

DRAFT HOME RULE CHARTER AMENDMENT (Rev 8/8/2019)

Text of the Amendment:

The Home Rule Charter of Orange County is amended to add Section 704.1 as follows:

Sec. 704.1 Ecosystem and environmental rights

A. Rights of ecosystems and people.

1. The Wekiva River Ecosystem, Econlockhatchee River Ecosystem possess rights, including but not limited to, rights to naturally exist, flourish, regenerate, evolve, and restoration; the right to carry out their natural functions; the right to abundant, pure, unpolluted water; the right to natural groundwater recharge and surface water recharge; the right to natural water flow; the right to a healthy, natural, biodiverse environment; and the right to be free of activities or practices, as well as obstructions, that interfere with or infringe upon these rights. The rights of the ecosystems secured in this section shall not be interpreted to confer liabilities, duties, obligations, or responsibilities on those ecosystems.
2. The citizens of Orange County possess the right to clean water, a healthy natural environment and the right to be free of activities or practices that interfere with or infringe upon this right.

B. Enforcement and implementation.

1. The county shall take all necessary actions to implement, defend, and enforce the provisions of this section.
2. Any citizen of Orange County may enforce or defend any provision of this section in any appropriate court, through an action brought in the name of the ecosystem as the real party in interest, and shall have the right to intervene in any action concerning this section.

C. Violations.

1. It shall be unlawful to violate any provision of this section.
2. Where a threat of violation of the rights secured in this section is shown to exist, lack of full scientific certainty shall not be used as a reason to deny or postpone enforcement or defense of this section.
3. Any governmental entity or non-natural person that violates any provision of this section shall be liable for any damages caused to an ecosystem named in this section as a result of the violation. Monetary damages recovered, less reasonable fees and costs, shall be paid to the county to be used exclusively for the full and complete restoration of the ecosystem.
4. Any governmental entity or non-natural person that violates any provision of this section shall be subject to civil or criminal penalties under the laws of Florida.

DRAFT HOME RULE CHARTER AMENDMENT (Rev 8/8/2019)

Text of the Amendment:

The Home Rule Charter of Orange County is amended to add Section 704.2 as follows:

Sec. 704.2 Ecosystem and environmental rights

No governmental entity within Orange County shall issue a permit that negatively impacts the quality or the quantity of water in the Wekiva River or the Econlockhatchee River.