

## CHAPTER 94-219

(Assigned to sections 760.85-760.853)

### CHAPTER 760

## DISCRIMINATION IN THE TREATMENT OF PERSONS; MINORITY REPRESENTATION

### ENVIRONMENTAL EQUITY AND JUSTICE

760.85 Environmental Equity and Justice Commission created; membership; duties; public hearings; administration.

760.851 Public hearings; location.

760.852 Access to records.

760.853 Judicial review.

760.854 Center for Environmental Equity and Justice.

**760.85 Environmental Equity and Justice Commission created; membership; duties; public hearings; administration.--**

(1) The Legislature hereby establishes an Environmental Equity and Justice Commission, the purpose of which is to examine and determine the possible disproportionate and cumulative concentration of environmental hazards in people of color and low-income communities, to assess how Florida can best address these inequities, if any, with emphasis on future prevention, and to ensure that the public benefits resulting from the work of Florida's agencies will be fully and equitably realized by communities of color and low income, taking into account the greater degree of risk to which such communities may be exposed.

(2) The commission shall consist of 17 members as follows:

(a) One member of the House of Representatives and one member of the Senate.

(b) Two members representing the civil rights community.

(c) Two representatives of the environmental community, including grassroots community organizations.

(d) Two members representing the business community.

(e) One member from the Department of Environmental Protection.

(f) One member from the Department of Health and Rehabilitative Services.

(g) Two members representing major facilities regulated by the Department of Environmental Protection, one representing the private sector, and one representing the public sector.

(h) Two members representing local government, one representing cities, and one representing counties.

(i) Two members representing the universities, including historically black college and university representatives.

(j) One environmental risk assessment professional.

(k) Two of the above members of the commission shall be from counties with populations less than 50,000, but shall not be selected from the same category of appointment.

(3) The Governor shall make the appointments described in subsection (2) after soliciting input from the Speaker of the House of Representatives, the President of the Senate, the Chair of the State Conference of Black Legislators, and the Chair of the Hispanic Caucus. The members of the commission shall be appointed by September 30, 1994. The commission shall meet initially and make study assignments by November 30, 1994, and shall complete its study assignments and issue a preliminary written report by June 30, 1995.

(4) The commission members shall serve without compensation, but shall be reimbursed for per diem and travel expenses pursuant to s. 112.061. The commission shall encourage private contributions, which shall be used to assist low-income individuals and people of color to participate in the hearings.

(5) The commission shall conduct a scientific analysis, including case studies, and submit a written report to the Speaker of the House of Representatives and the President of the Senate by December 31, 1995, which shall include, but not be limited to:

(a) A listing of the major targeted sites located in Florida, with historical and current demographic information, including health statistics of the surrounding population of each site. For purposes of this act, targeted sites shall mean a representative sample of sites both in minority and low-income neighborhoods, as well as other socioeconomic neighborhoods, throughout the state, but to include only those businesses and facilities regulated by the Department of Environmental Protection, including government-owned facilities; facilities regulated by the department through delegation to any local governments or water management districts; and the Superfund National Priority List sites.

(b) A review of past enforcement actions taken by the Environmental Protection Agency or the Department of Environmental Protection for violations affecting human health in any targeted site.

(c) A review of factors, including economic factors, that may have caused targeted sites which pose a potential threat to human health to be concentrated in low-income communities and communities of color in Florida.

(d) A review of statutes, rules, and policies used by state, regional, and local governments, and a review of the role played by these entities in influencing or making siting and land use decisions, that may pose a potential threat to human health in the location of targeted sites.

(e) A review of data and methodologies by which state, regional, and local governments might become more specifically aware of situations in which neighborhoods are at particularly high risk for potential threats to human health.

(f) A review of enforcement statutes and rules related to targeted sites to assess whether actual enforcement practices have resulted in uneven enforcement outcomes, and to determine if alternative or stronger enforcement measures could be taken, or in the alternative if other methods could be used to allocate resources, in order to more equitably serve low-income communities and people of color.

(g) A review of the efforts by state and local agencies in ensuring equitable representation of people of color and low-income communities in their workforce and in helping youth from these communities learn about career opportunities in the environmental field.

(h) A review of methods used by the Department of Environmental Protection in communicating with people of color and low-income communities and recommendations on how the department can be more "user friendly" to people of color and low-income communities.

(i) A review of approaches to ensure consideration of environmental equity and justice issues when formulating and implementing policies, procedures, and legislation within agencies and other institutions.

(j) Consideration of the advisability of creating a permanent institutional review entity to deal with environmental equity issues.

In addition, the commission shall prepare model legislation, if needed, to address needs identified in the report, to be considered by the Legislature in 1996.

**History.**--s. 1, ch. 94-219; s. 1143, ch. 97-102.

**<sup>1</sup>Note.**--The Department of Health and Rehabilitative Services was redesignated as the Department of Children and Family Services by s. 5, ch. 96-403, and the Department of Health was created by s. 8, ch. 96-403.

**760.851 Public hearings; location.**--

(1) Following completion of the preliminary report provided for in s. 760.85(3), the commission shall conduct at least five public hearings, and may meet more frequently

upon the vote of the majority of the commission. The location of the hearings shall be determined by the commission, in a manner which allows for participation by citizens in all parts of the state. The final report shall reflect consideration of the comments presented at the public hearings.

(2) For administrative purposes only, the commission is assigned to Florida Agricultural and Mechanical University. The School of Business within Florida Agricultural and Mechanical University shall provide assistance when requested by the commission. However, in the performance of its powers and duties, the commission shall not be subject to control, supervision, or direction by Florida Agricultural and Mechanical University.

**History.**--s. 2, ch. 94-219.

**760.852 Access to records.**--The commission shall have access to all nonconfidential or exempt records, files, and reports from any program, service, or facility that is operated, funded, or regulated by either the Department of Environmental Protection or the <sup>1</sup>Department of Health and Rehabilitative Services which are material to its monitoring duties and are in the custody of either department. The commission's monitoring may not impede or obstruct matters under investigation by department, law enforcement, or judicial authorities. The commission may not conduct onsite inspections or subpoena records. Access shall not be granted if a specific procedure or prohibition for reviewing records is required by federal law and regulations which supersede state law.

**History.**--s. 3, ch. 94-219.

<sup>1</sup>**Note.**--The Department of Health and Rehabilitative Services was redesignated as the Department of Children and Family Services by s. 5, ch. 96-403, and the Department of Health was created by s. 8, ch. 96-403.

**760.853 Judicial review.**--This act is intended only to ensure equitable regulation and enforcement of environmental laws and rules and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by any party against the businesses studied, or the State of Florida, including municipal and county governments, or their officers, directors, or employees. This act shall not be construed to create any right to administrative or judicial review involving the compliance or noncompliance of the businesses studied, or the State of Florida, including municipal and county governments, or their agents, officers, directors, or employees.

**History.**--s. 4, ch. 94-219.