

My fellow committee members; We have done a great job exploring ‘Rights of Nature – Waters of Orange County’. I’m very privileged to work with each one of you. Please don’t take what I’m proposing as a negative, It NOT. What I’m proposing is a returning closer the original language that was put forward, voted and approved by the CRC during the July 10 CRC Business meeting CRC-20-045, the attachment 2019-07-10 IV. D1 Citizen Proposal Wekiva and Econlockhatchee River Rights. I’ve collapsed our current charter language including all the definitions to date and expansion we agreed to protect ‘all the waters of Orange County’. Additional reorganizing it, placing the definition at the end of the document.

During these many meetings, I tried with some success to steer the conversation to three things - **basic components** of rights of nature laws:

- a. Recognize that all the waters of Orange County are **capable of possessing rights, and listing out those rights that they hold**; and recognize that the residents of Orange have a right to clean water;
- b. Establish that **any resident of the County** can “step into the shoes of” those Rivers to enforce the rights of those Rivers, with the Rivers being the Plaintiffs, or the “real parties in interest”; and
- c. Establish a remedy in those actions, to require the entity violating the Rivers’ rights to **restore the River** to its pre-damaged state.

Why the change? The current language is straying from the scope of the original proposal as approved by the CRC. I’ve been concern we are going down the road to create a regulation for the charter, my goal was not to create another regulation. **The goal is to create a constitutional-style, human-rights type law flexible enough to protect the Rivers from all kinds of threats – those both currently damaging the waterways as well as future ones.** The “rights of nature” work is patterned after constitutional standards, because those offer the flexibility to change as science changes, methods of restoration change, and threats change. **The work is akin to constitutional human rights standards, like the guarantee of “due process” and “equal protection.”** When those standards were adopted in the 5th and 14th Amendments, they were “vague” as well. In fact, what those standards meant in the late 1800’s is much different from what they mean today; and that’s the reason for using constitutional-style standards – to be flexible enough to offer complete protection under their umbrella.

Trying to assemble a list of all “prohibited” activities under the standards established for the waters of Orange County would be akin to trying to list all of the things you can’t do under the 5th and 14th Amendments. It’s impossible. **But to say those constitutional standards are “unenforceable” just because you can’t possibly list all of the permutations is simply nonsensical. They are standards for a reason – they provide a standard for a court to then determine, after arguments from the affected parties, about whether the actions rise to a violation of the standard.**

As a committee chair, I listen to all and wanted interaction between committee members, council, staff and the public. I feel all have knowledge and tried to create a non-threatening environment to explore this proposal. Its led us down many lanes, but I’m feeling stressed that we are running

out of time and to meet the February deadline I need to put out this language to pull together on what we are trying to accomplish.

Which is for:

**Citizens of Orange County able to stand and represent nonhuman systems:
Waters of Orange County in Civil Court.**

Please keep an open mind on my proposal, the purpose of this charter amendment is to *fix the problem*. The problem is that Florida laws and regulations have failed the people and the Waters of the state. Without the creation of new standards, and the expansion of the “who” can defend and enforce those standards; we will produce a “feel good” charter amendment that people will likely vote for, but which does **not** accomplish anything.

Sincerely
Eugene Stoccardo
Rights of Nature - WEBOR Chair