

Protect the rights of nature through Florida's constitution—

July 12, 2021



Mike Roth speaks to the water authorities

As Mike Roth writes below, it is now crystal clear that our water agencies in Florida do not intend to protect, preserve nor restore our springs and rivers, they intend to continue to cater to water users and polluters until nothing is left.

As such, we see new laws written into our Constitution as perhaps our only solution.

Please read carefully and then turn in your petition.

Read the original article here in [the Gainesville Sun](#).

Comments by OSFR historian Jim Tatum.

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*– A river is like a life: once taken,
it cannot be brought back © Jim Tatum*

Protect the rights of nature through Florida's constitution

Mike Roth Special to Gainesville Sun USA TODAY NETWORK
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Recognizing legal rights of nature is hardly a new concept – indigenous peoples knew and honored this long before we rounded them up and put them on reservations.

We've tried everything. As we watch developers clear water- and life-preserving canopies and pave recharge lands with impervious concrete, as we see our springs turn green and our rivers turn lifeless and our wells dry up, we have tried it all.

We have called our water management districts and other 'protection' agencies, called our representatives, written letters, signed petitions, marched and pleaded – everything the law 'allows' us to do. The placating response is generally them telling us that some amount of money has been allocated for the springs and water resources.

The acts that we see are the continued granting of water withdrawal permits and the continued allowing of excessive fertilizer and other chemical uses, which accompany the water

use and mining permits that are handed out like candy on Halloween.

All of the legislative, water management and other official meetings start with a call to a higher power to help us make the right decisions – presumably the same higher power that ostensibly created all life and nature. But then they go on to presume that we are the higher power, that we have the right to mar and ebb and destroy all of our cohabitants in this world that the ‘higher power’ created.

This irony has gone on for generations, and we are starting to notice the inconvenient truth that maybe we’ve pushed the balance to an unsustainable point. And so began a movement to give rights to nature.

Recognizing legal rights of nature is hardly a new concept – indigenous peoples knew and honored this long before we rounded them up and put them on reservations. The granting of rights to nature has been a growing trend around the world, most notably found in Ecuador’s constitution, and in various localities in New Zealand, Bolivia, Mexico, Uganda and others.

The concept started to take root in the United States, usually in response to a specific threat, as Pittsburgh, Pennsylvania, did in 2010 in response to fracking and Tamaqua, Pennsylvania, did in 2006 in response to the dumping of toxic sludge. Buttressed in part by a dissent written by Supreme Court Justice William O. Douglas where he posited, ‘Contemporary public concern for protecting nature’s ecological equilibrium should lead to the conferral of standing upon environmental objects to sue for their own preservation,’ dozens of other municipalities and the U.S. passed ordinances giving a priority to the rights of natural systems.

LEBOR, the Lake Erie Bill of Rights group, got national

attention when it passed with a 61% voter approval, and thereafter was immediately challenged in court by a local farmer in a case that is still pending.

And then there's Florida. Shortly before the beginning of the pandemic, several environmental groups attempted to pass ordinances giving protection to springsheds and river systems with the help of Thomas Linzey, who is currently senior counsel for the Center for Democratic and Environmental Rights, an organization committed to globally advancing environmental rights.

As petitions circulated, a Florida legislature that has been increasingly dismissive of the will of the people they represent immediately went into action, attaching a provision in one of their placating water bills making it illegal for local municipalities to grant rights to nature. At the same time, the Legislature began to work on laws making it yet more difficult for citizens to petition to amend the constitution, just to be safe.

Most of the groups were unable to get over the hurdle of petition gathering in time for the election, but WEBOR, the group in Orange County did – and they got an 89% approval from their electorate. Then, earlier this year, two lakes, two creeks and a marsh (along with activist Chuck O'Neal and 'other affected Orange County waters') sued to stop a developer from filling in 115 acres of wetlands for a mammoth project near Lake Nona. That case is also pending and will be closely watched.

It is clear that this concept needs to be established at the state level. The Florida Rights of Nature Network (www.fronn.org), formed in early 2020 and consisting of a coalition of the groups that worked to pass local ordinances in 2020, has worked to compile a series of five petitions to amend

Florida's constitution. The petitions include a right to clean water, mirroring the Orange County ordinance, as well as petitions to protect Florida wetlands, iconic species, prohibiting captive wildlife hunting, and prohibiting the construction or expansion of toll roads on conservation and rural lands.

All of these petitions are available for reading at the website www.FL5.org , and provisions are made to facilitate the completion and filing of the separate petitions. I urge you to study and consider the positions of these petitions.

Floridians do not have to rely on toothless protection agencies to protect their precious and vulnerable natural resources; we the people can perform this task ourselves, and we should.

Mike Roth is vice president of the North Florida Right To Clean Water Network, Inc.

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