



HB 0293

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1 A bill to be entitled
 2 An act relating to the Florida Litter Law; amending s.
 3 403.413, F.S.; requiring that the community service
 4 imposed for certain violations be performed in specified
 5 areas; providing an effective date.

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

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 9 Section 1. Subsection (6) of section 403.413, Florida
 10 Statutes, is amended to read:

11 403.413 Florida Litter Law.--

12 (6) PENALTIES; ENFORCEMENT.--

13 (a) Any person who dumps litter in violation of subsection
 14 (4) in an amount not exceeding 15 pounds in weight or 27 cubic
 15 feet in volume and not for commercial purposes is guilty of a
 16 noncriminal infraction, punishable by a civil penalty of \$50. In
 17 addition, the court may require the violator to pick up litter
 18 or perform other labor commensurate with the offense committed.

19 (b) Any person who dumps litter in violation of subsection
 20 (4) in an amount exceeding 15 pounds in weight or 27 cubic feet
 21 in volume, but not exceeding 500 pounds in weight or 100 cubic
 22 feet in volume and not for commercial purposes is guilty of a
 23 misdemeanor of the first degree, punishable as provided in s.
 24 775.082 or s. 775.083. In addition, the court shall require the
 25 violator to pick up litter or perform other community service in
 26 the community, area, or neighborhood where the violation
 27 occurred commensurate with the offense committed. Further, if
 28 the violation involves the use of a motor vehicle, upon a
 29 finding of guilt, whether or not adjudication is withheld or
 30 whether imposition of sentence is withheld, deferred, or



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31 suspended, the court shall forward a record of the finding to
 32 the Department of Highway Safety and Motor Vehicles, which shall
 33 record a penalty of three points on the violator's driver's
 34 license pursuant to the point system established by s. 322.27.

35 (c) Any person who dumps litter in violation of subsection
 36 (4) in an amount exceeding 500 pounds in weight or 100 cubic
 37 feet in volume or in any quantity for commercial purposes, or
 38 dumps litter which is a hazardous waste as defined in s.
 39 403.703, is guilty of a felony of the third degree, punishable
 40 as provided in s. 775.082 or s. 775.083. In addition, the court
 41 may order the violator to:

42 1. Remove or render harmless the litter that he or she
 43 dumped in violation of this section;

44 2. Repair or restore property damaged by, or pay damages
 45 for any damage arising out of, his or her dumping litter in
 46 violation of this section; ~~or~~

47 3. Perform public service relating to the removal of
 48 litter dumped in violation of this section or to the restoration
 49 of an area polluted by litter dumped in violation of this
 50 section; or

51 4. Perform community service relating to beautification of
 52 the general area where the dumping occurred.

53 (d) A court may enjoin a violation of this section.

54 (e) A motor vehicle, vessel, aircraft, container, crane,
 55 winch, or machine used to dump litter that exceeds 500 pounds in
 56 weight or 100 cubic feet in volume is declared contraband and is
 57 subject to forfeiture in the same manner as provided in ss.
 58 932.703 and 932.704.

59 (f) If a person sustains damages arising out of a
 60 violation of this section that is punishable as a felony, a



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61 court, in a civil action for such damages, shall order the
62 person to pay the injured party threefold the actual damages or
63 \$200, whichever amount is greater. In addition, the court shall
64 order the person to pay the injured party's court costs and
65 attorney's fees. A final judgment rendered in a criminal
66 proceeding against a defendant under this section estops the
67 defendant from asserting any issue in a subsequent civil action
68 under this paragraph which he or she would be estopped from
69 asserting if such judgment were rendered in the civil action
70 unless the criminal judgment was based upon a plea of no contest
71 or nolo contendere.

72 (g) For the purposes of this section, if a person dumps
73 litter or raw human waste from a commercial vehicle, that person
74 is presumed to have dumped the litter or raw human waste for
75 commercial purposes.

76 (h) In the criminal trial of a person charged with
77 violating this section, the state does not have the burden of
78 proving that the person did not have the right or authority to
79 dump the litter or raw human waste or that litter or raw human
80 waste dumped on private property causes a public nuisance. The
81 defendant has the burden of proving that he or she had authority
82 to dump the litter or raw human waste and that the litter or raw
83 human waste dumped does not cause a public nuisance.

84 (i) It shall be the duty of all law enforcement officers
85 to enforce the provisions of this section.

86 (j) Any person who violates the provisions of subsection
87 (5) is guilty of a misdemeanor of the second degree, punishable
88 as provided in s. 775.082 or s. 775.083; provided, however, that
89 any person who dumps more than 500 pounds or more than 100 cubic
90 feet of raw human waste, or who dumps any quantity of such waste



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91 for commercial purposes, is guilty of a felony of the third
92 degree, punishable as provided in paragraph (c).

93 Section 2. This act shall take effect upon becoming a law.