

DRAFT HOME RULE CHARTER AMENDMENT

Text of the Amendment:

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

Section 704.1 Ecosystem and Environmental Rights

A. Rights of Ecosystems and People

1. The Wekiva River Ecosystem and the 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 function; 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 ecosystem secured in this system shall not be interpreted to confer liabilities, duties, obligations, or responsibilities on these ecosystems.
2. The people 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 Orange County resident 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.
3. This provision shall preempt any municipal ordinance or regulation which provides less strict protections of the Wekiva and Econlockhatchee Rivers.

C. Violations

1. It shall be unlawful to violate any provision of this section.
2. 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. Damages, less reasonable attorney's fees and costs incurred in any such action, shall be paid to the county to be used exclusively for the full and complete restoration of the ecosystem.