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SURVEY OF ENVIRONMENTAL LEGISLATION

ALLEN C. JACOBSON*

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I. INTRODUCTION

A. Purpose

Students of the animal and plant kingdoms have discovered that all living things are under constant change.1 Since the beginning of time, natural forces have necessitated, even dictated, the alteration, modification and elimination of various life forms.2 These changes have mani-

* Former Associate Editor, University of Miami Law Review.
1. A.J. CAIN, ANIMAL SPECIES AND THEIR EVOLUTION (1960); J. HUXLEY, EVOLUTION IN ACTION (1953).

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fested themselves in the evolutionary process through extinction and mutation.

There is an occasional glimpse of the past in the appearance of an animal long thought extinct, but scientists must patiently piece the record of physical evidence together to determine the factors which brought about the changes from the past life forms to the life forms which exist today. The natural forces continue to effect changes today as they have since time immemorial. Present in man's modern world is perhaps the most powerful force ever to effect existing life forms: modern man himself accompanied by his advanced technological civilization.

It has been suggested that man will be the cause of the depletion and possible extinction of the human race as a life form if he is unable to place restraints upon his activities and population growth. Recognizing the possibility of the foregoing proposition with regard to man's activities, federal, state and local governments, through appropriate legislation, have attempted to meet the challenge of perpetuating environmental conditions that will permit man to survive. It is the purpose of this comment to present the legislation in the Florida Statutes dealing with the environment. No attempt will be made to give an in-depth analysis of this legislation. Rather, it is hoped that this writing will reflect a concise and logically organized overview of the Florida statutory law affecting all forms of the environment.

B. Increased Concern

The legislation passed in 1970 and 1971 dealing with environmental problems reflects the growing concern of the public for protective measures. An example of this concern stems from the damaging oil spills that have occurred in recent years. In 1970 the Florida Legislature responded by enacting the Oil Spill Prevention and Pollution Control Act, as well as the State Wilderness System Act which represents a different area in which action was taken involving preservation.

The Florida Litter Law of 1971, the Environmental Protection Act of 1971, and chapters 71-203 and 71-361 of the 1971 Florida

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3. See E. Spencer, Basic Concepts of Historical Geology 455-69 (1962).
8. See R. Andrews, Meet Your Ancestors 216 (1945); E. Spencer, Basic Concepts of Historical Geology 468 (1962).
10. Notable oil spills occurred along the California coast and in Tampa Bay, Florida.
Session Laws represent some of the major legislative actions involving current environmental problems. The educational facilities of the state regarding environmental studies received a boost when five acres of "spoil island" were

made available . . . for the establishment of a marine shore facility through the Florida Atlantic University Foundation Inc., for the benefit of marine and other education programs, including ecology, conservation, biology, and ocean engineering.17

The number of such laws passed in 197118 serves as an indicator of the pressure placed on the legislature to deal with problems facing the environment. If the legislature is responsive to the needs and demands of the public, as our system of government is designed to operate, then the increase in legislation also points out the awareness of the public to the environmental needs.

C. Joint Legislation

Since action by Florida alone will not solve the overall environmental problems facing the state, it is necessary to work in conjunction with adjacent states as well as the federal government in attacking common problem areas. Florida, for example, has enacted the Interstate Environmental Control Compact,19 the Interstate Compact to Conserve Oil and Gas,20 the Southern Interstate Nuclear Compact,21 and the Southeastern Interstate Forest Fire Protection Compact.22 Some other uniform legislation appears to be economically oriented.23 There is also appropriate legislation complementing federal law.24

D. Identification of Purpose

One of the more puzzling points in sorting out the maze of laws is identifying the true purpose of each law. The reason for this difficulty

24. The Oil Spill Prevention and Pollution Control Act.

The legislature further declares that it is the intent of this chapter to support and complement applicable provisions of the Federal Water Quality Improvement Act of 1970, specifically those provisions relating to the national contingency plan for removal of oil and other pollutants.

is that many statutes have multiplicity of purposes, making it difficult to determine whether a genuine intent to effect beneficial environmental change exists. Generally, the laws which appear to deal with an environmental question may have an economic or health basis. The three areas of environment, economy, and public health may sometimes overlap. It will be helpful to distinguish these three categories using examples which set forth a clear-cut purpose.

The statement of legislative intent of the State Wilderness System Act provides:

It is the legislative intent to establish a state wilderness system consisting of designated wilderness areas which shall be set aside in permanent preserves, forever off limits to incompatible human activity. These areas shall be dedicated in perpetuity as wilderness areas and shall be managed in such a way as to protect and enhance their basic natural qualities for public enjoyment and utilization as reminders of the natural conditions that preceded man.\(^{25}\)

The pronounced purpose of the Florida Citrus Code of 1949\(^{26}\) is "to protect health and welfare and to stabilize and protect the citrus industry of the state."\(^{27}\) There is a marked difference in the two sections quoted above in that the State Wilderness System Act is specifically intended for environmental protection, while the Florida Citrus Code is intended primarily for economic protection. An intent to protect the public health is well stated in the Florida Food, Drug and Cosmetic Law:\(^{28}\)

To safeguard the public health and promote the public welfare by protecting the consuming public from injury by product use and the purchasing public from injury by merchandising deceit, flowing from intrastate commerce in food, drugs, devices, and cosmetics . . . .\(^{29}\)

The stated purpose behind each legislative enactment will not always be as clear as the three sections cited. Henceforth, any law which reasonably appears to be intended to affect an environmental purpose, whether in whole or in part, will be included in this comment, notwithstanding the absence of a clear expression of such intent. The Florida Legislature has provided the state agencies and political subdivisions with guidelines and the authority to create standards by which pollution-creating activities will be regulated. It is implied that the local acts may

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be of a more stringent nature\textsuperscript{30} than the guidelines created in the Florida Statutes.

E. \textit{Applicability of Administrative Procedure Act}

The enactment of laws is only one step in the solution of any problem; the enforcement of the laws is vitally important. In this regard, the Administrative Procedure Act\textsuperscript{31} is intended "to establish a uniform procedure to be used by agencies in adopting rules and to provide notice of the adoption and content of rules . . . ."\textsuperscript{32} Generally, the authorities who enforce environmental and pollution protection laws fall under the definition of agency;\textsuperscript{33} they will therefore be subject to the confines of the A.P.A.\textsuperscript{34}

F. \textit{Method of Presentation}

The foregoing has been an introductory discussion, and the laws presented were exemplary and not intended to be all inclusive. The sections which follow are intended to be fully comprehensive. Three major factors will be considered in each legislative act examined. The first will be an indication of what the law is designed to protect. This will be determined in most cases by the stated purposes of the law and the legislative intent. The second factor will be a discussion of the entity charged with the responsibility for enforcing the law. The final factor will be the manner in which funds will be made available to finance the programs. A most noteworthy and important step was taken by the general electorate with regard to financing pollution control and abatement facilities. On November 3, 1970, a General Resolution was passed adding Article VII, section 14 to the Florida Constitution. This section authorizes the issuance of state bonds pledging the full faith and credit of the state \textit{without an election} when financing the construction of air and water pollution control and abatement, and solid waste disposal facilities. The laws relating to environmental control will be categorized in one of eight sections.\textsuperscript{35}

\textsuperscript{31} Fla. Stat. ch. 120 (1971) [hereinafter cited as A.P.A.].
\textsuperscript{32} Fla. Stat. § 120.011 (1971).
\textsuperscript{33} Fla. Stat. § 120.021(1) (1971).
\textsuperscript{34} E.g., Fla. Laws 1971, ch. 71-68, § 1(2); Fla. Stat. § 253.1242 (1971).
\textsuperscript{35} 1) Wildlife and fish resources
   2) Land and forestry
   3) Water
   4) Air
   5) Mineral and energy
   6) Pesticides
   7) Solid waste
   8) Noise

In some instances, a law will appear in more than one category. However, only that portion applicable to the category will be discussed to avoid repetition.
II. WILDLIFE AND FISH RESOURCES

A. Regulation of Animal Life

1. ANIMAL LIFE NOT INDIGENOUS TO FLORIDA INCLUDING PLANT VEGETATION

The survival of an animal species depends on many factors. Some of the more critical factors are the animal’s ability to provide food for itself, to escape its predators, and to cope with its environmental surroundings. When a change takes place that alters one of the above factors, it is possible that the survival of the species will be endangered.

The introduction of a previously unknown animal or plant may have a damaging affect on the current balance of animal life in a particular geographical area. For example, in recent years man has provided an avenue of entrance for the sea lamprey36 into the waters of the Great Lakes.37 The lamprey, a creature previously unknown in those waters, nearly exterminated the resident fish population. The physical construction of the canal and the subsequent involuntary introduction of the lamprey caused a change in the ecological structure of the Great Lakes.

Preservation of the ecological structure is a constant consideration for environmentalists. It is the fear of unknown changes in the ecological structure that has prompted control of marine animals foreign to the fresh waters of Florida.38 A permit is required in order to import fish for sale, or to release within Florida any fresh water fish39 or any species of the animal kingdom not indigenous to Florida.40 The salt water resources, like the fresh water resources, are protected from invasion by any unknown intruder through Florida Laws, chapter 71-68 which provides regulations controlling salt water species not indigenous to Florida.

The release of any animal of the species of the myocastor coypu commonly known as nutria is prohibited in Florida;41 its mere possession without the required license42 is a misdemeanor punishable by law.43 The importation of acquatic plants is governed by a permit system44 similar to the importation of “foreign” fresh water and salt water fish. While

36. Petromyzon marinus. The lampreys belong to the class agnatha or jawless vertebrates. The lamprey attaches its mouth to its victim and commences to rasp 125 sharp teeth into the victim’s flesh sucking out blood until the host dies. See E. WINSTON, BASIC CONCEPTS OF HISTORICAL GEOLOGY 430 (1962).
37. The Welland Canal around Niagara Falls.
38. An example of a foreign marine animal which entered Florida’s waters is the “walking catfish.”
sanctions over aquatic plants are not as stringent as the laws controlling nutria, both are designed to protect marine life from a fatal reduction in its food supply. The enforcement of regulations governing "foreign" fresh water fish and nutria is under the Game and Fresh Water Fish Commission; the Department of Natural Resources oversees the importing of salt water fish; and the Department of Pollution Control oversees the granting of permits for aquatic plants.

The Florida Aquatic Weed Control Act and Florida Statutes section 372.931 (1971), dealing with hyacinth control, carry out dual functions. The primary function is the protection of the fish and waters of Florida. A secondary function of vegetation control is preserving the aesthetic beauty of the waters. To facilitate the foregoing, criminal sanctions are placed upon anyone who "wilfully places ... any water hyacinths in any of the territorial waters of the state whether navigable or non-navigable . . . ."

2. MARINE ANIMAL LIFE

Perhaps the best way to protect a species is to place restraints upon persons who would indiscriminately disturb it. Florida Statutes section 370.11(2) (1971) prohibits the taking of certain species of salt water fish under a particular size. In addition, the commercial fishing and sale of shad, tarpon, and sailfish are regulated. Other marine animals which are protected include mammalian dolphins, queen conchs (species strombus gigas), marine turtles, sea cows (manatees), porpoises, manta rays, and stone crabs.

The stone crab regulation, though primarily economically oriented,
COMMENTS

is designed to permit the species to procreate thereby insuring survival of the species. The regulation of crawfish, shrimp, oysters, and sponges appears to be economically motivated. The Department of Natural Resources is the group charged with the overall responsibility of enforcing the regulations protecting all marine animal life.

3. Reptilian & Non-Marine Animal Life

To the rest of the nation, alligators have become the symbol of the state of Florida. The Florida Legislature has declared "that it is in the public interest . . . to protect the alligator from ultimate extinction." In 1970 a maximum penalty of 5 years imprisonment was decreed for alligator poaching. Coupled with the poaching penalty was a prohibition against the sale of alligator products. Stern measures have been enacted to achieve the goal of protecting the alligator from extinction. The preservation of deer and wild turkeys, along with carrier pigeons, are among other responsibilities of the Game and Fresh Water Fish Commission.

B. General Protection

Certain practices are strictly prohibited because they pose a clear danger to marine animal life. The impact of an explosion is an example of the result of an inherently dangerous activity. The introduction of deleterious substances, such as poison or dyestuff, into the waters represents a definite danger to marine animal life which accounts for Florida Statutes section 372.85 (1971) making that practice unlawful.

An indirect form of protection is embodied in Florida Statutes section 342.05 (1971) which states that:

Any county or incorporated city or town in the state, its agents, servants, employees, and contractors, may use any poisonous substance, chemical, or spray in killing water hyacinths and other disagreeable or obnoxious vegetation in the waterways mentioned in §342.03, provided no such poisonous substance, chemical, or spray shall be used which might injure or destroy fish life or human or other animal life without first taking sufficient precaution to prevent the same.

64. FLA. STAT. § 370.14 (1971).
66. FLA. STAT. § 370.16 (1971).
67. FLA. STAT. § 370.17 (1971).
68. FLA. STAT. § 372.6645(1) (1971).
69. FLA. STAT. § 372.663(1) (1971).
70. Fla. Laws 1971, ch. 71-299, amending FLA. STAT. § 372.6645(2)(a) (Supp. 1970);
73. FLA. STAT. § 372.75 (1971).
74. Id.
75. FLA. STAT. § 372.85 (1971).
76. FLA. STAT. § 342.05 (1971) (emphasis added).
The intent is to protect fish, human or other animal life from any poisonous substances which might be harmful. Where a governmental subdivision employs a contractor to use a poisonous substance an indemnity bond is required by statute.\textsuperscript{77}

When examining Florida Statutes sections 342.05-.06 (1971), one can discern a balancing of interests. On one side is the need to protect the animal life through restrictive activity, while on the other side is the need to rid the water of "obnoxious vegetation" thereby protecting the animal life through positive activity. The former forbids the use of poisons, the latter qualifies the restriction on the use of poisons by seeking compensation for loss resulting to livestock.

The preceding analysis presents one of the problems faced by environmental control mechanisms, namely that complete protection is sometimes technically impossible. In the case of the poisons, a selective poison must be developed that will kill the vegetation without affecting the animal life. If such a poison cannot be developed, then there must be a balancing of priorities to provide the maximum environmental protection. However, it is significant to note that only the loss of an economic commodity, livestock, requires indemnification where a harmful poison is used.

C. Legal Action

The Environmental Protection Act of 1971\textsuperscript{78} is designed to enable any political subdivision or "citizen of the state" to maintain an action for injunctive relief. This relief may be maintained against any authority charged with the duty of enforcing laws for the protection of the air, water, and other natural resources, to compel the authority to perform in accordance with the laws. The E.P.A. also enables a citizen of the state to maintain injunctive relief against any person, agency, or authority from violating laws which protect the air, water, and other natural resources.\textsuperscript{79}

The language of the E.P.A. appears to be a mandate to the people of Florida to actively participate, through the courts,\textsuperscript{80} in the enforcement of the environmental laws. Additionally, the legislative action reflects the concern of the general public that environmental problems are not solely a governmental function. The E.P.A. is an instrument which can be employed by those citizens who genuinely want to participate in the protection of the environment.

\textsuperscript{77} FLA. STAT. §§ 342.06, 253.571 (1971).
\textsuperscript{78} See Fla. Laws 1971, ch. 71-343, creating FLA. STAT. § 403.412 (1971) [hereinafter cited as E.P.A.].
\textsuperscript{79} Fla. Laws 1971, ch. 71-343, § 2(1)(a)-(b), creating FLA. STAT. § 403.412(2)(a)-2 (1971).
\textsuperscript{80} See FLA. STAT. § 370.021(8) (1971).
III. LAND AND FORESTRY

A. Protection and Conservation

Land is a valuable asset to man, and it will remain so even if man is able to adapt himself to living on or under the earth's waters. In Florida the Board of Trustees of the Internal Improvement Trust Fund\(^8\) oversees, directly or indirectly, most of the governmental bodies charged with land use or land preservation functions.

The perpetual pounding of the surf on the shores inevitably results in erosion. Furthermore, man's activities, if not carefully controlled, contribute to the natural erosive processes. The Florida legislature declared it "to be in the public interest that the legislature make provision for publicly financed beach nourishment and restoration programs . . . ."\(^82\) Regulation of coastal construction and excavation,\(^83\) including regulating set-back lines on a county basis,\(^84\) are some recent measures taken to augment the Beach and Shore Preservation Act\(^85\) and the sections of chapter 253 of the Florida Statutes dealing with the location of bulkheads,\(^86\) land filling,\(^87\) and dredging operations.\(^88\)

A most interesting provision relating to sea grapes and sea oats is found in the Florida Statutes.

It is unlawful for any purpose to cut, harvest, remove, or eradicate any of the grass commonly known as sea oats or uniola paniculata and coccolobis uvifera commonly known as sea grapes from any public land or from any private land without consent of the owner of such land or person having lawful possession thereof.\(^89\)

The purpose is not to protect the sea grapes and sea oats, but rather "to protect the beaches and shores of the state from erosion by preserving natural vegetative cover to bind sand."\(^90\) Prior to June 16, 1971,\(^91\) the prohibition against the removal of sea grapes and sea oats was related to large quantities for commercial marketing\(^92\) rather than "any purpose."

Phosphate detergents were the subject of a 1971 legislative enactment.\(^93\) The stated purpose of the act was to insure that no detergents

were sold in Florida after December 31, 1972, which contain phosphorus and polyphosphate additives in amounts which are reasonably found to have a harmful or deleterious effect on the environment.94

The Oil Spill Prevention and Pollution Control Act95 is a recent legislative enactment designed in part to maintain the tidal flats, beaches, and public lands in a pristine condition. This act is completely oriented toward environmental protection.96 A nonlapsing revolving fund called the Florida Coastal Protection Fund was established to carry out the purpose of the act.97 All license fees, penalties, and other fees and charges related to chapter 376 of the Florida Statutes are to be credited to the fund. Distribution of monies in the Florida Coastal Protection Fund shall be disbursed according to the appropriate sections of the act.98

B. Fire

An integral part of protecting land is the protection that must be afforded the trees and vegetation, which help minimize the harmful effects of the elements by stabilizing the soil. A constant threat to the vegetation and forests of Florida is fire, which many times is the direct result of man's activities. Prevention of fire is therefore an important consideration. The Division of Forestry99 has the responsibility of establishing fire protection districts100 in accordance with the procedures in chapter 590 of the Florida Statutes (1971).

The Everglades Fire Control District101 was especially defined because

fire is a "common enemy" . . . [and] measures . . . hereinabove outlined are necessary and needful for the protection of life and property, the prevention of loss, the preservation of valuable assets of the district, and the enjoyment of the same by the citizens of the . . . state.102

Funds to operate the Everglades Fire Control District will be provided in an annual tax levied upon all taxable property in the enumerated counties103 by the county commissioners of the respective counties.104

Provisions have also been made to define an extraordinary fire hazard.105 When so defined, appropriate measures are taken to mini-

94. Id.
95. FLA. STAT. ch. 376 (1971).
96. See FLA. STAT. § 376.021 (1971).
97. FLA. STAT. § 376.11 (1971).
98. FLA. STAT. §§ 376.11(5)-(7) (1971).
100. FLA. STAT. § 590.01 (1971).
101. FLA. STAT. § 379.01 (1971).
102. FLA. STAT. § 379.13 (1971).
103. See FLA. STAT. § 379.01 (1971). The counties are Broward, Collier, Dade, Glades, Hendry, Highlands, Martin, Monroe, Okeechobee, Palm Beach and St. Lucie.
104. FLA. STAT. § 379.041 (1971).
mize the intensified threat of fire. Where emergency drought conditions exist, a permit is required in order to build a fire within 600 yards of any forest, grassland, woods, wild lands, or marsh lands. A concerted effort is needed to contain and extinguish a fire whenever one occurs. Recognizing this need, The Florida State Fire College was established to promote safety, and to provide firemen with a professional instruction and training program. Part IV of chapter 163 of the Florida Statutes deals with the training standards for fire fighters and is administered by the Department of Community Affairs.

C. Land Use

One reason specific performance can be obtained when dealing with real property is that land is unique. Once land is designated for a particular use it is often impracticable to convert the land to some other use. It is therefore necessary to make the proper preparation to secure the availability of land for recreational purposes, conservation purposes, and wildlife sanctuaries.

1. Recreation

The regional planning councils, composed of two or more counties or municipalities, have the power "[t]o act in an advisory capacity to the constituent local government in . . . matters involving land use . . . recreational areas . . . concerning the acquisition, planning, construction development, financing, control, use, improvement, and disposition of lands . . . ." The Outdoor Recreation and Conservation Act of 1963 and chapter 418 of the Florida Statutes make provisions for the development of land for recreational purposes. The Regional Planning Council, together with the Outdoor Recreational Development Council and any playground and recreation board created should be able to accomplish the goal of providing necessary recreational facilities in the state.

108. FLA. STAT. § 163.532 (1971).
110. FLA. STAT. §§ 163.470, 163.530 (1971).
111. FLA. STAT. § 163.470(3) (1971).
112. 29A FLA. JUR. Specific Performance § 69 (1967).
113. FLA. STAT. § 160.01 (1971).
114. FLA. STAT. § 160.02(10) (1971) (emphasis added).
115. FLA. STAT. ch. 375 (1971).
116. Playgrounds and recreational centers are the subject matter
117. See FLA. STAT. ch. 160 (1971).
118. FLA. STAT. § 375.021(1) (1971).
119. FLA. STAT. § 418.04 (1971).
2. RECREATION AND CONSERVATION

A combined function of recreation and conservation is achieved in the state parks system of Florida. Chapter 592 of the Florida Statutes created certain state parks, and provided for the creation of additional ones. Others are designated elsewhere. The Recreation and Parks Advisory Council is vested with powers to administer the state park system. Funds needed to meet the financial requirements will come from the "state park trust fund" which will be credited with state appropriations and other resources. John Pennekamp Coral Reef State Park is an example of an area protected for both recreation and conservation.

3. CONSERVATION

The Florida Community Forest Law was enacted to encourage the utilization of idle lands for productive forest purposes. The law is designed to be administered by the political subdivisions. In chapter 589 of the Florida Statutes (1971), the Florida Forestry Council was established. Its primary function is to coordinate with, and act as an arm of, the Department of Agriculture. In an effort to further the development of a qualified forestry program, the College of Forestry was established and created at the University of Florida.

A most pointed body of law dealing with environmental conservation is chapter 582 of the Florida Statutes (1971). The legislature recognizes that "[t]he farm, forest and grazing lands of the state are among the basic assets of the state and the preservation of these lands is necessary to protect and promote the health, safety, and general welfare of its people ..." The consequences of soil erosion are indicated, as are appropriate corrective methods. The Department of Agriculture and Consumer Services is empowered to further the policy of conservation promulgated by the legislature.

120. See Fla. Stat. § 592.16 (1969), which established Bahia Honda Park and Long Key.
D. Aesthetic

Scenes of natural beauty are rapidly disappearing beneath the litter of today's fast moving life styles. The Florida Legislature has enacted various laws to prevent the desecration of the natural environment, while other laws are intended to preserve existing wilderness and wildlife refuge areas. Included in the former category is the Florida Junkyard Control Law, which prohibits the operation of junkyards or scrap metal processing facilities adjacent to a public highway.

Chapter 479 of the Florida Statutes (1971) places restrictions on outdoor advertising, including the requirement of obtaining a license to conduct outdoor advertising. Advertising which violates the regulations of the chapter is “declared to be a public and private nuisance . . .” subjecting the offender to a misdemeanor. The Department of Transportation is charged with the enforcement of this chapter. Special regulations controlling the Everglades Parkway scenic highway have been promulgated with regard to advertising signs. Penalties are also provided for dumping or placing trash on the highways, and for cutting or destroying shade trees on any public road.

Town councils are authorized to prevent and abate nuisances by requiring “owners and occupants of lots upon which pools of water are, or are likely to be, to fill them up;” in addition, owners of occupied or unoccupied lots may be required to cut and remove “all excessive growth of weeds and other noxious plants . . . .”

The aesthetic qualities of designated areas of Florida are to be set aside in permanent preserves, forever off limits to incompatible human activity. These areas shall be dedicated in perpetuity as wilderness areas and shall be managed in such a way as to protect and enhance their basic natural qualities for public enjoyment and utilization as reminders of the natural conditions that preceded man.

The State Wilderness System Act has the preceding as its stated legislative intention. The Board of Trustees of the Internal Improvement

137. Fla. Stat. § 582.05 (1971).
148. Id.
Trust Fund is authorized to create an interagency advisory committee to aid in the implementation of this act. Other specific areas, such as Boca Ciega Bay Acquatic Preserve, Rauscher Park, Royal Palm State Park, and John Pennekamp Coral Reef State Park are also preserved to perpetuate their natural qualities and aesthetic beauty.

E. Evaluation and Joint Cooperation

A most important evaluation is to be made between July 1, 1970, and December 31, 1973, pursuant to Florida Statute section 370.0212 (1971), by the Florida Environmental Inventory Council. The evaluation will consist of a concise environmental inventory of natural resources of the state. The form and scope of the report is enumerated with specificity in an attempt to clearly delineate the areas to be considered.

A final consideration is the cooperation between states in attacking the environmental problems. Florida Laws chapter 71-79 authorizes the governor on behalf of the state to execute the Interstate Environmental Compact [I.E.C.], with one or more of the states of the United States. The I.E.C. recognizes the fact that environmental problems transcend state boundaries, and, as a result, proposes:

1. To assist and participate in the national environment protection programs as set forth in federal legislation; to promote intergovernmental cooperation for multistate action relating to environmental protection through interstate agreements; and to encourage cooperative and coordinated environmental protection by the signatories and the federal government;

2. To preserve and utilize the function, powers and duties of existing state agencies of government to the maximum extent possible consistent with the purposes of the compact.

IV. Water

Approximately two-thirds of the earth's surface is covered by water; scientists theorize that all life forms had their beginnings in salt water. The importance of fresh water has forced man to turn his technology to the desalination of sea water. When considering the vital place this liquid has in man's world, one can readily appreciate the multitude of legislation involving water.

161. Id. at art. I, § B 1, 2.
A. General Areas

More legislation has been passed creating more regulatory bodies to manage the fresh and salt waters touching Florida’s land masses than in any other environmental area. Some of the legislation is not intended to promote an environmental purpose; however, all regulations dealing with water will be mentioned. The regulation of drainage is separated into three major areas—drainage of swamps,\(^{102}\) drainage of counties,\(^{163}\) and general drainage.\(^{104}\) In the last area, the formation of drainage districts is regulated.\(^{165}\)

The treatment of waters and sewers in chapter 153 of the Florida Statutes (1969) was broken down into two parts.\(^{166}\) Subsequent to 1969, several acts modified or augmented the chapter.\(^{167}\) The possibility exists that the same real property might be included in three separate districts regulating some phase of water control. Drainage districts,\(^{168}\) districts for waters and sewers,\(^{169}\) and flood control districts\(^{170}\) represent these three separate phases. The flood control districts\(^{171}\) are created\(^{172}\) and regulated by chapter 378 of the Florida Statutes (1971).

The year 1971 witnessed the advent of the “Suwannee River Authority”\(^{173}\) which was created for the purpose of promoting the coordinated, efficient and beneficial development of the Suwannee River, its tributaries and surrounding area.\(^{174}\) A rather interesting area of water regulation is “[t]he canal authority of the State of Florida”\(^{175}\) which came into being “to acquire, own, construct, operate and maintain a canal across the peninsula of Florida, connecting the waters of the Atlantic ocean with the waters of the Gulf of Mexico . . . .”\(^{176}\) The canal authority has the power of eminent domain,\(^{177}\) and it has exclusive jurisdiction over the toll rates and rules of the canal.\(^{178}\) Sources of funds to pay the cost of
securing a right of way for the canal authority are available by utilizing the procedures established in Parts II and III of chapter 374 of the Florida Statutes (1971).

It is important to note that a recent preliminary injunction halted the construction of the canal. Pursuant to a complaint filed in the District Court for the District of Columbia, the court in Environmental Defense Fund, Inc. v. Corps of Engineers found that the defendants probably had not complied with the requirements of certain statutes, including but not limited to the National Environmental Policy Act, the Fish and Wildlife Coordination Act, and the Act of July 23, 1942. Additionally, the court found with sufficient certainty that irreparable injury would occur if the injunction was not issued.

B. Environmental Statutes

1. Regulatory

The following statutory controls are categorized as being environmentally oriented and will be discussed in that light. The discipline defined as "oceanography" is to be part of the work of the "Commission on Marine Sciences and Technology." Among the duties of the commission is the mandate to promote and support education, investigation and research relating to oceanography. Underground waters of the state are protected from the unlicensed draining of surface water or the discharging of sewage into them. Other pollution control is included in chapter 403 of the Florida Statutes. The Water Resources Law was enacted in view of the rapid population growth in an effort to protect, conserve, and control the use of the water resources of the state. The heart of the statutory law designed to regulate the waters against pollution is the Florida Air and Water Pollution Control Act.

179. FLA. STAT. §§ 374.301-.521 (1971); see also Ocala Manufacturing, Ice & Packing Co. v. Canal Authority, 249 So.2d 729 (Fla. 1st Dist. 1971).
180. FLA. STAT. §§ 374.75-.97 (1971).
181. The action was filed by the Environmental Defense Fund, the Florida Defenders of the Environment, and certain individual residents of Florida.
185. 56 Stat. 703 (1943).
187. FLA. STAT. § 369.01 (1971).
188. FLA. STAT. § 369.02 (1971).
189. See FLA. STAT. § 369.06(4) (1971).
190. FLA. STAT. §§ 387.02-.03 (1971).
191. FLA. STAT. § 403.062 (1971).
192. FLA. STAT. §§ 373.071-.241 (1971).
193. FLA. STAT. §§ 160.02(10), 373.072 (1971).
194. FLA. STAT. ch. 403 (1971).
It is declared to be the public policy of this state to conserve the waters of the state and to protect, maintain, and improve the quality thereof for public water supplies, for the propagation of wildlife, fish and other aquatic life, and for domestic, agricultural, industrial, recreational, and other beneficial uses, and to provide that no wastes be discharged into any waters of the state without first being given the degree of treatment necessary to protect the beneficial uses of such water.\textsuperscript{196}

The major responsibility for carrying out the duties set forth in the act\textsuperscript{196} is borne by the Department of Pollution Control.\textsuperscript{197}

2. PROTECTIVE

In addition to statutes which regulate water use, there is a body of legislation which protects water against pollution. The Florida Air and Water Pollution Control Act\textsuperscript{198} is the heart of the protective as well as the regulatory legislation against pollution. A major addition to the act was made in Florida Laws 1971, chapter 71-203\textsuperscript{199} which deals with a permit system. Whenever an installation may reasonably be expected to be a source of water or air pollution, a permit must be obtained from the Department of Pollution Control.\textsuperscript{200}

The Oil Spill Prevention and Pollution Control Act\textsuperscript{201} also falls within the category of protective acts. The coastal waters and estuaries come within the ambit of its protection.\textsuperscript{202} Some overlapping of protective activities may occur because Florida Statute section 370.09 (1971) makes it unlawful to discharge oil into salt waters of the state from a vessel, barge or a "wharf, mill, mine, factory or other establishment or place whatever."\textsuperscript{203}

A concern for secondary waste disposal is evidenced by the recent passage\textsuperscript{204} of legislation requiring secondary waste treatment of any ocean outfall or disposal well for sanitary sewage disposal.\textsuperscript{205} The same requirements exist for sanitary sewage disposal treatment plants (after July 1, 1971)\textsuperscript{206} and the discharge of industrial waste.\textsuperscript{207} Waste from mines,\textsuperscript{208}

\begin{thebibliography}{99}
\item 195. FLA. STAT. § 403.021(2) (1971).
\item 196. FLA. STAT. § 403.061 (1971).
\item 197. FLA. STAT. § 403.006 (1971).
\item 198. FLA. STAT. § 403.087-.088 (1971).
\item 199. Creating FLA. STAT. §§ 403.087-.088 (1971).
\item 200. FLA. STAT. § 403.087(1) (1971).
\item 201. See FLA. STAT. §§ 403.087(1) (1971).
\item 202. FLA. STAT. § 376.021(2) (1971).
\item 203. The Department of Natural Resources enforces this prohibition.
\item 204. FLA. STAT. §§ 403.085(1) (1971).
\item 205. FLA. STAT. §§ 403.085(2) (1971).
\item 206. FLA. STAT. §§ 403.085(3)-(4) (1971).
\item 207. FLA. STAT. §§ 403.085(3)-(4) (1971).
\item 208. FLA. STAT. §§ 403.085(3)-(4) (1971).
\end{thebibliography}
deposits of materials in tide water,\textsuperscript{209} as well as the sale of detergents\textsuperscript{210} are classified in statutes which are viewed as protective in scope. The provisions for hyacinth control\textsuperscript{211} and the Florida Acquatic Weed Control Act\textsuperscript{212} are intended to insure the flow of waters, since moving water is less likely to become stagnant.

Salt water intrusion is a very real danger in Florida. The density of salt water is two and one-half times that of fresh water.\textsuperscript{213} Consequently, to prevent the salt water of the oceans from contaminating the fresh water, it is necessary that the fresh water level be at an altitude which is two and one-half feet higher than the salt water level.\textsuperscript{214} When the fresh water level drops below the two and one-half feet needed to maintain a constant salt water barrier, the salt water will intrude into the fresh water.

Emergency conditions exist when the fresh water areas which are tapped for drinking water become threatened with salt water intrusion. Florida Statutes section 373.194(1) (1971) provides that when

salt water intrusion has become a matter of emergency proportions, by its own initiative, [the Division of Interior Resources may] establish generally along the seacoast, inland from the seashore and within the limits of the area within which the petitioning board has jurisdiction, a salt water barrier line . . . which shall prevent the movement of salt water inland of the salt water barrier line.

C. Aesthetic

A Florida appellate court in\textit{ Seadade Industries, Inc. v. Florida Power & Light Co.}\textsuperscript{215} found that no abuse of discretion occurred when a power company was permitted to discharge heated water into a salt water sound. The court adopted a "wait and see" attitude as to possible environmental damage from such activity. In reaching this conclusion the court indicated that

[i]f, in the future, the power company discharges water which is heated to such a degree as to cause sufficient environmental or ecological problems, or to violate proper rules, regulations or ordinances set by proper authorities, we [the court] will consider and pass on that issue at that time.\textsuperscript{216}

A more determined intent to safeguard the environment is evident

\textsuperscript{209} FLA. STAT. § 309.01 (1971).
\textsuperscript{211} FLA. STAT. §§ 342.03, 372.931, 861.04 (1971).
\textsuperscript{212} FLA. STAT. § 372.98 (1971).
\textsuperscript{213} Clingan,\textit{ Law Affecting the Quality of the Marine Environment, 26 U. MIAMI L. REV. 223} (1972).
\textsuperscript{214} Id.
\textsuperscript{215} 232 So.2d 46 (Fla. 3d Dist. 1970).
\textsuperscript{216} Id. at 49.
in those laws which seek to capture and preserve the aesthetic beauty of the waters. The Boca Ciega Bay Acquatic Preserve exemplifies a place which is set aside where future generations will be able to enjoy the beauty of nature. The beautification of waterways, lakes, rivers, streams, ditches, and canals is the legitimate purpose of a statute permitting political subdivisions to clear these waters of logs and other obstructions.

To support the work of beautifying these waterways, any county or municipality is authorized to issue and sell time warrants.

D. Funding

Another means available to the various political subdivisions to finance some of the environmental regulatory and protective projects is the Revenue Bond Act of 1953. The word “project” in the act embraces waterworks systems, sewer systems, and harbor and port facilities. Thus, local governments can finance these projects through the mechanism of revenue bonds, rather than having to raise funds through taxes.

V. AIR

Man is dependent upon an exchange of gases between himself and the surrounding plant life. He requires oxygen to breath while plants require carbon dioxide (CO₂) to accomplish photosynthesis. In the process of photosynthesis, plants give off oxygen while in the process of respiration man gives off carbon dioxide. Thus a symbiotic relationship exists. A reduction or a blending of oxygen in the air, or a reduction of plant life, if permitted to continue, will cause man to perish for want of breathable air. Legislation which regulates the discharge of pollutants into the air is aimed at protecting the quality of the air.

One of the declared purposes of the Florida Air and Water Pollution Control Act is “to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property . . . .” The act provides for the establishment of ambient air quality standards for the state as a whole or for any political subdivision. The provisions in the act for local pollution control programs impliedly permit the local acts to be more stringent than chapter 403 of the Florida Statutes (1971).

Sections 24-3, 24-15, and 24-21 of the Metropolitan Dade County

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221. Fla. Stat. § 159.02(4) (1971).
Code were held constitutional in City of Miami v. City of Coral Gables. These sections set forth the standards for the allowable amount of smoke and particulate matter emission as measured by the Ringlemann


In construing the provisions of this chapter, where the context will permit and no definition is provided herein, the definitions provided in Chapter 67-436, Laws of Florida 1967, and in rules and regulations promulgated thereunder shall apply. The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section:

(2) AIR CONTAMINANTS shall mean a particulate, gas or odor, including but not limited to, smoke, charred paper, dust, soot, grime, carbon or any particulate matter, or irritating, malodorous or noxious acids, fumes or gases, or any combination thereof, but shall not include uncombined water vapor.

(3) AIR POLLUTION shall be construed to mean the presence in the outdoor atmosphere of one or more air contaminants or combination thereof in such quantities and of such duration which are injurious to human, plant or animal life, or property, or which unreasonably interfere with the comfortable enjoyment of life or property, or the conduct of business.

(14) NUISANCE shall mean and include the use of any property, facilities, equipment, processes, products or compounds, or the commission of any acts, that cause or materially contribute to:

(a) The emission into the outdoor air of dust, fume, gas, mist, odor, smoke or vapor, or any combination thereof, of a character and in a quantity as to be detectable by a considerable number of persons or the public, at any point beyond the property limits of the premises occupied or used by the person responsible for the source thereof, so as to interfere with their health, repose of safety, or cause severe annoyance or discomfort, or tends to lessen normal food and water intake, or produces irritation of the upper respiratory tract, or produces symptoms of nausea, or is offensive or objectionable to normal persons because of inherent chemical or physical properties, or causes injury or damage to real property, personal property or human, animal or plant life of any kind, or which interferes with normal conduct of business, or is detrimental or harmful to the health, comfort, living conditions, welfare and safety of the inhabitants of this county.

(c) Any violation of provisions of this chapter which becomes detrimental to health or threatens danger to the safety of persons or property, or gives offense to, is injurious to, or endangers the public health and welfare, or prevents the reasonable and comfortable use and enjoyment of property by any considerable number of the public.

Sec. 24-15. Prohibitions against air pollution.

No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere from any single source of emission whatsoever any air contaminant for more than three (3) minutes in any hour at the emission point which is:

(a) Equal to or greater than the density that is designated as Number Two on the Ringlemann chart as published in the U.S. Bureau of Mines Information Circular No. 7718. Other standards may be used to measure smoke density which give results equivalent or comparable to those obtained using said chart, if such standards of measurement are approved by and acceptable to the pollution control officer.

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does any air contaminant described in the introductory paragraph. (Ord. No. 67-95, § 1, 12-19-67)

Sec. 24-21. Incinerator burning.

No person shall burn any combustible refuse in any incinerator in Dade County except in a multi-chamber incinerator as described in this chapter, or in equipment found by the pollution control officer in advance of such use to be equally effective for the purpose of air pollution control as an approved multichamber incinerator. The maximum discharge of particulate matter shall not exceed 0.2 grains per Standard Cubic Foot of Dry Gas corrected to fifty per cent (50%) excess air. (Ord. No. 67-95, § 1, 12-19-67)

227. 233 So.2d 7 (Fla. 3d Dist. 1970).
In *City of Coral Gables v. Baljet*, the court held that once it had been determined that the polluter violated section 24-21 of the Metropolitan Dade County Code, an order to cease operations should have been issued, since as further tests were required. Once an aggrieved party has sustained damages, the issue becomes whether a causal relationship exists between the source of the pollutants and the damage sustained. This appears to be true where there is no mention of whether the polluter was within maximum emission standards, or whether any standards existed at all.

It is suggested that the question of emission standards is diminished in importance with the enactment of Florida Statutes section 403.087 (1971) requiring polluters to obtain permits where their installation would reasonably be expected to be a source of pollution. The Department of Pollution Control cannot bring an action on behalf of a private person; however, Florida Statutes section 403.141 (1969) was amended to permit state action for damage to animal or plant life resulting from an unlawful discharge of contaminants into the air.

VI. MINERALS AND ENERGY

The danger of exposure to radioactivity has prompted the enactment of regulatory laws concerning the transportation of radioactive materials. Such matters as markings, packing, loading and handling of radioactive materials are to be regulated by the Department of Health and Rehabilitative Services. The Florida Nuclear Code and Southern Interstate Nuclear Compact Law was enacted to provide for:

1. A program to permit and promote maximum utilization of sources of ionizing radiation consistent with the health and safety of the public.
2. A program to promote an orderly regulatory pattern within the state, among the states and between the federal government and the state, and to facilitate intergovernmental cooperation with respect to the utilization and regulation of sources of ionizing radiation to the end that duplication of functions may be minimized; and
3. A program to establish procedures for assumption and per-

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229. 250 So.2d 653 (Fla. 3d Dist. 1971).
231. *See* FLA. LAWS 1971, ch. 71-203.
232. *FLA. STAT.* § 193.621 (1971) calls for the assessment of a higher tax where a pollution control device has been installed.
234. FLA. LAWS 1971, ch. 71-271, *creating* *FLA. STAT.* § 381.512 (1971); *see also* *FLA. STAT.* § 316.286(1) (1971).
formance of certain regulatory responsibilities by the appropriate state agency or agencies with respect to by-product, source and special nuclear materials, as well as x-ray, radium and other sources not controlled by the atomic energy commission.\textsuperscript{237}

The Florida Nuclear and Space Council was created to advise the Department of Commerce.\textsuperscript{238} Provisions for licensing,\textsuperscript{239} inspection,\textsuperscript{240} and record keeping\textsuperscript{241} procedures are present in the compact. Regulatory control over lasers and other nonionizing radiations was authorized by Florida Laws 1971, chapter 71-189.

Gas and oil fall under the heading of minerals and energy. In an effort to protect the gas and oil fields of Florida, statutory provisions permit the Division of Interior Resources to control a gas or oil well negligently permitted to go out of control. This action may be taken after notice has been given to the owner and the owner has failed to diligently prosecute control operations.\textsuperscript{242}

\textbf{VII. PESTICIDES}

The outward manifestation of the presence of a chemical “nerve agent” in the human body is the inability of the body to control the twitching of the musculature. This reaction is caused by the failure of a chemical called cholinesterase to counteract the effect of acetylcholine, another chemical which causes the muscle contractions. The inhibitory action of the “nerve agent” is no different than that of parathion, a chemical in widespread use in pesticides. The end result of the inability of the body to control the muscle twitching is death due to respiratory failure.\textsuperscript{243}

The parathion danger is only one form of hazard that a pesticide presents. When a pesticide is present in the environment in minute quantities, it usually serves a useful purpose. However, the persistency which some pesticides show against chemical breakdown could result in danger to human and animal life. The problem occurs when the minute quantities, ingested as part of food substances, begin to accumulate in the body and eventually reach a dangerous level. Pesticides are classified as restricted,\textsuperscript{244} persistent\textsuperscript{245} or are given other definitive classifications.

The Florida Pesticide Law\textsuperscript{246} is administered by the Department of

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\begin{footnotesize}
\textsuperscript{237} FLA. STAT. § 290.051 (1971).
\textsuperscript{238} FLA. STAT. § 290.01 (1971).
\textsuperscript{239} FLA. STAT. § 290.10 (1971).
\textsuperscript{240} FLA. STAT. § 290.11 (1971).
\textsuperscript{241} FLA. STAT. § 290.12 (1971).
\textsuperscript{242} FLA. STAT. § 377.40 (1971).
\textsuperscript{244} FLA. STAT. § 487.021(39) (1971).
\textsuperscript{245} FLA. STAT. § 487.021(40) (1971).
\textsuperscript{246} FLA. STAT. ch. 487 (1971).
\end{footnotesize}
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Agriculture and Consumer Services. The Pesticide Council acts in an advisory capacity to the Department of Agriculture and Consumer Services, studying the entire field of pesticides and making recommendations for regulations. The prohibited acts, spelled out in Florida Statutes section 487.031 (1971), include rigorous prohibition of "restricted pesticides." Additional procedures include the requirements for registration of every pesticide distributed or offered for sale in the state.

Whenever pesticides are used in mosquito control, the provisions of the Florida Pesticide Law will be applicable. The danger from pesticides is further recognized to the extent that commercial pest control businesses must be licensed. Moreover, all pest control operators must be certified through examination. The question of possible food adulteration resulting from pesticide content is covered in the Florida Food, Drug and Cosmetic Law.

VIII. SOLID WASTE

The District Court of Appeal, Fourth District, concluded in AIA Mobile Park, Inc. v. Brevard County that a sewage disposal or treatment plant is not a nuisance per se, and that such activity is deemed to be a governmental activity. The court reasoned that:

(E)xamination of the applicable provisions of Chapter 153, relating to water and sewer systems, Chapter 403, relating to pollution control, and Chapter 10D-6.01 and 17-6, Florida Administrative Code, reflect a legislative mandate and an overall state policy encouraging the establishment of sewer systems in order to prevent, abate and control those activities which would cause pollution or would be detrimental to human, animal, aquatic or plant life. Activities by a governmental entity in furtherance of such policy are deemed in our opinion therefore to be "governmental activities."

The governmental responsibility of handling sewage and waste disposal is accomplished at a county level. The Regional Planning Council, among other groups, acts in an advisory capacity to the local governments in planning sewage and garbage disposal facilities.

The Florida Water Pollution Control and Sewage Treatment Plant
Grant Act of 1970\textsuperscript{259} is designed to aid local governmental agencies\textsuperscript{260} in the construction or reconstruction of sewage treatment facilities by a grant of funds.\textsuperscript{261} Other sources of financial assistance include the County Water System and Sanitary Sewer Financing Law\textsuperscript{262} and the Revenue Bond Act of 1953.\textsuperscript{263} The general purpose of the Revenue Bond Act is to issue bonds to finance "projects," the definition of which includes incinerator and solid waste disposal systems.\textsuperscript{264}

The County Water and Sewer District Law\textsuperscript{265} is supplemented by Florida Laws 1971, section 71-259 which requires secondary waste treatment provisions before any sanitary sewage disposal facility can be approved.\textsuperscript{266} A peripheral matter involving sewage is the construction requirements for septic tanks, which are established by Florida Statutes section 387.09 (1971). While sewage\textsuperscript{267} is treated by the government, the removal and disposal of waste, garbage, night soil, dead animals and other refuse may be handled by a private individual or corporation if a political subdivision so desires.\textsuperscript{268}

The local governments received assistance in maintaining litter-free landscapes with the enactment of the Florida Litter Law of 1971.\textsuperscript{269} The law makes it a misdemeanor punishable by $500.00 fine or imprisonment of 60 days or both\textsuperscript{270} for littering public arteries, lands, waters and private property. Litter is defined in the act as "garbage, rubbish, cans, bottles, containers, trash, refuse, and papers."\textsuperscript{271}

\section*{IX. Noise}

The concern over the amount of noise has prompted environmentalists to seek control to decrease noise output. Prior to 1971, the control of noise was limited to mufflers on land vehicles\textsuperscript{272} and internal combustion engines in vessels.\textsuperscript{273} Florida Laws 1971, section 71-36\textsuperscript{274} brought about a major change. The definition of "pollution" in chapter 403 of the Florida Statutes was amended to include noise in quantities which are or may be potentially harmful or

\begin{itemize}
\item \textsuperscript{259} FLA. STAT. §§ 403.1821-1830 (1971).
\item \textsuperscript{260} FLA. STAT. § 403.1822(1) (1971).
\item \textsuperscript{261} FLA. STAT. § 403.1824 (1971).
\item \textsuperscript{262} FLA. STAT. §§ 153.01-20 (1971); see also City of St. Petersburg v. Briley, Wild & Associates, Inc., 239 So.2d 817 (Fla. 1970).
\item \textsuperscript{263} FLA. STAT. §§ 159.01-19 (1971).
\item \textsuperscript{264} FLA. STAT. § 159.02(4) (1971).
\item \textsuperscript{265} FLA. STAT. §§ 153.50-88 (1971).
\item \textsuperscript{266} FLA. LAWS 1971, ch. 71-259 § 1.
\item \textsuperscript{267} See FLA. STAT. § 387.04 (1971).
\item \textsuperscript{268} FLA. STAT. § 167.06 (1971).
\item \textsuperscript{269} FLA. LAWS 1971, ch. 71-259, creating FLA. STAT. § 403.413 (1971).
\item \textsuperscript{270} FLA. STAT. § 403.413(a) (1971).
\item \textsuperscript{271} Id. at § 3.
\item \textsuperscript{272} FLA. STAT. §§ 186.9930(1)-(2), 317.631 (1969).
\item \textsuperscript{273} FLA. STAT. § 317.56 (1969).
\item \textsuperscript{274} Amending FLA. STAT. §§ 403.031(3), .061 (1969).
\end{itemize}
injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property, including outdoor recreation.\textsuperscript{275}

Coinciding with the amended definition of pollution was a change in the duties of the Department of Pollution Control. There was an authorization to establish standards for the abatement of excessive and unnecessary noise and in cooperation with the Department of Transportation establish the maximum decibels of sound permissible from motor vehicles and trucks operating on the highways of Florida.\textsuperscript{276}

\textbf{X. CONCLUSION}

Man is in a life or death struggle to save his environment. One thought should be remembered: man will have only one opportunity to save his environment. The quantity of legislative action is meaningless without powerful enforcement procedures. This comment was not intended to analyze the enforcement procedures in the Florida Statutes. However, existing procedures must be seriously questioned in light of the continued environmental defilement seen throughout Florida.