

CONSTITUTIONAL AMENDMENT FULL TEXT

(1) "Clean and healthy waters" are waters free from harm or threat of harm that occurs after the effective date of this Section. Indicators of clean and healthy waters include water quality safe for drinking, fishing, harvesting, and recreational activities; sufficient water quality, quantity, flow, filtration, and storage to sustain aquatic ecosystem services as well as thriving populations and diverse communities of native fish and wildlife; and stability of other ecological processes and functions.

(2) "Harm" refers to an adverse effect on waters, while "threat of harm" refers to the risk of such an effect, whether the effect is immediate or foreseeable. Adverse effects include those that are physical, chemical, biological, radiological, or a combination thereof. Such adverse effects on waters include but are not limited to contamination by pathogens, toxicants, or other injurious pollutants; nutrient loading or alteration of levels, flow, or storage of waters that deteriorates the health or habitat of native fish or wildlife; and introduction of exotic or invasive species or overexploitation of native species. Determination of such adverse effect or risk of such effect shall be based on the best available scientific evidence.

(3) "Person" refers to a natural person as well as a legal entity, to include nonprofit organizations, corporations, and tribal and governmental entities.

(4) "State executive agencies" refers to the following governmental entities and officers: The Governor; the Cabinet and members of the Cabinet; each State executive officer, State executive department, and State executive departmental unit; the Fish and Wildlife 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.

(5) "Waters" refers to the aquatic ecosystems of aquifers, bays, creeks, estuaries, estuarine systems, lagoons, lakes, rivers, riverine systems, springs, streams, wetlands, and intracoastal and coastal waters within the boundaries of the State of Florida and shall include the natural tributaries and artificial waterways that impact these water bodies. Waters owned entirely by one person other than the state are included only in regard to possible discharge on other property or water. This term shall include fresh, brackish, saline, tidal, surface, ground, and underground water associated with these water bodies.

(f) IDENTIFICATION OF AFFECTED CONSTITUTIONAL PROVISIONS. Because a fundamental right inherently restrains all branches of government from violating such a right, this Section may affect constitutional provisions in Article IV, Section 1 (Governor), Section 4 (Cabinet), Section 6 (Executive departments), and Section 9 (Fish and Wildlife Conservation Commission) as well as Article III, Section 1 (Legislature). This Section relates to other constitutional provisions regarding waters, such as Article II, Section 7 (Natural resources and scenic beauty), but does not otherwise affect those provisions.

(g) SELF EXECUTING. This Section is enforceable without the aid of legislative enactment.

(h) EFFECTIVE DATE. This Section shall become effective immediately upon approval by the electors of Florida.

(i) SEVERABILITY. If any part of this Section, or the application of this Section to any person or circumstance, is held invalid, the remainder of this Section, including the application of such part to other persons or circumstances, shall not be affected by such a holding and shall continue in full force and effect. To this end, the parts of this Section are severable

Initiative Information

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