

Frequently Asked Questions

(please see outline on left for quick reference; this document will continue to be updated)

The Right to Clean and Healthy Waters Amendment

Why does Florida need a Right to Clean and Healthy Waters?

It has become clear that the current system of water protection has failed¹; the state executive branch is not enforcing clean water legislation according to environmental laws, legislative intent and constitutional policy. Although a right to clean water already exists by statute, it defers too much to state executive agencies to guard against harm. The proof of dysfunction frequently makes national news, with routine harmful algal blooms, fish and wildlife mortality events and public notices of pathogenic or toxic contamination of our waters. It's not okay. People suffer, wildlife suffers, property values suffer, businesses suffer, communities suffer. Waiting for political solutions in a system that favors pollution industries financing those politics – is a fool's game. We need a clear, simple, legal solution to restore the necessary checks and balances for such a critical necessity to all lives – water.

What does the amendment do?

It creates a fundamental right to clean and healthy waters, clarifies prohibited actions and inactions that harm (or threaten to harm) waters, and defines important terms. It also allows Floridians to enforce this right through the ability to sue state executive agencies that violate this right, empowering courts to look at the science and truth (and not politics) of what's going on before awarding equitable relief to the situation.

How does this affect me?

This constitutional amendment protects your fundamental right to clean and healthy waters, so however that may affect you – from safe / available drinking water to being able to walk along your favorite shoreline without toxins in the air...This amendment empowers Floridians to protect themselves, their families, their communities and future generations from unnecessary, government-permitted harm.

Who can sue?

Any "person" can sue, which includes "any individual, partnership, joint venture, corporation; any group of the foregoing to include nonprofit organizations; any tribal entity; or any government entity."

Who can be sued?

A "state executive agency" includes "the Governor; the Cabinet and members of the Cabinet; each State executive officer and State executive department, and each State executive departmental unit described in Section 20.04, Florida Statutes; the Fish and Wildlife

¹ See last page for a short list of state failures

Conservation Commission; each water management district; and each officer and governmental entity of the executive branch having statewide jurisdiction or jurisdiction in more than one county.”

What type of harm is prohibited?

Generally speaking, harm includes water pollution and anything that disrupts the water’s natural flow or ecological systems.

“Harm” as it’s defined in the amendment means “the introduction of pathogens, contaminants, or toxins into waters or the disruption of natural hydrological or ecological processes or functions of waters. This term includes but is not limited to such chemical, biological, or physical stressors to waters that contribute to unnatural water levels or nutrient loads; that remove, fragment, or degrade habitat of native fish or wildlife; that disturb vegetation or soil near the edge of waters; that introduce exotic or invasive species; that obstruct or divert natural flow; that overexploit native species; and that negatively affect the health of humans or of native fish or wildlife.”

Which waters will be protected?

“Waters” as defined in the amendment refers to “the aquatic ecosystems of aquifers, bays, creeks, estuaries, estuarine systems, lagoons, lakes, rivers, riverine systems, springs, streams, wetlands, intracoastal and coastal waters within the boundaries of the State of Florida and shall include the natural tributaries and artificial waterways which impact these water bodies. This term shall include fresh, brackish, saline, tidal, surface, ground and underground water associated with these water bodies.”

How do we know the state legislature or governor won’t undermine the will of the voters for this initiative like they did others?

This amendment is specifically drafted to be self-executing, which means it does not need further legislation to implement it or enable its intended effects. Likewise, drafters paid intricate attention and researched bodies of law relevant to how every word could be interpreted by courts. Will this prevent attempts to block or undermine it? No. We expect well-resourced opposition will do what it possibly can to impede this from taking effect, but we have to trust in the courts to abide by notions of truth, the public interest and the very purpose and principles of good government and constitutional law. We don’t expect it to be easy.

How can I learn more about the amendment?

We are happy to answer questions by email (admin@floridarighttocleanwater.org) or schedule an informational session with you or your organization, at your convenience.

The Right to Clean Water Campaign

What needs to happen to qualify the initiative for the ballot in 2024?

We need to collect and verify about 900,000 petition signatures by the end of November 2023, so they can be counted before February 2024, to qualify for the ballot later that year. Every petition needs to be processed through the campaign (either through our headquarters in Fort Myers or by regional ambassadors throughout the state) and delivered by a campaign agent to respective county supervisors of elections. Lots of legwork to be done, which is why we'll need a strong showing of volunteerism throughout the campaign.

Yes, we'll be engaged in robust fundraising as well to eventually (as soon as possible) launch a paid petitioning effort, but the state legislature has rendered such a necessary measure incredibly expensive with less effectiveness in recent years. In all reality, we're depending on the will and volunteer time of water-loving Floridians to help make this happen.

What happened to the "FL5" campaign and its Right to Clean Water petition?

*The Florida Five (FL5) campaign was an attempt to bring five key environmental protections to the Florida Constitution, one of which was – and the most "popular" initiative being – the Right to Clean Water. As the campaign waned under the reality of COVID concerns and operational numbers, key members of that campaign decided to reorganize and focus only on the Right to Clean Water for a 2024 citizens' initiative. Between October 2021 and early April 2022, the amendment language was more carefully researched, crafted and reviewed by multiple Florida Constitutional Law experts to account for all possible issues under Florida Supreme Court's review. This is why **the current amendment language differs from the FL5 version of the Right to Clean Water.***

Who is sponsoring this initiative and coordinating this campaign?

Members of the Florida Rights of Nature Network (FRONN) – please see www.fronn.org – were inspired by the widespread (cross-partisan) popularity and success of Orange County's Charter Amendment, which helped launch the initial (FL5) effort. Currently, the political committee (FloridaRightToCleanWater.org) and Right to Clean Water campaign are led by members of FRONN's Board of Directors in various and oftentimes multiple capacities.

What organizations and businesses have publicly supported this?

Please see "[Supporting Organizations](#)" on the "About" dropdown menu.

How can I volunteer?

The first step will be to go to our [Regional Coordinators](#) page on the website to see which region you're in, and then click on the circled picture for an email prompt to your regional point of contact. You can [register as an Ambassador](#) (to help spread the word and / or collect petition signatures), help establish more Petition Locations, [donate](#), share our [information sheet](#) or simply ask to be put on a list for local events / needs, should you be available at such times.

How can I donate?

First of all, THANK YOU, as the generosity of donors will help ensure the success of this effort. You're welcome to mail checks to our headquarters at 13300 South Cleveland Ave, Suite 56, Fort Myers, FL 33907 or donate through our website, www.floridarighttocleanwater.org.

Would you like to see a particular Q&A added to this FAQ? Please let us know at admin@floridarighttocleanwater.org or jbonasia@hotmail.com.

State of Florida failures, by the numbers:

- **80 percent of Florida's 1000 springs are polluted** by excessive nitrogen. ([Florida Springs Council](#))
- **Fecal bacteria impairs nearly a million acres of estuaries and 9,000 miles of streams and rivers designated for recreation.** ([Calusa Waterkeeper](#))
- Polluted water was a major factor in the deaths of **1,101 manatees in 2021**. ([CBS News](#))
- The frequency and duration of red tides have exploded: over **184 months of red tide** in the past **27 years**. (*A Toxic Inconvenience*, Nicholas Penimann: Barringer Publishing, Naples, 2018.)
- Blue-green algae (cyanobacteria) is becoming a "potential monster" and being linked to neurodegenerative diseases (*A Toxic Inconvenience*, pg's 89 & 135)
- The state has issued **23,000** National Pollutant Discharge Elimination Permits, **10% of the nation's total**, allowing industry to pollute Florida's waters. (*A Toxic Inconvenience*, pg. 154)
- As of 2018, **2,440—over half—of Florida's 4,393 waterbodies assessed by the state have been declared "impaired."** (*A Toxic Inconvenience*, pg 163))
- **50,000 tons of legacy phosphorus** sitting in the bottom of Lake Okeechobee (*A Toxic Inconvenience*, pg 177)