

Issue Brief: RIGHTS OF NATURE

HB 1199 by Rep. Ingoglia / SB 1382 by Sen. Albritton

THE BACKGROUND :

Led by out-of-state organizations, groups in certain Florida counties are pushing petitions for so-called "Rights of Nature" county charter amendments and local ordinances. These local laws would grant legal "rights" to specific rivers, water bodies, and other natural features like the right to "naturally exist, flourish, regenerate, and evolve." The local laws also grant individual persons broad standing to sue governments or businesses who "interfere or infringe" on those rights. Ballot initiatives are being led by a national activist organization, the Community Environmental Legal Defense Fund ("CELDF").

• **Unnecessary in light of existing state, federal, and local environmental protections**

- o Section 403.412, F.S, already provides remedies for violations of environmental laws;
- o 403.412 F.S., grants individuals the ability to sue the government for not enforcing environmental laws and regulations, and allows them to also sue any other person or government agency that is violating environmental laws and regulations;
- o Florida's Administrative Procedures Act allows citizens to challenge permits and agency rules, and to have their voices heard during the rulemaking process.

• **Handcuffs Local Governments** - These amendments would restrict a local government's ability to pass ordinances, adopt regulations, and issue permits that may implicate these new "rights."

• **Broadens Standing and Invites Litigation** - Local governments and State agencies will divert resources from proactive environmental protections to reactive defense of the wave of litigation brought on by these proposals.

• **Poses a Risk to Florida Business, Particularly Developers and Builders**- these proposals put business owners, developers and builders at significant risk due to the likely increase in lawsuits filed by those who feel that a particular operation is intruding on their right to a clean environment or the "rights" of nature regardless of compliance with the existing permitting and regulatory scheme.

THIS LEGISLATION:

- Prevents local regulation, ordinance, code, rule, comprehensive plan, charter, or any other provision of law from granting legal rights to bodies of water and other parts of the natural environment.
- Prevents the same from granting rights to persons to sue on behalf of bodies of water or other parts of the natural environment.
- Maintains the current regulatory oversight and authority with State and local environmental agencies.
- Maintains the existing right of the state and of citizens to bring claims under section 403.412, Florida Statutes, enforcing environmental laws and regulations, and allows them to also sue any other person or government agency that is violating environmental laws and regulations.
- Maintains the existing right of adversely affected parties to challenge consistency of development orders with a comprehensive plan.

BOTTOM LINE: FHBA ASKS YOU TO VOTE "YES" on HB 1199 / SB 1382!