

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 666

SPONSOR: Senator Pruitt

SUBJECT: Environmental Control

DATE: March 27, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Branning</u>	<u>Kiger</u>	<u>NR</u>	<u>Fav/1 amendment</u>
2.	<u>Herrin</u>	<u>Yeatman</u>	<u>CP</u>	<u>Favorable</u>
3.	_____	_____	<u>GO</u>	_____
4.	_____	_____	<u>ATD</u>	_____
5.	_____	_____	<u>AP</u>	_____
6.	_____	_____	_____	_____

I. Summary:

This bill replaces Keep Florida Beautiful, Inc., with the Clean Florida Commission, provides the membership and duties of the commission, and moves the control of the Wildflower Advisory Council from Keep Florida Beautiful, Inc., to the Department of Agriculture and Consumer Services.

This bill substantially amends ss. 403.4131, 403.41315, 403.709, and 320.08058, F.S.

II. Present Situation:

Keep Florida Beautiful, Inc., is a registered not-for-profit 501(c)(3) corporation, and is a state affiliate of Keep America Beautiful, Inc. Currently, Keep Florida Beautiful, Inc. (KFB), coordinates the statewide litter campaign and operates as the grassroots arm of the state's effort and serves as an umbrella organization for volunteer-based community programs. Section 403.4131, F.S., further provides that KFB shall be dedicated to helping Florida and its local communities solve solid waste problems, to developing and implementing a sustained litter prevention campaign, and to act as a working public-private partnership in helping to implement the state's Solid Waste Management Act.

KFB is governed by a volunteer Board of Directors representing government, business and industry, environmental organizations, and civic and professional organizations. On November 20, 2002, Florida was one of eight states that received Gold Honors for achieving the highest level of compliance for Keep America Beautiful State Affiliates at Keep America Beautiful's 49th National Conference in Washington, D.C. This award recognizes Keep America Beautiful Affiliates who have successfully initiated the Keep America Beautiful State Affiliate

Guidelines to promote the Keep America Beautiful mission statewide and offer program support to local affiliates.

There are approximately 42 local affiliates in Florida that are associated with Keep America Beautiful, Inc. These are certified community affiliates that operate at the local level to leverage public and private dollars and coordinate the time and efforts of local volunteers. According to information from Keep America Beautiful, Inc., the local affiliates are returning an average of \$10 to their communities in the form of measurable benefits for every \$1 of government funds invested in that local affiliate program.

Prior to 1993, there also existed a Clean Florida Commission. This commission was created within the Department of Transportation and consisted of the following members or their designees:

- The Secretary of Environmental Regulation (chairman);
- The Secretary of Transportation;
- The Executive Director of the Department of Natural Resources; and
- The Secretary of Commerce.

The Clean Florida Commission had the authority to appoint an executive director and other staff to carry out the purpose of litter prevention in the state. In 1993, the Legislature placed the litter prevention duties and responsibilities with KFB and abolished the Clean Florida Commission.

Pursuant to s. 403.709, F.S., up to 4.5 percent of the annual revenues from the waste tire fees deposited in the Solid Waste Management Trust Fund are to be used for funding to the Department of Transportation for litter prevention and control programs coordinated by KFB. In FY 2002-2003, \$1.1 million was transferred from the Solid Waste Management Trust Fund to the Department of Transportation for the Adopt-a-Highway Program. Through this program, \$850,000 was provided in the form of grants to local affiliates in the Certified Keep America Beautiful System Grant Program. Of the amount transferred, \$150,000 was to be used to fund the State Litter Prevention Program and Keep Florida Beautiful, Inc.

In 1999, the Legislature authorized the issuance of a Florida Wildflower License Plate. Section 320.08058, F.S., provides that the annual use fees shall be distributed to the Wildflower Account established by Keep Florida Beautiful, Inc. The proceeds must be used to establish native Florida wildflower research programs, wildflower educational programs, and wildflower grant programs to municipal, county, and community-based groups in the state. A maximum of 10 percent of the proceeds from the sale of Florida Wildflower License Plates may be used for administrative costs.

Section 403.4131, F.S., creates within Keep Florida Beautiful, Inc., the Wildflower Advisory Council with the power to oversee the expenditure of the Wildflower Account. The council consists of a maximum of nine members. Members of the council must include a representative from the University of Florida Institute of Food and Agricultural Sciences, the Florida Department of Transportation, the Department of Environmental Protection, the Florida League of Cities, and the Florida Association of Counties. Other members may include representatives from the Florida Federation of Garden Clubs, Inc., Think Beauty Foundation, the Florida

Chapter of the American Society of Landscape Architects, Inc., and a representative of the Master Gardener's Program.

III. Effect of Proposed Changes:

Section 1. Section 403.4131, F.S., is amended to replace Keep Florida Beautiful, Inc. with the Clean Florida Commission. As provided in s. 403.709(4), F.S., the commission would be funded from the Solid Waste Management Trust Fund. Up to 4.5 percent of the annual revenues in the Solid Waste Management Trust Fund which are derived from the Waste Tire Fees would be used by the Clean Florida Commission for litter prevention and control programs. Currently, this amount is transferred to the Department of Transportation to be used for the Adopt-a-Highway program and to provide litter grants to the local Keep America Beautiful affiliates.

The Clean Florida Commission is created within the Department of Community Affairs and shall coordinate the statewide litter campaign involving state agencies, local governments, local organizations, and individuals. The commission will serve as the umbrella organization for volunteer-based community programs. The commission is authorized to enter into such contracts and agreements with other agencies, organizations, associations, corporations, individuals, or federal agencies as it determines are necessary, expedient, or incidental to the performance of its duties or the execution of its powers. The commission may accept gifts, grants, bequests, loans, and endowments for purposes not inconsistent with its responsibilities.

The commission consists of the following members:

- The Secretary of Environmental Protection or the secretary's designee.
- The Secretary of Transportation or the secretary's designee.
- The Commission of Education or the commissioner's designee.
- The Commissioner of Agriculture or the commissioner's designee.
- The Secretary of Community Affairs or the secretary's designee, who shall serve as chairman.
- Any additional member from interested organizations who are appointed by unanimous consent by the five named members.

The bill provides the commission with the following powers and duties:

- To appoint an executive director, who may employ such other administrative and clerical staff as are necessary to carry out the purpose of litter prevention in Florida.
- To administer and promote the Department of Transportation's Adopt-a-Highway program to allow volunteers from local organizations to be identified with specific highway cleanup and beautification projects.
- To contract for the development of a highly visible anti-litter campaign that includes identifying groups that habitually litter; designing appropriate advertising to promote proper disposal of litter by groups that habitually litter; fostering public awareness of the litter problem in this state and the litter prevention program; developing educational programs and materials for promoting the proper disposal of litter; acting as the state

clearinghouse for educational programs and materials developed, distributed, and promoted by state agencies; coordinating efforts and resources among agencies to ensure minimal duplication of efforts and efficient use of state funds; and using talent, equipment, or expertise donated by the private sector for producing multimedia materials.

- To make and execute contracts necessary to the exercise of its powers, including interagency agreements.
- To conduct, direct, encourage, coordinate, and organize a continuous program of public education relating to litter prevention.
- To review, upon request, all plans and activities pertinent to reducing litter and littering and to coordinate these activities with the various levels of government, as well as with other local organizations.
- To coordinate with state and local organizations to market programs promoting litter prevention and to facilitate the exchange of such programs between local organizations through annual conferences.
- To make available to elementary and secondary schools and other public forums educational programs and materials for promoting the proper disposal of litter.
- To develop and implement statewide incentive programs designed to motivate individual residents of this state, local organizations, local governments, and other groups interested in participating in litter prevention program activities.
- To provide to local governments and nonprofit organizations grants to be used for implementing litter prevention programs through education and broad based public involvement at the community level. Except as specifically appropriated, a grant may provide up to one-half of the first-year costs of initiating and operating such a program, or \$25,000, whichever is less. Applicants who request funding for the establishment of local litter prevention systems must receive first priority in the award of such grants.
- To monitor the effectiveness of the litter prevention program annually and to prepare an annual report of operations which includes the results of such monitoring. The commission shall submit the annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than February 1 of each year, beginning in 2004.

The Department of Transportation shall place signs discouraging litter at all off-ramps of the interstate highway system in the state. Also, the department shall place other highway signs as necessary to discourage littering, in accordance with the anti-litter program developed by the commission. The department has already put such signs in place to discourage littering.

In order to establish continuity for the statewide program, those local governments and community programs receiving grants for litter prevention and control must use the official State

of Florida litter control or campaign symbol adopted by the Clean Florida Commission for use on various receptacles and program material. Currently, s. 15.041, F.S., provides that the official Keep Florida Beautiful, Incorporated, service mark, as registered with the U.S. Patent and Trademark Office, is designated at the State of Florida litter control symbol.

The litter reduction goal established in s. 403.4131(8), F.S., is deleted. This provision provided that the Legislature established a litter reduction goal of 50 percent from the period January 1, 1994, to January 1, 1997.

The bill moves the Wildflower Advisory Council from Keep Florida Beautiful, Inc. to the Department of Agriculture and Consumer Services. The council will serve in an advisory capacity to the department with respect to the award of wildflower planting grants for Florida native wildflowers, plants, and grasses. The council shall also make recommendations to the department concerning what constitutes acceptable species of wildflowers and other plantings supported by these programs.

Section 2. Section 403.41315, F.S., is amended to conform to the provisions replacing Keep Florida Beautiful, Inc. with the Clean Florida Commission.

Section 3. Section 403.709, F.S., is amended to provide that up to 4.5 percent of the annual revenues in the Solid Waste Management Trust Fund (from Waste Tire Fees) would be used to fund the Clean Florida Commission for the coordination, development, and establishment of litter prevention and education programs. This section requires the Clean Florida Commission to establish a competitive and innovative grant program. Currently, such a program is administered by the Department of Transportation through its Adopt-a-Highway program.

Section 4. Section 320.08058, F.S., is amended to provide that the annual use fees from the sale of the Wildflower license plate be distributed to the Department of Agriculture and Consumer Services instead of the Wildflower Account established by Keep Florida Beautiful, Inc.

Section 5. All unexpended proceeds of fees paid for Wildflower license plates which are held by Keep Florida Beautiful, Inc., must be transferred to the Department of Agriculture and Consumer Services promptly after the effective date of this bill (July 1, 2003).

Section 6. This act takes effect July 1, 2003.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

It is anticipated that the local Keep America Beautiful affiliates will continue to be able to participate in a litter and education grants program.

Under this bill, Keep Florida Beautiful will no longer have a statutory role in the state's litter control campaign and program. Also, this entity will no longer receive any state appropriations.

C. Government Sector Impact:

Although this bill creates the Clean Florida Commission in the Department of Community Affairs, with the Secretary of Community Affairs or the secretary's designee serving as chairman, the department has indicated that they do not anticipate any apparent fiscal impact to the agency.

The Clean Florida Commission is authorized to appoint an executive director and such other administrative or clerical staff as is necessary. Also, the commission will be administering the litter grants program to the local Keep America Beautiful affiliate that is currently administered by the Department of Transportation through its Adopt-a-Highway Program. The commission is also required to submit an annual report to the Governor and the Legislature on the effectiveness of the litter prevention program. It is not known at this time the amount of the expenses associated with these activities. The bill does provide that the 4.5 percent of the annual revenues from the Solid Waste Management Trust Fund (Waste Tire Fees) that currently is transferred to the Department of Transportation for their grant program will now be transferred to the Clean Florida Commission for the coordination, development, and establishment of litter prevention and education programs. The commission is required to establish a competitive and innovative grant program for litter control. The bill does not provide any specific appropriations to the commission.

The bill also transfers the Wildflower Advisory Council from Keep Florida Beautiful, Inc. to the Department of Agriculture and Consumer Services (DACS) to serve in an advisory capacity to the department. It also provides that the annual use fees from the Wildflower License Plate will be distributed to the DACS instead of the Wildflower account that was established by Keep Florida Beautiful, Inc. The balance of the Wildflower account is to be transferred to DACS promptly after the effective date of the bill (July 1, 2003). According to DACS, that balance is \$210,000. The Wildflower

License Plate generated \$58,385.98 in its first year of sales (FY 2000). In FY 2001, sales generated revenues of \$152,289 and last calendar year the Department of Highway and Motor Vehicles transferred to Keep Florida Beautiful, Inc. a total \$214,305 to operate the Wildflower research, educational, and grant programs. DACS anticipates a steady growth in the sale of this license plate and expected revenues for FY 2003-2004 are \$250,000.

DACS has indicated that the department will require spending authority of \$460,000 to cover distribution of funds to establish native wildflower research, education, and grants and aids programs as well as General Revenue Service Charge authority in the Florida Agriculture Promotion Campaign Trust Fund. This bill does not provide such spending authority or an appropriation to DACS.

The Department of Transportation has indicated that the requirement to post no litter signs on highway off-ramps will have no fiscal impact on the department since the department has already posted such signs.

VI. Technical Deficiencies:

On page 5, line 12 “(e)” should be “(g)”.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Natural Resources:

The amendment provides that the Clean Florida Commission will have rulemaking authority. Several changes are made to clarify that the local Keep America Beautiful affiliates will still be eligible to apply for certain litter prevention and education grants and that such affiliates will have first priority in the award of such grants.(WITH TITLE AMENDMENT)