



Rights of Nature

March 9, 2021

Rights of Nature

- Generally, Rights of Nature is the theory that nature, or specific resources, should be given legal rights as an entity instead of being treated as property
- Included in the general rights is the right to sue or bring action in court
 - Expands traditional legal standing to allow the resource itself to initiate a lawsuit instead of relying on interest groups



Alachua County,
Florida

Rights of Nature in Florida

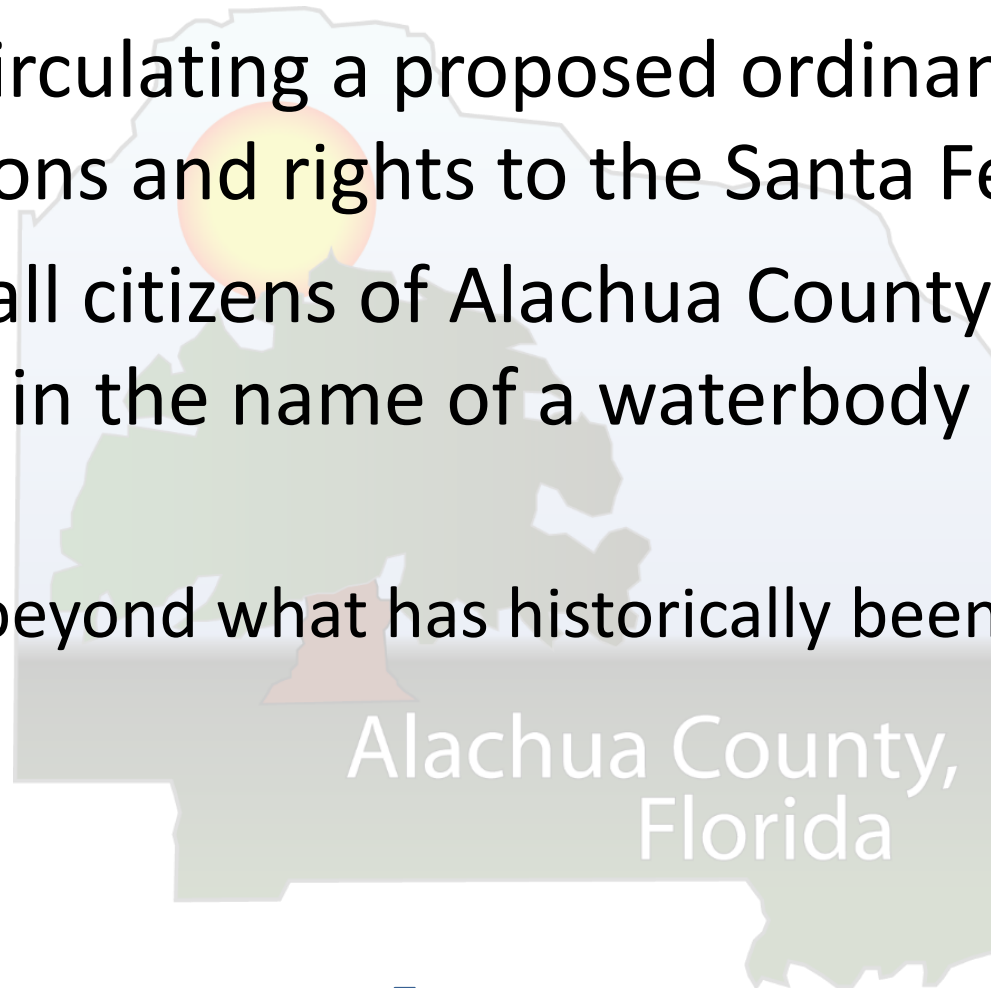
- In 2020, the voters in Orange County approved a Charter referendum which attempts to recognize that the Wekiva River has a right to exist and that all citizens of Orange County have a right to clean water.
- The language in Orange County is very similar to language being circulated as a proposed ordinance in Alachua County
- The Charter amendment passed in the 2020 election, but has not been enforced or challenged yet

Rights of Nature in Alachua County

- In 2020, the Charter Review Commission considered a citizen group's suggestion to establish the Santa Fe River Bill of Rights (SAFEBOR) in the Alachua County Charter
- The SAFEBOR amendment would have attempted to grant personhood to the Santa Fe River and provide certain protections to the River
- Ultimately the Charter Review Commission declined to move SAFEBOR to the 2020 ballot

Rights of Nature in Alachua County

- A citizen group is circulating a proposed ordinance to grant additional protections and rights to the Santa Fe River
- Attempts to allow all citizens of Alachua County to sue in either their own name or in the name of a waterbody for violations of the ordinance
 - Expands standing beyond what has historically been granted by courts



Obstacles to Rights of Nature as Proposed

- Preemption
 - 403.412(9)(a) A local government regulation, ordinance, code, rule, comprehensive plan, charter, or any other provision of law may not recognize or grant any legal rights to a plant, an animal, a body of water, or any other part of the natural environment that is not a person or political subdivision as defined in s. 1.01(8) or grant such person or political subdivision any specific rights relating to the natural environment not otherwise authorized in general law or specifically granted in the State Constitution.
- Standing to sue, as recognized by courts, is generally limited to those sui juris persons who can show injury in fact.
- Identity of the Plaintiff. The River cannot act on its own as plaintiff in suit
- Penalties for adopting and enforcing ordinances that are expressly preempted

