

**STORAGE NAME:** h945s1.ep  
**DATE:** January 21, 1998

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
ENVIRONMENTAL PROTECTION  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** CS/HB 945

**RELATING TO:** Environmental Equity

**SPONSOR(S):** Representative Eggelletion

**COMPANION BILL(S):** SB 1516 (s) by Senator Turner

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

- (1) ENVIRONMENTAL PROTECTION YEAS 11 NAYS 0
  - (2) COMMUNITY AFFAIRS
  - (3) GOVERNMENTAL OPERATIONS
  - (4) GENERAL GOVERNMENT APPROPRIATIONS
  - (5)
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I. SUMMARY:

The bill creates the Center for Environmental Equity and Justice (CEEJ). Establishes the CEEJ within the Environmental Sciences Institute, of Florida Agricultural and Mechanical University, with it's charge being to facilitate research, develop policies, engage in education, training, and community outreach with respect to environmental justice and equity issues. The Center will also sponsor students to serve as interns at the Departments of Health, Environmental Protection, Community Affairs and other relevant agencies.

The bill provides that the act shall take effect upon becoming law.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The term “environmental equity” relates to the relative burden borne by the low-income and racial minority communities in the siting and enforcement of locally undesirable land uses. The concept being 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. 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, university, and health. They were 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 Commission 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 Commission was originally organized into four subcommittees: Health Effects and Risks; Enforcement and Evaluation; Local Government Site Placement; Rules and Non-rules Policies of the DEP, plus the later addition of a Case Study Subcommittee. The final report of the Commission 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 Commission’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 criteria 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 has been adopted in regard to these recommendations, the Legislature funded the Florida Birth Defects Registry during the 1997 Session, and the Department of Health has incorporated an environmental justice element into their 1997 Agency Strategic Plan.

**B. EFFECT OF PROPOSED CHANGES:**

The bill would establish a Center for Environmental Equity and Justice (Center) within the Environmental Sciences Institute of Florida Agricultural and Mechanical University. The purpose of the Center would 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, it would sponsor students to serve as interns at the Departments of Health, Environmental Protection, Community Affairs and other relevant state agencies, and would serve as an advisor to these agencies in an effort to address environmental equity and justice issues.

**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 bill would require that a Center for Environmental Equity and Justice be established at Florida Agricultural and Mechanical University. The responsibilities of the Center 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 Center would also serve as a sponsor for interns and consultant to state agencies in regard to issues relating to environmental equity and justice.

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

No

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

- (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:

(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?

N/A

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:

(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 (Center). The purpose of the Center would be to develop policies, conduct and facilitate research, as well as provide education, training and community outreach in regard to environmental equity issues. The Center 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 that the act shall take effect upon becoming law.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

	<u>Fiscal Year</u> <u>1998-99</u>	<u>Fiscal Year</u> <u>1999-2000</u>
Non-recurring or First-Year CEEJ Start-Up Costs:	<b>\$ 70,700</b>	<b>\$ 0</b>
6 Computer @ 5000 each = 30,000 (6 work stations; 4 laptops for field work)		
Software @ 3,000		
5 Printers @ 800 = 4000		
1 Color printer @ 2500		
1 Typewriter @ 1200		
<b>Total Equipment = 40,700</b>		
<b>OCO @ 30,000</b>		

<u>Recurring effects:</u>	<b>\$ 507,999</b>	<b>\$ 506,499</b>
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CEEJ Continuation effects:

- 1 Center Director @ 70,000
- 2 Assistant Professors/Research Scientists @55,000 = 110,000
- Administrative Assistant @ 35,000
- 2 Research Associates @ 40,000 = 80,000
- Salaries Fringe @ 30% = 88,500
- 4 Graduate Students @ 12,000 = 48,000
- Salaries Fringe @ 6% = 2,880
- Total Salaries = 434,380**
- Travel @ 30,000
- Supplies @ 10,000
- Communications @ 5,000
- Mailing @ 3,000
- Indirect Costs = 25,619**  
        (year 2 = 24,119)

2. Long Run Effects Other Than Normal Growth:

N/A

3. Total Revenues and Expenditures:

<b>Total Revenues:</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Expenditures:</b>	<b>\$578,699</b>	<b>\$506,499</b>

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:

N/A

2. Direct Private Sector Benefits:

N/A

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

N/A

D. FISCAL COMMENTS:

Fiscal data in this section has been provided by Florida A&M University.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill 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 bill does not reduce the authority that municipalities or counties have to raise revenues.

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

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

**V. COMMENTS:**

**VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

On March 12, 1998 the Committee on Environmental Protection, adopted HB 945 as a committee substitute. A strike everything after the enacting clause amendment was adopted which removed the responsibilities for 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 bill 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 Center at Florida Agricultural and Mechanical University with its purpose being to conduct research, develop policies, 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.

**VII. SIGNATURES:**

**COMMITTEE ON ENVIRONMENTAL PROTECTION:**

Prepared by:

Legislative Research Director:

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Wayne Kiger