

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 268

SPONSOR: Senator Dawson

SUBJECT: Community Service

DATE: March 19, 2003 REVISED: 03/25/03 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Clodfelter</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

This bill provides for court-ordered community service to be performed in the area or neighborhood where certain litter law violations occurred.

This bill amends s. 403.413, F.S.

## II. Present Situation:

Section 403.413(6), F.S., establishes penalties for littering. Dumping 15 to 500 pounds or 27 to 100 cubic feet of litter, not for commercial purposes, is a first degree misdemeanor. In addition to other penalties, violators must be required to pick up litter or perform other community service commensurate with the offense. Dumping more than 500 pounds or 100 cubic feet of litter, dumping any quantity of litter for commercial purposes, or dumping any quantity of litter that is hazardous waste, is a third degree felony. In addition to other penalties, the court may order felony violators to: (1) remove or render the litter harmless; (2) repair, restore, or pay damages for any property damaged by the dumping; or (3) perform public service relating to removal of litter or to restoration of an area polluted by litter.

Pursuant to s. 775.091, F.S., a court may order a defendant to perform a specified public service in addition to any other punishment that is imposed.

## III. Effect of Proposed Changes:

This bill amends s. 403.413(6), F.S., to require that a person who is ordered to pick up litter or perform other community service as a result of a misdemeanor littering conviction must perform the service in the community, area, or neighborhood where the violation occurred. In addition, the bill provides that a person found guilty of a third degree felony for littering may be ordered to

perform community service relating to beautification of the general area where the dumping occurred.

The bill provides an effective date of July 1, 2003.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Local governments could benefit through reduced waste collection expenditures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Criminal Justice:

Amends s. 403.413(4)(c), F.S, to reiterate that it is unlawful for any person to dump litter on private property unless the owner has given prior consent and the dumping of such litter by such person will not cause a public nuisance or violate any other state or local law, rule or regulation.

(WITH TITLE AMENDMENT)

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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