

By the Committee on Governmental Oversight and Productivity;
and Senator Pruitt

302-2285-03

1 A bill to be entitled
2 An act relating to environmental control;
3 amending s. 403.4131, F.S.; replacing "Keep
4 Florida Beautiful, Incorporated" with the Clean
5 Florida Commission; providing membership and
6 duties of the commission; providing rulemaking
7 authority; providing for an executive director
8 and other commission employees; providing for
9 the commission to contract for the development
10 of a statewide anti-litter campaign; providing
11 for local governments and nonprofit
12 organizations to receive grants to be used for
13 community litter prevention programs; providing
14 priorities for the award of grants; requiring
15 an annual report to the Governor and to
16 legislative leaders; requiring the Department
17 of Transportation to erect anti-litter signs;
18 providing requirements for litter reduction
19 programs; placing the Wildflower Advisory
20 Council under the control of the Department of
21 Agriculture and Consumer Services; amending
22 duties of the council; amending s. 403.41315,
23 F.S.; amending cross-references, to conform;
24 amending s. 403.709, F.S.; transferring
25 proceeds to be used in litter prevention from
26 the Solid Waste Management Trust Fund to the
27 Clean Florida Commission; imposing a duty on
28 the commission; amending s. 320.08058, F.S.;
29 providing that the proceeds of fees paid for
30 Wildflower license plates must be distributed
31 to the Wildflower Trust Fund in the Department

1 of Agriculture and Consumer Services; creating
2 the Wildflower Advisory Council and providing
3 for membership, powers, and duties; specifying
4 uses of the proceeds; transferring the balance
5 of such proceeds from "Keep Florida Beautiful,
6 Incorporated" to the department; providing an
7 effective date.

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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Section 403.4131, Florida Statutes, is
12 amended to read:

13 403.4131 The Clean Florida Commission~~"Keep Florida~~
14 ~~Beautiful, Incorporated"; placement of signs.--~~

15 (1) It is the intent of the Legislature that a
16 coordinated effort of interested businesses, environmental and
17 civic organizations, and state and local agencies of
18 government be developed to plan for and assist in implementing
19 solutions to the litter and solid waste problems in this state
20 and that the state provide funding as set forth in s.
21 403.709(4) to the Clean Florida Commission ~~financial~~
22 ~~assistance for the establishment of a nonprofit organization~~
23 ~~with the name of "Keep Florida Beautiful, Incorporated," which~~
24 ~~shall be registered, incorporated, and operated in compliance~~
25 ~~with chapter 617. The Clean Florida Commission This nonprofit~~
26 ~~organization shall coordinate the statewide campaign, provide~~
27 ~~and operate as the grassroots arm of the state's portion of~~
28 the effort, and shall serve as an umbrella organization for
29 volunteer-based community programs. The Clean Florida
30 Commission ~~organization~~ shall be dedicated to helping Florida
31 and its local communities solve solid waste problems, to

1 developing and implementing a sustained litter prevention
2 campaign, and to act as a working public-private partnership
3 in helping to implement the state's Solid Waste Management
4 Act. The commission may enter into such contracts and
5 agreements with other agencies, organizations, associations,
6 corporations, individuals, or federal agencies as it
7 determines are necessary, expedient, or incidental to the
8 performance of its duties or the execution of its powers under
9 this chapter. The commission may accept gifts, grants,
10 bequests, loans, and endowments for purposes not inconsistent
11 with its responsibilities under this chapter. The Clean
12 Florida Commission shall have rulemaking authority.As part of
13 this effort, the Clean Florida Commission ~~Keep Florida~~
14 ~~Beautiful, Incorporated~~, in cooperation with the Environmental
15 Education Foundation, shall strive to educate citizens,
16 visitors, and businesses about the important relationship
17 between the state's environment and economy. The Clean Florida
18 Commission shall ~~Keep Florida Beautiful, Incorporated, is~~
19 ~~encouraged to~~ explore and identify economic incentives to
20 improve environmental initiatives in the area of solid waste
21 management. The Clean Florida Commission shall coordinate with
22 the Department of Transportation to approve appropriate
23 segments of roadway for adoption and specific locations for
24 placement of adopt-a-highway signs. To assure the safety of
25 the volunteers and the motoring public, litter pick-up
26 activities must be conducted in accordance with safety
27 standards of the Department of Transportation and
28 adopt-a-highway litter pick-up processes.

29 (2) There is created within the Department of
30 Community Affairs the Clean Florida Commission, which shall
31 coordinate a statewide public awareness and education campaign

1 involving state agencies, local governments, local
2 organizations, and individuals. The Clean Florida Commission
3 shall consist of the following members:

4 (a) The Secretary of Environmental Protection or the
5 secretary's designee.

6 (b) The Secretary of Transportation or the secretary's
7 designee.

8 (c) The Commissioner of Education or the
9 commissioner's designee.

10 (d) The Commissioner of Agriculture or the
11 commissioner's designee.

12 (e) The Secretary of Community Affairs or the
13 secretary's designee, who shall serve as chairman.

14 (f) Any additional members from interested state
15 agencies, local governments, and state and local organizations
16 who are appointed by unanimous consent of the members listed
17 in paragraphs (a)-(e).

18 (3) The commission has the following powers and
19 duties:

20 (a) To appoint an executive director, who may employ
21 such other administrative and clerical staff as are necessary
22 to carry out the purpose of litter prevention in this state as
23 set forth in this section. Such employment by the commission
24 may be pursuant to contract with a public entity or a private
25 entity.

26 (b) To establish an "adopt-a-highway" program to allow
27 volunteers from local organizations to be identified with
28 specific highway cleanup and such organizations shall
29 coordinate such efforts with the Clean Florida Commission.

30 (c) To contract for the development of a highly
31 visible anti-litter campaign that, at a minimum, includes:

- 1 1. Identifying groups that habitually litter.
2 2. Designing appropriate advertising to promote proper
3 disposal of litter by groups that habitually litter.
4 3. Fostering public awareness of the litter problem in
5 this state and the litter prevention program.
6 4. Developing educational programs and materials for
7 promoting the proper disposal of litter; acting as the state
8 clearinghouse for educational programs and materials
9 developed, distributed, and promoted by state agencies; and
10 coordinating efforts and resources among agencies to ensure
11 minimal duplication of efforts and efficient use of state
12 funds.
13 5. Using talent, equipment, or expertise donated by
14 the private sector for producing multimedia materials.
15 (d) To make and execute contracts necessary to the
16 exercise of its powers, including interagency agreements.
17 (e) To engage in the planning of a litter prevention
18 program.
19 (f) To conduct, direct, encourage, coordinate, and
20 organize a continuous program of public education relating to
21 litter prevention.
22 (g) To review, upon request, all plans and activities
23 pertinent to reducing litter and littering and to coordinate
24 these activities with the various levels of government, as
25 well as with other local organizations.
26 (h) To coordinate with state and local organizations
27 to market programs promoting litter prevention and to
28 facilitate the exchange of such programs between local
29 organizations through annual conferences.
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1 (i) To make available to elementary and secondary
2 schools and other public forums educational programs and
3 materials for promoting the proper disposal of litter.

4 (j) To develop and implement statewide incentive
5 programs designed to motivate individual residents of this
6 state, local organizations, local governments, and other
7 groups interested in participating in litter prevention
8 program activities.

9 (k) To provide to local governments and nonprofit
10 organizations grants to be used for implementing and
11 maintaining certified Keep America Beautiful Florida Systems
12 litter prevention programs through education and broadbased
13 public involvement at the community level. Except as
14 specifically appropriated, such a grant may provide up to
15 one-half of the first-year costs of initiating and operating
16 such a program, or \$25,000, whichever is less. Certified Keep
17 America Beautiful Florida Systems are eligible to apply for
18 the funding of local level litter prevention and educational
19 programs and projects, and must receive first priority in the
20 award of such grants.

21 (l) To monitor the effectiveness of the statewide
22 litter prevention campaign annually and to prepare an annual
23 report of operations which includes the results of such
24 monitoring. The commission shall submit the annual report to
25 the Governor, the President of the Senate, and the Speaker of
26 the House of Representatives no later than February 1 of each
27 year, beginning in 2004.

28 (4) The Department of Transportation shall place signs
29 discouraging litter at all off-ramps of the interstate highway
30 system in the state. The department shall place other highway
31 signs as necessary to discourage littering, in accordance with

1 the anti-litter program developed by the commission. The
2 membership of the board of directors of this nonprofit
3 organization may include representatives of the following
4 organizations: ~~the Florida League of Cities, the Florida~~
5 ~~Association of Counties, the Governor's Office, the Florida~~
6 ~~Chapter of the National Solid Waste Management Association,~~
7 ~~the Florida Recyclers Association, the Center for Marine~~
8 ~~Conservation, Chapter of the Sierra Club, the Associated~~
9 ~~Industries of Florida, the Florida Soft Drink Association, the~~
10 ~~Florida Petroleum Council, the Retail Grocers Association of~~
11 ~~Florida, the Florida Retail Federation, the Pulp and Paper~~
12 ~~Association, the Florida Automobile Dealers Association, the~~
13 ~~Beer Industries of Florida, the Florida Beer Wholesalers~~
14 ~~Association, and the Distilled Spirits Wholesalers.~~

15 (2) ~~As a partner working with government, business,~~
16 ~~civic, environmental, and other organizations, Keep Florida~~
17 ~~Beautiful, Incorporated, shall strive to assist the state and~~
18 ~~its local communities by contracting for the development of a~~
19 ~~highly visible antilitter campaign that, at a minimum,~~
20 ~~includes:~~

21 (a) ~~Coordinating with the Center for Marine~~
22 ~~Conservation and the Center for Solid and Hazardous Waste~~
23 ~~Management to identify components of the marine debris and~~
24 ~~litter stream and groups that habitually litter.~~

25 (b) ~~Designing appropriate advertising to promote the~~
26 ~~proper management of solid waste, with emphasis on educating~~
27 ~~groups that habitually litter.~~

28 (c) ~~Fostering public awareness and striving to build~~
29 ~~an environmental ethic in this state through the development~~
30 ~~of educational programs that result in an understanding and in~~
31 ~~action on the part of individuals and organizations about the~~

1 ~~role they must play in preventing litter and protecting~~
2 ~~Florida's environment.~~

3 ~~(d) Developing educational programs and materials that~~
4 ~~promote the proper management of solid waste, including the~~
5 ~~proper disposal of litter.~~

6 ~~(e) Administering grants provided by the state.~~
7 ~~Grants authorized under this section shall be subject to~~
8 ~~normal department audit procedures and review.~~

9 ~~(3) The Department of Transportation shall establish~~
10 ~~an "adopt-a-highway" program to allow local organizations to~~
11 ~~be identified with specific highway cleanup and highway~~
12 ~~beautification projects authorized under s. 339.2405 and shall~~
13 ~~coordinate such efforts with Keep Florida Beautiful, Inc. The~~
14 ~~department shall report to the Governor and the Legislature on~~
15 ~~the progress achieved and the savings incurred by the~~
16 ~~"adopt-a-highway" program. The department shall also monitor~~
17 ~~and report on compliance with provisions of the~~
18 ~~adopt-a-highway program to ensure that organizations that~~
19 ~~participate in the program comply with the goals identified by~~
20 ~~the department.~~

21 ~~(4) The Department of Transportation shall place signs~~
22 ~~discouraging litter at all off-ramps of the interstate highway~~
23 ~~system in the state. The department shall place other highway~~
24 ~~signs as necessary to discourage littering through use of the~~
25 ~~antilitter program developed by Keep Florida Beautiful,~~
26 ~~Incorporated.~~

27 (5) Each county is encouraged to initiate a litter
28 control and prevention program or to expand upon its existing
29 program. The Department of Environmental Protection shall
30 establish a system of grants for municipalities and counties
31 to implement litter control and prevention programs. In

1 addition to the activities described in subsection (1), such
2 grants shall at a minimum be used for litter cleanup,
3 grassroots educational programs involving litter removal and
4 prevention, and the placement of litter and recycling
5 receptacles. Counties are encouraged to form working public
6 private partnerships as authorized under this section to
7 implement litter control and prevention programs at the
8 community level. The grants authorized pursuant to this
9 section shall be incorporated as part of the recycling and
10 education grants. Counties that have a population under 75,000
11 are encouraged to develop a regional approach to administering
12 and coordinating their litter control and prevention programs.

13 ~~(6) The department may contract with Keep Florida~~
14 ~~Beautiful, Incorporated, to help carry out the provisions of~~
15 ~~this section. All contracts authorized under this section are~~
16 ~~subject to normal department audit procedures and review.~~

17 (6)(7) In order to establish continuity for the
18 statewide program, those local governments and community
19 programs receiving grants for litter prevention and control
20 must use the official State of Florida litter control or
21 campaign symbol adopted by the Clean Florida Commission ~~Keep~~
22 ~~Florida Beautiful, Incorporated,~~ for use on various
23 receptacles and program material.

24 ~~(8) The Legislature establishes a litter reduction~~
25 ~~goal of 50 percent reduction from the period January 1, 1994,~~
26 ~~to January 1, 1997. The method of determination used to~~
27 ~~measure the reduction in litter is the survey conducted by the~~
28 ~~Center for Solid and Hazardous Waste Management. The center~~
29 ~~shall consider existing litter survey methodologies.~~

30 (7)(9) The Department of Environmental Protection
31 shall contract with the Center for Solid and Hazardous Waste

1 Management for an ongoing annual litter survey, the first of
2 which is to be conducted by January 1, 1994. The center shall
3 appoint a broad-based work group not to exceed seven members
4 to assist in the development and implementation of the survey.
5 Representatives from the university system, business,
6 government, and the environmental community shall be
7 considered by the center to serve on the work group. Final
8 authority on implementing and conducting the survey rests with
9 the center. The first survey is to be designed to serve as a
10 baseline by measuring the amount of current litter and marine
11 debris, and is to include a methodology for measuring the
12 reduction in the amount of litter and marine debris to
13 determine the progress toward ~~the~~ litter reduction goal
14 ~~established in subsection (8)~~. Annually thereafter, additional
15 surveys are to be conducted and must also include a
16 methodology for measuring the reduction in the amount of
17 litter and for determining progress toward ~~the~~ litter
18 reduction goal ~~established in subsection (8)~~.

19 (8)(10)(a) There is created within the Department of
20 Agriculture and Consumer Services ~~Keep Florida Beautiful,~~
21 ~~Inc.~~, the Wildflower Advisory Council, consisting of a maximum
22 of nine members ~~to direct and oversee the expenditure of the~~
23 ~~Wildflower Account~~. The Wildflower Advisory Council shall
24 include a representative from the University of Florida
25 Institute of Food and Agricultural Sciences, the Florida
26 Department of Transportation, and the Florida Department of
27 Environmental Protection, the Florida League of Cities, and
28 the Florida Association of Counties. Other members of the
29 committee may include representatives from the Florida
30 Federation of Garden Clubs, Inc., Think Beauty Foundation, the
31 Florida Chapter of the American Society of Landscape

1 Architects, Inc., and a representative of the Master
2 Gardener's Program.

3 (b) The Wildflower Advisory Council shall be
4 controlled and directed by the Department of Agriculture and
5 Consumer Services and shall serve in an advisory capacity to
6 the department with respect to the award of ~~develop~~ procedures
7 of operation, research contracts, educational programs, and
8 wildflower planting grants for Florida native wildflowers,
9 plants, and grasses. The council shall also make
10 recommendations to the department concerning ~~the final~~
11 determination of what constitutes acceptable species of
12 wildflowers and other plantings supported by these programs.

13 Section 2. Paragraphs (a) and (j) of subsection (2) of
14 section 403.41315, Florida Statutes, are amended to read:

15 403.41315 Comprehensive illegal dumping, litter, and
16 marine debris control and prevention.--

17 (2) The comprehensive illegal dumping, litter, and
18 marine debris control and prevention program at a minimum must
19 include the following:

20 (a) A statewide public awareness and educational
21 campaign, coordinated by the Clean Florida Commission ~~Keep~~
22 ~~Florida Beautiful, Incorporated~~, to educate individuals,
23 government, businesses, and other organizations concerning the
24 role they must assume in preventing and controlling litter.

25 (j) Other educational programs that are implemented at
26 the grassroots level coordinated through the Clean Florida
27 Commission ~~Keep Florida Beautiful, Inc.~~, involving volunteers
28 and community programs that clean up and prevent litter,
29 including Youth Conservation Corps activities.

30 Section 3. Subsection (4) of section 403.709, Florida
31 Statutes, is amended to read:

1 403.709 Solid Waste Management Trust Fund; use of
2 waste tire fees.--There is created the Solid Waste Management
3 Trust Fund, to be administered by the department. From the
4 annual revenues deposited in the trust fund, unless otherwise
5 specified in the General Appropriations Act:

6 (4) Up to 4.5 percent shall be used for funding to the
7 Clean Florida Commission ~~Department of Transportation~~ for the
8 coordination, development, and establishment of a statewide
9 public awareness litter prevention and education campaign
10 ~~control programs coordinated by Keep Florida Beautiful, Inc.~~
11 The Clean Florida Commission shall establish a competitive and
12 innovative grant program pursuant to s. 403.4131.

13 Section 4. Subsection (28) of section 320.08058,
14 Florida Statutes, is amended to read:

15 320.08058 Specialty license plates.--

16 (28) FLORIDA WILDFLOWER LICENSE PLATES.--

17 (a) The department shall develop a Florida Wildflower
18 license plate as provided in this section. The word "Florida"
19 must appear at the top of the plate, and the words "State
20 Wildflower" and "coreopsis" must appear at the bottom of the
21 plate.

22 (b) The annual use fees shall be distributed to the
23 Wildflower Trust Fund in the Department of Agriculture and
24 Consumer Services Account ~~established by Keep Florida~~
25 ~~Beautiful, Inc., created by s. 403.4131. The proceeds must be~~
26 ~~used to establish native Florida wildflower research programs,~~
27 ~~wildflower educational programs, and wildflower grant programs~~
28 ~~to municipal, county, and community-based groups in this~~
29 ~~state.~~A maximum of 10 percent of the proceeds from the sale
30 of such plates may be used for administrative costs.

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

6 Section 6. There is created within the Florida
7 Department of Agriculture and Consumer Services the Florida
8 Wildflower Advisory Council. The department shall enter into a
9 memorandum or letter of agreement with the Wildflower Advisory
10 Council, which shall specify the approval of the department,
11 the powers and duties of the council, and rules with which the
12 council shall comply. The head of the department shall provide
13 from existing personnel staff support services to the council
14 as are necessary to enable the council to fulfill its duties
15 and responsibilities. The council shall consist of a maximum
16 of 15 members who shall direct the revenues and expenditures
17 of the Wildflower Trust Fund. The council members shall serve
18 without compensation but are entitled to per diem and travel
19 expenses pursuant to section 112.061, Florida Statutes. The
20 council shall include a representative from the University of
21 Florida Institute of Food and Agricultural Sciences, the
22 Florida Department of Transportation, the Florida Department
23 of Environmental Protection, the Florida Department of
24 Agriculture and Consumer Services, the Florida League of
25 Cities, and the Florida Association of Counties. Other members
26 of the council may include representatives from the Florida
27 Federation of Garden Clubs, Inc., Think Beauty Foundation,
28 Inc., the Florida Chapter of the American Society of Landscape
29 Architects, Inc., the Florida Master Gardener Program, Keep
30 Florida Beautiful, Inc., the Florida Nurserymen and Growers
31 Association, Inc., the Association of Florida Native

1 Nurseries, Inc., and two members of the Florida Wildflower
2 Foundation, Inc. The Commissioner of Agriculture, based on
3 recommendations from the above listed organizations, shall
4 appoint members to the council.

5 (2) The Florida Wildflower Advisory Council shall
6 develop operational procedures, marketing initiatives,
7 research contracts, educational programs, and wildflower
8 planting grants for native wildflowers, plants, and grasses
9 and shall submit their recommendations for approval to the
10 Commissioner of Agriculture. The council shall make the final
11 determination of what constitutes acceptable species of
12 wildflowers and other plantings to be supported by these
13 programs.

14 Section 7. Wildflower Trust Fund.--

15 (1) Funds in the Wildflower Trust Fund in the
16 Department of Agriculture and Consumer Services may be used by
17 the department only to:

- 18 (a) Market the Wildflower license plate;
19 (b) Establish native wildflower research programs;
20 (c) Conduct wildflower educational programs; and
21 (d) Provide wildflower grant programs to state,
22 municipal, county, and community-based groups in this state.

23 (2) The department and the Wildflower Advisory Council
24 shall identify, develop, and collect sources of public and
25 private funding for native wildflower and grass development
26 projects. The department may accept, apply for, expend, and
27 use any gift, grant of money, or property for projects deemed
28 worthy by the Florida Wildflower Advisory Council and the
29 Commissioner of Agriculture.

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1 (3) The Wildflower Trust Fund is exempt from service
2 charges and the appropriation required by section 215.20(1),
3 (2), and (4), Florida Statutes.

4 Section 8. All unexpended proceeds of fees paid for
5 Wildflower license plates which are held by Keep Florida
6 Beautiful, Inc., must be transferred to the Department of
7 Agriculture and Consumer Services promptly after the effective
8 date of this act.

9 Section 9. This act shall take effect July 1, 2003.

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 SB 666

14 Creates within the Department of Community Affairs the Clean
15 Florida Commission to coordinate a statewide public awareness
16 and education campaign. The commission consists of the
17 secretaries of the Departments of Environmental Protection,
18 Transportation, Education, and Community Affairs, as well as
19 the Commissioner of Agriculture.

20 Permits the commission to employ an executive director.

21 Authorizes the commission to establish an adopt-a-highway
22 program.

23 Provides for the Wildflower Advisory Council within the
24 Department of Agriculture and Consumer Services. The council
25 is controlled and directed by that department.

26 Provides that annual use fees from the wildflower license
27 plates are distributed to the Wildflower Trust Fund in the
28 Department of Agriculture and Consumer Services.