

in Yellowstone National Park which are toxic to humans and animals. So the concept in most all the Statutes, Federal and State, deal with the pollution of waters by various means devised by humans, such as dumping pollutants into the waters through dredging, filling in wetlands, industrial operations including dry cleaners, etc..

The first matter raised by the City is that the statement in the ballot summary does not clearly disclose the primary or chief purpose of the proposed Amendment. The Court does not find it ambiguous or unclear and finds that it properly discloses the main or chief purpose of the proposed Amendment. In addition, the Court finds that it does not and did not mislead the public.

Another issue is that the Amendment gives a right to a citizen of Titusville to bring a legal action in the name of the Waters of Titusville. The Amendment provides that the action would have to be brought by a citizen of Titusville in the name of the Waters of Titusville, a nominal action which has been allowed by Courts in the past. See *Palila v. Hawaii Department of Land and Natural Resources*, 852 F.2d 1106, 1107 (9th Cir. 1988) in which suit was brought by a natural person on behalf of an animal, the Palila. In any event, the Charter Amendment has a severability clause which could be applied if determined to be improper. The principle that the Courts may only prevent the electors from voting on a proposed Initiative if it is clearly invalid in its entirety was upheld in *Gaines v. City of Orlando*, 450 So. 2d 1174 (Fla. 5thDCA 1984).

The City maintains that Section 403.412(9)(a) pre-empts the Amendment and certification of the Charter Amendment. The Florida Constitution refers to the “natural resources and scenic beauty” of Florida as being protected. “Waters” and “pollution” and other terminology has been defined by both Florida and Federal Statutes. The term “natural environment” in the statute is not unconstitutionally vague. “Natural” is derived from foreign language words meaning “as it relates to the earth” (not human senses, attributes or relationships) “existing in or produced by nature ; not artificial” or in the Biblical sense, the earth and its resources as originally made by God. See Merriam-Webster Dictionary and several definitions occurring in a Google