

Agenda Order

Tab 1	SB 292 by Jones (CO-INTRODUCERS) Osgood ; (Identical to H 00307) Healthy Food Financing Initiative Program
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Tab 2	SB 76 by Hooper (CO-INTRODUCERS) Burgess, Book ; (Similar to CS/H 00109) State Park Campsite Reservations
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675770 A S RCS AEG, Hooper Delete L.45 - 60: 03/15 10:16 AM

Tab 3	SB 506 by Stewart ; (Identical to H 01427) Comprehensive Waste Reduction and Recycling Plan
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

**APPROPRIATIONS COMMITTEE ON AGRICULTURE,
ENVIRONMENT, AND GENERAL GOVERNMENT**

**Senator Brodeur, Chair
Senator Berman, Vice Chair**

MEETING DATE: Tuesday, March 14, 2023
TIME: 1:30—3:30 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Brodeur, Chair; Senator Berman, Vice Chair; Senators Albritton, Boyd, DiCeglie, Garcia, Grall, Gruters, Mayfield, Osgood, Polsky, Rodriguez, Stewart, and Trumbull

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 292 Jones (Identical H 307)	Healthy Food Financing Initiative Program; Revising requirements for the administration of and participation in the Healthy Food Financing Initiative program; providing program eligibility requirements for nonprofit organizations and revising eligibility requirements for community development financial institutions; requiring the Office of Program Policy Analysis and Government Accountability to review the program and collected data after a specified timeframe and provide the Legislature with a specified report; specifying that program funding is subject to and provided from certain appropriations, etc. AG 03/06/2023 Favorable AEG 03/14/2023 Favorable FP	Favorable Yeas 14 Nays 0
2	SB 76 Hooper (Similar CS/H 109)	State Park Campsite Reservations; Requiring the Division of Recreation and Parks of the Department of Environmental Protection to allow residents and nonresidents to make state park campsite reservations within specified timeframes; requiring Florida residents to provide information from their Florida driver license or identification card for certain reservations made in advance, etc. EN 01/17/2023 Favorable AEG 03/14/2023 Fav/CS FP	Fav/CS Yeas 14 Nays 0
3	SB 506 Stewart (Identical H 1427)	Comprehensive Waste Reduction and Recycling Plan; Requiring the Department of Environmental Protection to develop a comprehensive waste reduction and recycling plan for this state by a specified date, based on certain department recommendations; requiring the department to convene a technical assistance group for a specified purpose; providing minimum requirements for the comprehensive plan, etc. EN 03/06/2023 Favorable AEG 03/14/2023 Favorable FP	Favorable Yeas 14 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Agriculture, Environment, and General Government
Tuesday, March 14, 2023, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Other Related Meeting Documents		

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: SB 292

INTRODUCER: Senator Jones

SUBJECT: Healthy Food Financing Initiative Program

DATE: March 13, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Burse</u>	<u>Becker</u>	<u>AG</u>	<u>Favorable</u>
2.	<u>Blizzard</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 292 amends the Healthy Food Financing Initiative, which was created in 2016. The bill transfers, renumbers, and amends s. 500.81, Florida Statutes, to redefine “underserved communities,” revises requirements for the administration of and participation in the Healthy Food Financing Initiative program, and revises eligibility requirements for program participants. The bill provides that a minimum of three eligible projects be funded annually and lists the eligible purposes for financing. The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to review the program and collected data and provide the Legislature with a specified report. The bill also provides that the department’s performance and obligation to pay is contingent upon annual appropriation by the Legislature.

The bill has an indeterminate impact on the Department of Agriculture and Consumer Services. See Section V. Fiscal Impact Statement.

The bill provides an effective date of July 1, 2023.

II. Present Situation:

Healthy Food Financing Initiative Program

In 2016, the Florida Legislature directed the Department of Agriculture and Consumer Services (department) to establish a Healthy Food Financing Initiative Program (program) to provide financial assistance for the rehabilitation or expansion of grocery retail outlets located in underserved or low-income communities.¹ The department was directed to draw upon and

¹ Department of Agriculture and Consumer Services, *Health Food Financing Initiative*, available at [Healthy Food Financing Initiative / Nutrition Programs / Food & Nutrition / Home - Florida Department of Agriculture & Consumer Services \(fdacs.gov\)](https://www.fdaqs.gov/Healthy-Food-Financing-Initiative-Nutrition-Programs-Food-Nutrition-Home) (last visited January 26, 2023)

coordinate the use of federal, state, and private loans or grants, federal tax credits, and other types of financial assistance. The goal of the program is to improve public health and well-being of low-income children, families, and older adults by increasing access to fresh produce and other nutritious foods at participating independent grocery outlets that will be required to allocate at least 30 percent of their retail space to the sale of perishable foods, which may include fresh or frozen dairy products, fresh produce, and fresh meats, poultry, and fish. Annual reporting of the Program's accomplishments is required to be made to the President of the Senate and Speaker of the House, and, after seven years, the Office of Program and Policy Analysis and Government Accountability is directed to review the impact and successfulness of the program.²

For the 2016-2017 fiscal year, \$500,000 in non-recurring general revenue was appropriated to the department to implement the program.³

Food Insecurity in Florida

In 2021, the Office of Program Policy Analysis and Government Accountability (OPPAGA) prepared a research memorandum to describe low income, low access (LILA) census tracts in the state, which includes describing what is known about LILA food areas and the effects on residents of those areas.⁴ The memorandum outlines the incidence of LILA census tracts statewide, specifically, the number of people that are both low income and have limited access to healthy food options by census tract; provides additional information about LILA areas in Hillsborough, Pinellas, and Suwannee counties; and provides high level policy considerations to expand access to healthy food in LILA areas.

In Florida, the number of LILA tracts has decreased since 2015, but barriers to healthy food access remain.⁵ Approximately 13.5 percent of Floridians live in census tracts that are both low income and low access, with a larger percentage of urban residents compared to rural residents.⁶ In Hillsborough and Pinellas counties, residents of LILA census tracts are disproportionately lower socioeconomic minority group compared to other areas of the county and the LILA census tracts have high poverty rates, and few, if any major chain supermarkets.⁷ Public and private entities have started a range of food access initiatives in these counties, though resource constraints present a challenge⁸. In Suwannee County, the two LILA census tracts have a higher proportion of residents that are 65 and older, have no major chain supermarkets, and stakeholders report that the largest barrier to healthy food access is transportation⁹.

High relative availability of unhealthy food refers to geographic areas where there is a high ratio of unhealthy food sources to healthy food sources. Such areas are sometimes referred to as food swamps. Both low-access and unhealthy food environments have been associated with a range of social, economic, and health concerns. A "low income" census tract is characterized by a poverty

² Section 500.81, F.S.

³ Chapter 2016-221, Laws of Florida.

⁴ Office of Program Policy and Government Accountability, "Geographic Access to Healthy Food in Florida," (December 27, 2021).

⁵ *Id.* at 10.

⁶ *Id.* at 10.

⁷ *Id.* at 16-17 & 25-26.

⁸ *Id.* at 23-24 & 30-31.

⁹ *Id.* at 32-34.

rate greater than 20 percent, or median family income of less than or equal to 80 percent of the statewide median family income, or in metropolitan areas, 80 percent of the metropolitan area median family income. A “low access” census tract is characterized by an area where at least 500 people, or 33 percent of the population is greater than one mile (urban) or 10 miles (rural) from a supermarket, supercenter, or large grocery store.¹⁰

III. Effect of Proposed Changes:

Section 1 renames Chapter. 595, F.S., entitled “School Food and Nutrition Services,” as “Food and Nutrition.”

Section 2 transfers, renumbers and amends s. 500.81, F.S., as section 595.801, F.S.

The bill changes the definition of “underserved community” to “a low income community where a substantial number of residents have low access to a full service supermarket or grocery store.”

The bill directs the Department of Agriculture and Consumer Services (department) to establish a Healthy Food Financing Initiative program that provides grants and loans, for the construction, rehabilitation, or expansion of independent grocery stores, supermarkets, community facilities, or other retail outlets to increase access to affordable fresh produce and other nutritious food in underserved communities.

The bill also provides new program eligibility requirements for nonprofit organizations, requiring that the organization can demonstrate:

- Prior experience in healthy food financing;
- An exemption from taxation under s. 501(c)(3) of the Internal Revenue Code;
- The ability to successfully manage and operate lending and grant programs; and
- The ability to assume full financial risk for loans made under the program.

The bill also provides new program eligibility requirements for community development financial institutions. These institutions must demonstrate all of the following:

- Prior experience in healthy food financing;
- Certification by the Community Development Financial Institutions Fund of the United States Department of the Treasury;
- The ability to successfully manage and operate lending and tax credit programs; and
- The ability to assume full financial risk for loans made under the program.

The bill also requires that any third-party administrator that contracts with the department provide quarterly updates to the department.

The department, or a third party administrator, is required to:

- Establish program guidelines, raise matching funds, promote the program statewide, evaluate applicants, make award decisions, underwrite and disburse grants and loans, and monitor compliance and impact;
- Create eligibility guidelines and provide financing through an application process; and

¹⁰ Id. at 3

- Report annually to the President of the Senate and the Speaker of the House of Representatives on the projects funded, the geographic distribution of the projects, and the outcomes, including the number and type of jobs created.

The bill also revises requirements for program applicants and projects. The entities that may apply for funding under the program include for profit entities, including convenience stores or fueling stations, and not-for-profit entities including, but not limited to, sole proprietorships, partnerships, limited liability companies, corporations, cooperatives, nonprofit organizations, nonprofit community development entities, or private universities.

The bill requires that a program applicant must do all of the following:

- Demonstrate the capacity to successfully implement the project and the likelihood that the project will be economically self-sustaining;
- Demonstrate the ability to repay the loan;
- Accept Supplemental Nutrition Assistance Program benefits and Special Supplemental Nutrition Program for Women, Infants, and Children benefits;
- Independent grocery stores and supermarkets must allocate at least 30 percent of floor space for the sale of perishable foods;
- Comply with all data collection and reporting; and
- Promote the hiring of local residents as well as Florida-based grocers.

The bill provides that the department shall give preference to Florida-based grocers, local business owners with experience in grocery stores, and grocers and business owners with a business plan that includes written documentation of opportunities to purchase from farmers and growers in this state before seeking out-of-state purchases.

The bill outlines certain requirements for program eligibility. Projects must be located in an underserved community and provide for the construction of independent grocery stores or supermarkets; renovation, expansion, and infrastructure upgrades to stores and community facilities that improve the availability and quality of fresh produce and other healthy foods; or other projects that create or improve access to affordable fresh produce.

The bill provides that a minimum of three eligible projects be funded annually and lists the eligible purposes for financing.

The bill requires that the Office of Program Policy Analysis and Government Accountability review the program and data collected from the department after a term of seven years and provide a report to the President of the Senate and the Speaker of the House of Representatives. The report must include economic impact and health outcomes data and other factors as determined by the department. If the report determines the program to be unsuccessful after seven years, the department must return any initial funds that have not been loaned, granted, or leveraged in a revolving loan fund to the General Revenue Fund.

The bill provides that the department's performance and obligation to pay under this section is contingent upon an annual appropriation by the Legislature as provided in s. 287.0582, F.S. If the department contracts with a third-party administrator, funds must be advanced from the

department's annual appropriation to the third-party administrator in order to implement this section.

The bill grants the department rulemaking authority to implement the bill.

Sections 3, 4, 5, 6, and 7 make technical changes.

Section 8 provides the bill will take effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Funding for the Healthy Food Financing Initiative Program (program) is contingent upon specific appropriation by the Legislature. The department may incur an indeterminate increase in costs to implement the provisions of the bill. These costs will need to be funded through the overall appropriation for the program. This bill does not provide funding for the program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 500.81, 595.401, 595.402, 595.404, 595.408, and 595.501.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Jones

34-00135-23

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1 A bill to be entitled
 2 An act relating to the Healthy Food Financing
 3 Initiative program; providing a directive to the
 4 Division of Law Revision; transferring, renumbering,
 5 and amending s. 500.81, F.S.; redefining the term
 6 "underserved community"; revising requirements for the
 7 administration of and participation in the Healthy
 8 Food Financing Initiative program; providing program
 9 eligibility requirements for nonprofit organizations
 10 and revising eligibility requirements for community
 11 development financial institutions; revising
 12 requirements for program applicants and projects;
 13 revising the purposes for which project funding may be
 14 used; requiring the Office of Program Policy Analysis
 15 and Government Accountability to review the program
 16 and collected data after a specified timeframe and
 17 provide the Legislature with a specified report;
 18 specifying that program funding is subject to and
 19 provided from certain appropriations; deleting a
 20 prohibition relating to funding distribution; amending
 21 ss. 595.401, 595.402, 595.404, 595.408, and 595.501,
 22 F.S.; conforming provisions to changes made by the
 23 act; providing an effective date.

24
 25 Be It Enacted by the Legislature of the State of Florida:

26
 27 Section 1. The Division of Law Revision is directed to
 28 rename chapter 595, Florida Statutes, entitled "School Food and
 29 Nutrition Services," as "Food and Nutrition."

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30 Section 2. Section 500.81, Florida Statutes, is
 31 transferred, renumbered as section 595.801, and amended to read:
 32 595.801 ~~500.81~~ Healthy Food Financing Initiative.—
 33 (1) DEFINITIONS.—As used in this section, the term:
 34 (a) "Community facility" means a property owned by a
 35 nonprofit or for-profit entity in which health and human
 36 services are provided and space is offered in a manner that
 37 provides increased access to, or delivery or distribution of,
 38 food or other agricultural products to encourage public
 39 consumption and household purchases of fresh produce or other
 40 healthy food to improve the public health and well-being of low-
 41 income children, families, and older adults.
 42 (b) "Department" means the Department of Agriculture and
 43 Consumer Services.
 44 (c) "Independent grocery store or supermarket" means an
 45 independently owned grocery store or supermarket whose parent
 46 company does not own more than 40 grocery stores throughout the
 47 country based upon ownership conditions as identified in the
 48 latest Nielsen TDLinx Supermarket/Supercenter database.
 49 (d) "Low-income community" means a population census tract,
 50 as reported in the most recent United States Census Bureau
 51 American Community Survey, which meets one of the following
 52 criteria:
 53 1. The poverty rate is at least 20 percent;
 54 2. In the case of a low-income community located outside of
 55 a metropolitan area, the median family income does not exceed 80
 56 percent of the statewide median family income; or
 57 3. In the case of a low-income community located inside of
 58 a metropolitan area, the median family income does not exceed 80

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59 percent of the statewide median family income or 80 percent of
60 the metropolitan median family income, whichever is greater.

61 (e) "Program" means the Healthy Food Financing Initiative
62 established by the department.

63 (f) "Underserved community" means a low-income community
64 ~~distressed urban, suburban, or rural geographic area~~ where a
65 substantial number of residents have low access to a full-
66 service supermarket or grocery store. An area with limited
67 supermarket access must be:

68 1. A census tract, as determined to be an area with low
69 access by the United States Department of Agriculture, as
70 identified in the Food Access Research Atlas;

71 2. Identified as a limited supermarket access area as
72 recognized by the Community Development Financial Institutions
73 Fund of the United States Department of the Treasury; or

74 3. Identified as an area with low access to a supermarket
75 or grocery store through a methodology that has been adopted for
76 use by another governmental initiative, or a well-established or
77 well-regarded philanthropic healthy food initiative.

78 (2) HEALTHY FOOD FINANCING INITIATIVE PROGRAM.—The
79 department shall establish a Healthy Food Financing Initiative
80 program that provides grants and loans ~~is composed of and~~
81 ~~coordinates the use of grants from any source; federal, state,~~
82 ~~and private loans from a governmental entity or institutions~~
83 ~~regulated by a governmental entity; federal tax credits; and~~
84 ~~other types of financial assistance~~ for the construction,
85 rehabilitation, or expansion of independent grocery stores,
86 supermarkets, community facilities, or other retail outlets
87 ~~structures~~ to increase access to affordable fresh produce and

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88 other nutritious food in underserved communities.

89 (3) THIRD-PARTY ADMINISTRATORS; QUALIFICATIONS.—

90 (a) The department may contract with one or more qualified
91 nonprofit organizations or Florida-based federally certified
92 community development financial institutions to administer the
93 program through a public-private partnership.

94 (b) A qualified nonprofit organization must be able to
95 demonstrate all of the following:

96 1. Prior experience in healthy food financing.

97 2. An exemption from taxation under s. 501(c)(3) of the
98 Internal Revenue Code.

99 3. The ability to successfully manage and operate lending
100 and grant programs.

101 4. The ability to assume full financial risk for loans made
102 under the program.

103 (c) Eligible community development financial institutions
104 must be able to demonstrate all of the following:

105 1. Prior experience in healthy food financing.

106 2. Certification by ~~Support from~~ the Community Development
107 Financial Institutions Fund of the United States Department of
108 the Treasury.

109 3. The ability to successfully manage and operate lending
110 and tax credit programs.

111 4. The ability to assume full financial risk for loans made
112 under the program this initiative.

113 (d) Any third-party administrator that contracts with the
114 department shall provide quarterly updates to the department.

115 (4) ~~(b)~~ DUTIES OF THE DEPARTMENT OR THIRD-PARTY
116 ADMINISTRATOR.—The department or a third-party administrator

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117 shall do all of the following:

118 (a)1- Establish program guidelines, raise matching funds,
119 promote the program statewide, evaluate applicants, make award
120 decisions, underwrite and disburse grants and loans, and monitor
121 compliance and impact. ~~The department may contract with a third-~~
122 ~~party administrator to carry out such duties. If the department~~
123 ~~contracts with a third-party administrator, funds shall be~~
124 ~~granted to the third-party administrator to create a revolving~~
125 ~~loan fund for the purpose of financing projects that meet the~~
126 ~~criteria of the program. The third-party administrator shall~~
127 ~~report to the department annually.~~

128 (b)2- Create eligibility guidelines and provide financing
129 through an application process. ~~Eligible projects must:~~

130 a. ~~Be located in an underserved community;~~

131 b. ~~Primarily serve low-income communities; and~~

132 c. ~~Provide for the renovation or expansion of, including~~
133 ~~infrastructure upgrades to, existing independent grocery stores~~
134 ~~or supermarkets; or the renovation or expansion of, including~~
135 ~~infrastructure upgrades to, community facilities to improve the~~
136 ~~availability and quality of fresh produce and other healthy~~
137 ~~foods.~~

138 (c)3- Report annually to the President of the Senate and
139 the Speaker of the House of Representatives on the projects
140 funded, the geographic distribution of the projects, ~~the costs~~
141 ~~of the program~~, and the outcomes, including the number and type
142 of jobs created.

143 ~~(4) (a) The Office of Program Policy Analysis and Government~~
144 ~~Accountability shall review the program and data collected from~~
145 ~~the department after a term of 7 years and report to the~~

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146 ~~President of the Senate and the Speaker of the House of~~
147 ~~Representatives. The report shall include, but is not limited~~
148 ~~to, health impacts based on data collected by the state on~~
149 ~~diabetes, heart disease and other obesity-related diseases, and~~
150 ~~other factors as determined by the department.~~

151 ~~(b) If the report determines the program to be unsuccessful~~
152 ~~after 7 years, the department shall create guidelines for unused~~
153 ~~funds to be returned to the initial investor.~~

154 (5) PROGRAM PARTICIPANTS. ~~Entities that may apply for~~
155 funding under the program include A for-profit entities ~~entity~~,
156 including a convenience stores ~~store~~ or a fueling stations; ~~and~~
157 ~~station, or a not-for-profit~~ entities ~~entity~~, including, but not
158 limited to, a sole proprietorships, partnerships ~~proprietorship~~,
159 partnership, limited liability companies, corporations,
160 cooperatives ~~company~~, corporation, cooperative, nonprofit
161 organizations ~~organization~~, nonprofit community development
162 entities ~~entity~~, or private universities ~~university~~, may apply
163 ~~for financing.~~

164 (a) A program ~~An applicant for financing must do all of the~~
165 following:

166 1.(a) ~~Demonstrate the capacity to successfully implement~~
167 ~~the project and the likelihood that the project will be~~
168 ~~economically self-sustaining.~~

169 2.(b) ~~Demonstrate the ability to repay the loan.~~ ~~and~~

170 ~~(c) Agree, as an independent grocery store or supermarket,~~
171 ~~for at least 5 years, to:~~

172 3.1- ~~Accept Supplemental Nutrition Assistance Program~~
173 ~~benefits~~ ~~and:~~

174 2. ~~Apply to accept~~ Special Supplemental Nutrition Program

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175 for Women, Infants, and Children benefits. ~~and accept such~~
176 ~~benefits, if approved.~~

177 ~~4.3.~~ For independent grocery stores and supermarkets,
178 allocate at least 30 percent of floor ~~food retail~~ space for the
179 sale of perishable foods, which may include fresh or frozen
180 dairy products, fresh produce, and fresh meats, poultry, and
181 fish.

182 ~~5.4.~~ Comply with all data collection and reporting
183 requirements established by the department. ~~and~~

184 ~~6.5.~~ Promote the hiring of local residents.

185 (b) The department shall give preference to Florida-based
186 grocers, local business owners with experience in grocery
187 stores, and grocers and business owners with a business plan
188 that includes written documentation of opportunities to purchase
189 from farmers and growers in this state before seeking out-of-
190 state purchases.

191 (6) PROJECT ELIGIBILITY.-

192 (a) To be eligible for funding under the program, a project
193 must:

194 1. Be located in an underserved community; and

195 2. Provide for the construction of independent grocery
196 stores or supermarkets; renovation, expansion, and
197 infrastructure upgrades to stores and community facilities that
198 improve the availability and quality of fresh produce and other
199 healthy foods; or other projects that create or improve access
200 to affordable fresh produce which meet the intent of this
201 section, as determined by the department or a third-party
202 administrator.

203 (b) Projects including, but not limited to, corner stores,

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204 ~~bodegas, or other types of nontraditional grocery stores~~ that do
205 not meet the 30 percent floor space minimum in subparagraph
206 (5) (a) 4. ~~may~~ ~~3.~~ ~~can~~ still qualify for funding if such funding
207 will be used for refrigeration, displays, or other one-time
208 capital expenditures to promote the sale of fresh produce and
209 other healthy foods.

210 ~~(6) In determining which qualified projects to finance, the~~
211 ~~department or third-party administrator shall:~~

212 ~~(a) Give preference to local Florida-based grocers or local~~
213 ~~business owners with experience in grocery stores and to grocers~~
214 ~~and business owners with a business plan model that includes~~
215 ~~written documentation of opportunities to purchase from Florida~~
216 ~~farmers and growers before seeking out-of-state purchases;~~

217 ~~(b) Consider the level of need in the area to be served;~~

218 ~~(c) Consider the degree to which the project will have a~~
219 ~~positive economic impact on the underserved community, including~~
220 ~~the creation or retention of jobs for local residents;~~

221 ~~(d) Consider the location of existing independent grocery~~
222 ~~stores, supermarkets, or other markets relevant to the~~
223 ~~applicant's project and provide the established entity the right~~
224 ~~of first refusal for such project; and~~

225 ~~(e) Consider other criteria as determined by the~~
226 ~~department.~~

227 (c)(7) A minimum of three eligible projects shall be funded
228 annually. Financing under this program for eligible projects may
229 be used for any of the following purposes:

230 1. ~~(a)~~ Site acquisition and preparation.

231 2. ~~(b)~~ Construction and build-out costs.

232 3. ~~(c)~~ Equipment and furnishings.

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233 4.(d) Workforce training ~~or security~~.

234 5.(e) Predevelopment costs, such as market studies and

235 appraisals.

236 6.(f) Energy efficiency measures.

237 7.(g) Working capital for first-time inventory and startup

238 costs, including seeds and starter plants for residential

239 produce cultivation.

240 ~~(h) Acquisition of seeds and starter plants for the~~

241 ~~residential cultivation of fruits, vegetables, herbs, and other~~

242 ~~culinary products. However, only 7 percent of the total funds~~

243 ~~expended in any one project under this section may be used for~~

244 ~~such acquisition.~~

245 8.(i) Other purposes as determined necessary and reasonable

246 by the department or a third-party administrator.

247 (7) PROGRAM REVIEW.—

248 (a) The Office of Program Policy Analysis and Government

249 Accountability shall review the program and data collected from

250 the department after a term of 7 years and provide a report to

251 the President of the Senate and the Speaker of the House of

252 Representatives. The report must include economic impact and

253 health outcomes data and other factors as determined by the

254 department.

255 (b) If the report determines the program to be unsuccessful

256 after 7 years, the department must return any initial funds that

257 have not been loaned, granted, or leveraged in a revolving loan

258 fund to the General Revenue Fund.

259 (8) FUNDING.—The department's performance and obligation to

260 pay under this section is contingent upon an annual

261 appropriation by the Legislature as provided in s. 287.0582. If

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262 the department contracts with a third-party administrator, funds

263 must be advanced from the department's annual appropriation to

264 the third-party administrator in order to implement this

265 section.

266 ~~(9)(b)~~ RULES.—The department shall adopt rules to

267 administer this section.

268 ~~(9) The department may not distribute more than \$500,000~~

269 ~~among more than three recipients.~~

270 Section 3. Section 595.401, Florida Statutes, is amended to

271 read:

272 595.401 Short title.—Sections 595.401-595.601 ~~This chapter~~

273 ~~may be cited as the "Florida School Food and Nutrition Act."~~

274 Section 4. Section 595.402, Florida Statutes, is amended to

275 read:

276 595.402 Definitions.—As used in this act ~~chapter~~, the term:

277 (1) "Commissioner" means the Commissioner of Agriculture.

278 (2) "Department" means the Department of Agriculture and

279 Consumer Services.

280 (3) "Program" means any one or more of the school food and

281 nutrition service programs that the department has

282 responsibility over including, but not limited to, the National

283 School Lunch Program, the Special Milk Program, the School

284 Breakfast Program, the Summer Food Service Program, the Fresh

285 Fruit and Vegetable Program, and any other program that relates

286 to school nutrition.

287 (4) "School breakfast program" means a program authorized

288 by s. 4 of the Child Nutrition Act of 1966, as amended, and

289 administered by the department.

290 (5) "School district" means any of the 67 county school

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291 districts, including the respective district school board.

292 (6) "Sponsor" means any entity that is conducting a program
293 under a current agreement with the department.

294 (7) "Summer nutrition program" means one or more of the
295 programs authorized under 42 U.S.C. s. 1761.

296 (8) "Universal school breakfast program" means a program
297 that makes breakfast available at no cost to all students
298 regardless of their household income.

299 Section 5. Subsections (3), (9), (10), (11), and (13) of
300 section 595.404, Florida Statutes, are amended to read:

301 595.404 School food and other nutrition programs; powers
302 and duties of the department.—The department has the following
303 powers and duties:

304 (3) To fully cooperate with the United States Government
305 and its agencies and instrumentalities so that the department
306 may receive the benefit of all federal financial allotments and
307 assistance possible to carry out the purposes of this act
308 ~~chapter~~.

309 (9) To employ such persons as are necessary to perform its
310 duties under this act ~~chapter~~.

311 (10) To adopt rules covering the administration, operation,
312 and enforcement of the program and the farmers' market nutrition
313 program, as well as to implement ~~the provisions of this act~~
314 ~~chapter~~.

315 (11) To adopt and implement an appeal process by rule, as
316 required by federal regulations, for applicants and participants
317 under the programs implemented pursuant to this act ~~chapter~~,
318 notwithstanding ss. 120.569 and 120.57-120.595.

319 (13) To advance funds from the program's annual

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320 appropriation to a summer nutrition program sponsor, when
321 requested, in order to implement ~~the provisions of this act~~
322 ~~chapter~~ and in accordance with federal regulations.

323 Section 6. Paragraph (b) of subsection (1) and subsections
324 (2) and (4) of section 595.408, Florida Statutes, are amended to
325 read:

326 595.408 Food distribution services; department
327 responsibilities and functions.—

328 (1)

329 (b) The department shall determine the benefits each
330 applicant or recipient of assistance is entitled to receive
331 under this act ~~chapter~~, provided that each applicant or
332 recipient is a resident of this state and a citizen of the
333 United States or is an alien lawfully admitted for permanent
334 residence or otherwise permanently residing in the United States
335 under color of law.

336 (2) The department shall cooperate fully with the United
337 States Government and its agencies and instrumentalities so that
338 the department may receive the benefit of all federal financial
339 allotments and assistance possible to carry out the purposes of
340 this act ~~chapter~~.

341 (4) This act ~~chapter~~ does not limit, abrogate, or abridge
342 the powers and duties of any other state agency.

343 Section 7. Subsection (2) of section 595.501, Florida
344 Statutes, is amended to read:

345 595.501 Corrective action plans; penalties.—

346 (2) Any person or sponsor that violates ~~any provision of~~
347 this act ~~chapter~~ or any rule adopted thereunder or otherwise
348 does not comply with the program is subject to a suspension or

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349 revocation of their agreement, loss of reimbursement, or a
350 financial penalty in accordance with federal or state law, or
351 both. This section does not restrict the applicability of any
352 other law.

353 Section 8. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

03/14/2023

292

Meeting Date

Bill Number or Topic

Appropriations

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name **AARP - Ivonne Fernandez**

Phone **954-850-7262**

Address **3750 NW 87th Avenue Suite 605**

Email **ifernandez @aarp.org**

Street

Doral

FL

33178

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

AARP

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/14/23

Meeting Date

SB 292

Bill Number or Topic

Approps Sub on Ag.

Committee

Amendment Barcode (if applicable)

Name Amanda Fraser

Phone 850 556 1401

Address Street

Email

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing: American Diabetes Association

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules. pdf ifsenate.gov

This form is part of the public record for this meeting.

3/14/23

The Florida Senate APPEARANCE RECORD

SB 292

Meeting Date

Appropriations AEG

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

JEFF SCALIA, FAC

Phone

(850) 487-0697

Address

100 S Monroe

Email

jscalat@fl-counties.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

Florida Association of Counties

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/SB 76

INTRODUCER: Appropriations Committee on Agriculture, Environment and, General Government and Senator Hooper and others

SUBJECT: State Park Campsite Reservations

DATE: March 16, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	Favorable
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	Fav/CS
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 76 allows Florida residents to reserve state park cabins and campsites one month before nonresidents. Specifically, the bill requires the Division of Recreation and Parks of the Department of Environmental Protection (DEP) to allow Florida residents to reserve state park cabins and campsites, including sites for RV, tent, boat, and equestrian camping up to 11 months in advance, and up to 10 months in advance for nonresidents. Florida residents must provide proof of residency (a Florida driver license or identification card) when making reservations more than 10 months in advance.

The DEP may incur expenditures to update its reservation website but this can be absorbed within existing resources.

II. Present Situation:

Florida State Parks

Florida residents and visitors from around the world are drawn to the state's 175 award-winning¹ parks, spanning nearly 800,000 acres and 100 miles of coastline.² During fiscal year 2021-2022, over 32 million people visited our state parks.³ While approximately 75 percent of those visitors were "non-local," meaning they traveled from more than 50 miles away,⁴ Florida residents have, on average, made up 61 percent of all overnight visitors.⁵

Florida state parks offer a variety of camping options:

- Fifty-six state parks offer campgrounds, 52 of which have amenities specifically for RV campers.⁶ Full-facility campsites for tent and RV campers include water, electricity, a grill and picnic table, as well as centralized showers, restrooms, and dump stations.⁷
- Twenty-eight state parks provide primitive campgrounds. These sites have limited improvements, such as a fire ring and a cleared area for tent camping, but generally have no electric power, and may or may not have potable water or bathroom facilities and are typically accessible by foot, bicycle, or canoe/kayak only.⁸
- Nineteen state parks offer cabins,⁹ with options varying from fully equipped modern cabins with kitchens, fireplaces, and screened porches to more primitive hand-hewn, lumber, or palm-log cabins.¹⁰
- Eighteen state parks offer camping for equestrians and their horses.¹¹ Amenities vary by park and range from ride-in primitive sites to areas suitable for rigs.¹² Some equestrian campsites include paddocks or stable facilities and restrooms with showers.¹³

¹ Florida is the first state to win four National Gold Medals (in 1999, 2005, 2013, and 2019) for the best state park system. See, DEP, *Florida State Parks: 2019 National Gold Medal Winner*, <https://www.floridastateparks.org/learn/2019-national-gold-medal-winner#:~:text=On%20Tuesday%2C%20September%2024%2C%20the%20National%20Recreation%20and,the%20nation%20to%20win%20a%20fourth%20Gold%20Medal> (last visited Jan. 6, 2023).

² DEP, *Division of Recreation and Parks*, <https://floridadep.gov/parks> (last visited Jan. 6, 2023).

³ DEP, *2021-2022 Economic Impact Assessment Report for the Florida State Park System*, available at <https://floridadep.gov/sites/default/files/2022%20Economic%20Impact%20Assessment%20Report%20FINAL%209.26.22.pdf>.

⁴ See *id.* at 3. This percentage is from the 2006 Florida State Park Visitor Study. *Id.* See also DEP, *2016-2017 Economic Impact Assessment for the Florida Park System* at 4, available at <https://floridadep.gov/sites/default/files/Economic%20Impact%20Assessment%202016-2017.pdf>.

⁵ DEP, *Florida State Parks: Plan Your Visit: Frequently Asked Questions* (no. 24), <https://www.floridastateparks.org/plan-your-visit/faqs> (last visited Jan. 6, 2023).

⁶ DEP, *Florida State Parks: Find A Park*, <https://www.floridastateparks.org/parks-and-trails?parks%5B0%5D=experiences%3A242> (last visited Jan. 6, 2023).

⁷ DEP, *Florida State Parks: Stay the Night*, <https://www.floridastateparks.org/index.php/stay-night> (last visited Jan. 6, 2023).

⁸ DEP, *Florida State Parks: Primitive Camping*, <https://www.floridastateparks.org/primitive-camping> (last visited Jan. 9, 2023).

⁹ *Id.*

¹⁰ DEP, *Florida State Parks Camping and Cabins Guide*, at 4, available at https://www.floridastateparks.org/sites/default/files/media/file/2021_CampingCabinsGuide_Reservation%20Prices%20Update.pdf (last visited Jan. 6, 2023).

¹¹ DEP, *Florida State Parks: Equestrian Camping*, <https://www.floridastateparks.org/equestrian-camping> (last visited Jan. 9, 2023).

¹² A camping rig is defined as combinations of vehicles, trailers, tents, and/or hammocks. DEP, *Florida State Parks: Reservation Information*, <https://www.floridastateparks.org/reservation-information> (last visited Jan. 10, 2023).

¹³ DEP, *Florida State Parks: Equestrian Camping*, <https://www.floridastateparks.org/equestrian-camping> (last visited Jan. 9, 2023).

- Seven state parks offer glamping (glamorous camping), which includes a canvas tent, a queen bed with linens, a seating area, device charging stations, and a cooling and heating unit.¹⁴ Glamping reservations are booked through third-party vendors.
- Six state parks provide boat slips with water and electricity. Boaters have access to park restrooms, showers, pump-outs, and other amenities. Boaters can also anchor overnight at Bill Baggs Cape Florida State Park and John Pennekamp Coral Reef State Park.¹⁵

Camping Reservations

Florida state parks¹⁶ allow visitors to make reservations up to 11 months in advance, either by phone or online.¹⁷ This booking window applies to both Florida residents and nonresidents. New dates become available daily at 8:00 a.m.¹⁸ Any new sites that become available throughout the day due to a cancellation are randomly released back into inventory following the cancellation.¹⁹

The maximum length of stay for a single reservation is 14 nights total. After 14 nights, visitors must leave the park for at least three nights before returning for a new stay. Based on availability and once the camper is registered and on-site, the park manager or designee may at their discretion extend a camper's current stay up to an additional 14 nights. Maximum continuous length of stay in any one park is 28 nights. Campers are permitted up to 56 nights of total occupancy in any one park in each six-month period, defined as October 1 - March 31, and April 1 - September 30. All campsites or cabins not reserved or occupied may be rented to walk-in visitors on a first-come, first-served basis.²⁰

Campsite fees and rental rates vary by park and are generally the same for residents and nonresidents.²¹ Only certain Florida citizens—those who are 65 years of age or older, disabled, or who operate a licensed family foster home—are eligible for a discount (50 percent).²² Recipients of such discounts must provide proof of eligibility.²³

¹⁴ DEP, *Florida State Parks: Let's Go Glamping*, <https://www.floridastateparks.org/index.php/learn/lets-go-glamping> (last visited Jan. 9, 2023).

¹⁵ DEP, *Florida State Parks: Boat Camping*, <https://www.floridastateparks.org/boat-camping> (last visited Jan. 9, 2023).

¹⁶ Notably, some county parks allow advance reservations for residents. For example, Brevard County, Palm Beach County, and Fort De Soto Park in Pinellas County allow in-county residents to make reservations before nonresidents. See Brevard County Parks, *Parks & Recreation Online Portal Search*, <https://registration.brevardfl.gov/wbwc/webtrac.wsc/search.html?module=RN&primarycode=LONGP> (last visited Jan. 5, 2023); Palm Beach County, *Parks & Recreation: Campground Reservations*, <https://discover.pbcgov.org/parks/CampingJohnPrincePark/CamperInformation.aspx> (last visited Jan. 5, 2023); Pinellas County Parks, *Campsite & Picnic Shelter Reservation System*, <https://secure.rec1.com/FL/pinellas-county-fl/catalog> (last visited Jan. 5, 2023).

¹⁷ DEP, *Florida State Parks: Reservation Information*, <https://www.floridastateparks.org/reservation-information> (last visited Jan. 3, 2023).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ DEP, *Florida State Parks: Fee Schedule*, available at https://www.floridastateparks.org/sites/default/files/inline-files/2021_05_10%20FSP%20Fee%20Schedule%2005.2022.pdf (last visited Jan. 10, 2023).

²² *Id.* See also section 258.016, F.S.

²³ *Id.*

III. Effect of Proposed Changes:

Section 1 amends s. 258.014, F.S., to require the DEP's Division of Recreation and Parks to allow individuals to use the division's website to reserve state park cabins and campsites, including sites for RV, tent, boat, and equestrian camping, as follows:

- For Florida residents, reservations up to 11 months in advance; and
- For nonresidents, reservations up to 10 months in advance.

A Florida resident who wishes to book a campsite more than 10 months in advance must provide proof of residency (a valid Florida driver license or identification card issued under s. 322.051, F.S.), when making a reservation. The bill also makes technical changes.

Section 2 provides an effective date of July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DEP may incur expenditures to update its reservation website but this can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 258.014 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations Committee on Agriculture, Environment, and General Government:

The committee substitute includes state park cabins and campsites, including sites for RV, tent, boat, and equestrian camping for the DEP registration website for state parks. It provides that reservations made for non-residents may be made up to 10 months in advance rather than 11 and Florida residents may make reservations 11 months in advance rather than 12. It also provides that a Florida resident who wishes to book a state park in advance must provide his or her valid Florida driver license number or identification number as proof of Florida residency when making a reservation.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2023	.	
	.	
	.	
	.	

The Committee on Appropriations Committee on Agriculture, Environment, and General Government (Hooper) recommended the following:

Senate Amendment (with title amendment)

Delete lines 45 - 60

and insert:

individuals to make reservations for state park cabins and campsites, including sites for RV, tent, boat, and equestrian camping, as follows:

1. For Florida residents, reservations up to 11 months in



675770

9 advance; and

10 2. For nonresidents, reservations up to 10 months in
11 advance.

12 (b) A Florida resident who wishes to book a state park
13 cabin or campsite more than 10 months in advance must provide
14 his or her valid Florida driver license number or the
15 identification number from a Florida identification card issued
16 under s. 322.051 as proof of Florida residency when making a
17 reservation.

18 Section 2. This act shall take effect January 1, 2024.

19
20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 Delete line 6

23 and insert:

24 nonresidents to make state park cabin and campsite
25 reservations

By Senator Hooper

21-00322-23

202376__

A bill to be entitled

An act relating to state park campsite reservations; amending s. 258.014, F.S.; requiring the Division of Recreation and Parks of the Department of Environmental Protection to allow residents and nonresidents to make state park campsite reservations within specified timeframes; requiring Florida residents to provide information from their Florida driver license or identification card for certain reservations made in advance; providing an effective date.

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

Section 1. Section 258.014, Florida Statutes, is amended to read:

258.014 ~~Fees for~~ Use of state parks; fees for use; campsite reservations.—

(1) FEES FOR USE.—

(a) The Division of Recreation and Parks shall have the power to charge reasonable fees, rentals, or charges for the use or operation of facilities and concessions in state parks, ~~and~~ All such fees, rentals, and charges so collected ~~must shall~~ be deposited in the State Treasury to the credit of "State Park Trust Fund," which is hereby created, the continuing balance of which fund is hereby appropriated to be expended by said division for the administration, improvement and maintenance of state parks and for the acquisition and development of lands hereafter acquired for state park purposes. The appropriation of

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said fund shall be continuing, and ~~may shall~~ not revert to the General Revenue Fund at the end of any fiscal year or at any other time but shall, until expended, be continually available to ~~the said~~ division for the uses and purposes set forth.

~~(b) (2)~~ Any moneys received in trust by the division by gift, devise, appropriation, or otherwise shall, subject to the terms of such trust, be deposited with the Chief Financial Officer in a fund to be known as the "State Park Trust Fund," and shall be subject to withdrawal upon application of such division for expenditure or investment in accordance with the terms of the trust. Unless prohibited by the terms of the trust by which the moneys are derived, all ~~of~~ such moneys may be invested as provided by law.

(2) RESERVATIONS.—

(a) The Division of Recreation and Parks shall allow individuals to use the division's state parks reservation website to make reservations for state park campsites, including RV sites, as follows:

1. For Florida residents, reservations up to 12 months in advance; and

2. For nonresidents, reservations up to 11 months in advance.

(b) A Florida resident who wishes to book a state park campsite more than 11 months in advance must provide his or her valid Florida driver license number or the identification number from a Florida identification card issued under s. 322.051 as proof of Florida residency on the division's state parks reservation website and must present the license or identification card to a park representative upon check-in at

Page 2 of 3

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59 the campsite.

60 Section 2. This act shall take effect July 1, 2023.



The Florida Senate

Committee Agenda Request

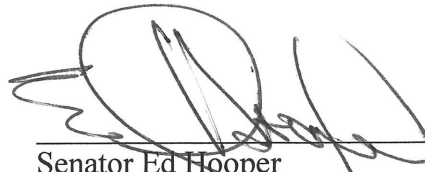
To: Senator Jason Brodeur, Chair
Appropriations Committee on Agriculture, Environment, and General
Government

Subject: Committee Agenda Request

Date: January 18, 2023

I respectfully request that **Senate Bill #76**, relating to State Park Campsite Reservations, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.



Senator Ed Hooper
Florida Senate, District 21

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: SB 506

INTRODUCER: Senator Stewart

SUBJECT: Comprehensive Waste Reduction and Recycling Plan

DATE: March 13, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	<u>Favorable</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 506 directs the Department of Environmental Protection (DEP) to develop a comprehensive waste reduction and recycling plan by July 1, 2024, and to convene a technical assistance group within the DEP to help develop the plan. The bill provides minimum criteria for the plan and directs the DEP to provide a report to the President of the Senate and the Speaker of the House of Representatives upon its completion.

The DEP may incur costs in convening a technical assistance group and developing a comprehensive waste reduction and recycling plan.

II. Present Situation:

Florida's Recycling Goal

In 2008, the Legislature set a statewide goal to recycle at least 75 percent of municipal solid waste (MSW) by 2020.¹ The goal includes only MSW² and is measured by weight.³ The Florida Department of Environmental Protection (DEP) established numerous programs and initiatives to reach the 75 percent recycling goal.⁴ In 2010, the Legislature amended s. 403.706, F.S., to require counties to implement local recycling programs with the following interim goals: a goal of recycling 40 percent of recyclable solid waste by December 31, 2012; 50 percent by December 31, 2014; 60 percent by December 31, 2016; 70 percent by December 31, 2018; and

¹ Section 403.7032, F.S.

² MSW is any solid waste, except for sludge, resulting from the operation of residential, commercial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. Section 403.706(5), F.S. MSW also includes yard trash but does not include solid waste from industrial, mining, or agricultural operations. *Id.*

³ Department of Environmental Protection (DEP), *Florida and the 2020 75% Recycling Goal: Final Report*, 3, 8 (2020), available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>.

⁴ DEP, *Recycling*, <http://www.dep.state.fl.us/waste/categories/recycling/default.htm> (last visited Feb. 22, 2023).

75 percent by December 31, 2020.⁵ While Florida achieved the interim goals for 2012 and 2014, the state’s recycling rate for 2016 was 56 percent, falling short of the 60 percent goal.⁶ Between 2016 and 2020 Florida’s statewide recycling rate declined, with a rate of 52 percent in 2019 and 50 percent in 2020.⁷ Only three of Florida’s 36 large counties—Charlotte, Lee, and Pinellas—successfully met the 75 percent recycling goal by 2020.⁸ However, there is evidence that recycling rates are rebounding: the single-family recycling participation rate increased seven percent from 2020 to 2021.⁹ Commercial recycling participation rates also showed a slight increase (approximately two percent) during the same timeframe.¹⁰

Local Government Solid Waste and Recycling Responsibilities

Each Florida county has the authority and responsibility to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the county.¹¹ Counties may charge reasonable fees for the handling and disposal of solid waste at their facilities.¹² Municipalities are responsible for collecting and transporting solid waste from their jurisdictions to a solid waste disposal facility operated by a county or county contractor.¹³ Local governments are also authorized to provide for the collection of recyclable materials.¹⁴ A market must exist for the recyclable materials, and the local government must specifically intend for them to be recycled.¹⁵

As discussed above, counties are required to implement recycling programs that include the statutory interim goals established in s. 403.706(2)(a), F.S.¹⁶ These programs must be designed to recover a significant portion of at least four of the following materials from the solid waste stream prior to final disposal at a solid waste disposal facility and to offer these materials for recycling:

- Newspapers;
- Aluminum cans;

⁵ Section 403.706(2)(a), F.S. These are interim goals to help Florida reach the goal of recycling at least 75 percent of municipal solid waste by 2020; Ch. 2010-143, s. 7, Laws of Fla.; *see also* s. 403.7032(2), F.S.

⁶ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 2.

⁷ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 6. Notably, prior to the implementation of the 75 percent recycling goal, Florida’s recycling rate, which was calculated based on recycling traditional materials, was 30 percent. *Id.* If the same methodology was applied to 2020, the recycling rate would be only 25 percent. *Id.*

⁸ *Id.* at 9. “Large counties” are those with a population of over 100,000. *Id.*

⁹ DEP, *2021 Single-Family Participation in Recycling* (2022), available at <https://floridadep.gov/sites/default/files/2021%20Single%20Family%20Recycling%20Participation%20in%20Florida.pdf>; DEP, *2020 Single-Family Participation in Recycling* (2021), available at <https://floridadep.gov/sites/default/files/2020%20Single-Family%20Participation%20in%20Recycling.pdf>.

¹⁰ DEP, *2021 Commercial Participation in Recycling* (2022), available at <https://floridadep.gov/sites/default/files/2021%20Commercial%20Recycling%20Participation%20in%20Florida.pdf>; DEP, *2020 Commercial Participation in Recycling* (2021), available at <https://floridadep.gov/sites/default/files/2020%20Commercial%20Participation%20in%20Recycling.pdf>.

¹¹ Section 403.706(1), F.S. Municipalities are also authorized to construct and operate solid waste disposal facilities if certain statutory requirements are met. Fla. Admin. Code Ch. 62-701.

¹² *Id.*

¹³ *Id.*

¹⁴ Section 403.706(21), F.S.

¹⁵ *Id.*

¹⁶ Section 403.706(2)(a), F.S.

- Steel cans;
- Glass;
- Plastic bottles;
- Cardboard;
- Office paper; and
- Yard trash.¹⁷

In addition, each county must ensure, to the maximum extent possible, that municipalities within its boundaries participate in the preparation and implementation of recycling and solid waste management programs through interlocal agreements or other means provided by law.¹⁸ Counties and municipalities are encouraged to form cooperative arrangements for implementing recycling programs,¹⁹ and must enter into negotiations with a franchisee who is operating to exclusively collect solid waste within a specified service area for a county or municipality.²⁰

Certain activities are eligible for special credit towards achieving a county's recycling goals, including the use of solid waste as fuel in a renewable energy facility, the innovative use of yard trash or other clean wood waste or paper waste, and providing opportunities to recycle in counties with smaller populations.²¹ To assess progress, counties must provide information on their solid waste management programs and recycling activities to the DEP by April 1 of each year.²²

The DEP may reduce or modify a county's recycling goal if the county demonstrates that:

- The achievement of the goal would have an adverse effect on the financial obligations of the county that are directly related to the county's waste-to-energy facility; and
- The county cannot remove normally combustible materials from solid waste that is to be processed at a waste-to-energy facility because of the need to maintain a sufficient amount of solid waste to ensure the financial viability of the facility.²³

However, the goal may only be reduced or modified to the extent necessary to alleviate the adverse effects on the financial viability of a county's waste-to-energy facility.²⁴

Local governments can require all residential properties, multifamily dwellings, apartment complexes, and industrial, commercial, and institutional establishments to create programs for the separation of recyclable materials designated by the local government.²⁵ Local governments

¹⁷ Section 403.706(2)(f), F.S.

¹⁸ Section 403.706(3), F.S.

¹⁹ Section 403.706(2)(a), F.S.

²⁰ Section 403.706(9), F.S.

²¹ Section 403.706(4), F.S.

²² Section 403.706(7), F.S.; Fla. Admin. Code R. 62-716.450.

²³ Section 403.706(6), F.S.

²⁴ *Id.*

²⁵ Section 403.706(21), F.S. Such ordinances may include, but are not limited to, prohibiting any person from knowingly disposing of recyclable materials and ensuring the collection of recovered materials as necessary to protect public health and safety. *Id.*

can also require a commercial establishment to source-separate the recovered materials generated on the premises.²⁶ However, a local government may not:

- Require a commercial establishment that generates source-separated recovered materials to sell its recovered materials to the local government or to a facility designated by the local government;
- Restrict such a generator’s right to sell such recovered materials to any properly certified recovered materials dealer who has satisfied the statutory requirements; or
- Enact any ordinance that prevents such a dealer from entering into a contract with a commercial establishment to purchase, collect, transport, process, or receive source-separated recovered materials.²⁷

The DEP’s Recycling Report

The DEP was required to submit a report to the President of the Senate and the Speaker of the House of Representatives in years when the interim recycling goals established in s. 403.706(2)(a), F.S., were not met.²⁸ These reports had to identify additional programs or statutory changes needed to achieve the recycling goals.²⁹ In 2020, the DEP released its final report titled “Florida and the 2020 75% Recycling Goal.”³⁰ The report explains that in 2020 alone, the amount of MSW generated in Florida was equivalent to over two tons per resident—approximately twice the national average.³¹ However, there is no universal methodology for measuring progress toward recycling goals, making it difficult to compare states’ recycling rates. Moreover, Florida’s MSW calculations do not account for tourists—while calculations by the U.S. Environmental Protection Agency and other states do—thereby inflating the amount of MSW generated “per resident.”³²

In its final report, the DEP recommends convening a technical assistance group (TAG) to develop a comprehensive waste reduction and recycling plan for Florida. The TAG, if convened, would include the Florida Recycling Workgroup, local governments, and other interested parties, and the comprehensive plan would implement stakeholder recommendations by:

- Identifying a set of recycling goals that use sustainable materials management³³ and waste diversion³⁴ concepts;

²⁶ Section 403.7046(2)(a), F.S.

²⁷ Section 403.7046(2), F.S.

²⁸ Section 403.706(2)(e), F.S.; *see* s. 403.705(3), F.S. DEP must evaluate and report biennially to the President of the Senate and the Speaker of the House on the state’s success in meeting the solid waste recycling goal in s. 403.706(2), F.S.

²⁹ Section 403.706(2)(e), F.S.

³⁰ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 2.

³¹ *Id.* at 8.

³² *Id.*

³³ Sustainable materials management is a term for alternative approaches to recycling that recognize the differences among waste components with respect to environmental and resource outcomes. Sustainable materials management focuses on using and reusing materials more productively over their life cycles. *Id.* at 4.

³⁴ Waste diversion is the process of diverting waste from landfills; it is the amount of material that is reduced, reused, and/or recycled per capita and can be measured by the amount of waste not being disposed of in landfills. Waste diversion reduces disposal costs and the burden on landfills. United States Environmental Protection Agency (EPA), *Waste Diversion at EPA*, <https://www.epa.gov/greeningepa/waste-diversion-epa> (last visited Feb. 22, 2023); DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 4.

- Developing objectives and proposing a three-year plan to develop a recycling market, education and outreach, and local government assistance; and
- Proposing statutory language to implement the revised recycling goals and strategies.³⁵

The DEP's final report also provides recommendations from the Florida Recycling Workgroup and a group of local governments, including:

- Replacing the current 75 percent weight-based goal with a goal or set of goals that are better indicators of program performance and desired environmental and economic outcomes;³⁶
- Using sustainable materials management to prioritize which materials to recycle based on environmental metrics and market availability and setting recycling goals for these specific materials; and
- Focusing on three strategies: education and outreach, funding and incentives to support local government recycling efforts, and developing recycling markets.³⁷

Recycling Education and Outreach

Education on the types of recycling services available, how materials are collected, and which materials are accepted is important for a successful recycling program. Because recycling programs within the state vary significantly, education should be tailored to local recycling programs.³⁸

Currently, the DEP operates several education programs, including:

- The Florida Food Waste Prevention Week, which focuses on engagement with local municipalities, universities, national food recovery networks, and the hospitality industry to raise awareness about food waste;
- Phase Three of the Rethink.Reset.Recycle. Program, which focuses on providing counties and municipalities with a variety of customized digital products illustrating correct preparation of recyclables prior to disposing of them; and
- The Recycling Recognition Program, which encourages private businesses, institutions, schools, organizations, and the public to increase recycling by setting recycling goals.³⁹

The DEP's final report explains that the TAG, if convened, would propose an education and outreach approach that evaluates statewide solutions but is customized for local needs, including a possible application for mobile devices that provides recycling information based on location.

Local Government Assistance

In 1988, the Solid Waste Management Act required counties to initiate recycling programs to address the growing costs and environmental problems associated with solid waste disposal in the state. To aid counties in setting up recycling programs, the Legislature established the Recycling and Education Grant Program. Under the program, counties received funds for initial

³⁵ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 4.

³⁶ *Id.* at 4. There is a consensus in Florida's recycling industry (as well as other states and at the federal level) that using a weight-based goal does not result in efficient or effective recycling. *Id.* at 6.

³⁷ *Id.* at 4.

³⁸ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 4.

³⁹ *Id.* at 20-21.

capital costs, operations, recycling education, market development, and special projects. The program sunset in 2001.

In its final report, the DEP recommends that the TAG evaluate the benefits and problems of the now defunct Recycling and Education Grant Program, make a recommendation to reinstate the program, or consider other means to provide recycling assistance to local governments.⁴⁰

Recycling Market Development

In order for the recycling industry to operate efficiently and provide reasonable returns on investments, there must be a market for finished goods that are manufactured from recycled materials. When the markets for these finished goods increase, the demand for recycled materials will increase, driving up profitability and incentivizing increased investments in the collection, sorting, processing, and manufacturing sectors.⁴¹

To increase markets for recyclable materials, the DEP recommends in its final report that the following be considered when developing the comprehensive recycling plan:

- Tax incentives for usage of recycled materials as feed stocks in manufacturing processes;
- Tax incentives and credits to support materials recovery plant upgrades;
- Public/private partnerships to invest in new processing technologies;
- Investments in expansion of Recycling Business Assistance Center⁴² activities;
- End-user purchase rebates for Florida Certified Compost; and
- Preference programs to use and purchase products made from recycled content material.⁴³

III. Effect of Proposed Changes:

Section 1 amends s. 403.7032, F.S., to direct the DEP to develop a comprehensive waste reduction and recycling plan by July 1, 2024, based on recommendations from the DEP’s “Florida and the 2020 75% Recycling Goal: Final Report.” The bill requires the DEP to convene a technical assistance group within the DEP to help develop the plan.

The bill provides that the plan must:

- Identify recycling goals based on sustainable materials management and waste diversion; and
- Include a three-year plan to implement the following strategies:
 - Recycling education and outreach: The DEP must propose statewide solutions to provide local recycling information and education.
 - Local government recycling assistance: The DEP must evaluate the benefits and challenges of the former state Recycling and Education Grant Program and provide

⁴⁰ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 5.

⁴¹ *Id.* at 5.

⁴² The Recycling Business Assistance Center was established in 2010 pursuant to s. 403.7032(5), F.S., to coordinate between state agencies and the private sector to develop new markets for recyclable materials locally and globally. DEP, *Recycling Business Assistance Center*, <https://floridadep.gov/waste/waste-reduction/content/recycling-business-assistance-center> (last visited Feb. 24, 2023).

⁴³ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 5.

- recommendations for reinstating the program or consider other means of providing assistance to local governments.
- Recycling materials market development: The DEP must consider and recommend plans to develop and promote markets for recycling materials.

The bill directs the DEP to provide a report to the President of the Senate and the Speaker of the House of Representatives upon completion of the plan. The bill requires that the report include an update on the status of the plan and any recommendations for statutory changes necessary to achieve the recycling goals or strategies identified in the plan.

Section 2 provides an effective date of July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DEP may incur costs in convening a technical assistance group and developing a comprehensive waste reduction and recycling plan.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 403.7032 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Stewart

17-00263-23

2023506__

A bill to be entitled

An act relating to a comprehensive waste reduction and recycling plan; amending s. 403.7032, F.S.; requiring the Department of Environmental Protection to develop a comprehensive waste reduction and recycling plan for this state by a specified date, based on certain department recommendations; requiring the department to convene a technical assistance group for a specified purpose; providing minimum requirements for the comprehensive plan; requiring the department to submit a report to the Legislature upon completion of the comprehensive plan; providing requirements for the report; providing an effective date.

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

Section 1. Subsection (6) is added to section 403.7032, Florida Statutes, to read:

403.7032 Recycling.—

(6) By July 1, 2024, the Department of Environmental Protection shall develop a comprehensive waste reduction and recycling plan for this state based on recommendations from the department's Florida and the 2020 75% Recycling Goal Final Report. The department shall convene a technical assistance group within the department to help develop the plan.

(a) At a minimum, the comprehensive plan must:

1. Identify recycling goals based on sustainable materials management and waste diversion.

2. Include a 3-year plan to implement all of the following

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

17-00263-23

2023506__

strategies:

a. Recycling education and outreach. The department shall propose statewide solutions to provide local recycling information and education throughout this state.

b. Local government recycling assistance. The department shall evaluate the benefits and challenges of the former state Recycling and Education Grant Program and provide recommendations for reinstating the program or considering other means of providing recycling assistance to local governments.

c. Recycling materials market development. The department shall consider and recommend plans to develop and promote markets for recycling materials.

(b) Upon completion of the plan, the department shall provide a report to the President of the Senate and the Speaker of the House of Representatives. The report must include an update on the status of the plan and any recommendations for statutory changes necessary to achieve the recycling goals or strategies identified in the plan.

Section 2. This act shall take effect July 1, 2023.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



The Florida Senate

Committee Agenda Request

To: Senator Jason Brodeur , Chair
Committee on Agriculture, Environment, and General Government
Appropriations

Subject: Committee Agenda Request

Date: March 6, 2023

I respectfully request that **Senate Bill #506**, relating to Comprehensive Waste Reduction and Recycling Plan:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Linda Stewart".

Senator Linda Stewart
Florida Senate, District 17

The Florida Senate

APPEARANCE RECORD

SB 506

March 14, 2023

Meeting Date

Approp. Ag. Env. and Gen Gov.

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name Erin Ballas

Phone 850 728 6387

Address 130 E. PARK AVE

Email erinballas@pacconsultant.com

Street

Tallahassee FL

32301

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [X] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

The National Waste and Recycling Association, FL chapter

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf flsenate.gov

This form is part of the public record for this meeting.

03.14.23

Meeting Date

Approps Committee AEGG

Committee

Name Rebecca O'Hara

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

506

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 850-222-9684

Address PO Box 1757

Email rohara@flcities.com

Street

Tallahassee

FL

32302

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida League of Cities

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

3/14/23

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 506

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Appropriations AEG

Committee

Amendment Barcode (if applicable)

Name

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State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

Florida Association of Counties

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
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S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Appropriations Committee on Agriculture, Environment, and General Government

Judge:

Started: 3/14/2023 1:31:32 PM

Ends: 3/14/2023 1:45:34 PM

Length: 00:14:03

1:31:33 PM	Sen. Brodeur (Chair)
1:32:31 PM	S 76 State Park Campsite Reservations
1:32:34 PM	Sen. Hooper
1:33:40 PM	Am. 675770
1:34:50 PM	S 76 (Cont.)
1:35:10 PM	Sen. Hooper
1:35:42 PM	Sen. Brodeur
1:35:55 PM	S 506 Comprehensive Waste Reduction and Recycling Plan
1:35:58 PM	Sen. Stewart
1:37:04 PM	Erin Ballas, National Waste and Recycling Association, Florida Chapter (Waives In Support)
1:37:11 PM	Rebecca O'Hara, Florida League of Cities (Waives In Support)
1:37:15 PM	Jeff Scala, Florida Association of Counties (Waives In Support)
1:37:30 PM	Sen. Berman (Vice Chair)
1:38:09 PM	Sen. Stewart
1:39:08 PM	Sen. Brodeur
1:41:04 PM	S 292 Healthy Food Financing Initiative Program
1:41:08 PM	Sen. Osgood
1:42:33 PM	Ivonne Fernandez, American Association of Retired Persons (Waives In Support)
1:42:37 PM	Amanda Fraser, American Diabetes Association (Waives In Support)
1:42:43 PM	J. Scala (Waives In Support)
1:42:57 PM	Sen. Albritton
1:43:04 PM	Sen. Boyd
1:43:30 PM	Sen. Osgood
1:44:00 PM	Sen. Brodeur
1:44:10 PM	Sen. Boyd
1:44:19 PM	Sen. Garcia
1:45:19 PM	Sen. Brodeur