



December 17, 2019

Orange County Board of County Commissioners

Subject: Split Oak Forest Wildlife and Environmental Area (Split Oak)

Most Floridians live in cities and suburbs, both large and small. Yet they know that protecting part of the state to remain as natural Florida is vital to their wellbeing and the ecosystems that sustain us. That's why when these issues have been presented to the voters, they have overwhelming said "yes" to conservation lands. That awareness has led to protecting these spaces for the public good.

Florida has been a leader in protecting its natural resources through its *Florida Forever* program. The Florida Department of Environmental Protection's website states that the Florida Forever program is "the largest public land acquisition program of its kind in the United States," as the state purchased more than 2.5 million acres of land under the program and manages another 7.5 million acres for conservation.

This year marks the 21st year in which Floridians voted to approve the constitutional provision protecting these conservation lands believing government officials would uphold the collective vote of the people to use protected lands such as Split Oak for conservation purposes.

On behalf of the League of Women Voters of Orange and Seminole Counties, we continue to strongly oppose routing the proposed Osceola Parkway Extension through Split Oak. The current proposal for a road through Split Oak violates the clear language of our Constitution and ignores the mandate of our citizens who voted to amend our Constitution to protect our Florida Forever conservation lands.

Our constitution explicitly protects conservation lands in Article X, Section 18. The voters overwhelming approved this provision in 1998. This constitutional provision prohibits getting rid of Florida conservation lands unless they no longer have conservation value – that is the only basis for changing the use of land that has been acquired for conservation purposes in Florida. This provision was approved by the voters because everyone at the time recognized that pressures for development threatened our unique Florida Forever lands, because short-term, often economic, objectives overlook long term impacts. Protection of our Florida Forever lands requires a long-term perspective.

This current attempt to circumvent the will of the voters and violate our Constitution is not the first attack on conservation lands. The State tried to sell off many of these lands in 2013 by

declaring them "surplus." These lands are also a target for infrastructure development because they are already owned by governmental entities, and therefore are seen by some as a less expensive way to build something now in spite of the fact that the governmental entities involved promised to protect this land when they asked for public funds to create conservation lands. The League has consistently opposed these efforts and opposes any proposal through Split Oak for the same reasons.

Split Oak was created in 1992 with the intent and understanding that it would be used for conservation purposes indefinitely, with both Orange and Osceola counties declaring that designating this land was consistent with their growth management plans. All of Split Oak is currently being used for conservation. The Fish and Wildlife Conservation Commission has confirmed this in its most recent 5-year study. In addition, much of Split Oak is being used as mitigation credits for environmental impacts created elsewhere.

Some have said that a state statute allows roads through conservation lands and permits eminent domain. Constitutional provisions prevail over statutes. In addition, the statute was enacted prior to the 1998 amendment. Therefore, the statutory provision does not pre-empt the constitutional protection for Split Oak.

Similarly, proposals for exchanges of conservation land – giving away some current conservation land in exchange for other land to be designated for conservation – are not permitted by our Constitution. Our Constitution says the only way to dispose of conservation land is when it no longer serves a conservation purpose. While some people may think there should be some exceptions to the prohibition against getting rid of some conservation land, that is not what is currently the law of Florida. In fact, the constitutional amendment was specifically proposed *because* of the pressure to change the use of these lands – to protect past achievements from unraveling and to assure the public that these lands will not be sacrificed in the future. Exchanges only create uncertainty for all conservation lands. It is important for protection of sensitive ecosystems and threatened and endangered species to have them remain the same place.

The current proposals for the Osceola Parkway Extension include appropriation of part of Split Oak for a major highway in exchange for some other land which would be designated as conservation land. The conservation value provided by Split Oak cannot be measured by acres. Conservation includes stability. Orange and Osceola Counties promised to preserve Split Oak, and the Constitution of Florida requires them to honor that promise.

The current proposals for putting a major highway through Split Oak endangers our Florida natural resources heritage – something the voters of Florida have consistently demonstrated is of utmost importance.

The League of Women Voters will do everything we can to protect the Constitution, not just for the people of Florida, but also for developers. We understand people are moving to our state in large numbers and we must keep up with the state's transportation needs. However, we must

do this according to the highest law in the state and we must protect those who took seriously their civic right to vote to approve this constitutional provision over twenty years ago and we believe would do so again today.

The People of Florida own the conservation lands across this state. The League of Women Voters is asking you to stand with the people that are here now and for generations to come. We urge you to vote to keep Split Oak undisturbed. Vote to go around it.

Sincerely yours,

*Gloria Pickar & Sandi Vidal*

Dr. Gloria Pickar and Sandi Vidal, Co-Presidents

**League of Women Voters of Orange and Seminole Counties**  
**Natural Resources Committee**  
**Public Comment Regarding Split Oak**

Most Floridians live in cities and suburbs, both large and small. Yet they know that protecting part of the state to remain as natural Florida is vital to their wellbeing and the ecosystems that sustain us. That's why when these issues have been presented to the voters, they have overwhelming said "yes" to conservation lands. This year marks the 21st year in which Floridians voted to approve the constitutional provision protecting these conservation lands entrusting government officials to uphold the collective vote of the people to use protected lands such as Split Oak for conservation purposes.

Florida has been a leader in protecting its natural resources through its *Florida Forever* program. Florida Forever is the largest public land acquisition program of its kind in the U.S. Florida purchased 2.5+ million acres of land under the program and manages another 7.5 million acres for conservation. We are proud of this accomplishment.

The League of Women Voters of Orange and Seminole Counties, strongly opposes routing the proposed Osceola Parkway Extension through Split Oak and instead urges you to adopt the option to go around it. In addition to the obvious conservation value of this land, a roadway through it violates the clear language of our Constitution to protect our Florida Forever conservation lands as recorded in Article X, Section 18. Six facts:

1. **Constitutional Protection.** This constitutional provision prohibits getting rid of Florida conservation lands unless they no longer have conservation value. This provision was approved by the voters because everyone at the time recognized that pressures for development threatened our unique Florida Forever lands, because short-term, often economic, objectives overlook long term impacts.
2. **Joint County Protection.** Both Orange and Osceola Counties committed to perpetual conservation protections when they acquired this land in 1994. They must not breach these promises.
3. **Florida Forever Means Forever; Not Available as Surplus.** These lands are also a target for infrastructure development because they are already owned by governmental entities, and therefore are seen by some as a less expensive way to build something now. No, Split Oak is not surplus land.
4. **Constitutional Provisions Prevail.** Any statutory provision that some say allows roads through conservation lands is superseded by the Constitutional amendment of 1998.
5. **Exchanges are not exceptions.** In fact, the constitutional amendment was specifically proposed *because* of the pressure to change the use of these lands – to protect past achievements from unraveling and to assure the public that these lands will not be sacrificed in the future. Exchanges only create uncertainty for all conservation lands.

6. **Dangerous Precedent.** The road through Split Oak would set a precedent endangering conservation lands throughout the state, making them targets for more roadway expansions that would destroy the conservation value of these lands.

The current proposals for putting a major highway through Split Oak endangers our Florida natural resources heritage – something the voters of Florida have consistently demonstrated is of utmost importance.

The League of Women Voters will do everything we can to protect the Constitution, not just for the people of Florida, but also for developers. Let me be clear, we understand people are moving to our state in large numbers and we must keep up with the state's transportation needs. However, we must do this according to the highest law in the state and we must protect those who took seriously their civic right to vote to approve this constitutional provision over twenty years ago and we believe would do so again today.

The People of Florida own the conservation lands across this state. Today, the League of Women Voters is urging you to stand with the people that are here now and for generations to come. We urge you to vote to keep Split Oak undisturbed. Vote to go around it.