

STORAGE NAME: h1413a.ep

DATE: March 31, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
ENVIRONMENTAL PROTECTION
ANALYSIS**

BILL #: HB 1413

RELATING TO: Community environmental health

SPONSOR(S): Representative Bradley

COMPANION BILL(S): SB 2352 (I) by Senator Hargrett

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

- (1) ENVIRONMENTAL PROTECTION YEAS 12 NAYS 0
 - (2) COMMUNITY AFFAIRS
 - (3) HEALTH & HUMAN SERVICES APPROPRIATIONS
 - (4)
 - (5)
-

I. SUMMARY:

This bill creates the "Florida Community Environmental Health Protection Act" to address environmental health risks associated with minority and low-income communities exposed to environmental contamination. This Act encompasses the existing Community Environmental Health Program in s. 381.1015, F.S. This bill establishes Community Environmental Health Program pilot projects which will seek to ensure equitable health care and disease prevention for persons who live in low-income communities exposed to environmental contamination. These pilot programs are to build upon the existing efforts which address contaminated sites such as the Brownfields Redevelopment Act, the Eastward Brownfields Showcase Partnership, the federal Superfund program and other state and federal programs.

The duties of the Department of Health, in regard to these pilot programs, are to be as follows: 1) facilitate the integration of the pilot programs with the ongoing departmental programs; 2) develop educational and outreach programs; 3) develop the capacity of the pilot projects to participate in certain research; 4) assist the pilot projects in obtaining certain low-cost health care services; 5) prepare a report to be submitted to the President of the Senate, Speaker of the House of Representatives and the Governor on the findings of the program and the projects; and 6) facilitate cooperation among communities, agencies and ongoing initiatives.

This bill does have a fiscal impact to the general revenue fund. This act is becomes effective on July 1, 1999.

On March 30, 1999 the Committee on Environmental Protection adopted a strike everything amendment that is traveling with the bill. Please see "Amendments or Committee Substitute Changes" section.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The environmental justice movement began in the early 1990's when activists contended that minorities and low-income communities suffered a disproportionate exposure to environmental health risks. In 1990, the Environmental Protection Agency ("EPA") formed an environmental work group which studied whether racial minorities and low-income communities bear a higher environmental health risk compared to that of the general population. In June 1992, the EPA issued its Workgroup Report, and reported, among other findings, that racial minority and low income populations experience a higher than average exposure to selected air pollutants, hazardous waste facilities, contaminated fish and agricultural pesticides in the workplace. Although, *exposure* does not always result in immediate health effects, it is a cause for concern.

As a result of its studies, the EPA recognized the need to increase awareness of environmental equity issues and highlighted concerns to state and local governments. Accordingly, states were encouraged to reform environmental policies and laws which would prevent the alleged environmental inequities in the future. Studies indicate that Texas, Arkansas and Louisiana were the first states to address this issue.

In response to this movement, in 1994, President Clinton issued Executive Order #12898 which required certain Federal agencies to demonstrate that their programs did not inflict a disproportionately high environmental health risk upon minority and low-income populations in the United States. The agencies recommended that the EPA should act to reduce high concentrations of risk to minority and low-income groups. Accordingly, the EPA is conducting several more studies and taking steps to prioritize environmental concerns based on geographic location.

In 1994, the Florida Legislature recognized this movement and addressed a public interest within its state to determine the following: 1) whether penalties assessed against polluters in white communities are disproportionately larger than penalties assessed against polluters in minority communities; 2) whether hazardous waste site evaluations are conducted more slowly and cleanup efforts take longer; and 3) whether waste containment is more frequent in minority communities. The Florida Legislature enacted Chapter 94-219, Laws of Florida, which created and defined the responsibilities of the Environmental Equity and Justice Commission (Commission). This Commission was designed to examine and determine the possible disproportionate concentration of environmental hazards in low-income and minority communities. The Commission conducted several studies to determine whether low-income communities are at a higher risk of environmental hazards than the general population. The Commission's final report, issued in October 1996, suggested, among other recommendations, that an effective means of communicating between the government agencies and these communities should be implemented; funds should be appropriated to implement studies and analyses regarding health effects from exposure to environmental pollution; and environmental protection programs should be adjusted to be more responsive to the affected citizens.

In response to the Commission's final report, in 1997, the Florida Legislature found that hazardous waste disproportionately impacts minority and low-income communities and enacted the Brownfields Redevelopment Act (Chapter 97-277, L.O.F.) which encourages redevelopment and reuse of the brownfields sites. According to the Brownfields' 1998 annual report, Brownfields sites are "sites that are generally abandoned, idled or under-used industrial and commercial properties where expansion or redevelopment is complicated by actual or perceived environmental contamination." This annual report states that Florida has several Brownfields pilot programs which are administered and funded by the EPA, e.g., Palm Beach, Broward and Miami-Dade counties. Florida also has several state and local designated Brownfields areas such as Clearwater, Ocala and Miami. This Act provides a framework for redevelopment of these sites while also providing environmental cleanup and protection of the public health and environment. Redevelopment of such Brownfields sites may address the overlapping concerns regarding the health risks of minority and low-income communities which are part of or nearby the Brownfields sites.

In 1998, the Florida Legislature also created the Community Environmental Health Program in s. 381.1015, F.S. The purpose of this program is to ensure the availability of health care services to low-income communities which may be adversely affected by nearby contaminated sites, e.g., the state and federal Brownfields and Superfund sites. The Department of Health also established a

Community Environmental Health Advisory Board to administer this program. The advisory board is currently identifying the needs, types of services and available resources of the communities.

B. EFFECT OF PROPOSED CHANGES:

This bill enacts the "Florida Community Environmental Health Protection Act" which is to enhance and develop disease prevention and health protection in low-income and minority communities exposed to contaminated sites. Pursuant to the bill, the Department of Health is to integrate certain pilot programs into the ongoing Community Environmental Health Program, and 1) develop an educational and outreach program; 2) develop the capacity of the pilot projects; 3) assist in obtaining low cost health care services; 4) prepare certain reports regarding the pilot projects; and 5) facilitate cooperation between communities, agencies and ongoing initiatives for the purpose of improving economic and environmental vitality among the communities. According to the Department of Health, Florida's citizens would benefit from proposed activities, including: research, education, training, and community outreach.

The pilot projects are established as follows:

- ① in Pinellas County throughout the Greenwood Community Health Center in Clearwater under the Brownfields Redevelopment Act;
- ② in Escambia County to address the designated Brownfield known as the Palafox Redevelopment Area;
- ③ in Hillsborough, Pinellas, Sarasota and Manatee Counties to allow the Urban League of Pinellas County to operate its mobile health screening unit;
- ④ in Palm Beach County for the City of Riviera Beach;
- ⑤ three additional pilot projects with designated brownfield sites or federal Superfund sites which are to be created in 2000 by the Community Environmental Health Program.

These pilot programs are to build upon the existing environmental and economic efforts begun under the Brownfields Redevelopment Act, the Eastward Brownfields Showcase Partnership, the federal Superfund program and other state and federal programs. The fiscal impact of implementing these programs would reduce the state's general revenue fund by \$1.825 million per year for the fiscal years 1999-2000 through 2002-2003. These funds would be appropriated to local governments as follows:

FISCAL IMPACT ON LOCAL GOVERNMENTS

	FY 1999--2000	2000-2001	2001-2002	2002-2003
Pinellas	\$500,000	\$200,000	\$200,000	\$200,000
Escambia	\$500,000	\$200,000	\$200,000	\$200,000
Palm Beach	\$500,000	\$200,000	\$200,000	\$200,000
Urban League	\$125,000	\$125,000	\$125,000	\$125,000
Comm. Envir. Health Program c/o Dept. of Health	\$200,000	\$200,000	\$200,000	\$200,000
3 additional projects	-0-	\$300,000	\$300,000	\$300,000

According to this bill, these funds would be used within the pilot programs for the following purposes: 1) identification of health needs; 2) delivery of health services; resources for accessing health services through Medicare, Medicaid and third-party coverage; 3) research for improving disease prevention and 4) preparation of a report by the Community Environmental Health Program on the results and recommendations of the pilot programs.

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?

Yes.

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

This bill sets forth that a state agency will provide healthcare services and benefits to minority and low-income communities. However, it is uncertain whether there exists an entitlement to these services.

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

An agency or program is not 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:

This bill does purport to provide services to families or children of low-income communities.

(1) Who evaluates the family's needs?

The Department of Health and the Community Environmental Health Advisory Board.

(2) Who makes the decisions?

The Department of Health and the Community Environmental Health Advisory Board.

(3) Are private alternatives permitted?

Yes.

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

No.

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

No.

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 bill does create a pilot program providing services to families or children.

- (1) parents and guardians?

Yes.

- (2) service providers?

Yes.

- (3) government employees/agencies?

Yes.

D. STATUTE(S) AFFECTED:

Creates ss. 381.100; 381.102 and 381.103, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Creates s. 381.100, F.S., which enacts the Florida Community Environmental Health Protection Act.

Section 2: Creates s. 381.102, F.S., which establishes seven pilot projects to promote disease prevention and health care among low-income persons living near environmentally contaminated areas.

Section 3: Creates s. 381.103, F.S., which sets forth the duties of the Department of Health in regard to the pilot programs, and provides reporting requirements.

Section 4: Provides a \$1.825 million appropriation from the General Revenue Fund per year for the fiscal years 1999-2000 through 2002-2003 to support the Community Environmental Health Program pilot projects.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

A recurring fiscal appropriation of \$1.825 million per year is to be allocated during the 1999-2000 through 2002-2003 fiscal years.

3. Long Run Effects Other Than Normal Growth:

Indeterminate.

4. Total Revenues and Expenditures:

A \$1.825 million appropriation per year during the 1999-2000 through 2002-2003 fiscal years.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

See fiscal chart in "Effects of Proposed Changes" section herein.

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:

These programs may save the private sector certain health care costs.

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

None.

D. FISCAL COMMENTS:

None.

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 expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

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

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

- ◆ It appears that the relationships between the Department of Health, its Community Environmental Health Program and the pilot projects are undefined. It is indeterminable which entity will administer the pilot programs at the local level;

- ◆ In addition, it is uncertain when the department's report is to be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor, regarding the findings, accomplishments, and recommendations of the program and its pilot projects;
- ◆ It is not certain to whom the fiscal appropriations are to be distributed;
- ◆ Lastly, the term "department" is not defined in Section 3.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 30, 1999 the Committee on Environmental Protection adopted a strike everything amendment that substantially rewrote the bill. Provisions of the amendment:

Created the Community Environmental Health Program pilot projects.

Provides Legislative determinations that:

- The state is committed to the revitalization of its communities;
- A need exists to address health concerns of low income communities;
- The act will ensure cooperative efforts among private and public concerns; and
- It would be beneficial to provide resources to undertake pilot projects to ensure health care.

Establishes the pilot projects to promote disease prevention and health among low income persons.

The projects are encouraged to form partnerships with existing health care providers, contribute to health care needs assessments, provide research capacity, improve health status, and serve as the basis for health care capacity in underserved areas.

The amendment retained the bill's pilot projects with the following changes. Pasco county was added under the Urban League of Pinellas County project, and the requirement that three additional projects be created was removed.

Similar to the requirements of the original bill the Department of Health has the following duties:

- Provide assistance to the projects in developing and implementing their programs by acting as the granting agency and contracting with the pilots.
- Facilitate the integration of the pilots with ongoing departmental programs.
- Develop educational and outreach programs for health care providers and communities to increase the awareness of health care needs for low income communities.
- Assist the pilots in obtaining low-cost health care services designed to prevent disease and promote health.
- Prepare a report to be submitted to the Governor and the Legislature on the findings and accomplishments of the pilots. The report is to be submitted by January 1, 2001.
- Facilitate cooperation among participants.

The amendment provides for a \$1.825 million appropriation, for fiscal year 1999-00, from the General Revenue Fund, to be distributed as follows.

\$380,000 each to the Greenwood Community Health Center, Palafox Redevelopment Area, Challenge 2001 Area, and City of Riviera Beach.

\$100,000 to the Urban League of Pinellas County.

\$205,000 to the Department of Health for implementation efforts.

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Funding dedicated to the pilot projects shall be used for: delivery of health services including screening, diagnosis of disease, treatment or routing for treatment; preventive annual physical examinations; consultation on disease prevention; construction costs associated with delivery of services; or operational costs.

VII. SIGNATURES:

COMMITTEE ON ENVIRONMENTAL PROTECTION:

Prepared by:

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