

STORAGE NAME: h945s1z.ep
DATE: June 17, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
ENVIRONMENTAL PROTECTION
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 945

RELATING TO: Environmental Equity

SPONSOR(S): Committee on Environmental Protection and Representative Eggelletion

COMPANION BILL(S): HB 4393(c), CS/SB 1516(c), CS/SB 1868(c)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) ENVIRONMENTAL PROTECTION YEAS 11 NAYS 0
- (2) COMMUNITY AFFAIRS (W/D)
- (3) GOVERNMENTAL OPERATIONS YEAS 5 NAYS 0
- (4) GENERAL GOVERNMENT APPROPRIATIONS YEAS 10 NAYS 0
- (5)

I. FINAL ACTION STATUS:

On May 1, 1998, CS/HB 945 as amended by the Senate was considered by the House. An amendment to the Senate amendment was adopted. The House amendment removed the Community Environmental Health Program pilot projects and numerous requirements for the Department of Health, including the development of a registry to track health problems, and created the Community Health Advisory Board to be established by the Department of Health, and appropriated the sum of \$100,000 from General Revenue for the fiscal year 1998-99 for the Program. The act then passed as amended. (115 Yeas 0 Nays)

The Senate concurred and passed CS/HB 945 as amended by unanimous vote on May 1, 1998. (40 Yeas 0 Nays)

On May 29, 1998, the act was approved by the Governor and became law, Chapter 98-304, L.O.F.

II. SUMMARY:

The act creates the Center for Environmental Equity and Justice (CEEJ), and appropriates the sum of \$672,000 to implement the provisions. The CEEJ is established within the Environmental Sciences Institute of Florida A&M University (FAMU). The CEEJ is to facilitate research; develop policies; and, engage in education, training, and community outreach with respect to environmental justice and equity issues. The CEEJ is also to sponsor students to serve as interns at the Departments of Health, Environmental Protection, Community Affairs and other relevant state agencies.

The Community Environmental Health Program is created by the act and the Department of Health is charged with the responsibility of establishing a Community Health Advisory Board to identify community environmental health needs and the type of services which should be provided.

The act shall take effect upon becoming law.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The term "environmental equity" implies that all persons should be treated equally under environmental laws and that environmental policies should be enforced in an equitable manner without discrimination due to race, ethnicity, culture, or economic status. This concept has been applied in assessing the relative burden borne by low-income and racial minority communities by their proximity to environmentally undesirable land uses. President Clinton issued an executive order in 1994 committing the federal government to the principle of environmental justice. The intent of this federal action was to address environmental justice in minority and low-income populations; foster nondiscrimination in federal programs that substantially affect human health or the environment; and give minority and low-income communities more opportunities for public participation and access to public information regarding health and the environment.

In 1994 Florida enacted Chapter 94-219, Laws of Florida, which created the Environmental Equity and Justice Commission (EEJC) to examine and determine the possible and cumulative disproportionate concentration of environmental hazards experienced by people of color and low-income communities. The seventeen-member commission was appointed by the Governor, and represented a wide variety of interests, including civil rights, environmental, labor, government, industry, post-secondary education, and health. The EEJC was directed to conduct scientific analyses as to whether low-income and minority communities are more at risk from environmental hazards than the general population. Upon conclusion of the study the EEJC was to present its findings to the Speaker of the House and the President of the Senate and prepare model legislation, if necessary, to address the needs identified in the report.

The EEJC was originally organized into four subcommittees: Health Effects and Risks; Enforcement and Evaluation; Local Government Site Placement; Rules and Non-rules Policies of the Department of Environmental Protection (DEP); plus, the later addition of a Case Study Subcommittee. The final report of the EEJC, issued in October of 1996, was divided into three sections: scientific analysis of environmental hazards, demographic analysis and case studies, and testimony collected at public hearings.

The following is a summary of the EEJC's legislative recommendations:

- Appropriate funds to an established Center for Environmental Equity and Justice.
- Implement effective means of communicating between government agencies and affected communities.
- Develop criteria for public notice of violations or enforcement actions by the DEP.
- Create effective means to notify tenants regarding proposed projects or enforcement actions by local governments.
- Adopt a criterion that defines "environmentally overburdened neighborhoods."

- Consider environmental equity and justice issues in land use planning and zoning decisions by local governments.
- Fines collected by DEP should be used to address the problems of affected communities directly.
- Maintain an active clearinghouse/database.
- Fund and require implementation of studies and analyses that thoroughly examine the health effects from exposure to environmental pollution.
- Adjustment of environmental protection programs by the state and local governments so that they are more responsive to affected citizens.
- Integrate an environmental justice element into the functional plan of every state agency.

Although no legislation was adopted in regard to these recommendations during the 1997 Session, the Legislature funded the Florida Birth Defects Registry and the Department of Health incorporated an environmental justice element into their 1997 Agency Strategic Plan.

B. EFFECT OF PROPOSED CHANGES:

The act establishes a Center for Environmental Equity and Justice (CEEJ) within the Environmental Sciences Institute of Florida A&M University. The purpose of the CEEJ will be to develop policies, conduct and facilitate research, as well as provide education, training, and community outreach in regard to environmental equity and justice. Additionally, the CEEJ will sponsor students to serve as interns at the Departments of Health, Environmental Protection, Community Affairs and other relevant state agencies, and serve as an advisor to these agencies in an effort to address environmental equity and justice issues.

In addition the act creates the Community Environmental Health Program, and requires the Department of Health to establish a Community Environmental Health Advisory Board to ensure the availability of public health services to members of low-income communities that may be affected by contaminated sites. The board is to be comprised of low-income residents, elected officials, and health care professionals and providers.

Currently under s. 154.01(2)(a), F.S., county health departments administer certain environmental health services. Examples of these services include food hygiene, safe drinking water supply, sewage and solid waste disposal, swimming pools, group care facilities, migrant labor camps, toxic material control, radiological health, occupational health, and entomology. The Community Environmental Health Advisory Board will be responsible for the identification of additional community environmental health needs.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The act requires that a Center for Environmental Equity and Justice (CEEJ) be established at Florida Agricultural and Mechanical University. The responsibilities of the CEEJ would be to conduct and facilitate research, develop policies, and provide education, training, and community outreach with respect to environmental equity and justice issues. The CEEJ would also serve as a sponsor for interns and consultant to state agencies in regard to issues relating to environmental equity and justice.

Additionally, the Department of Health is required to establish a Community Environmental Health Advisory Board to identify community environmental health needs and the type of services which should be provided.

(3) any entitlement to a government service or benefit?

No

b. If an agency or program is eliminated or reduced:

This act does not eliminate or reduce an agency or program.

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No

- b. Does the bill require or authorize an increase in any fees?

No

- c. Does the bill reduce total taxes, both rates and revenues?

No

- d. Does the bill reduce total fees, both rates and revenues?

No

- e. Does the bill authorize any fee or tax increase by any local government?

No

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

This act does not purport to provide services to families or children.

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

No

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

This act does not create or change a program dealing with families or children.

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Creates s. 760.854, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1: Creates s.760.854, F.S., which would create, at Florida Agricultural and Mechanical University, a Center for Environmental Equity and Justice (CEEJ). The purpose of the CEEJ would be to develop policies, conduct and facilitate research; and provide education, training, and community outreach in regard to environmental equity issues. The CEEJ would also sponsor students to serve as interns and function as advisor to state agencies in regard to environmental equity and justice issues.

Section 2: Provides to FAMU an appropriation of \$672,000 to implement the provisions of the act.

Section 3: Creates s. 381.101, the Community Environmental Health Program. The purpose of the program being to ensure the availability of public health services to members of low-income communities that may be adversely affected by contaminated sites. The Department of Health is required to establish a Community Environmental Health Advisory Board comprised of low-income residents and health care professionals to identify community environmental health needs and services which should be provided.

Section 4: Appropriates the sum of \$100,000 for the Community Environmental Health Program.

Section 5: Provides that the act shall take effect upon becoming law.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

Center for Environmental Equity and Justice (FAMU)

Non-recurring Effects:

Web Server	\$ 6,500
Software (general, statistics, GIS, web)	10,000
Computers @ 3500 x 15 (10 workstations; 5 laptops for field work)	52,500
Overhead Projector	800
LCD Projector	5,000
Printer @ 800 x 10	8,000

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Color Printer @ 2500	2,500
Typewriter @ 1200 x 2	<u>2,400</u>
Total Equipment:	\$87,700

Recurring effects:

	<u>Startup</u>	<u>Recurring</u>
Center Director	\$75,000	\$75,000
Administrative Assistant	35,000	35,000
Secretary	25,000	25,000
Professor/Research Scientist @ 55,000 x 3	165,000	165,000
Research Associate @ 40,000 x 2	80,000	80,000
Statistician	45,000	45,000
Geographical Information Scientist	50,000	50,000
Faculty/Staff Fringe @ %30	142,500	142,500
Graduate Student @ 20,000 x 6 Startup (x 10 Recurring)	120,000	200,000
Graduate Student Fringe @ %.06	720	1,200
Undergraduate Student @ 10,000 x 8	<u>80,000</u>	<u>80,000</u>
Salaries Subtotal Faculty/Staff	\$475,000	\$475,000
Salaries Subtotal Students	\$200,720	\$281,200
Salaries Total	<u>\$818,220</u>	<u>\$898,700</u>
Travel	\$30,000	\$30,000
Supplies	15,000	15,000
Communication	5,000	5,000
Mailing	<u>3,000</u>	<u>3,000</u>
Total Direct Costs	\$871,220	\$951,700
Indirect Costs @ %5	<u>\$43,561</u>	<u>\$47,585</u>
Total Costs	\$1,002,481	\$999,285

Department of Health

Non-recurring or First-Year Start-Up Effects:

Expense:	\$2,855
OCO	<u>4,177</u>
Total Equipment:	\$7,032

Recurring effects:

	<u>Startup</u>	<u>Recurring</u>
Salaries/Benefits		
Environmental Specialist III (PG 24) (9 months/12months); 2nd yr. includes 3%	\$35,833	\$49,210
Expenses:		
Standard Package (Maximum Travel)	18,373	18,373
Health Advisory Board (Cost to include Workshops, travel, supplies, and other general operating costs to be identified by Environmental Health Advisory Board)	<u>38,762</u>	<u>32,417</u>
Total Recurring Costs	\$92,968	\$100,000

1. Long Run Effects Other Than Normal Growth:

None

2. Total Revenues and Expenditures:

<u>CEEJ</u>	(Startup)	(Recurring)
Total Revenues:	\$0	\$0
Total Expenditures:	\$1,002,481	\$999,285

DOH

Total Revenues:	\$0	\$0
Total Expenditures:	\$100,000	\$100,000

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise and Employment Markets:

None

D. FISCAL COMMENTS:

Fiscal data in this section has been provided by Florida A&M University and the Department of Health.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This act does not require counties or municipalities to spend funds or to take an action requiring the expenditures of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The act does not reduce the authority that municipalities or counties have to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The act does not reduce the percentage of state tax shared with counties and municipalities.

VI. COMMENTS:

None

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 12, 1998 the Committee on Environmental Protection, passed HB 945 as a committee substitute. A strike everything after the enacting clause amendment was adopted which removed the responsibilities of the Department of Health to create a registry and tracking system to monitor and report instances of adverse or negative health effects, as a result of exposure to environmental hazards. Also removed from the act was the requirement for revision of the death certificate, and the need for all state agencies to provide notice of hearings and workshops on relevant topics to affected populations. HB 945 provided for a Center for Environmental Equity and Justice to be established at an historically black university. CS/HB 945 establishes the CEEJ at Florida Agricultural and Mechanical University with its purpose to conduct research; develop policies; and, engage in education, training, and community outreach with respect to environmental equity and justice issues. Additionally, the Center would provide consultation to state agencies and sponsor interns to various state agencies.

The Committee on General Government Appropriations adopted one amendment on April 21, 1998, which provides an appropriation of \$672,000 from the General Revenue Fund to implement the act.

On April 28, 1998, the House unanimously passed CS/HB 945 as amended. The act was taken up by the Senate on April 30, 1998, and substituted for CS/SB 1516. An amendment was adopted which provided for a series of 8 pilot projects that would demonstrate techniques and approaches to ensure health care for low-income persons. The Department of Health was charged with the responsibility of establishing a Community Environmental Health Advisory Board for each pilot project. Other responsibilities included:

- assist pilot projects in obtaining low-income health care services,
- convey to appropriate Superfund sites and Brownfields areas, techniques and approaches developed by the pilot project to ensure health care for low-income persons,
- develop a rapid-identification system for evaluating the health impacts of exposure to environmental contamination,
- explore alternative methodologies for evaluating the human health consequences of exposure to environmental contamination,
- develop a registry to track health problems addressed by the project,
- develop environmental education and outreach programs for the health care providers, and
- collect data on potential health effects of environmental contamination.

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VIII. SIGNATURES:

COMMITTEE ON ENVIRONMENTAL PROTECTION:

Prepared by:

Legislative Research Director:

Barbara Snyder Clampett

Wayne Kiger

AS FURTHER REVISED BY THE COMMITTEE ON GOVERNMENTAL OPERATIONS:

Prepared by:

Legislative Research Director:

Garci J. L. Perez

Jimmy O. Helms

AS FURTHER REVISED BY THE COMMITTEE ON GENERAL GOVERNMENT
APPROPRIATIONS:

Prepared by:

Legislative Research Director:

Cynthia P. Kelly

Cynthia P. Kelly

FINAL RESEARCH PREPARED BY COMMITTEE ON ENVIRONMENTAL PROTECTION:

Prepared by:

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