

CONSTITUTIONAL AMENDMENT FULL TEXT

Ballot Title: FLORIDA RIGHT TO CLEAN WATER

Ballot Summary: Prohibits pollution of Florida's waters by recognizing a right to clean water for all Floridians and Florida waters, including the Everglades, Florida Springs, the Indian River Lagoon, the St. Johns River, the Caloosahatchee River, Biscayne Bay, Tampa Bay, Pensacola Bay and all other waters within the state; provides for local lawmaking to protect clean water, and provides for enforcement and severability.

Article and Section Being Created or Amended: ARTICLE I, SECTION 28

Full Text of the Proposed Amendment:

(a) Every Floridian has a right to clean water.

(b) The Everglades, Florida Springs, the Indian River Lagoon, the St. Johns River, the Caloosahatchee River, the Suwanee River, the Santa Fe River, Apalachicola Bay, Biscayne Bay, Tampa Bay, Pensacola Bay and all other Florida waters have a right to clean water, and that right shall include the rights of those waters to exist, flow, be free from pollution, and maintain a healthy ecosystem.

(c) Any resident, nongovernmental organization, or government entity of this state shall have standing to enforce and defend the rights secured by this section in any court possessing proper jurisdiction.

(d) Waters may enforce and defend the rights secured by this Section through an action brought by any resident, nongovernmental organization, or government entity of this state pursuant to (c), in any court possessing proper jurisdiction, in the name of the waters as the real party in interest. Damages awarded under this section shall be measured by the cost of fully restoring the waters to their pre-damaged state, and shall be paid to an appropriate governmental or nongovernmental entity, as designated by the court, to be used exclusively for the full restoration of the waters.

(e) The rights secured in this section shall not be interpreted to confer liabilities, duties, obligations, or responsibilities on waters.

(f) Any Florida county, city, and town may enact local laws providing additional protections for clean water provided that those local laws do not establish standards and requirements that are lower or less stringent than those imposed by this Section or by state law.

(g) Local laws adopted pursuant to subsection (f) of this section shall not be subject to preemption by state law.

(h) The provisions of this section shall not apply to constructed wetlands, which means a non-natural pool and any artificial wetland that uses natural processes involving wetland vegetation, soils, and their associated microbial assemblages to treat domestic wastewater, industrial water, greywater or stormwater runoff, to improve water quality.

(i) To the extent that any provision of this amendment is deemed by a court to impermissibly conflict with federal law, such provision shall be severable and all other provisions shall remain fully enforceable.

(j) Definitions.

(1) "Clean Water" shall mean waters free of the non-natural presence of any one or more substances, contaminants, or pollutants in quantities which are or may be potentially harmful or injurious to human health or welfare, animals, fish, plant life, and water quality or which may unreasonably interfere with the enjoyment of life or property, including outdoors recreation.

Initiative Information

Date Approved 05/20/2021

Serial Number 21-03

Sponsor Name: FL5.org

Sponsor Address: 555 Winderley Place, Suite 300 Maitland, FL 32751

CONSTITUTIONAL AMENDMENT FULL TEXT

(2) "Flow" shall mean the steady and continuous movement of waters, the diminishment of which would be significantly harmful to the water resources or ecology of a particular area.

(3) "Waters" shall mean all rivers, lakes, streams, springs, impoundments, wetlands, and all other waters or bodies of water, including fresh, brackish, saline, tidal, surface, or underground waters, as well as all coastal waters within the jurisdiction of the state.

(k) This section is self-executing and shall take effect immediately upon the passage of this amendment by the voters.

Initiative Information

Date Approved 05/20/2021

Serial Number 21-03

Sponsor Name: FL5.org

Sponsor Address: 555 Winderley Place, Suite 300 Maitland, FL 32751