

By Senator Pruitt

28-415-03

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

1 uses of the proceeds; transferring the balance
2 of such proceeds from "Keep Florida Beautiful,
3 Incorporated" to the department; providing an
4 effective date.

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

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8 Section 1. Section 403.4131, Florida Statutes, is
9 amended to read:

10 403.4131 The Clean Florida Commission~~"Keep Florida~~
11 ~~Beautiful, Incorporated"; placement of signs.--~~

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

1 Act. The commission may enter into such contracts and
2 agreements with other agencies, organizations, associations,
3 corporations, individuals, or federal agencies as it
4 determines are necessary, expedient, or incidental to the
5 performance of its duties or the execution of its powers under
6 this chapter. The commission may accept gifts, grants,
7 bequests, loans, and endowments for purposes not inconsistent
8 with its responsibilities under this chapter.As part of this
9 effort, the Clean Florida Commission ~~Keep Florida Beautiful,~~
10 ~~Incorporated~~, in cooperation with the Environmental Education
11 Foundation, shall strive to educate citizens, visitors, and
12 businesses about the important relationship between the
13 state's environment and economy. The Clean Florida Commission
14 shall ~~Keep Florida Beautiful, Incorporated, is encouraged to~~
15 explore and identify economic incentives to improve
16 environmental initiatives in the area of solid waste
17 management.

18 (2) There is created within the Department of
19 Community Affairs the Clean Florida Commission, which shall
20 coordinate a statewide program involving state agencies, local
21 governments, local organizations, and individuals. The Clean
22 Florida Commission shall consist of the following members:

23 (a) The Secretary of Environmental Protection or the
24 secretary's designee.

25 (b) The Secretary of Transportation or the secretary's
26 designee.

27 (c) The Commissioner of Education or the
28 commissioner's designee.

29 (d) The Commissioner of Agriculture or the
30 commissioner's designee.

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

3 (f) Any additional members from interested state
4 agencies, local governments, and state and local organizations
5 who are appointed by unanimous consent of the members listed
6 in paragraphs (a)-(e).

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

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

15 (b) To administer and promote the Department of
16 Transportation's adopt-a-highway program to allow volunteers
17 from local organizations to be identified with specific
18 highway cleanup and beautification projects.

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

- 21 1. Identifying groups that habitually litter.
22 2. Designing appropriate advertising to promote proper
23 disposal of litter by groups that habitually litter.
24 3. Fostering public awareness of the litter problem in
25 this state and the litter prevention program.

- 26 4. Developing educational programs and materials for
27 promoting the proper disposal of litter; acting as the state
28 clearinghouse for educational programs and materials
29 developed, distributed, and promoted by state agencies; and
30 coordinating efforts and resources among agencies to ensure
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1 minimal duplication of efforts and efficient use of state
2 funds.

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

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

7 (e) To engage in the planning of a litter prevention
8 program.

9 (f) To conduct, direct, encourage, coordinate, and
10 organize a continuous program of public education relating to
11 litter prevention.

12 (e) To review, upon request, all plans and activities
13 pertinent to reducing litter and littering and to coordinate
14 these activities with the various levels of government, as
15 well as with other local organizations.

16 (h) To coordinate with state and local organizations
17 to market programs promoting litter prevention and to
18 facilitate the exchange of such programs between local
19 organizations through annual conferences.

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

23 (j) To develop and implement statewide incentive
24 programs designed to motivate individual residents of this
25 state, local organizations, local governments, and other
26 groups interested in participating in litter prevention
27 program activities.

28 (k) To provide to local governments and nonprofit
29 organizations grants to be used for implementing litter
30 prevention programs through education and broadbased public
31 involvement at the community level. Except as specifically

1 appropriated, such a grant may provide up to one-half of the
2 first-year costs of initiating and operating such a program,
3 or \$25,000, whichever is less. Applicants who request funding
4 for the establishment of local litter prevention systems must
5 receive first priority in the award of such grants.

6 (1) To monitor the effectiveness of the litter
7 prevention program annually and to prepare an annual report of
8 operations which includes the results of such monitoring. The
9 commission shall submit the annual report to the Governor, the
10 President of the Senate, and the Speaker of the House of
11 Representatives no later than February 1 of each year,
12 beginning in 2004.

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

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

7 ~~(a) Coordinating with the Center for Marine~~
8 ~~Conservation and the Center for Solid and Hazardous Waste~~
9 ~~Management to identify components of the marine debris and~~
10 ~~litter stream and groups that habitually litter.~~

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

14 ~~(c) Fostering public awareness and striving to build~~
15 ~~an environmental ethic in this state through the development~~
16 ~~of educational programs that result in an understanding and in~~
17 ~~action on the part of individuals and organizations about the~~
18 ~~role they must play in preventing litter and protecting~~
19 ~~Florida's environment.~~

20 ~~(d) Developing educational programs and materials that~~
21 ~~promote the proper management of solid waste, including the~~
22 ~~proper disposal of litter.~~

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

26 ~~(3) The Department of Transportation shall establish~~
27 ~~an "adopt-a-highway" program to allow local organizations to~~
28 ~~be identified with specific highway cleanup and highway~~
29 ~~beautification projects authorized under s. 339.2405 and shall~~
30 ~~coordinate such efforts with Keep Florida Beautiful, Inc. The~~
31 ~~department shall report to the Governor and the Legislature on~~

1 ~~the progress achieved and the savings incurred by the~~
2 ~~"adopt-a-highway" program. The department shall also monitor~~
3 ~~and report on compliance with provisions of the~~
4 ~~adopt-a-highway program to ensure that organizations that~~
5 ~~participate in the program comply with the goals identified by~~
6 ~~the department.~~

7 ~~(4) The Department of Transportation shall place signs~~
8 ~~discouraging litter at all off-ramps of the interstate highway~~
9 ~~system in the state. The department shall place other highway~~
10 ~~signs as necessary to discourage littering through use of the~~
11 ~~antilitter program developed by Keep Florida Beautiful,~~
12 ~~incorporated.~~

13 (5) Each county is encouraged to initiate a litter
14 control and prevention program or to expand upon its existing
15 program. The department shall establish a system of grants
16 for municipalities and counties to implement litter control
17 and prevention programs. In addition to the activities
18 described in subsection (1), such grants shall at a minimum be
19 used for litter cleanup, grassroots educational programs
20 involving litter removal and prevention, and the placement of
21 litter and recycling receptacles. Counties are encouraged to
22 form working public private partnerships as authorized under
23 this section to implement litter control and prevention
24 programs at the community level. The grants authorized
25 pursuant to this section shall be incorporated as part of the
26 recycling and education grants. Counties that have a
27 population under 75,000 are encouraged to develop a regional
28 approach to administering and coordinating their litter
29 control and prevention programs.

30 ~~(6) The department may contract with Keep Florida~~
31 ~~Beautiful, Incorporated, to help carry out the provisions of~~

1 ~~this section. All contracts authorized under this section are~~
2 ~~subject to normal department audit procedures and review.~~

3 (6)~~(7)~~ In order to establish continuity for the
4 statewide program, those local governments and community
5 programs receiving grants for litter prevention and control
6 must use the official State of Florida litter control or
7 campaign symbol adopted by the Clean Florida Commission ~~Keep~~
8 ~~Florida Beautiful, Incorporated~~, for use on various
9 receptacles and program material.

10 ~~(8)~~ ~~The Legislature establishes a litter reduction~~
11 ~~goal of 50 percent reduction from the period January 1, 1994,~~
12 ~~to January 1, 1997. The method of determination used to~~
13 ~~measure the reduction in litter is the survey conducted by the~~
14 ~~Center for Solid and Hazardous Waste Management. The center~~
15 ~~shall consider existing litter survey methodologies.~~

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

1 surveys are to be conducted and must also include a
2 methodology for measuring the reduction in the amount of
3 litter and for determining progress toward the litter
4 reduction goal established in subsection (8).

5 (8)(10)(a) There is created within the Department of
6 Agriculture and Consumer Services ~~Keep Florida Beautiful,~~
7 ~~Inc.,~~ the Wildflower Advisory Council, consisting of a maximum
8 of nine members ~~to direct and oversee the expenditure of the~~
9 ~~Wildflower Account.~~ The Wildflower Advisory Council shall
10 include a representative from the University of Florida
11 Institute of Food and Agricultural Sciences, the Florida
12 Department of Transportation, and the Florida Department of
13 Environmental Protection, the Florida League of Cities, and
14 the Florida Association of Counties. Other members of the
15 committee may include representatives from the Florida
16 Federation of Garden Clubs, Inc., Think Beauty Foundation, the
17 Florida Chapter of the American Society of Landscape
18 Architects, Inc., and a representative of the Master
19 Gardener's Program.

20 (b) The Wildflower Advisory Council shall be
21 controlled and directed by the Department of Agriculture and
22 Consumer Services and shall serve in an advisory capacity to
23 the department with respect to the award of ~~develop procedures~~
24 ~~of operation, research contracts, educational programs, and~~
25 wildflower planting grants for Florida native wildflowers,
26 plants, and grasses. The council shall also make
27 recommendations to the department concerning ~~the final~~
28 ~~determination of~~ what constitutes acceptable species of
29 wildflowers and other plantings supported by these programs.

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

1 403.41315 Comprehensive illegal dumping, litter, and
2 marine debris control and prevention.--

3 (2) The comprehensive illegal dumping, litter, and
4 marine debris control and prevention program at a minimum must
5 include the following:

6 (a) A statewide public awareness and educational
7 campaign, coordinated by the Clean Florida Commission ~~Keep~~
8 ~~Florida Beautiful, Incorporated~~, to educate individuals,
9 government, businesses, and other organizations concerning the
10 role they must assume in preventing and controlling litter.

11 (j) Other educational programs that are implemented at
12 the grassroots level coordinated through the Clean Florida
13 Commission ~~Keep Florida Beautiful, Inc.~~, involving volunteers
14 and community programs that clean up and prevent litter,
15 including Youth Conservation Corps activities.

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

18 403.709 Solid Waste Management Trust Fund; use of
19 waste tire fees.--There is created the Solid Waste Management
20 Trust Fund, to be administered by the department. From the
21 annual revenues deposited in the trust fund, unless otherwise
22 specified in the General Appropriations Act:

23 (4) Up to 4.5 percent shall be used for funding to the
24 Clean Florida Commission ~~Department of Transportation~~ for the
25 coordination, development, and establishment of litter
26 prevention and education ~~control~~ programs ~~coordinated by Keep~~
27 ~~Florida Beautiful, Inc.~~ The Clean Florida Commission shall
28 establish a competitive and innovative grant program pursuant
29 to s. 403.4131.

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

1 320.08058 Specialty license plates.--

2 (28) FLORIDA WILDFLOWER LICENSE PLATES.--

3 (a) The department shall develop a Florida Wildflower
4 license plate as provided in this section. The word "Florida"
5 must appear at the top of the plate, and the words "State
6 Wildflower" and "coreopsis" must appear at the bottom of the
7 plate.

8 (b) The annual use fees shall be distributed to the
9 Department of Agriculture and Consumer Services, to be used
10 for the purposes set forth in Wildflower Account established
11 by Keep Florida Beautiful, Inc., created by s. 403.4131. The
12 proceeds must be used to establish native Florida wildflower
13 research programs, wildflower educational programs, and
14 wildflower grant programs to municipal, county, and
15 community-based groups in this state.A maximum of 10 percent
16 of the proceeds from the sale of such plates may be used for
17 administrative costs.

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

23 Section 6. This act shall take effect July 1, 2003.
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SENATE SUMMARY

Replaces "Keep Florida Beautiful, Incorporated" with the Clean Florida Commission. Provides membership and duties of the commission. Provides for an executive director and other commission employees. Provides for the commission to contract for the development of a statewide anti-litter campaign. Provides for local governments and nonprofit organizations to receive grants to be used for community litter prevention programs. Provides priorities for awarding grants. Requires the commission to submit an annual report to the Governor and to legislative leaders. Requires the Department of Transportation to erect anti-litter signs at highway off-ramps. Provides requirements for litter reduction programs. Places the Wildflower Advisory Council under the control of the Department of Agriculture and Consumer Services. Amends the duties of the council. Transfers the proceeds of fees paid for Wildflower license plates from the council to the Department of Agriculture and Consumer Services. Specifies uses of the proceeds. Transfers proceeds to be used in litter prevention from the Solid Waste Management Trust Fund to the Clean Florida Commission. Imposes on the commission a duty relating to grant programs.