

emotional. Anyone seeking to recover for someone else's negligence must prove four legal ingredients: duty, breach of duty, causation of damage and value of damage.

1. **Duty**- an individual's responsibility to govern his or her own conduct so that others are not harmed.
2. **Breach of duty**- occurs where one of the parties does not fulfill his or her duty of care. That is, he or she does not act with the degree of caution or foresight that a reasonably prudent person would have used in the same situation.
3. **Causation**- that the defendant's failure to use due care was the cause of the plaintiff's harm. Proving this step may be difficult if the damage is only indirectly related to the defendant's act or if there are other possible causes for the harm.
4. **Damage**- the plaintiff must prove actual damage suffered from the defendant's act. If no damage resulted, even where the defendant's conduct was admittedly negligent, the plaintiff has no claim for negligence.

### **What is negligence per se?**

Where a defendant's acts subject him or her to private suit and, at the same time, violate a statute, the court will usually regard the violation of the statute as enough evidence of wrongful conduct to find the defendant guilty of negligence in the private suit as well. This rule applies, however, only if the damage complained of in the lawsuit is of the type the statute is intended to prevent, and the plaintiff is a member of the class of persons the statute is intended to protect.

It should be noted that compliance with all statutes does not guarantee immunity from negligence actions, as lawful behavior may still be negligent.

### **What is strict liability?**

Strict liability means liability imposed without evidence of negligence. That is, the defendant may be found guilty upon a showing that his or her action resulted in harm, without consideration of whether or not he or she acted reasonably. Strict liability is usually imposed upon those who engage in abnormally dangerous or "ultrahazardous" activities, like handling explosives, or other activities defined by statute, e.g. CERCLA.

### **What is joint and several liability?**

Where two or more parties, acting independently, are the source of a plaintiff's injuries, the law (or the courts) may impose the principle of joint and several liability. This principle allows the plaintiff to recover from either defendant the full amount of his damage and forces the defendants to apportion the loss among themselves.

## **VI. Environmentally Safe Practices**

### **What are the Soil and Water Conservation Districts?**

Florida currently has 63 Soil and Water Conservation Districts (SWCDs); these districts are self-governed by a board composed of five locally elected supervisors. Under the authority of the Soil Conservation Act, the SWCDs identify areas within each district that require further conservation measures. SWCDs are advisory in nature and do not enforce regulations.

The SWCDs may conduct research, construct works for soil and water conservation, and develop comprehensive plans for soil erosion control and flood prevention. The Districts may also adopt land use