumber=0811&Session=2017> (last visited 1/3/2018).

<sup>27</sup> *Id.*

By Commissioner Gaetz

gaetzd-00032-17

201714\_\_

A proposal to amend

Sections 3 and 4 of Article IV and section 24 of Article XII and create a new section in Article XII of the State Constitution to provide for the election of the Secretary of State, establish the secretary's duties, and include the secretary as a member of the Cabinet.

Be It Proposed by the Constitution Revision Commission of Florida:

Sections 3 and 4 of Article IV of the State Constitution are amended to read:

ARTICLE IV  
EXECUTIVE

SECTION 3. Succession to office of governor; acting governor.—

(a) Upon vacancy in the office of governor, the lieutenant governor shall become governor. Further succession to the office of governor shall be prescribed by law. A successor shall serve for the remainder of the term.

(b) Upon impeachment of the governor and until completion of trial thereof, or during the governor's physical or mental incapacity, the lieutenant governor shall act as governor. Further succession as acting governor shall be prescribed by law. Incapacity to serve as governor may be determined by the supreme court upon due notice after docketing of a written suggestion thereof by four ~~three~~ cabinet members, and in such case restoration of capacity shall be similarly determined after docketing of written suggestion thereof by the governor, the legislature or four ~~three~~ cabinet members. Incapacity to serve as governor may also be established by certificate filed with

Page 1 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

gaetzd-00032-17

201714\_\_

the secretary of state ~~custodian of state records~~ by the governor declaring incapacity for physical reasons to serve as governor, and in such case restoration of capacity shall be similarly established.

SECTION 4. Cabinet.—

(a) There shall be a cabinet composed of an attorney general, a chief financial officer, ~~and~~ a commissioner of agriculture, and a secretary of state. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law. In the event of a tie vote of the governor and cabinet, the side on which the governor voted shall be deemed to prevail.

(b) The attorney general shall be the chief state legal officer. There is created in the office of the attorney general the position of statewide prosecutor. The statewide prosecutor shall have concurrent jurisdiction with the state attorneys to prosecute violations of criminal laws occurring or having occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is affecting or has affected two or more judicial circuits as provided by general law. The statewide prosecutor shall be appointed by the attorney general from not less than three persons nominated by the judicial nominating commission for the supreme court, or as otherwise provided by general law.

(c) The chief financial officer shall serve as the chief fiscal officer of the state, and shall settle and approve accounts against the state, and shall keep all state funds and securities.

(d) The commissioner of agriculture shall have supervision

Page 2 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

gaetzd-00032-17

201714\_\_

62 of matters pertaining to agriculture except as otherwise  
63 provided by law.

64 (e) The secretary of state shall serve as the chief  
65 election officer of the state and the chief cultural affairs,  
66 protocol, and historical resource officer of the state. The  
67 secretary of state shall also keep the records of the official  
68 acts of the legislative and executive departments.

69 (f)(c) The governor as chair, the chief financial officer,  
70 and the attorney general, and the secretary of state shall  
71 constitute the state board of administration, which shall  
72 succeed to all the power, control, and authority of the state  
73 board of administration established pursuant to Article IX,  
74 Section 16 of the Constitution of 1885, and which shall continue  
75 as a body at least for the life of Article XII, Section 9(c). If  
76 a tie vote of the state board of administration occurs, the side  
77 on which the governor voted shall prevail.

78 (g)(f) The governor as chair, the chief financial officer,  
79 the attorney general, and the commissioner of agriculture, and  
80 the secretary of state shall constitute the trustees of the  
81 internal improvement trust fund and the land acquisition trust  
82 fund as provided by law.

83 (h)(g) The governor as chair, the chief financial officer,  
84 the attorney general, and the commissioner of agriculture, and  
85 the secretary of state shall constitute the agency head of the  
86 Department of Law Enforcement.

87  
88 Section 24 of Article XII of the State Constitution is  
89 amended, and a new section is added to that article, to read:

## ARTICLE XII

Page 3 of 4

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201714\_\_

## SCHEDULE

## SECTION 24. Executive branch reform.—

91  
92  
93 ~~(a)~~ The amendments contained in this revision shall take  
94 effect January 7, 2003, but shall govern with respect to the  
95 qualifying for and the holding of primary elections in 2002. The  
96 office of chief financial officer shall be a new office as a  
97 result of this revision.

98 ~~(b) In the event the secretary of state is removed as a~~  
99 ~~cabinet office in the 1998 general election, the term "custodian~~  
100 ~~of state records" shall be substituted for the term "secretary~~  
101 ~~of state" throughout the constitution and the duties previously~~  
102 ~~performed by the secretary of state shall be as provided by law.~~  
103 Cabinet reorganization.—

104 (a) The amendments to Sections 3 and 4 of Article IV and  
105 Section 24 of Article XII relating to the election of the  
106 secretary of state and the inclusion of the secretary as a  
107 member of the cabinet shall take effect January 3, 2023, but  
108 shall govern with respect to the qualifying for and the holding  
109 of the primary and general elections for the office of secretary  
110 of state in 2022.

111 (b) By January 3, 2023, the legislature shall enact  
112 implementing legislation that includes any conforming changes to  
113 the Florida Statutes necessitated by the reorganization of the  
114 cabinet.

115 (c) If the secretary of state becomes a cabinet office as a  
116 result of a revision adopted in the 2018 general election, the  
117 term "secretary of state" shall be substituted for the term  
118 "custodian of state records" throughout the constitution.

Page 4 of 4

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CONSTITUTION REVISION COMMISSION  
APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/11/2018

Meeting Date

14

Proposal Number (if applicable)

\*Topic Secretary of State

Amendment Barcode (if applicable)

\*Name Senator Aaron Bean

Address \_\_\_\_\_

Phone \_\_\_\_\_

Street

City

State

Zip

Email bean.aaron@flsenate.gov

\*Speaking:  For  Against  Information Only

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself?  Yes  No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist?  Yes  No

Are you an elected official or judge?  Yes  No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11 Jan 2018  
Meeting Date

14  
Proposal Number (if applicable)

\*Topic Sec of State

Amendment Barcode (if applicable)

\*Name Sandra Mortham

Address 6675 Weeping Willow Way  
Street  
Tallahassee FL 32311  
City State Zip

Phone \_\_\_\_\_

Email smorham@aol.com

\*Speaking:  For  Against  Information Only

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself?  Yes  No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist?  Yes  No Not w/CRRC

Are you an elected official or judge?  Yes  No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

**Constitution Revision Commission  
Executive Committee  
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: P 24

Relating to: EXECUTIVE, Commissioner of Environmental Protection

Introducer(s): Commissioner Thurlow-Lippisch

Article/Section affected: Article IV, Sections 3 and 4; Article XII, creates new section

Date: January 4, 2018

	REFERENCE	ACTION
1.	EX	<u>Pre-meeting</u>
2.	GP	<u></u>
3.	EE	<u></u>

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**I. SUMMARY:**

Currently, there are three publicly elected members of the Florida Cabinet: the Commissioner of Agriculture, the Attorney General, and the Chief Financial Officer. The head of the Department of Environmental Protection is a Secretary, who is appointed by the Governor, with the concurrence of three members of Cabinet.

Proposal 24 makes the Commissioner of Environmental Protection a statewide elected office as of January 3, 2023, and makes the Commissioner of Environmental Protection a member of the Florida Cabinet. Beginning in 2022, and every four years thereafter, the Commissioner of Environmental Protection will be elected concurrently with the other members of the Florida Cabinet.

**II. SUBSTANTIVE ANALYSIS:**

**A. PRESENT SITUATION:**

**Department of Environmental Protection**

The Department of Environmental Protection (DEP) is created by s. 20.255, F.S. The head of DEP is a Secretary, who is appointed by the Governor, with the concurrence of three members of Cabinet.<sup>1</sup> The Secretary must be confirmed by the Florida Senate and serves at the pleasure of the Governor.<sup>2</sup>

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<sup>1</sup> Section 20.255(1), F.S.

<sup>2</sup> *Id.*

DEP is “the state’s lead agency for environmental management and stewardship, protecting our air, water and land.”<sup>3</sup> DEP’s land and recreation programs acquire and protect lands for preservation and recreation, including oversight of state parks, trails, public lands, coastal uplands, and submerged lands.<sup>4</sup> DEP’s regulatory programs “safeguard natural resources by overseeing permitting and compliance activities that protect air and water quality, and manage waste cleanups.”<sup>5</sup> DEP’s ecosystem restoration programs “protect and improve water quality and aquatic resources including America’s Everglades and Florida’s springs.”<sup>6</sup> DEP is also responsible for collecting and analyzing information concerning energy resources in the state, coordinating the energy conservation programs of state agencies, and coordinating the development, review, and implementation of the state’s energy policy.<sup>7</sup>

### **Water Management Districts**

Section 373.069, F.S., creates five water management districts covering the state:

- Northwest Florida Water Management District;
- Suwannee River Water Management District;
- St. Johns River Water Management District;
- Southwest Florida Water Management District; and
- South Florida Water Management District.

DEP, which is “responsible for the administration of the water resources at the state level, exercises general supervisory authority over the state’s five water management districts, which are responsible for the administration of the water resources at the regional level.”<sup>8</sup> “The four core mission areas of the water management districts are: (1) water supply, (2) water quality, (3) flood protection and floodplain management, and (4) natural systems.”<sup>9</sup>

### **Florida Cabinet**

“Currently, there are three publicly elected members of the Florida Cabinet: the Commissioner of Agriculture, the Attorney General, and the Chief Financial Officer. Prior to 2003, there were six publicly elected members of the Florida Cabinet: the Secretary of State, the Attorney General, the Comptroller, the Treasurer, the Commissioner of Agriculture, and the Commissioner of Education.”<sup>10,11</sup>

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<sup>3</sup> Florida Department of Environmental Protection, *About DEP*, <https://floridadep.gov/about-dep> (last visited 1/3/2018).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Section 20.255(7), F.S.

<sup>8</sup> Florida Department of Environmental Protection, *Water Management Districts*, <https://floridadep.gov/water-policy/water-policy/content/water-management-districts> (last visited 1/3/2018).

<sup>9</sup> *Id.*

<sup>10</sup> Article IV, s. 4, FLA. CONST. (1998).

<sup>11</sup> Florida House of Representatives Staff Analysis, HJR 811 (2017), March 13, 2017, p. 2, <http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h0811a.OTA.DOCX&DocumentType=Analysis&BillNumber=0811&Session=2017> (last visited 1/3/2018).

“The 2003 change was the result of a 1998 amendment to the Florida Constitution that restructured the Cabinet from 6 to 3 officers<sup>12</sup>...as well as making other governmental operations changes<sup>13</sup>; the amendment was one of several proposed by the Constitution Revision Commission.”<sup>14</sup>

The Governor as chair, the Chief Financial Officer, the Attorney General, and the Commissioner of Agriculture are the trustees of the Internal Improvement Trust Fund and the Land Acquisition Trust Fund.<sup>15</sup> Additionally, the Governor as chair, the Chief Financial Officer, the Attorney General, and the Commissioner of Agriculture are the agency head of the Department of Law Enforcement.<sup>16</sup>

## **B. EFFECT OF PROPOSED CHANGES:**

Proposal 24 increases the size of the Florida Cabinet to four members. The proposal creates a Commissioner of Environmental Protection, which is a statewide elected office and member of the Florida Cabinet. The proposal provides that the Commissioner of Environmental Protection supervises matters pertaining to environmental protection that are required or authorized by law to DEP (or its successor agency) and water management districts.

The proposal expands the number of trustees of the Internal Improvement Trust Fund and the Land Acquisition Trust Fund to include the Commissioner of Environmental Protection. The proposal expands the agency head of the Department of Law Enforcement to include the Commissioner of Environmental Protection.

The proposal takes effect on January 3, 2023, but applies to the qualifying for and holding of the primary and general elections for the office of Commissioner of Environmental Protection in 2022. Beginning with the 2022 general election, the Commissioner of Environmental Protection will be elected concurrently with the other members of the Florida Cabinet. As is the case with all members of the Florida Cabinet, the Commissioner of Environmental Protection will be subject to an eight-year term limit.<sup>17</sup>

## **C. FISCAL IMPACT:**

None known.

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<sup>12</sup> Florida’s Attorney General, Chief Financial Officer, and the Commissioner of Agriculture.

<sup>13</sup> Constitution Revision Commission Amendment 8 (1998), *Restructuring the State Cabinet*, available at the Florida Secretary of State’s web site at: <http://dos.elections.myflorida.com/initiatives/fulltext/pdf/11-4.pdf> (last visited 1/3/2018).

<sup>14</sup> Florida Senate Bill Analysis and Fiscal Impact Statement, SJR 882 (2017), March 28, 2017, p. 2, <http://www.flsenate.gov/Session/Bill/2017/882/Analyses/2017s00882.rc.PDF> (last visited 1/3/2018).

<sup>15</sup> Article IV, s. 4(f), FLA. CONST. See also Art. X, s. 28, FLA. CONST. and s. 253.01, F.S.

<sup>16</sup> Article IV, s. 4(g), FLA. CONST. See also ch. 943, F.S.

<sup>17</sup> Article VI, s. 4, FLA. CONST.

**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.

By Commissioner Thurlow-Lippisch

thurlowlj-00025A-17

201724\_\_

1 A proposal to amend

2 Sections 3 and 4 of Article IV and create a new  
3 section in Article XII of the State Constitution to  
4 establish the office of Commissioner of Environmental  
5 Protection as a statewide elected officer, to provide  
6 duties of the commissioner, and to include the  
7 commissioner as a member of the Cabinet.

8  
9 Be It Proposed by the Constitution Revision Commission of  
10 Florida:

11  
12 Sections 3 and 4 of Article IV of the State Constitution  
13 are amended to read:

14 ARTICLE IV  
15 EXECUTIVE

16 SECTION 3. Succession to office of governor; acting  
17 governor.—

18 (a) Upon vacancy in the office of governor, the lieutenant  
19 governor shall become governor. Further succession to the office  
20 of governor shall be prescribed by law. A successor shall serve  
21 for the remainder of the term.

22 (b) Upon impeachment of the governor and until completion  
23 of trial thereof, or during the governor's physical or mental  
24 incapacity, the lieutenant governor shall act as governor.  
25 Further succession as acting governor shall be prescribed by  
26 law. Incapacity to serve as governor may be determined by the  
27 supreme court upon due notice after docketing of a written  
28 suggestion thereof by four ~~three~~ cabinet members, and in such  
29 case restoration of capacity shall be similarly determined after  
30 docketing of written suggestion thereof by the governor, the  
31 legislature or four ~~three~~ cabinet members. Incapacity to serve  
32 as governor may also be established by certificate filed with

Page 1 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

thurlowlj-00025A-17

201724\_\_

33 the custodian of state records by the governor declaring  
34 incapacity for physical reasons to serve as governor, and in  
35 such case restoration of capacity shall be similarly  
36 established.

37 SECTION 4. Cabinet.—

38 (a) There shall be a cabinet composed of an attorney  
39 general, a chief financial officer, a commissioner of  
40 environmental protection, and a commissioner of agriculture. In  
41 addition to the powers and duties specified herein, they shall  
42 exercise such powers and perform such duties as may be  
43 prescribed by law. In the event of a tie vote of the governor  
44 and cabinet, the side on which the governor voted shall be  
45 deemed to prevail.

46 (b) The attorney general shall be the chief state legal  
47 officer. There is created in the office of the attorney general  
48 the position of statewide prosecutor. The statewide prosecutor  
49 shall have concurrent jurisdiction with the state attorneys to  
50 prosecute violations of criminal laws occurring or having  
51 occurred, in two or more judicial circuits as part of a related  
52 transaction, or when any such offense is affecting or has  
53 affected two or more judicial circuits as provided by general  
54 law. The statewide prosecutor shall be appointed by the attorney  
55 general from not less than three persons nominated by the  
56 judicial nominating commission for the supreme court, or as  
57 otherwise provided by general law.

58 (c) The chief financial officer shall serve as the chief  
59 fiscal officer of the state, and shall settle and approve  
60 accounts against the state, and shall keep all state funds and  
61 securities.

Page 2 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

thurlowlj-00025A-17 201724\_\_

62 (d) The commissioner of environmental protection shall have  
63 supervision of matters pertaining to environmental protection  
64 that the Department of Environmental Protection or its successor  
65 agency and water management districts are required or authorized  
66 by law to implement and administer.

67 (e) The commissioner of agriculture shall have supervision  
68 of matters pertaining to agriculture except as otherwise  
69 provided by law.

70 (f) ~~(e)~~ The governor as chair, the chief financial officer,  
71 and the attorney general shall constitute the state board of  
72 administration, which shall succeed to all the power, control,  
73 and authority of the state board of administration established  
74 pursuant to Article IX, Section 16 of the Constitution of 1885,  
75 and which shall continue as a body at least for the life of  
76 Article XII, Section 9(c).

77 (g) ~~(f)~~ The governor as chair, the chief financial officer,  
78 the attorney general, the commissioner of environmental  
79 protection, and the commissioner of agriculture shall constitute  
80 the trustees of the internal improvement trust fund and the land  
81 acquisition trust fund as provided by law.

82 (h) ~~(g)~~ The governor as chair, the chief financial officer,  
83 the attorney general, the commissioner of environmental  
84 protection, and the commissioner of agriculture shall constitute  
85 the agency head of the Department of Law Enforcement.

86

87 A new section is added to Article XII of the State  
88 Constitution to read:

89 ARTICLE XII  
90 SCHEDULE

thurlowlj-00025A-17 201724\_\_

91 Recomposition of the cabinet; commissioner of environmental  
92 protection.~~The amendment to Section 4 of Article IV relating to~~  
93 the election of the commissioner of environmental protection and  
94 the inclusion of the commissioner as a member of the cabinet  
95 shall take effect January 3, 2023, but shall govern with respect  
96 to the qualifying for and the holding of the primary and general  
97 elections for the office of commissioner of environmental  
98 protection in 2022.



meetings from

FLORIDA

The Sun & Slime State

STANDARD OIL

FLORIDA

ROAD MAP WITH PICTORIAL GUIDE

1964

*Joseph Shunda Lopez*

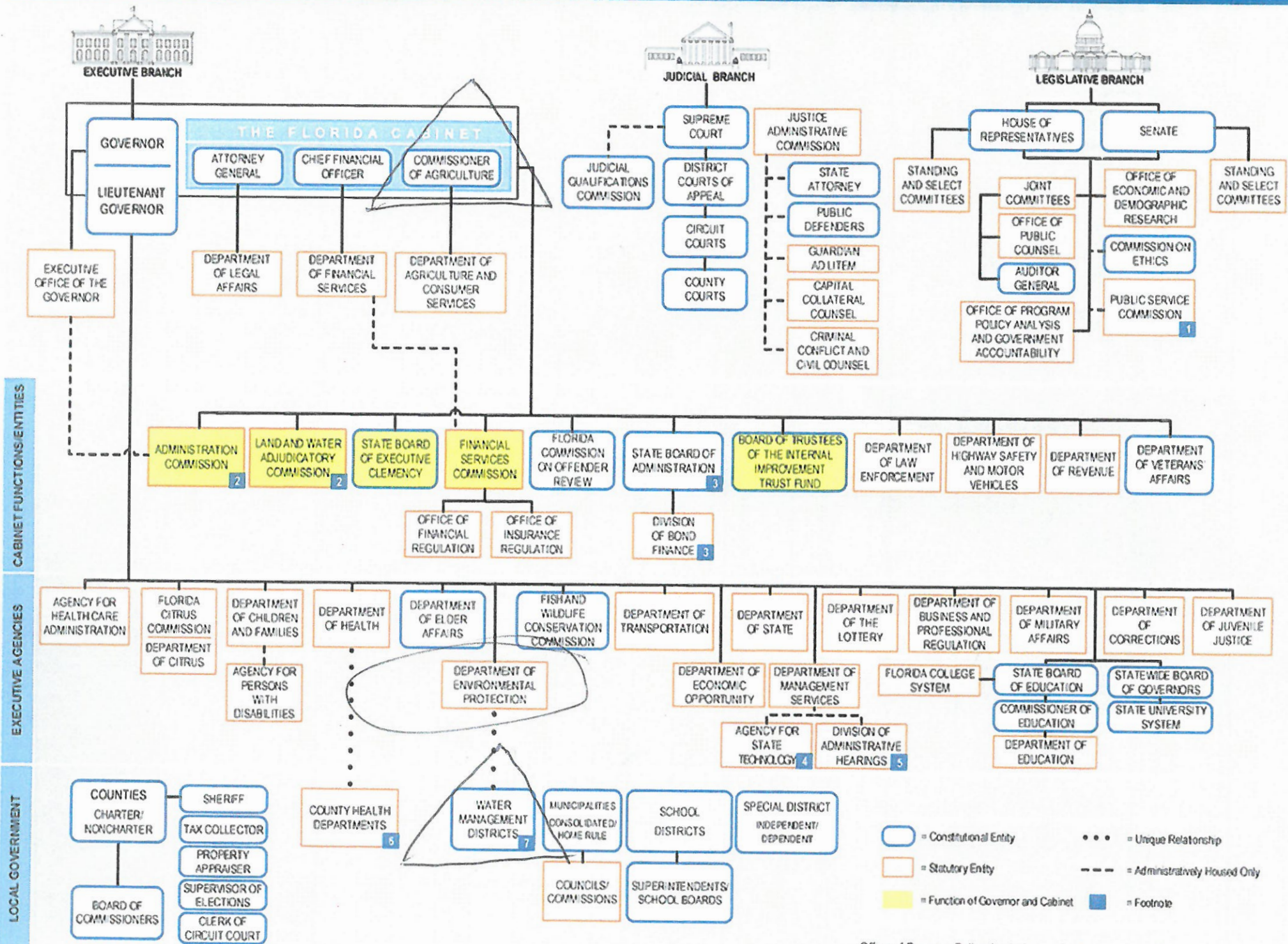
FOUNDATION



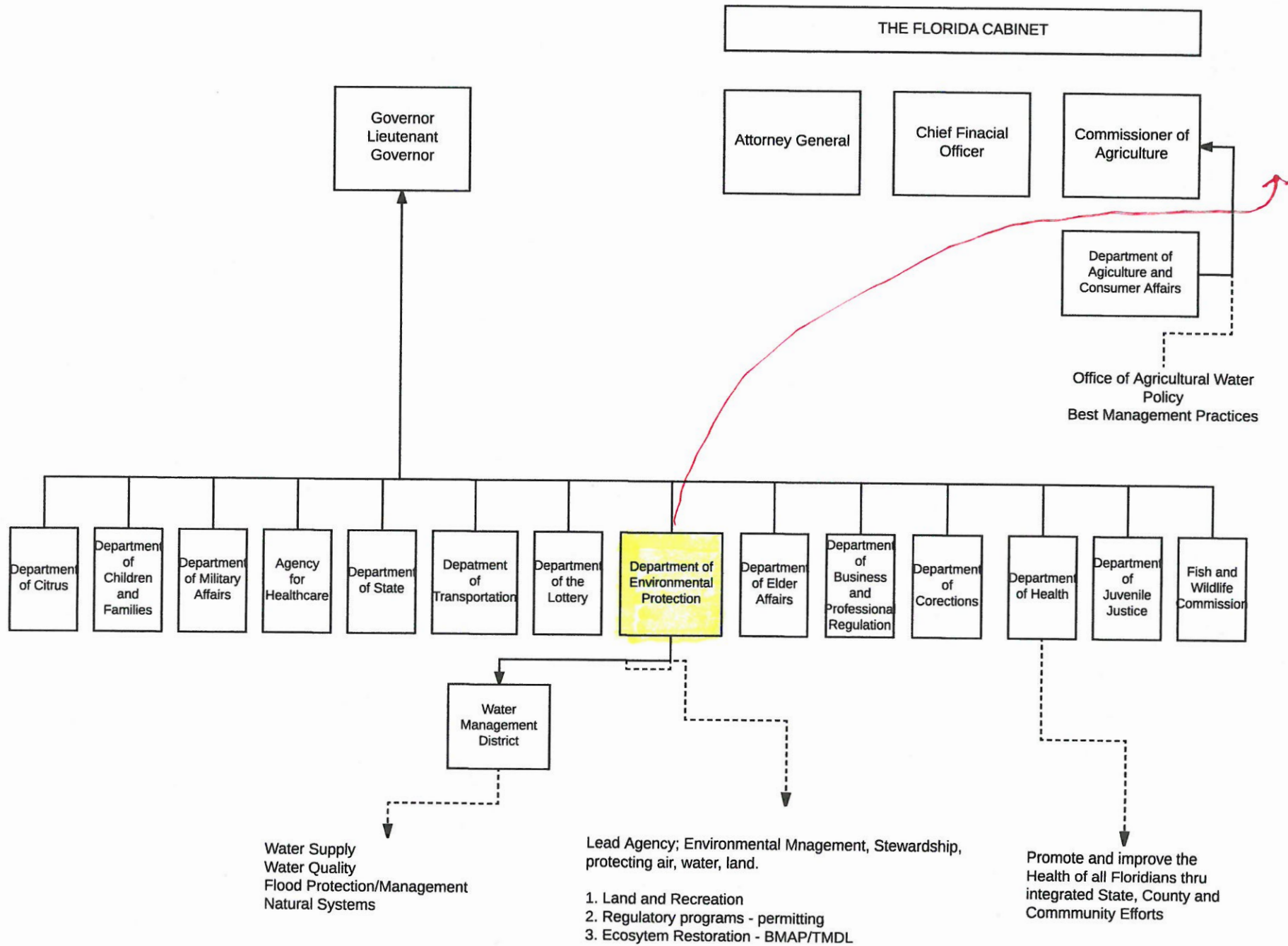
Weeki Wachee Spring, near Brooksville



# THE FLORIDA ELECTORATE



  = Constitutional Entity  
  = Statutory Entity  
  = Function of Governor and Cabinet  
... = Unique Relationship  
--- = Administratively Housed Only  
  = Footnote

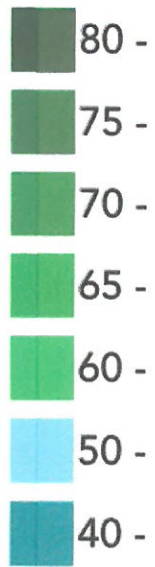
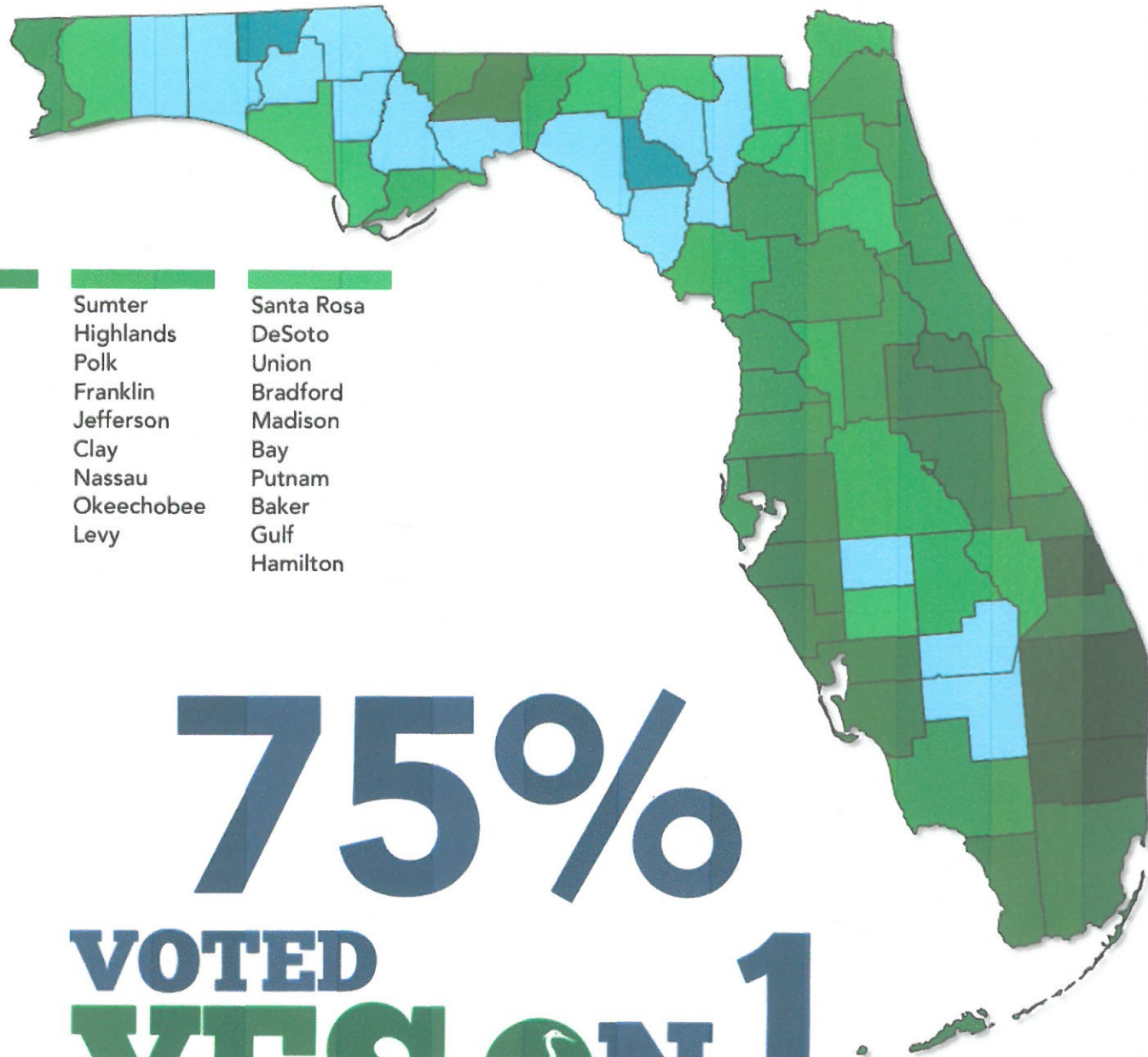


Water Supply  
Water Quality  
Flood Protection/Management  
Natural Systems

Lead Agency; Environmental Management, Stewardship, protecting air, water, land.

1. Land and Recreation
2. Regulatory programs - permitting
3. Ecosystem Restoration - BMAP/TMDL

Promote and improve the Health of all Floridians thru integrated State, County and Community Efforts



- |  |   |  |  |
|--|---|--|--|
| <ul style="list-style-type: none"> <li>Orange</li> <li>Monroe</li> <li>Osceola</li> <li>Martin</li> <li>Sarasota</li> <li>Lee</li> <li>Indian River</li> <li>Leon</li> <li>Manatee</li> <li>Hillsborough</li> <li>Miami-Dade</li> <li>Charlotte</li> <li>Seminole</li> </ul> | <ul style="list-style-type: none"> <li>Pasco</li> <li>Collier</li> <li>Pinellas</li> <li>Brevard</li> <li>Volusia</li> <li>St. Johns</li> <li>Gadsden</li> <li>Marion</li> <li>Escambia</li> <li>Alachua</li> <li>Hernando</li> <li>Duval</li> <li>Flagler</li> <li>Lake</li> <li>Citrus</li> </ul> | <ul style="list-style-type: none"> <li>Sumter</li> <li>Highlands</li> <li>Polk</li> <li>Franklin</li> <li>Jefferson</li> <li>Clay</li> <li>Nassau</li> <li>Okeechobee</li> <li>Levy</li> </ul> | <ul style="list-style-type: none"> <li>Santa Rosa</li> <li>DeSoto</li> <li>Union</li> <li>Bradford</li> <li>Madison</li> <li>Bay</li> <li>Putnam</li> <li>Baker</li> <li>Gulf</li> <li>Hamilton</li> </ul> |
|--|---|--|--|
- Holmes  
Lafayette

75%

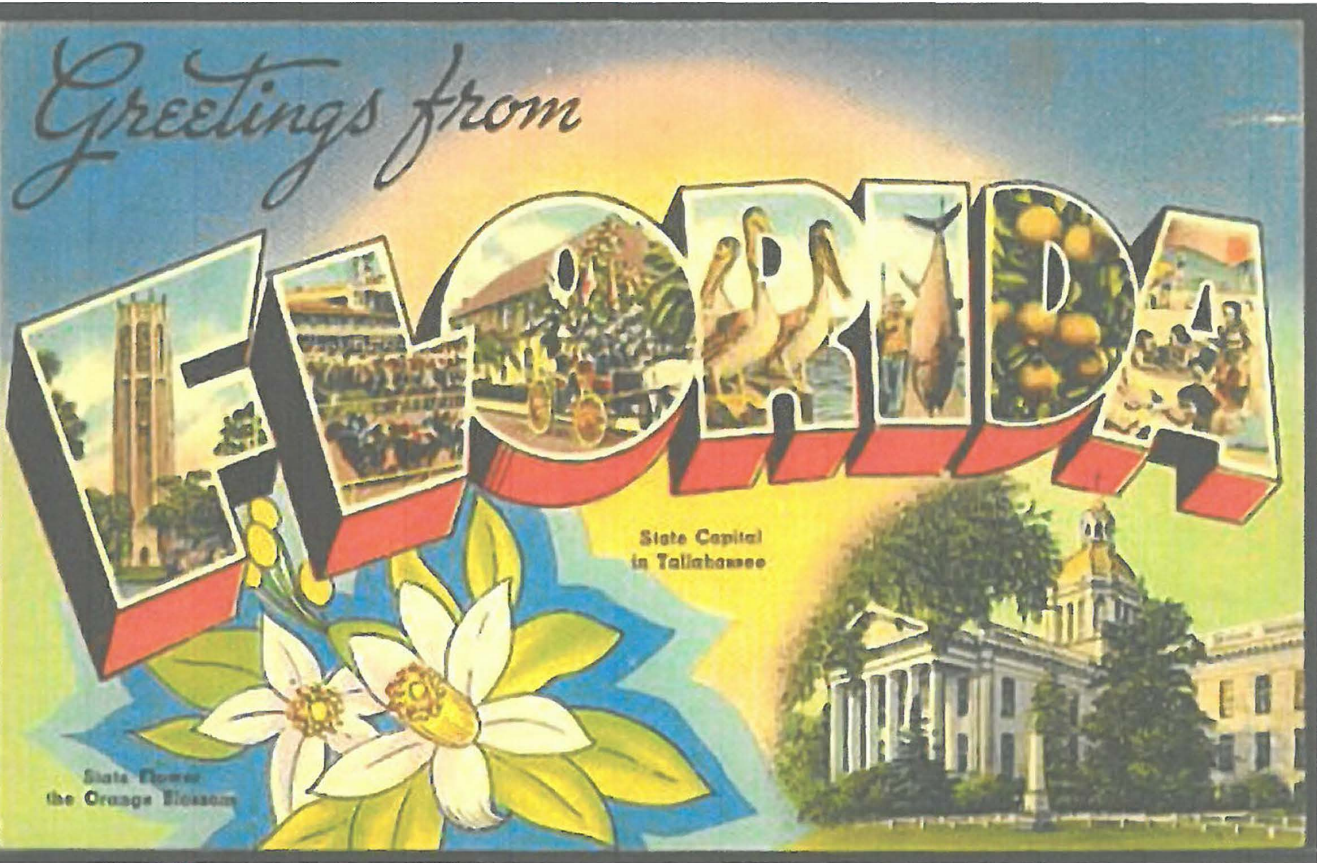
VOTED

YES ON 1



[www.VoteYesOn1FL.org](http://www.VoteYesOn1FL.org)

Pd. pol. adv. paid for and sponsored by Florida's Water and Land Legacy, Inc., 1700 N. Monroe St., Ste. 11-286, Tallahassee, FL 32303



*Greetings from*

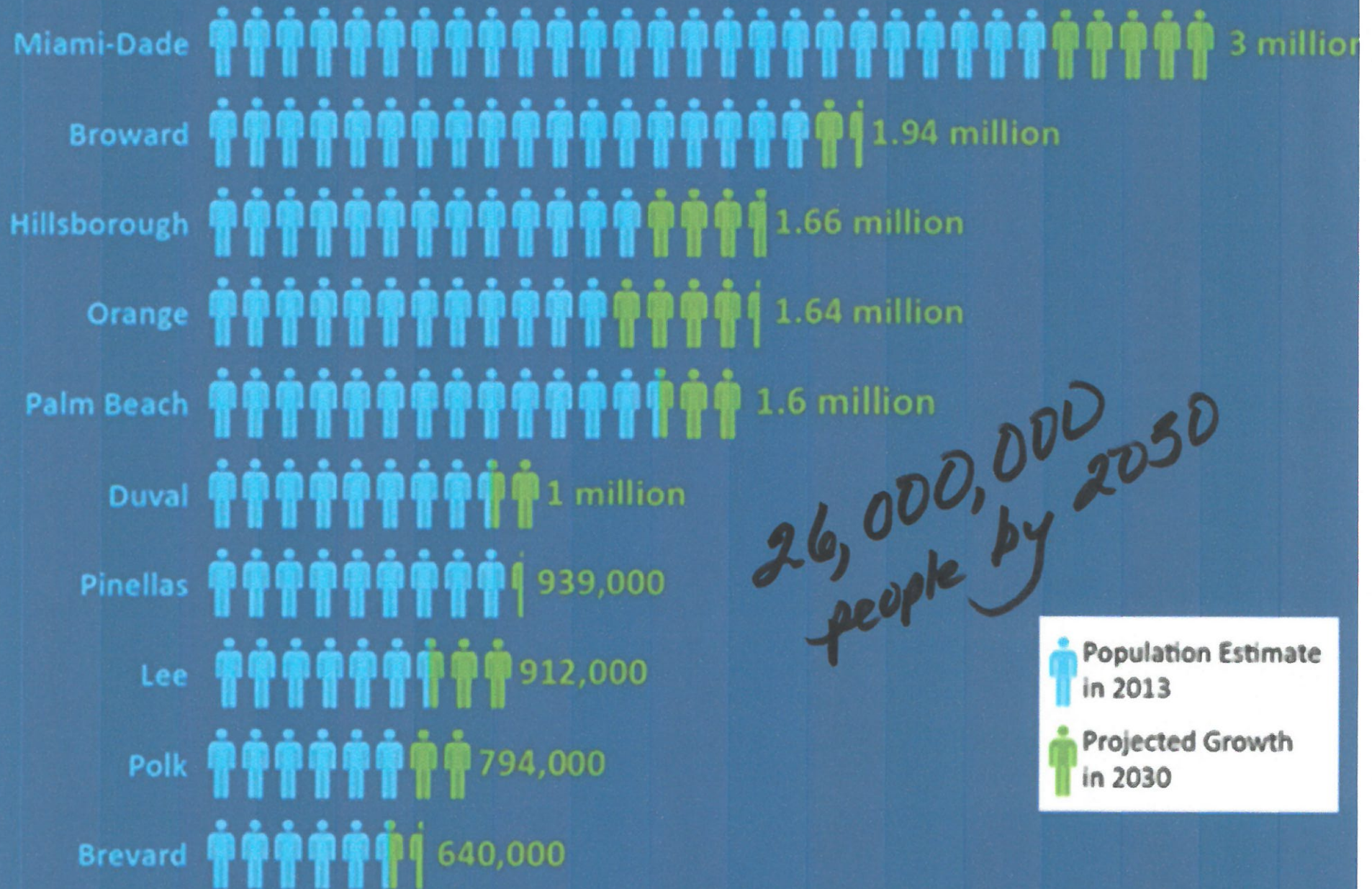
FLORIDA

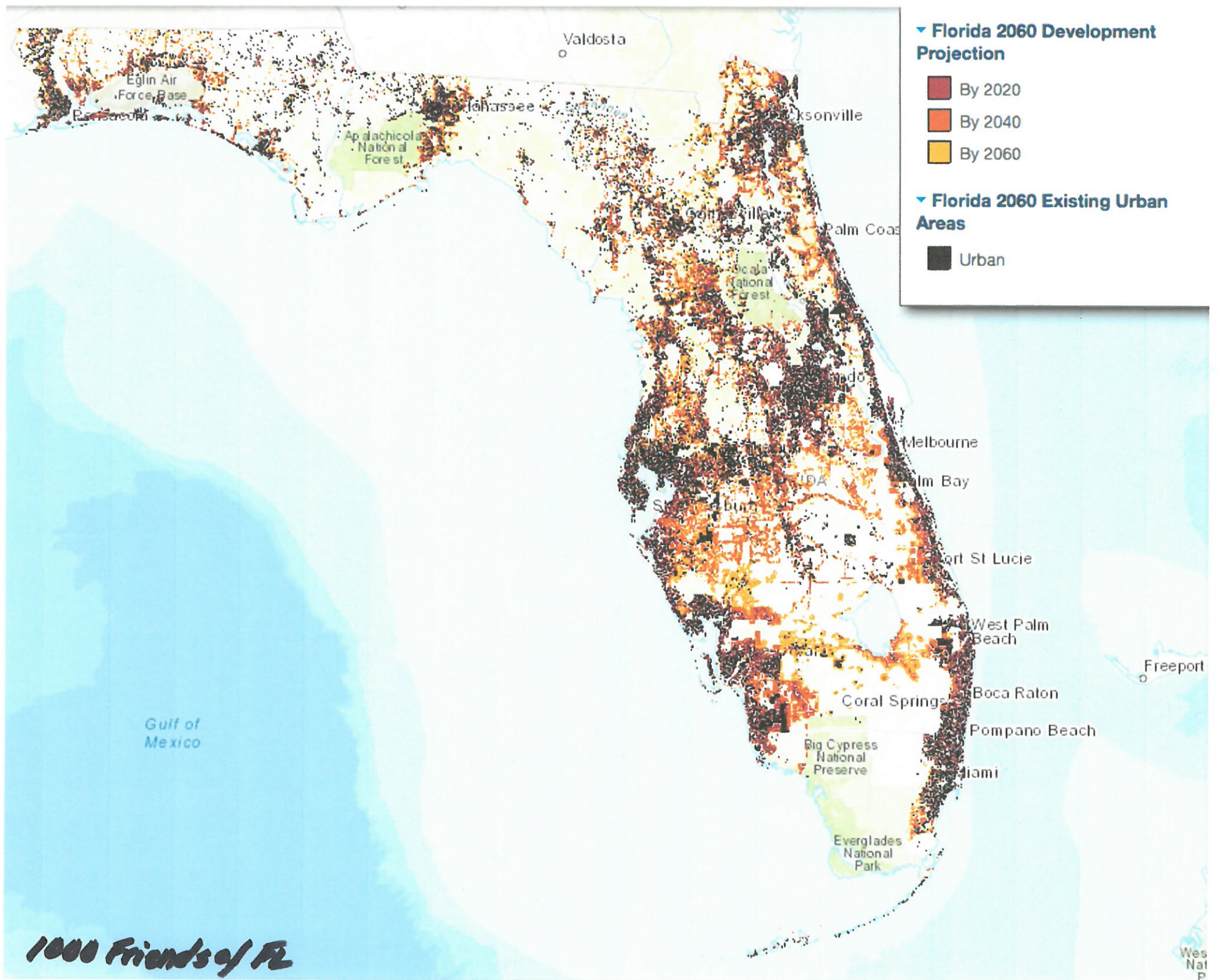
State Capital  
in Tallahassee

State Flower  
the Orange Blossom

# 10 LARGEST POPULATIONS BY COUNTY IN 2030<sup>1</sup>

(shown in increments of 100,000)





Home Waters Not Attaining Standards (WNAS)

Modify Map Sign In

Details Basemap

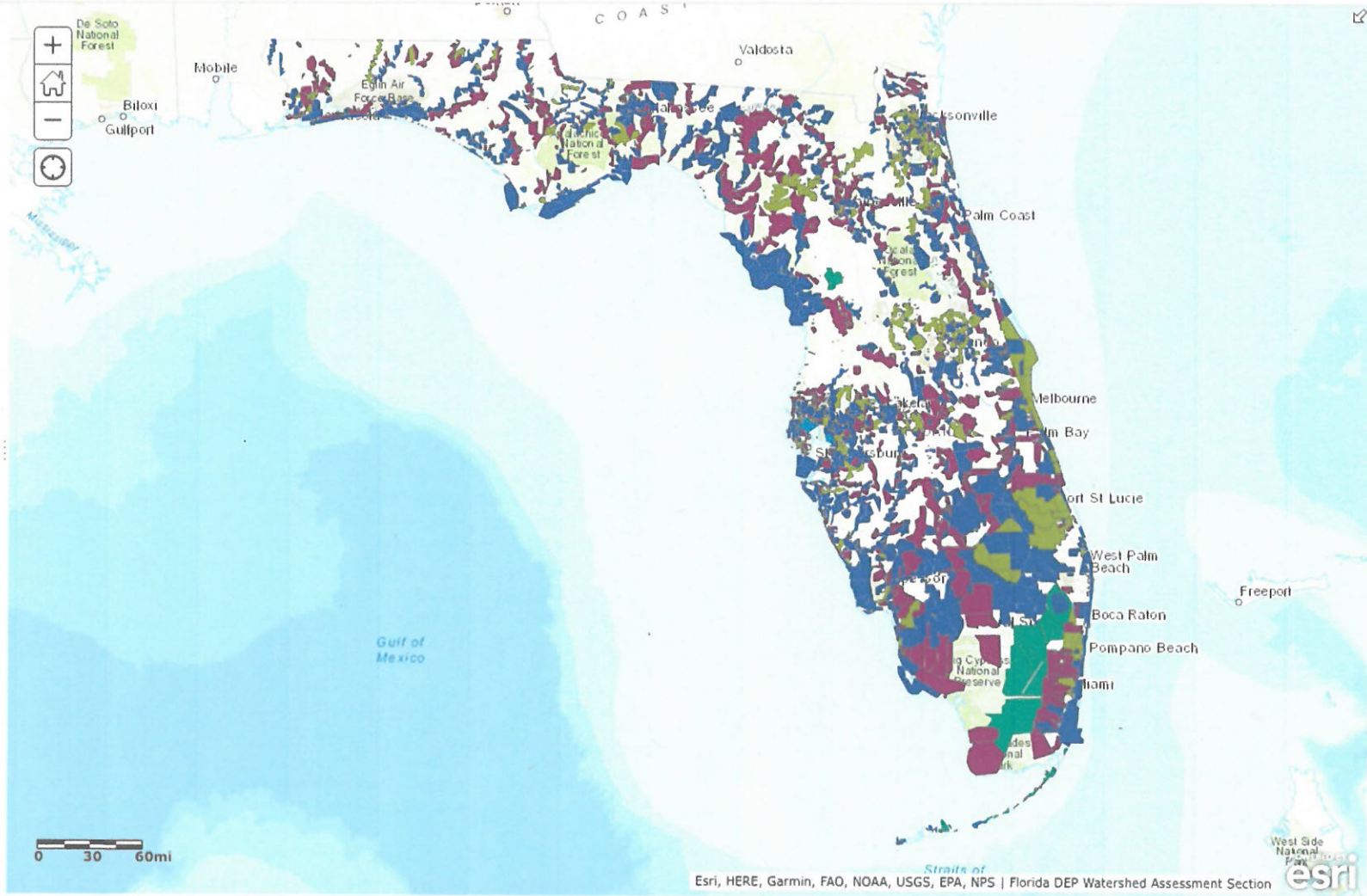
Print Measure Find address or place

About Content Legend

Legend

Waters Not Attaining Standards (WNAS)

- 4a - TMDL Complete
- 4b - Reasonable Assurance
- 4d - Study List
- 4e - Ongoing Restoration Activities
- 5 - Verified List

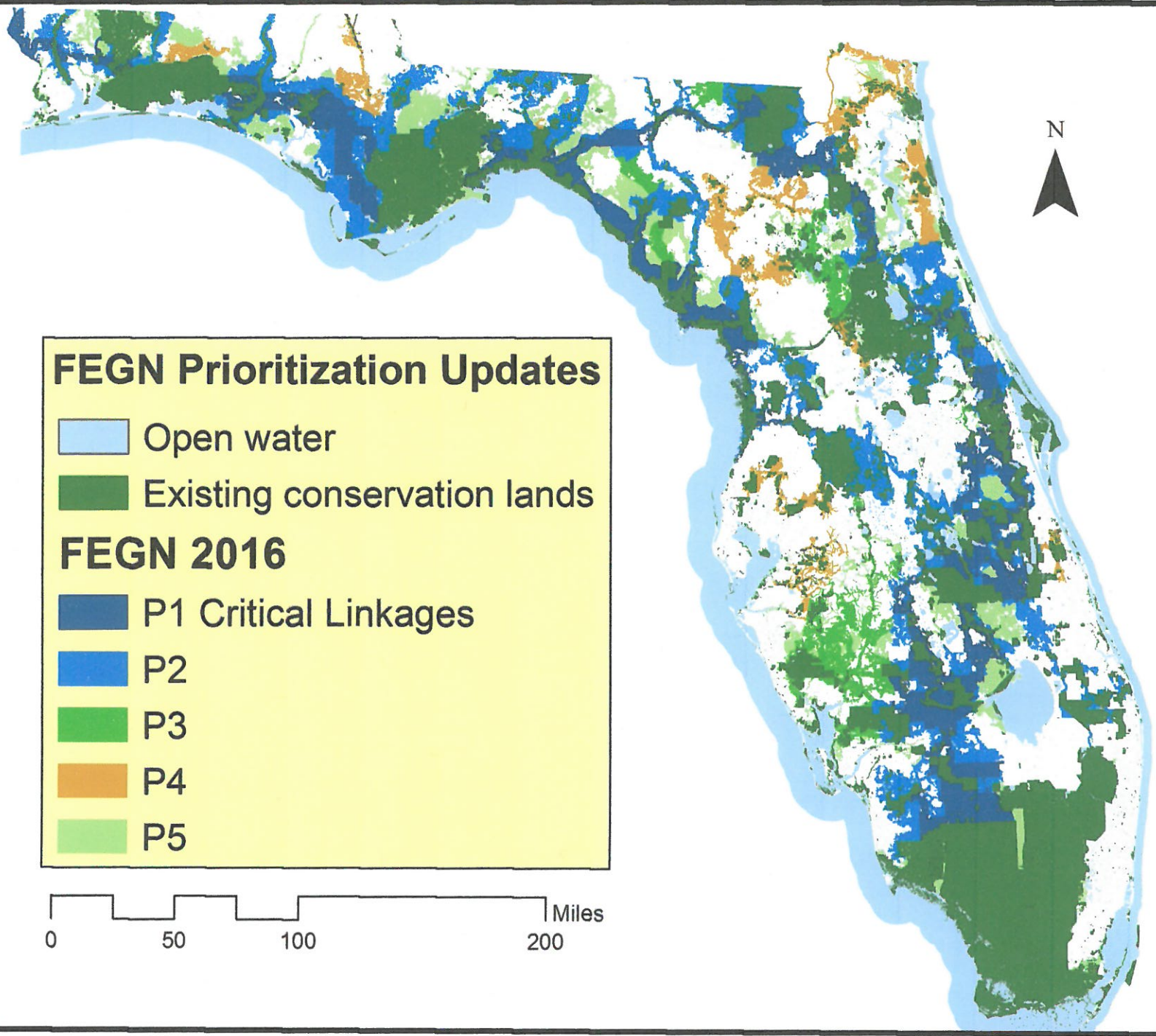






***"Umbrella Species"***

*When you protect the Florida Panther, you protect its habitat and all the wildlife that live there.*

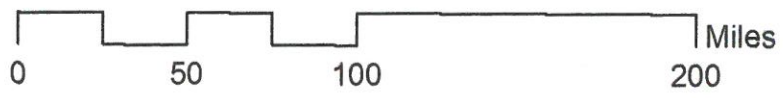


### FEGN Prioritization Updates

- Open water
- Existing conservation lands

### FEGN 2016

- P1 Critical Linkages
- P2
- P3
- P4
- P5





**Constitution Revision Commission  
Executive Committee  
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: P 48

Relating to: EXECUTIVE, Fish and wildlife conservation commission

Introducer(s): Commissioner Thurlow-Lippisch

Article/Section affected: Article IV, section 9

Date: January 4, 2018

	REFERENCE	ACTION
1.	EX	<b>Pre-meeting</b>
2.	GP	

---

**I. SUMMARY:**

Article IV, section 9 of the Florida Constitution grants the Florida Fish and Wildlife Conservation Commission (FWC) the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life.

Proposal 48 expands FWC's regulatory and executive powers to include habitats, including wildlife corridors.

**II. SUBSTANTIVE ANALYSIS:**

**A. PRESENT SITUATION:**

**Florida Fish and Wildlife Conservation Commission**

In 1998, the Constitution Revision Commission passed Revision Grouping 1, which proposed creating FWC. The constitutional amendment appeared on the General Election ballot on November 3, 1998, and was approved by Florida voters with 72% of the vote.<sup>1</sup>

Article IV, section 9 of the Florida Constitution grants FWC the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life. Additionally, FWC has regulatory and executive powers with respect to marine life, except that all license fees for taking wild animal life, fresh water aquatic life, and marine

---

<sup>1</sup> Florida Department of State, Division of Elections, <http://dos.elections.myflorida.com/initiatives/initdetail.asp?account=11&seqnum=1> (last visited 10/3/2017).

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

---

<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.



242846

CRC ACTION

Commissioner .  
Comm: UNFAV .  
01/11/2018 .  
. .  
. .

---

The Committee on Executive (Thurlow-Lippisch) recommended the following:

**CRC Amendment (with title amendment)**

Delete lines 20 - 26

and insert:

powers of the state with respect to wild animal life and fresh water aquatic life, and shall also exercise regulatory and executive powers of the state with respect to marine life, except that all license fees for taking wild animal life, fresh water aquatic life, and marine life and penalties for violating regulations of the commission shall be prescribed by general





242846

11 law. The commission shall promote habitat linkages between  
12 conservation lands and

13  
14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 Delete lines 4 - 6

17 and insert:

18 Commission shall promote habitat linkages between  
19 conservation lands.



209952

CRC ACTION

Commissioner .  
Comm: WD .  
01/11/2018 .  
. .  
. .  
. .

---

The Committee on Executive (Thurlow-Lippisch) recommended the following:

**CRC Amendment**

Delete line 46

and insert:

        matters relating to air and water pollution. For purposes of this section: "habitat" means lands where animals find air, water, food, shelter, space, establish territories, and may procreate, thus engendering future generations of species; and "wildlife corridor" means an area allowing for the connection of wildlife populations and their habitats that have been isolated



209952

11 or cut off by human activities and/or construction.

By Commissioner Thurlow-Lippisch

thurlowlj-00051-17

201748\_\_

1                           A proposal to amend  
 2       Section 9 of Article IV of the State Constitution to  
 3       provide that the Fish and Wildlife Conservation  
 4       Commission shall exercise the regulatory and executive  
 5       powers of the state with respect to habitats,  
 6       including wildlife corridors.  
 7  
 8 Be It Proposed by the Constitution Revision Commission of  
 9 Florida:  
 10  
 11       Section 9 of Article IV of the State Constitution is  
 12 amended to read:  
 13                           ARTICLE IV  
 14                           EXECUTIVE  
 15       SECTION 9. Fish and wildlife conservation commission.—There  
 16 shall be a fish and wildlife conservation commission, composed  
 17 of seven members appointed by the governor, subject to  
 18 confirmation by the senate for staggered terms of five years.  
 19 The commission shall exercise the regulatory and executive  
 20 powers of the state with respect to wild animal life, ~~and~~ fresh  
 21 water aquatic life, and habitats, including wildlife corridors,  
 22 and shall also exercise regulatory and executive powers of the  
 23 state with respect to marine life, except that all license fees  
 24 for taking wild animal life, fresh water aquatic life, and  
 25 marine life and penalties for violating regulations of the  
 26 commission shall be prescribed by general law. The commission  
 27 shall establish procedures to ensure adequate due process in the  
 28 exercise of its regulatory and executive functions. The  
 29 legislature may enact laws in aid of the commission, not  
 30 inconsistent with this section, except that there shall be no  
 31 special law or general law of local application pertaining to  
 32 hunting or fishing. The commission's exercise of executive

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

thurlowlj-00051-17

201748\_\_

33 powers in the area of planning, budgeting, personnel management,  
 34 and purchasing shall be as provided by law. Revenue derived from  
 35 license fees for the taking of wild animal life and fresh water  
 36 aquatic life shall be appropriated to the commission by the  
 37 legislature for the purposes of management, protection, and  
 38 conservation of wild animal life and fresh water aquatic life.  
 39 Revenue derived from license fees relating to marine life shall  
 40 be appropriated by the legislature for the purposes of  
 41 management, protection, and conservation of marine life as  
 42 provided by law. The commission shall not be a unit of any other  
 43 state agency and shall have its own staff, which includes  
 44 management, research, and enforcement. Unless provided by  
 45 general law, the commission shall have no authority to regulate  
 46 matters relating to air and water pollution.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

# Jacqui Thurlow-Lippisch

*Indian River Lagoon*

*Tag Archives: Florida Wildlife Corridor*

## **Adding “Wildlife Corridors” to the Florida Constitution, Giving FWC Broader Authority to Protect Wildlife Habitat**



*Photo courtesy of Sightseeing Miami*

*“We must prioritize fish and wildlife habitat connectivity in future.” Manley Fuller, President, Florida Wildlife Federation, <http://www.fwfonline.org>*

The Florida Wildlife Commission could have more authority to protect wildlife should Constitution Revision Commission proposal #48 be introduced on the 2018 ballot. This proposal, submitted by Cape Coral environmental legend, former service member, teacher and school principal, Mr Carl Veaux, would amend Section 9 of Article IV of the Florida constitution “to provide that the Fish and Wildlife Conservation Commission shall exercise the regulatory and executive powers of the state with respect to habitats, including wildlife corridors...”

Full text proposal # 48:

<http://www.flcrc.gov/Proposals/Commissioner/2017/0048/ProposalText/Filed/HTML>

Before I continue, I would like to state that I have sponsored Mr Veaux’s public proposal, #801227, that is one of thousands of proposals, many addressing wildlife and conservation issues, that were submitted to the Constitution Revision Commission, (CRC) and brought to the attention of the commissioners during the public hearings.

Mr Veaux, though, stood out. He was very persistent in his communications with me. I came to learn through his multiple calls and emails something that I had not listened hard enough to hear. When he sensed my fatigue, Mr Veaux informed me, “...don’t you know, I speak for the animals.” I woke up.

I am also supporting this proposal because there is a need to define “wildlife corridors,” and work through the controversial details. We must step up and do this, as a CRC body, because protecting wildlife corridors in our constitution is the most logical and effective way to address and direct wildlife conservation for future generations.

~As the Florida Chamber reports, Florida is twenty million strong, and six million more people are coming by 2030. Florida’s time has arrived. Our land, waters, and natural habitats are “of the es-

sence...” The next CRC will not come for another 20 years. We must now do something for wildlife and the environment. (<http://www.flchamber.com/did-you-know-that-floridas-population-could-increase-to-nearly-26-million-by-2030/>)



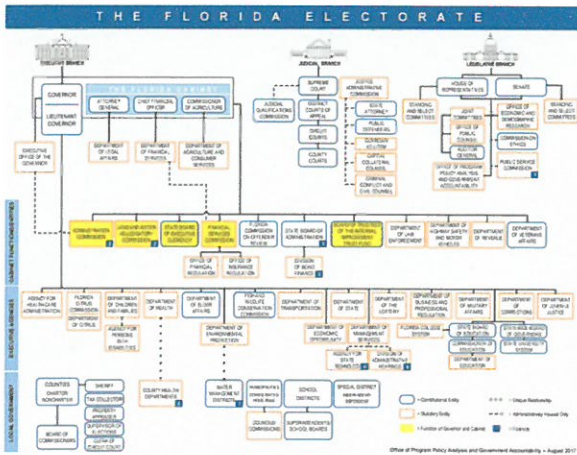
Visit Florida Wildlife Corridor:

<http://floridawildlifecorridor.org>

So just in case you do not know, what is a “wildlife corridor” is anyway...To animals, lands that are not connected for travel, territory, food, shelter, raising young, and “socializing” are not as valuable as those lands that are CONNECTED.

You may have been exposed to this terminology through “The Florida Wildlife Corridor?” In my opinion, *The Florida Wildlife Corridor* is the most impressive conservation effort happening in Florida today. You can learn about its ambitious goal to connect lands throughout Florida by clicking on the link above.

Years ago, I heard through the grape vine that Attorney General Pam Bondi likes this program. Although I have never asked her about it, every time I walk by her office in Tallahassee I notice the most beautiful eagle painting hanging in her office. A clue!



For larger image:

<http://www.oppaga.state.fl.us/government/storgchart.aspx>

Now for the Florida Wildlife Commission also known as FWC: <http://myfwc.com>;

(<http://myfwc.com/about/overview/programs/mission-benefits/>)

The Florida Wildlife Commission is part of the ex-



ecutive branch; they are an executive agency.

Their board members are appointed by the governor; however they are very independent. Their mission is to *“managing fish and wildlife resources for their long-term well-being and the benefit of people.”*

So how would this work to affect the the constitution?

According to Florida Audubon, (<http://fl.audubon.org>) the *“Florida Fish and Wildlife Conservation Commission operates with Florida Constitutional authority to regulate direct impacts to fish and wildlife including protected species. For state Threatened species, they can require minimization or mitigation for impacts to the habitat of species that are designated as state Threatened, but there is no comprehensive way for them to engage on threats to the habitat of not-yet-listed species, or impacts to habitat that individually may not cause take to threatened species, but cumulatively will cause tremendous harm.”*

The protection of wildlife cannot be accomplished without protecting their habitat; this amendment would give FWC the authority they need to achieve the work they’ve been tasked with. And that authority would extend to corridors needed by certain species.

So the proposed change would simply allow, but not require, the seven person appointed FWC to establish rules and permits limiting impacts to habitat in the same way they currently establish limits on impacts to individual animals.

Proposal #48 belongs in the constitution. There will be a things to work out, there always are but I think “we’re covered.” When I asked Mr. Veaux, who is 79 years old, if he could come to Tallahassee to speak on the issue, he said not, *“Tallahassee is a long way, but that should not be a problem*

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

1-11-18

Meeting Date

48

Proposal Number (if applicable)

\*Topic Fish & Wildlife Conservation Commission

Amendment Barcode (if applicable)

\*Name Adam Blalock

Address Street

Phone

City State Zip

Email

\*Speaking: For [ ] Against [X] Information Only [ ]

Waive Speaking: [ ] In Support [ ] Against [ ] (The Chair will read this information into the record.)

Are you representing someone other than yourself? [X] Yes [ ] No

If yes, who? Florida Farm Bureau & FL Fruit & Vegetable Assoc.

Are you a registered lobbyist? [X] Yes [ ] No

Are you an elected official or judge? [ ] Yes [X] No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

1-11-18

Meeting Date

48

Proposal Number (if applicable)

\*Topic Proposal 48

Amendment Barcode (if applicable)

\*Name Greg Munson

Address 215 S. Monroe St 615

Phone

Street

Tallahassee, FL 32301

Email

City

State

Zip

\*Speaking: For [ ] Against [x] Information Only [ ]

Waive Speaking: In Support [ ] Against [ ] (The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes [x] No [ ]

If yes, who? Associated Industries of Florida

Are you a registered lobbyist? Yes [x] No [ ]

Are you an elected official or judge? Yes [ ] No [x]

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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\*Required