

FLORIDA

How Does Florida Define Environmental Justice and Environmental Justice Communities?

Environmental Justice Definitions:

Florida statutes related to brownfields redevelopment define environmental justice as “the fair treatment of all people of all races, cultures, and incomes with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.”¹

Environmental Justice Mapping Tools:

N/A.

How Does Florida Consider Environmental Justice in its Substantive Actions²?

Environmental Justice as a Policy of the Environmental Agency or Across All Agencies:

N/A.

Consideration of Environmental Justice in Permitting:

N/A.

Consideration of Environmental Justice in Enforcement:

N/A.

Consideration of Environmental Justice in Land Use:

Florida statutes state that “[e]nvironmental justice considerations should be inherent in meaningful public participation elements of a brownfields redevelopment program.”³ Florida also requires that:

Local governments or persons responsible for rehabilitation and redevelopment of brownfield areas must establish an advisory committee or use an existing advisory committee that has formally expressed its intent to address redevelopment of the specific brownfield area for the purpose of improving public participation and receiving public comments on rehabilitation and redevelopment of the brownfield

¹ FL ST § 376.79, available at http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0376/Sections/0376.79.html.

² Substantive is defined as governing the original rights and obligations of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, https://www.law.cornell.edu/wex/substantive_law (last visited June 28, 2022).

³ FL ST § 376.78(7), available at http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=376.78&URL=0300-0399/0376/Sections/0376.78.html.

area, future land use, local employment opportunities, community safety, and environmental justice.⁴

State Environmental Policy Act “Mini-NEPA”:

N/A.

Dedicated Funding to Environmental Justice Communities:

N/A.

Consideration of Cumulative Impacts:

N/A.

Prohibitions on Disparate Impact Discrimination:

N/A.

Established Environmental Rights:

N/A.

How Does Florida Address Environmental Justice in its Procedures⁵?

Environmental Justice as Part of Environmental Agency’s Mission:

N/A.

Environmental Justice as Part of Other Agency’s Mission:

N/A.

Processes and Procedures (including Title VI):

- Non-Discrimination Policy:

N/A.

- Grievance Procedures:

N/A.

- Enhanced Public Participation and Information Access:

⁴ FL ST § 376.80(4), available at http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0376/Sections/0376.80.html.

⁵ Procedural is defined as rules and the methods used to ensure the rights of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, https://www.law.cornell.edu/wex/procedural_law (last visited June 28, 2022).

N/A.

- Language Access:

N/A.

- Consultation with Indigenous Communities and Tribal Nations:

N/A.

Governmental Environmental Justice Structures, Positions, and Funding Streams:

- Environmental Justice Coordinating Agency:

N/A.

- Environmental Justice Coordinator:

N/A.

- Environmental Justice Advisory Board:

N/A. But, In 1994 the Florida Legislature created the (now defunct) Environmental Equity and Justice Commission (Commission).⁶ The Commission was initially established

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.⁷

- Funding for Environmental Justice:

N/A.

Additional Florida Environmental Justice Provisions?

Florida established an (now defunct) Environmental Equity and Justice Commission in 1994 to examine and determine the possible concentration of environmental hazards in people of

⁶ Gragg, Richard D. III; Christaldi, Ronald A.; Leong, Stephen; and Cooper, Marc (2018) "The Location and Community Demographics of Targeted Environmental Hazardous Sites in Florida," *Florida State University Journal of Land Use and Environmental Law*: Vol. 12 : No. 1 , Article 1, available at: <https://ir.law.fsu.edu/jluel/vol12/iss1/1>.

⁷ FL ST § 760.85.

color and low-income communities and to assess related inequities and risk. The Commission was made of 17 members appointed by the Governor. The Commission released a final report in 1996, which concluded that minority and low-income communities suffer disproportionate environmental impacts and recommended that environmental equity and justice issues be incorporated into land use planning and zoning decisions by local governments and be considered by each state agency as an element in their functional plans.⁸

In 1998, the Legislature created the Center for Environmental Equity and Justice at Florida Agricultural and Mechanical University (FAMU).⁹ The Center examines issues relating to enforcement, evaluation, health effects and risks, and site placement. It also provides and facilitates education and training on environmental equity and justice issues to students, citizens, and local and state government employees through traditional media networks.

Florida Environmental Justice Contacts?

Florida Department of Environmental Protection

Telephone: 850-922-5438

<http://www.dep.state.fl.us>

Florida Agricultural and Mechanical University

The Center for Environment Equity and Justice

Frederick S. Humphries Science Research Center

Tallahassee, Florida 32306

Phone: 850-599-8193, 1-800-391-7513; Fax: 850-412-7785

ceej@famu.edu

Where to Find Florida Environmental Justice Laws, Policies, and Tools?

Constitutional Provisions:

N/A.

Executive Orders:

N/A.

Legislation and Statutes:

- FL ST § 760.85 (Florida Law, CH. 94-219, Repealed by Laws 1999, c. 99-5, § 75, eff. June 29, 1999) – Establishing the Environmental Equity and Justice Commission

⁸ FL ST § 760.85, Repealed by Laws 1999, c. 99-5, § 75, eff. June 29, 1999, available at <https://www.flsenate.gov/laws/statutes/1998/760.85>.

⁹ FL ST § 760.854, available at http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0760/Sections/0760.854.html.

- FL ST. § 760.854 (Florida Law, CH. 98-304) – Establishing the Center for Environmental Equity and Justice

Regulations:

N/A.

Policies/Guidance:

N/A.

Mapping Tools:

N/A.

Other:

N/A.