

# 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: CS/SB 268  
SPONSOR: Judiciary Committee and Senator Dawson  
SUBJECT: Community Service  
DATE: April 15, 2003 REVISED: \_\_\_\_\_

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

## I. Summary:

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

This bill amends s. 403.413, F.S.

## II. Present Situation:

Section 403.413(4), F.S., prohibits the dumping of litter unless otherwise authorized. However, dumping litter on private property may occur with the consent of the property owner and when such dumping does not cause a public nuisance or is in violation of any other law or regulation.

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 CS amends s. 403.413(4), F.S., to clarify current law 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.

This CS 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.

This CS 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:**

Areas not normally targeted for community clean-up through the imposition of community service requirements on violators of the Florida Litter Law may benefit from the provisions of this bill.

#### **C. Government Sector Impact:**

Local governments could benefit through reduced waste collection expenditures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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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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