

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Smith offered the following:

**Amendment (with title amendment)**

Between line(s) 112 & 113, insert:

Section 2. 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~~

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28 ~~Beautiful, Incorporated," which shall be registered,~~  
29 ~~incorporated, and operated in compliance with chapter 617. The~~  
30 Clean Florida Commission ~~This nonprofit organization~~ shall  
31 coordinate the statewide campaign, provide and operate as the  
32 ~~grassroots arm of~~ the state's portion of the effort, and shall  
33 serve as an umbrella organization for volunteer-based community  
34 programs. The Clean Florida Commission ~~organization~~ shall be  
35 dedicated to helping Florida and its local communities solve  
36 solid waste problems, to developing and implementing a sustained  
37 litter prevention campaign, and to act as a working public-  
38 private partnership in helping to implement the state's Solid  
39 Waste Management Act. The commission may enter into such  
40 contracts and agreements with other agencies, organizations,  
41 associations, corporations, individuals, or federal agencies as  
42 it determines are necessary, expedient, or incidental to the  
43 performance of its duties or the execution of its powers under  
44 this chapter. The commission may accept gifts, grants, bequests,  
45 loans, and endowments for purposes not inconsistent with its  
46 responsibilities under this chapter. The Clean Florida  
47 Commission shall have rulemaking authority. As part of this  
48 effort, the Clean Florida Commission ~~Keep Florida Beautiful,~~  
49 ~~Incorporated,~~ in cooperation with the Environmental Education  
50 Foundation, shall strive to educate citizens, visitors, and  
51 businesses about the important relationship between the state's  
52 environment and economy. The Clean Florida Commission shall ~~Keep~~  
53 ~~Florida Beautiful, Incorporated,~~ ~~is encouraged to explore and~~  
54 identify economic incentives to improve environmental  
55 initiatives in the area of solid waste management. The Clean  
56 Florida Commission shall coordinate with the Department of

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57 Transportation to approve appropriate segments of roadway for  
58 adoption and specific locations for placement of adopt-a-highway  
59 signs. To assure the safety of the volunteers and the motoring  
60 public, litter pick-up activities must be conducted in  
61 accordance with safety standards of the Department of  
62 Transportation and adopt-a-highway litter pick-up processes.

63 (2) There is created within the Department of Community  
64 Affairs the Clean Florida Commission, which shall coordinate a  
65 statewide public awareness and education campaign involving  
66 state agencies, local governments, local organizations, and  
67 individuals. The Clean Florida Commission shall consist of the  
68 following members:

69 (a) The Secretary of Environmental Protection or the  
70 secretary's designee.

71 (b) The Secretary of Transportation or the secretary's  
72 designee.

73 (c) The Commissioner of Education or the commissioner's  
74 designee.

75 (d) The Commissioner of Agriculture or the commissioner's  
76 designee.

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

79 (f) Any additional members from interested state agencies,  
80 local governments, and state and local organizations who are  
81 appointed by unanimous consent of the members listed in  
82 paragraphs (a)-(e).

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

84 (a) To appoint an executive director, who may employ such  
85 other administrative and clerical staff as are necessary to

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86 carry out the purpose of litter prevention in this state as set  
87 forth in this section. Such employment by the commission may be  
88 pursuant to contract with a public entity or a private entity.

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

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

95 1. Identifying groups that habitually litter.

96 2. Designing appropriate advertising to promote proper  
97 disposal of litter by groups that habitually litter.

98 3. Fostering public awareness of the litter problem in  
99 this state and the litter prevention program.

100 4. Developing educational programs and materials for  
101 promoting the proper disposal of litter; acting as the state  
102 clearinghouse for educational programs and materials developed,  
103 distributed, and promoted by state agencies; and coordinating  
104 efforts and resources among agencies to ensure minimal  
105 duplication of efforts and efficient use of state funds.

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

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

110 (e) To engage in the planning of a litter prevention  
111 program.

112 (f) To conduct, direct, encourage, coordinate, and  
113 organize a continuous program of public education relating to  
114 litter prevention.

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115 (g) To review, upon request, all plans and activities  
116 pertinent to reducing litter and littering and to coordinate  
117 these activities with the various levels of government, as well  
118 as with other local organizations.

119 (h) To coordinate with state and local organizations to  
120 market programs promoting litter prevention and to facilitate  
121 the exchange of such programs between local organizations  
122 through annual conferences.

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

126 (j) To develop and implement statewide incentive programs  
127 designed to motivate individual residents of this state, local  
128 organizations, local governments, and other groups interested in  
129 participating in litter prevention program activities.

130 (k) To provide to local governments and nonprofit  
131 organizations grants to be used for implementing and maintaining  
132 certified Keep America Beautiful Florida Systems litter  
133 prevention programs through education and broadbased public  
134 involvement at the community level. Except as specifically  
135 appropriated, such a grant may provide up to one-half of the  
136 first-year costs of initiating and operating such a program, or  
137 \$25,000, whichever is less. Certified Keep America Beautiful  
138 Florida Systems are eligible to apply for the funding of local  
139 level litter prevention and educational programs and projects,  
140 and must receive first priority in the award of such grants.

141 (l) To monitor the effectiveness of the statewide litter  
142 prevention campaign annually and to prepare an annual report of  
143 operations which includes the results of such monitoring. The

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144 commission shall submit the annual report to the Governor, the  
145 President of the Senate, and the Speaker of the House of  
146 Representatives no later than February 1 of each year, beginning  
147 in 2004.

148 (4) The Department of Transportation shall place signs  
149 discouraging litter at all off-ramps of the interstate highway  
150 system in the state. The department shall place other highway  
151 signs as necessary to discourage littering, in accordance with  
152 the anti-litter program developed by the commission. The  
153 ~~membership of the board of directors of this nonprofit~~  
154 ~~organization may include representatives of the following~~  
155 ~~organizations: the Florida League of Cities, the Florida~~  
156 ~~Association of Counties, the Governor's Office, the Florida~~  
157 ~~Chapter of the National Solid Waste Management Association, the~~  
158 ~~Florida Recyclers Association, the Center for Marine~~  
159 ~~Conservation, Chapter of the Sierra Club, the Associated~~  
160 ~~Industries of Florida, the Florida Soft Drink Association, the~~  
161 ~~Florida Petroleum Council, the Retail Grocers Association of~~  
162 ~~Florida, the Florida Retail Federation, the Pulp and Paper~~  
163 ~~Association, the Florida Automobile Dealers Association, the~~  
164 ~~Beer Industries of Florida, the Florida Beer Wholesalers~~  
165 ~~Association, and the Distilled Spirits Wholesalers.~~

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

171 ~~(a) Coordinating with the Center for Marine Conservation~~  
172 ~~and the Center for Solid and Hazardous Waste Management to~~

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173 ~~identify components of the marine debris and litter stream and~~  
174 ~~groups that habitually litter.~~

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

178 ~~(c) Fostering public awareness and striving to build an~~  
179 ~~environmental ethic in this state through the development of~~  
180 ~~educational programs that result in an understanding and in~~  
181 ~~action on the part of individuals and organizations about the~~  
182 ~~role they must play in preventing litter and protecting~~  
183 ~~Florida's environment.~~

184 ~~(d) Developing educational programs and materials that~~  
185 ~~promote the proper management of solid waste, including the~~  
186 ~~proper disposal of litter.~~

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

190 ~~(3) The Department of Transportation shall establish an~~  
191 ~~"adopt-a-highway" program to allow local organizations to be~~  
192 ~~identified with specific highway cleanup and highway~~  
193 ~~beautification projects authorized under s. 339.2405 and shall~~  
194 ~~coordinate such efforts with Keep Florida Beautiful, Inc. The~~  
195 ~~department shall report to the Governor and the Legislature on~~  
196 ~~the progress achieved and the savings incurred by the "adopt-a-~~  
197 ~~highway" program. The department shall also monitor and report~~  
198 ~~on compliance with provisions of the adopt-a-highway program to~~  
199 ~~ensure that organizations that participate in the program comply~~  
200 ~~with the goals identified by the department.~~

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201           ~~(4) The Department of Transportation shall place signs~~  
202 ~~discouraging litter at all off-ramps of the interstate highway~~  
203 ~~system in the state. The department shall place other highway~~  
204 ~~signs as necessary to discourage littering through use of the~~  
205 ~~antilitter program developed by Keep Florida Beautiful,~~  
206 ~~Incorporated.~~

207           (5) Each county is encouraged to initiate a litter control  
208 and prevention program or to expand upon its existing program.  
209 The Department of Environmental Protection shall establish a  
210 system of grants for municipalities and counties to implement  
211 litter control and prevention programs. In addition to the  
212 activities described in subsection (1), such grants shall at a  
213 minimum be used for litter cleanup, grassroots educational  
214 programs involving litter removal and prevention, and the  
215 placement of litter and recycling receptacles. Counties are  
216 encouraged to form working public private partnerships as  
217 authorized under this section to implement litter control and  
218 prevention programs at the community level. The grants  
219 authorized pursuant to this section shall be incorporated as  
220 part of the recycling and education grants. Counties that have a  
221 population under 75,000 are encouraged to develop a regional  
222 approach to administering and coordinating their litter control  
223 and prevention programs.

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

228           (6)(7) In order to establish continuity for the statewide  
229 program, those local governments and community programs

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230 receiving grants for litter prevention and control must use the  
231 official State of Florida litter control or campaign symbol  
232 adopted by the Clean Florida Commission ~~Keep Florida Beautiful,~~  
233 ~~Incorporated,~~ for use on various receptacles and program  
234 material.

235 ~~(8) The Legislature establishes a litter reduction goal of~~  
236 ~~50 percent reduction from the period January 1, 1994, to January~~  
237 ~~1, 1997. The method of determination used to measure the~~  
238 ~~reduction in litter is the survey conducted by the Center for~~  
239 ~~Solid and Hazardous Waste Management. The center shall consider~~  
240 ~~existing litter survey methodologies.~~

241 (7)(9) The Department of Environmental Protection shall  
242 contract with the Center for Solid and Hazardous Waste  
243 Management for an ongoing annual litter survey, the first of  
244 which is to be conducted by January 1, 1994. The center shall  
245 appoint a broad-based work group not to exceed seven members to  
246 assist in the development and implementation of the survey.  
247 Representatives from the university system, business,  
248 government, and the environmental community shall be considered  
249 by the center to serve on the work group. Final authority on  
250 implementing and conducting the survey rests with the center.  
251 The first survey is to be designed to serve as a baseline by  
252 measuring the amount of current litter and marine debris, and is  
253 to include a methodology for measuring the reduction in the  
254 amount of litter and marine debris to determine the progress  
255 toward ~~the litter reduction goal established in subsection (8).~~  
256 Annually thereafter, additional surveys are to be conducted and  
257 must also include a methodology for measuring the reduction in

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258 the amount of litter and for determining progress toward ~~the~~  
259 litter reduction ~~goal established in subsection (8)~~.

260 (8)(10)(a) There is created within the Department of  
261 Agriculture and Consumer Services Keep Florida Beautiful, Inc.,  
262 the Wildflower Advisory Council, consisting of a maximum of nine  
263 members ~~to direct and oversee the expenditure of the Wildflower~~  
264 ~~Account~~. The Wildflower Advisory Council shall include a  
265 representative from the University of Florida Institute of Food  
266 and Agricultural Sciences, the Florida Department of  
267 Transportation, and the Florida Department of Environmental  
268 Protection, the Florida League of Cities, and the Florida  
269 Association of Counties. Other members of the committee may  
270 include representatives from the Florida Federation of Garden  
271 Clubs, Inc., Think Beauty Foundation, the Florida Chapter of the  
272 American Society of Landscape Architects, Inc., and a  
273 representative of the Master Gardener's Program.

274 (b) The Wildflower Advisory Council shall be controlled  
275 and directed by the Department of Agriculture and Consumer  
276 Services and shall serve in an advisory capacity to the  
277 department with respect to the award of ~~develop procedures of~~  
278 ~~operation, research contracts, educational programs, and~~  
279 wildflower planting grants for Florida native wildflowers,  
280 plants, and grasses. The council shall also make recommendations  
281 to the department concerning ~~the final determination of~~ what  
282 constitutes acceptable species of wildflowers and other  
283 plantings supported by these programs.

284 Section 3. Paragraphs (a) and (j) of subsection (2) of  
285 section 403.41315, Florida Statutes, are amended to read:

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286 403.41315 Comprehensive illegal dumping, litter, and  
287 marine debris control and prevention.--

288 (2) The comprehensive illegal dumping, litter, and marine  
289 debris control and prevention program at a minimum must include  
290 the following:

291 (a) A statewide public awareness and educational campaign,  
292 coordinated by the Clean Florida Commission ~~Keep Florida~~  
293 ~~Beautiful, Incorporated~~, to educate individuals, government,  
294 businesses, and other organizations concerning the role they  
295 must assume in preventing and controlling litter.

296 (j) Other educational programs that are implemented at the  
297 grassroots level coordinated through the Clean Florida  
298 Commission ~~Keep Florida Beautiful, Inc.~~, involving volunteers  
299 and community programs that clean up and prevent litter,  
300 including Youth Conservation Corps activities.

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

303 403.709 Solid Waste Management Trust Fund; use of waste  
304 tire fees.--There is created the Solid Waste Management Trust  
305 Fund, to be administered by the department. From the annual  
306 revenues deposited in the trust fund, unless otherwise specified  
307 in the General Appropriations Act:

308 (4) Up to 4.5 percent shall be used for funding to the  
309 Clean Florida Commission ~~Department of Transportation~~ for the  
310 coordination, development, and establishment of a statewide  
311 public awareness litter prevention and education campaign  
312 ~~control programs coordinated by Keep Florida Beautiful, Inc.~~ The  
313 Clean Florida Commission shall establish a competitive and  
314 innovative grant program pursuant to s. 403.4131.

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315 Section 5. Subsection (28) of section 320.08058, Florida  
316 Statutes, is amended to read:

317 320.08058 Specialty license plates.--

318 (28) FLORIDA WILDFLOWER LICENSE PLATES.--

319 (a) The department shall develop a Florida Wildflower  
320 license plate as provided in this section. The word "Florida"  
321 must appear at the top of the plate, and the words "State  
322 Wildflower" and "coreopsis" must appear at the bottom of the  
323 plate.

324 (b) The annual use fees shall be distributed to the  
325 Wildflower Trust Fund in the Department of Agriculture and  
326 Consumer Services Account established by Keep Florida Beautiful,  
327 Inc., created by s. 403.4131. The proceeds must be used to  
328 establish native Florida wildflower research programs,  
329 wildflower educational programs, and wildflower grant programs  
330 to municipal, county, and community-based groups in this state.  
331 A maximum of 10 percent of the proceeds from the sale of such  
332 plates may be used for administrative costs.

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

338 Section 7. There is created within the Florida Department  
339 of Agriculture and Consumer Services the Florida Wildflower  
340 Advisory Council. The department shall enter into a memorandum  
341 or letter of agreement with the Wildflower Advisory Council,  
342 which shall specify the approval of the department, the powers  
343 and duties of the council, and rules with which the council

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344 shall comply. The head of the department shall provide from  
345 existing personnel staff support services to the council as are  
346 necessary to enable the council to fulfill its duties and  
347 responsibilities. The council shall consist of a maximum of 15  
348 members who shall direct the revenues and expenditures of the  
349 Wildflower Trust Fund. The council members shall serve without  
350 compensation but are entitled to per diem and travel expenses  
351 pursuant to section 112.061, Florida Statutes. The council shall  
352 include a representative from the University of Florida  
353 Institute of Food and Agricultural Sciences, the Florida  
354 Department of Transportation, the Florida Department of  
355 Environmental Protection, the Florida Department of Agriculture  
356 and Consumer Services, the Florida League of Cities, and the  
357 Florida Association of Counties. Other members of the council  
358 may include representatives from the Florida Federation of  
359 Garden Clubs, Inc., Think Beauty Foundation, Inc., the Florida  
360 Chapter of the American Society of Landscape Architects, Inc.,  
361 the Florida Master Gardener Program, Keep Florida Beautiful,  
362 Inc., the Florida Nurserymen and Growers Association, Inc., the  
363 Association of Florida Native Nurseries, Inc., and two members  
364 of the Florida Wildflower Foundation, Inc. The Commissioner of  
365 Agriculture, based on recommendations from the above listed  
366 organizations, shall appoint members to the council.

367 (2) The Florida Wildflower Advisory Council shall develop  
368 operational procedures, marketing initiatives, research  
369 contracts, educational programs, and wildflower planting grants  
370 for native wildflowers, plants, and grasses and shall submit  
371 their recommendations for approval to the Commissioner of  
372 Agriculture. The council shall make the final determination of

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373 what constitutes acceptable species of wildflowers and other  
374 plantings to be supported by these programs.

375 Section 8. Wildflower Trust Fund.--

376 (1) Funds in the Wildflower Trust Fund in the Department  
377 of Agriculture and Consumer Services may be used by the  
378 department only to:

- 379 (a) Market the Wildflower license plate;
- 380 (b) Establish native wildflower research programs;
- 381 (c) Conduct wildflower educational programs; and
- 382 (d) Provide wildflower grant programs to state, municipal,  
383 county, and community-based groups in this state.

384 (2) The department and the Wildflower Advisory Council  
385 shall identify, develop, and collect sources of public and  
386 private funding for native wildflower and grass development  
387 projects. The department may accept, apply for, expend, and use  
388 any gift, grant of money, or property for projects deemed worthy  
389 by the Florida Wildflower Advisory Council and the Commissioner  
390 of Agriculture.

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

394 Section 9. All unexpended proceeds of fees paid for  
395 Wildflower license plates which are held by Keep Florida  
396 Beautiful, Inc., must be transferred to the Department of  
397 Agriculture and Consumer Services promptly after the effective  
398 date of this act.

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

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402 Remove line(s) 17, and insert:  
403 areas; A bill to be entitled  
404 An act relating to environmental control; amending s.  
405 403.4131, F.S.; replacing "Keep Florida Beautiful,  
406 Incorporated" with the Clean Florida Commission; providing  
407 membership and duties of the commission; providing  
408 rulemaking authority; providing for an executive director  
409 and other commission employees; providing for the  
410 commission to contract for the development of a statewide  
411 anti-litter campaign; providing for local governments and  
412 nonprofit organizations to receive grants to be used for  
413 community litter prevention programs; providing priorities  
414 for the award of grants; requiring an annual report to the  
415 Governor and to legislative leaders; requiring the  
416 Department of Transportation to erect anti-litter signs;  
417 providing requirements for litter reduction programs;  
418 placing the Wildflower Advisory Council under the control  
419 of the Department of Agriculture and Consumer Services;  
420 amending duties of the council; amending s. 403.41315,  
421 F.S.; amending cross-references, to conform; amending s.  
422 403.709, F.S.; transferring proceeds to be used in litter  
423 prevention from the Solid Waste Management Trust Fund to  
424 the Clean Florida Commission; imposing a duty on the  
425 commission; amending s. 320.08058, F.S.; providing that  
426 the proceeds of fees paid for Wildflower license plates  
427 must be distributed to the Wildflower Trust Fund in the  
428 Department of Agriculture and Consumer Services; creating  
429 the Wildflower Advisory Council and providing for  
430 membership, powers, and duties; specifying uses of the

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431 proceeds; transferring the balance of such proceeds from  
432 "Keep Florida Beautiful, Incorporated" to the department;  
433 providing an effective date.  
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