

LEAGUE OF WOMEN VOTERS OF FLORIDA EDUCATION FUND  
ENVIRONMENTAL QUALITY CONFERENCE

KEYNOTE ADDRESS

BY

THE HONORABLE D. ROBERT GRAHAM

JANUARY 26, 1973

"ACCOMPLISHMENTS OF FLORIDA'S ENVIRONMENTAL MOVEMENT TO DATE"

In assessing the political evolution of the environmental movement in Florida, to use a football analogy, in the past five years the conservationists have moved from the defensive to the offensive.

The defensive period ran up until about 1970, which begins to represent the watershed of state environmental politics. The period prior to 1970 was extremely important to the progress which has been made subsequently. Much significant, substantial reform was enacted, such as the Randall-Thomas Act, which mandated a broader range of consideration prior to the granting of dredge and fill permits, and the development of the Pollution Control Board. In 1967, the first State Planning office was established. That office became narrowly focused on planning for fiscal matters and essentially a budgetary tool. The fact that there was recognition of a state role in planning facilitated the expansion of that role in 1972, into a truly comprehensive planning unit with divisional status.

During the defensive period, a constituency for environmental issues was developed - a constituency composed of citizens, important opinion molders in the state, and politicians. All this basic work was vital to the success of programs in the past three years.

However, there were some serious constraints on the environmental movement during the defensive period.

It was an essentially negative approach to environmental concerns. The basic thrust was how to retain the status quo and to prevent incursions from taking place. It was largely responsive. It took the form of reaction to proposed undertakings, rather than initiating action and formulating environmental policy.

There was very little state financial commitment to the environmental movement. Most laws passed in the '60's did not carry a price tag. The last years of the defensive period coincide with the time when the state financial position was under great strain. Even legislation that did purport to call for expenditures, such as the Sewer Grant Act, was not funded.

Moreover, there was great resistance to any legislation which could be defined as an attack on unfettered use of private property. Illustrative of this were the efforts throughout this period to pass a general enabling act for counties to participate in planning, zoning, and subdivision regulation.

In 1939, Florida had become the 48th state to adopt legislation allowing cities to regulate land use. There was no such general authority for counties. Counties which engaged in planning and zoning were doing so under special legislative authorization.

In 1951, the Florida Planning and Zoning Association, an organization representing private, academic and governmental interests involved in land use, was instrumental in introducing in the Florida Legislature a general enabling act to allow counties to engage in land use regulation. That bill failed to be reported from committee in either house.

The same circumstances occurred in 1953, 1955, 1957, 1959, 1961 and 1963. In 1965, for the first time, the bill was reported favorably by one committee of one house. It was not until 1967 that the bill was finally reported favorably by committees of both houses and actually passed the State Senate. In mid-May, 1967, the Senate bill was taken up by the House and after an extremely long and acrimonious debate and adoption of a number of crippling amendments, including one which required a county wide referendum before the legislation could go into effect, it was defeated on a 52-52 tie vote. In 1969 Florida became the 50th state to adopt general enabling legislation to allow counties to engage in land use regulation.

Since 1970, there has been a dramatic reversal in the thrust of the environmental movement at the state level.

One symptom of this change is a heightened recognition of the importance of planning as a predicate to environmental control.

We have engaged in Florida in the past in a parlor room game of planning, where the ultimate results were about as significant as the outcome of a family Monopoly game. Recent legislatures have given the planning process a legal status. The Comprehensive Planning Act of 1972, provides that, unless the state plan conflicts with existing law, a directive of the Division of State Planning will have the status of law. Thus the Division may develop a comprehensive state plan and functional plans in areas such as land use. That plan will have a binding effect, an important and significant breakthrough in the state's effort to affirmatively address the future development of Florida.

A second important symptom of the change from defense to offense has been the expanded recognition of what constitutes environmental issues. Patrick Moynihan was asked recently what, in his opinion, was the most significant social legislation passed in this country since World War II. His response was the Federal Highways Act, because it set the tone for so many public decisions beyond just the concrete and asphalt of highways - in the areas of housing, land use, and a whole range of environmental considerations. He considered it the most catalytic social legislation to pass in 30 years.

The same kind of realization of the secondary and tertiary effects of legislation has come to the Florida environmental movement through involvement in a broader range of issues as appropriate for attention and concern.

The state has also become cognizant of the regional or statewide significance of issues which previously had been viewed as strictly local, particularly in the area of land use. It has been traditional in Florida to say that land use was the exclusive domain of the city or county in which jurisdiction of the land fell. This included, as is the case in many counties today in Florida, the position that if a local government did not want to engage in any form of land use control, it was the prerogative of the local government not to do so. It is now recognized that many land use decisions have significant impact transcending the jurisdiction in which the land is located, and that there should be mechanisms by which this broader political interest is reflected.

Finally, the state has begun, albeit in a limited and halting way, to recognize its own financial obligation in environmental matters. At the special session last November and December, the state appropriated a hundred million dollars for a revolving loan fund to assist local governments in financing sewer systems. The state significantly increased the capacity of the Department of Pollution Control to provide technical assistance to local governments in developing physical and financial plans for sewer programs.

Voters also approved a state bonding program to purchase environmentally endangered lands. We are now one of a handful of states moving aggressively for public acquisition, and through that, direct control of our most critical land areas.

There were a number of underlying factors which led to this transition, to which a group interested in the politics of environment should be sensitive. These same kinds of factors are likely to be the items which will determine future environmental progress.

A basic factor underlying the transition is the evolution of the conservation movement, through an expanded vision of environmental issues and increased political sophistication. Many individuals have been willing to recognize that to achieve desired objectives, it is sometimes necessary to make a personal sacrifice - to attend county commission meetings, to study regulations of the Pollution Control Board, to become familiar with the actions of the Trustees of the Internal Improvement Fund.

Another very important factor has been the realization by groups, which were not traditionally thought of as environmentalists, that they, too, have an economic stake in the development of our state. One that particularly comes to mind is the agricultural industry. For example, in the 1950's, Highlands County not only had no planning, no zoning, and no subdivision control, it also had no interest in having them. What happened in the intervening years may serve as an interesting lesson for other areas of Florida. To Highlands County came a proliferation of the most marginal kind of real estate development, such as sub-standard roads, inadequate storm drainage and other public utilities. There are today in excess of 100,000 lots in Highlands County, many of which are a product of the last 10 or 20 years. As soon as developers had sold their lots or gone broke, they left the county, and the farmers and ranchers of Highlands County paid to repair the streets and construct storm drains and other facilities. So, in 1969, by special act, Highlands County adopted some of the strongest land use regulations of any county in Florida, largely due to the recognition and impetus given by the agricultural interests.

In another part of the state, there is increasing concern about what's happening to Apalachicola Bay. This unique resource of marine life is under severe threat due to what is happening in adjacent areas, particularly the Apalachicola Valley.

The fishing industry, which has been the historic base of support of Apalachicola, is beginning to see that environmental movement.

Another extremely important area is work contributed by the academic community. The speed with which passage of the Water Resources Act of 1972 was secured was in large degree attributable to the efforts made by the academic community through many years of researching and developing available policy, to be put into effect when the political climate was right. The same is true of the Land Use Act, which was the product of five years work with the American Law Institute and other individuals engaged in both the legal and environmental implications of land use.

There were also some significant political changes. The League of Women Voters for many years was the leader of a rather limited number of groups supporting fundamental reform of Florida State government, in the areas of constitutional revision and executive and legislative reorganization. With the insight and impact of these groups, continual pressure for fundamental changes came to fruition in the late 1960's when Florida passed a new Constitution and reorganized the state executive and legislative branches. Tax reform brought Florida out of its continual state of financial crisis. These fundamental changes created the political infrastructure which allowed substantial reform to occur.

There is also a change in political personalities, not only due to reapportionment of the legislature but also to the attitude of the Governor. Efforts in environmental affairs have not followed party lines. Governor Kirk probably gave more visibility to environmental groups than any other governor in history. Mr. Nat Reed is also largely responsible for this evolution. Senator Richard Pettigrew deserves much credit for Florida's governmental reforms. That same feeling has been carried forth into Governor Askew's administration.

Finally, the catalysts for these factors were the natural causes and perceived crises which affected a broad range of Floridians. In 1970-71 south Florida experienced very

severe drought conditions, bringing home to the people there the implications of its very delicately inter-related environment. About the same time, the 1970 census figures were being published, and the Federal Commission on Population Growth and the American Future projected a doubling of Florida's population by the year 2000. These kinds of natural and population implications brought into consciousness the significance of environmental issues to a broad spectrum of Floridians.

All of these factors have combined to cause Florida to enact environmental measures which moved us from one of the most regressive states in the nation, in terms of our ability to direct our future growth, to one of the most advanced.

Now to look somewhat into the future, and to start that look on a note of caution. Although we have made great progress in Florida, it may be instructive to look at other states similar to ours, which took the same actions a decade earlier.

Hawaii was the first state to adopt comprehensive state land use controls and one of the first to engage in serious land planning. Although Hawaii has been nationally recognized for its work in governmental reorganization, an article entitled "Polluted Paradise" in the June 21 Miami Herald stated that "the graceful, sandy shoreline has given way to a steel and concrete jungle of high-rise office buildings, hotels, shopping centers and condominiums. One estimate records that there are two inches of safe, clean and accessible shoreline per person in the entire state. The crush of two million tourists annually, together with the influx of tens of thousands of new residents in search of paradise, has clogged the streets with cars, one auto for every two persons, introduced an ominous red smear of smog, and caused nearly 60 million gallons of raw sewage to be pumped daily into the Pacific Ocean not far from Hotel Row. The population boom has generated a wild orgy of land speculation, driving housing and land prices to astronomical levels and creating a housing shortage of crisis proportions. Housing prices have now escalated as much as one thousand dollars per month. A house purchased for \$20,000 twenty years ago now commands as much as \$85,000.

Fortunes were made dozens of times over as a sympathetic government Land Use Commission authorized rezoning of agricultural lands to urban, thus increasing their value eight fold. It later was revealed some of the commissioners were sharing in the spoils for giving consideration to their friends. Said former Interior Secretary, Stuart Udall, in the introduction of a major state sponsored study on Hawaii's future, released early in 1972, "In our judgement, nearly all of the environmental ills that beset Hawaii today are the result of piecemeal planning, headlong growth and a view of progress overwhelmingly keyed to the motive of private profit". We in Florida, cannot, at this point, sit back and rest on our recently achieved successes or we might find the same report being written about our state in 1983.

There are several potential limitations we face. One concerns our manpower resources, situation not unique to environmental agencies. One fundamental limitation of progress in state government for all areas is the shortage of middle management and professional persons to carry out those programs.

England provides an instructive example of how significant this manpower limitation can be. In 1947, England passed the most comprehensive land use and new town legislation of any nation in the world. Two years later the program was in shambles. The inability of the manpower pool to implement the very sophisticated mechanism provided for by the legislation led to its repeal. Therefore, the program faltered of its own weight, and generated so much public resistance that it was largely aborted. We must place a high priority on building a manpower base in needed areas so as to insure the success of the various pieces of legislation recently enacted. It seems it would be extremely appropriate for our State Board of Regents to undertake a survey of existing and needed skills in the environmental area and to develop within the state university system and private colleges programs to train manpower where inadequacies seem to exist.

The second major limitation is experience. We are near implementing laws which are unique to Florida. We are the first state to have adopted major portions of the

American Bar Institute's Land Management Act. The Water Resources Act will be a model for the nation. The greatest danger these pieces of legislation face, in addition to the manpower limitation, is the attempt to force them to move more rapidly than our experience base allows.

It is much like asking a child to run before the child is able to crawl. Political courage is needed to exercise necessary constraint because many people, concerned and well-motivated, will want to make the systems operate across a much broader range than they are currently capable of doing.

We should move cautiously allowing for an evolutionary process which will have the secondary benefit of requiring us to set tough-minded priorities and to use our limited resources to the greatest advantage.

There are also some legal limitations. The Environmental Land Management Study Committee has already heard various proposals which would have the effect of stretching existing legislation to cover problems that are really outside their philosophical thrust; for instance, the Land Management Act has as its core the concept of applied democracy - that land use decisions affecting substantial numbers of citizens in more than one county should be resolved at the regional or state level so that those interests which are not reflected in the political mechanisms of that county can be heard.

That concept is not suitable to cover every local issue which does not have a multi-county effect. It is not going to eliminate a situation where a local county commission allows apartment zoning on a small scale to go into an area where some may feel it is inappropriate. This is going to be a local problem which will continue to be fought through the local political process. It is also not a mechanism that is necessarily adaptable to extremely multi-dimensional problems. The Environmental Land Management Study sub-committee on development of regional impact has already identified coastal and wet lands as areas of very high priority for state action. But due to the multi-facets involved, these areas will be better handled by specific legislation, instead of under the Land Use Act.

A fourth limitation concerns local government. There appears to be a major conflict, a conflict of the past versus the future, developing in the state's approach toward local government.

The cities and counties, which constitute local government, have jurisdictional lines reflect historical circumstances and value systems which existed 50 to 75 years ago. One can see this clearly by looking at a map of Florida. It is obvious that the counties in the northern part of the state, which were settled in the 19th century, were inhabited on a scale which was a reflection of the transportation patterns and census of communities that then predominated. In peninsular Florida, the counties are larger and reflect a different set of conditions. Neither the 19th century nor the early 20th century standards by which Florida had been politically fragmented relate to many of the problems Florida must contend with in the year 2000. Therefore, it is extremely important that we now set about the difficult task of developing local government structure which can respond to these problems.

Although some feeble and half-hearted efforts at regionalism have been made in Florida they have not been very successful or result oriented. One of the most disappointing examples concerns the regional agency which has been in existence in east central Florida. At one time it was considered the strongest regional agency in Florida and the agency to which other areas of the state could look for leadership. Unfortunately it has been beset by fragmentation, a limited financial base and an articles-of-confederation approach to government. That kind of regionalism will not do what needs to be done in Florida in the next 25 years.

A particular concern, at this point, is what the state has recently done in terms of its efforts to establish regional control. Two different agencies have been established which subdivided the state into dissimilar regional arrangements.

Under the Water Resources Act of 1972, the Department of Natural Resources has divided the state into five water management districts for purposes of water quality. At the same time, the State Department of Administration has divided the state into an unspecified number of regions for general government purposes. These regions will then serve as regional agencies for land use control.

As can be seen, we have now reached the point of having two completely independent sets of regions unrelated to each other. In the case of the political boundaries, relating to regions established by the Department of Administration, we are paying homage to historical fact rather than future need. We need to develop a system of regional agencies for land use purposes which also gives high priority - if not primacy - to our fresh water resources. To do otherwise would be like undertaking a study of anatomy while excluding the heart and circulatory system.

The final limitations to the environmental movement are political. One of the fundamental problems and single greatest dangers to the environmental movement is its being essentially a white, middle-class, middle-aged movement. It has not been able to broaden its base of active involvement into other areas of society, thus possibly hampering environmental improvement. A recent article in the Washington Post carried this analogy: two of the most potent grass roots movements in America are headed for a noisy collision. On the one hand, the environmentalists are using sewer moratoriums for long court battles and other devices to curtail pell mell growth of hundreds of cities and towns. On the other, a broad spectrum of minority groups - racial, low income, senior citizen - are clamoring for better housing and, as one leader put it, "the right of the janitor to live in the suburbs where he works." "This is going to be THE issue of the 1970's", asserted an official of the American Civil Liberties Union.

It is imperative that, if this movement which we have started and brought to the point of national recognition is to continue dealing with these emerging problems in depth, the political base must be further broadened and that the effort at continued sophistication of political involvement of conservationists be pursued.

This is the ultimate challenge and the greatest potential contribution to the future of the environmental movement in Florida. We must recognize that the environmental movement is not only a physical movement concerned with our water and our air and our landscape, but that it is also a movement which is concerned with the equally important social environment in which people live. We are concerned about the physical environment which surrounds us; we should also be able to extend that concern to the areas of housing, health, education - the social milieu in which we operate. If that challenge can be successfully addressed, the future of our state, this unique area of the world, will be well served.