

Bill No. CS for SB 2338

Amendment No. \_\_\_\_ Barcode 744576

CHAMBER ACTION

Senate

House

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

WD/2R  
04/24/2003 05:00 PM

.  
. .  
. .  
. .  
. .  
. .

---

Senator Pruitt moved the following amendment:

**Senate Amendment (with title amendment)**

On page 11, between lines 20 and 21,

insert:

Section 5. Section 403.4131, Florida Statutes, is amended to read:

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

(1) It is the intent of the Legislature that a coordinated effort of interested businesses, environmental and civic organizations, and state and local agencies of government be developed to plan for and assist in implementing solutions to the litter and solid waste problems in this state and that the state provide funding as set forth in s. 403.709(4) to the Clean Florida Commission financial assistance for the establishment of a nonprofit organization with the name of "Keep Florida Beautiful, Incorporated," which shall be registered, incorporated, and operated in compliance with chapter 617. The Clean Florida Commission ~~This nonprofit~~

Bill No. CS for SB 2338

Amendment No. \_\_\_\_ Barcode 744576

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

Bill No. CS for SB 2338

Amendment No. \_\_\_\_ Barcode 744576

1 activities must be conducted in accordance with safety  
2 standards of the Department of Transportation and  
3 adopt-a-highway litter pick-up processes.

4 (2) There is created within the Department of  
5 Community Affairs the Clean Florida Commission, which shall  
6 coordinate a statewide public awareness and education campaign  
7 involving state agencies, local governments, local  
8 organizations, and individuals. The Clean Florida Commission  
9 shall consist of the following members:

10 (a) The Secretary of Environmental Protection or the  
11 secretary's designee.

12 (b) The Secretary of Transportation or the secretary's  
13 designee.

14 (c) The Commissioner of Education or the  
15 commissioner's designee.

16 (d) The Commissioner of Agriculture or the  
17 commissioner's designee.

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

20 (f) Any additional members from interested state  
21 agencies, local governments, and state and local organizations  
22 who are appointed by unanimous consent of the members listed  
23 in paragraphs (a)-(e).

24 (3) The commission has the following powers and  
25 duties:

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

Bill No. CS for SB 2338

Amendment No. \_\_\_\_ Barcode 744576

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

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

7           1. Identifying groups that habitually litter.

8           2. Designing appropriate advertising to promote proper  
9 disposal of litter by groups that habitually litter.

10          3. Fostering public awareness of the litter problem in  
11 this state and the litter prevention program.

12          4. Developing educational programs and materials for  
13 promoting the proper disposal of litter; acting as the state  
14 clearinghouse for educational programs and materials  
15 developed, distributed, and promoted by state agencies; and  
16 coordinating efforts and resources among agencies to ensure  
17 minimal duplication of efforts and efficient use of state  
18 funds.

19          5. Using talent, equipment, or expertise donated by  
20 the private sector for producing multimedia materials.

21       (d) To make and execute contracts necessary to the  
22 exercise of its powers, including interagency agreements.

23       (e) To engage in the planning of a litter prevention  
24 program.

25       (f) To conduct, direct, encourage, coordinate, and  
26 organize a continuous program of public education relating to  
27 litter prevention.

28       (g) To review, upon request, all plans and activities  
29 pertinent to reducing litter and littering and to coordinate  
30 these activities with the various levels of government, as  
31 well as with other local organizations.

Bill No. CS for SB 2338

Amendment No. \_\_\_\_ Barcode 744576

1       (h) To coordinate with state and local organizations  
2 to market programs promoting litter prevention and to  
3 facilitate the exchange of such programs between local  
4 organizations through annual conferences.

5       (i) To make available to elementary and secondary  
6 schools and other public forums educational programs and  
7 materials for promoting the proper disposal of litter.

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

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

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

Bill No. CS for SB 2338

Amendment No. \_\_\_\_ Barcode 744576

1           (4) The Department of Transportation shall place signs  
2 discouraging litter at all off-ramps of the interstate highway  
3 system in the state. The department shall place other highway  
4 signs as necessary to discourage littering, in accordance with  
5 the anti-litter program developed by the commission. The  
6 ~~membership of the board of directors of this nonprofit~~  
7 ~~organization may include representatives of the following~~  
8 ~~organizations: the Florida League of Cities, the Florida~~  
9 ~~Association of Counties, the Governor's Office, the Florida~~  
10 ~~Chapter of the National Solid Waste Management Association,~~  
11 ~~the Florida Recyclers Association, the Center for Marine~~  
12 ~~Conservation, Chapter of the Sierra Club, the Associated~~  
13 ~~Industries of Florida, the Florida Soft Drink Association, the~~  
14 ~~Florida Petroleum Council, the Retail Grocers Association of~~  
15 ~~Florida, the Florida Retail Federation, the Pulp and Paper~~  
16 ~~Association, the Florida Automobile Dealers Association, the~~  
17 ~~Beer Industries of Florida, the Florida Beer Wholesalers~~  
18 ~~Association, and the Distilled Spirits Wholesalers.~~

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

25           ~~(a) Coordinating with the Center for Marine~~  
26 ~~Conservation and the Center for Solid and Hazardous Waste~~  
27 ~~Management to identify components of the marine debris and~~  
28 ~~litter stream and groups that habitually litter.~~

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

Bill No. CS for SB 2338

Amendment No. \_\_\_\_ Barcode 744576

1           ~~(c) Fostering public awareness and striving to build~~  
2 ~~an environmental ethic in this state through the development~~  
3 ~~of educational programs that result in an understanding and in~~  
4 ~~action on the part of individuals and organizations about the~~  
5 ~~role they must play in preventing litter and protecting~~  
6 ~~Florida's environment.~~

7           ~~(d) Developing educational programs and materials that~~  
8 ~~promote the proper management of solid waste, including the~~  
9 ~~proper disposal of litter.~~

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

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

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

31           (5) Each county is encouraged to initiate a litter

Bill No. CS for SB 2338

Amendment No. \_\_\_\_ Barcode 744576

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

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

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

28 ~~(8) The Legislature establishes a litter reduction~~  
29 ~~goal of 50 percent reduction from the period January 1, 1994,~~  
30 ~~to January 1, 1997. The method of determination used to~~  
31 ~~measure the reduction in litter is the survey conducted by the~~



Bill No. CS for SB 2338

Amendment No. \_\_\_\_ Barcode 744576

1 ~~Center for Solid and Hazardous Waste Management. The center~~  
2 ~~shall consider existing litter survey methodologies.~~

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

23       ~~(8)(10)(a)~~ There is created within the Department of  
24 Agriculture and Consumer Services Keep Florida Beautiful,  
25 ~~Inc.~~, the Wildflower Advisory Council, consisting of a maximum  
26 of nine members ~~to direct and oversee the expenditure of the~~  
27 ~~Wildflower Account~~. The Wildflower Advisory Council shall  
28 include a representative from the University of Florida  
29 Institute of Food and Agricultural Sciences, the Florida  
30 Department of Transportation, and the Florida Department of  
31 Environmental Protection, the Florida League of Cities, and

Bill No. CS for SB 2338

Amendment No. \_\_\_\_ Barcode 744576

1 the Florida Association of Counties. Other members of the  
2 committee may include representatives from the Florida  
3 Federation of Garden Clubs, Inc., Think Beauty Foundation, the  
4 Florida Chapter of the American Society of Landscape  
5 Architects, Inc., and a representative of the Master  
6 Gardener's Program.

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

17 Section 6. Paragraphs (a) and (j) of subsection (2) of  
18 section 403.41315, Florida Statutes, are amended to read:

19 403.41315 Comprehensive illegal dumping, litter, and  
20 marine debris control and prevention.--

21 (2) The comprehensive illegal dumping, litter, and  
22 marine debris control and prevention program at a minimum must  
23 include the following:

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

29 (j) Other educational programs that are implemented at  
30 the grassroots level coordinated through the Clean Florida  
31 Commission ~~Keep Florida Beautiful, Inc.~~, involving volunteers

Bill No. CS for SB 2338

Amendment No. \_\_\_\_ Barcode 744576

1 and community programs that clean up and prevent litter,  
2 including Youth Conservation Corps activities.

3 Section 7. Subsection (4) of section 403.709, Florida  
4 Statutes, is amended to read:

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

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

17 Section 8. Subsection (28) of section 320.08058,  
18 Florida Statutes, is amended to read:

19 320.08058 Specialty license plates.--

20 (28) FLORIDA WILDFLOWER LICENSE PLATES.--

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

26 (b) The annual use fees shall be distributed to the  
27 Wildflower Trust Fund in the Department of Agriculture and  
28 Consumer Services Account established by Keep Florida  
29 Beautiful, Inc., created by s. 403.4131. The proceeds must be  
30 used to establish native Florida wildflower research programs,  
31 wildflower educational programs, and wildflower grant programs

Bill No. CS for SB 2338

Amendment No. \_\_\_\_ Barcode 744576

1 ~~to municipal, county, and community-based groups in this~~  
2 ~~state.~~ A maximum of 10 percent of the proceeds from the sale  
3 of such plates may be used for administrative costs.

4       Section 9. (1) All unexpended proceeds of fees paid  
5 for Wildflower license plates which are held by Keep Florida  
6 Beautiful, Inc., must be transferred to the Wildflower Trust  
7 Fund in the Department of Agriculture and Consumer Services  
8 promptly after the effective date of this act.

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

Bill No. CS for SB 2338

Amendment No. \_\_\_\_ Barcode 744576

1 Architects, Inc., the Florida Master Gardner Program, Keep  
2 Florida Beautiful, Inc., the Florida Nurserymen and Growers  
3 Association, Inc., the Association of Florida Native  
4 Nurseries, Inc., and two members of the Florida Wildflower  
5 Foundation, Inc. The Commissioner of Agriculture, based on  
6 recommendations from the above listed organizations, shall  
7 appoint members to the council.

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

17       Section 11. Wildflower Trust Fund.--

18       (1) Funds in the Wildflower Trust Fund in the  
19 Department of Agriculture and Consumer Services may be used by  
20 the department only to:

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

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

Bill No. CS for SB 2338

Amendment No. \_\_\_\_ Barcode 744576

1 Commissioner of Agriculture.

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

5       Section 12. All unexpended proceeds of fees paid for  
6 Wildflower license plates which are held by Keep Florida  
7 Beautiful, Inc., must be transferred to the Department of  
8 Agriculture and Consumer Services promptly after the effective  
9 date of this act.

10  
11 (Redesignate subsequent sections.)

12  
13

14 ===== T I T L E   A M E N D M E N T =====

15 And the title is amended as follows:

16       On page 1, line 18, after the semicolon,

17

18 insert:

19       amending s. 403.4131, F.S.; replacing "Keep  
20       Florida Beautiful, Incorporated" with the Clean  
21       Florida Commission; providing membership and  
22       duties of the commission; providing rulemaking  
23       authority; providing for an executive director  
24       and other commission employees; providing for  
25       the commission to contract for the development  
26       of a statewide anti-litter campaign; providing  
27       for local governments and nonprofit  
28       organizations to receive grants to be used for  
29       community litter prevention programs; providing  
30       priorities for the award of grants; requiring  
31       an annual report to the Governor and to

Bill No. CS for SB 2338

Amendment No. \_\_\_\_ Barcode 744576

1 legislative leaders; requiring the Department  
2 of Transportation to erect anti-litter signs;  
3 providing requirements for litter reduction  
4 programs; placing the Wildflower Advisory  
5 Council under the control of the Department of  
6 Agriculture and Consumer Services; amending  
7 duties of the council; amending s. 403.41315,  
8 F.S.; amending cross-references, to conform;  
9 amending s. 403.709, F.S.; transferring  
10 proceeds to be used in litter prevention from  
11 the Solid Waste Management Trust Fund to the  
12 Clean Florida Commission; imposing a duty on  
13 the commission; amending s. 320.08058, F.S.;  
14 providing that the proceeds of fees paid for  
15 Wildflower license plates must be distributed  
16 to the Wildflower Trust Fund in the Department  
17 of Agriculture and Consumer Services; creating  
18 the Wildflower Advisory Council and providing  
19 for membership, powers, and duties; specifying  
20 uses of the proceeds; transferring the balance  
21 of such proceeds from "Keep Florida Beautiful,  
22 Incorporated" to the department;

23  
24  
25  
26  
27  
28  
29  
30  
31