



HB 0293

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CHAMBER ACTION

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The Committee on Public Safety & Crime Prevention recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to the Florida Litter Law; amending s. 403.413, F.S.; revising language that prohibits the dumping of litter in or on private property under certain circumstances; requiring that the community service imposed for certain violations be performed in specified areas; providing an effective date.

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

Section 1. Paragraph (c) of subsection (4) and subsection (6) of section 403.413, Florida Statutes, are amended to read:

403.413 Florida Litter Law.--

(4) DUMPING LITTER PROHIBITED.--Unless otherwise authorized by law or permit, it is unlawful for any person to dump litter in any manner or amount:

(c) In or on any private property, unless prior consent of the owner has been given and unless the dumping of such litter



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29 | will not cause a public nuisance or otherwise be in violation of  
30 | any other state or local law, rule, or regulation.

31 | (6) PENALTIES; ENFORCEMENT.--

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

38 | (b) Any person who dumps litter in violation of subsection  
39 | (4) in an amount exceeding 15 pounds in weight or 27 cubic feet  
40 | in volume, but not exceeding 500 pounds in weight or 100 cubic  
41 | feet in volume and not for commercial purposes is guilty of a  
42 | misdemeanor of the first degree, punishable as provided in s.  
43 | 775.082 or s. 775.083. In addition, the court shall require the  
44 | violator to pick up litter or perform other community service in  
45 | the community, area, or neighborhood where the violation  
46 | occurred commensurate with the offense committed. Further, if  
47 | the violation involves the use of a motor vehicle, upon a  
48 | finding of guilt, whether or not adjudication is withheld or  
49 | whether imposition of sentence is withheld, deferred, or  
50 | suspended, the court shall forward a record of the finding to  
51 | the Department of Highway Safety and Motor Vehicles, which shall  
52 | record a penalty of three points on the violator's driver's  
53 | license pursuant to the point system established by s. 322.27.

54 | (c) Any person who dumps litter in violation of subsection  
55 | (4) in an amount exceeding 500 pounds in weight or 100 cubic  
56 | feet in volume or in any quantity for commercial purposes, or



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57 | dumps litter which is a hazardous waste as defined in s.  
58 | 403.703, is guilty of a felony of the third degree, punishable  
59 | as provided in s. 775.082 or s. 775.083. In addition, the court  
60 | may order the violator to:

61 |       1. Remove or render harmless the litter that he or she  
62 | dumped in violation of this section;

63 |       2. Repair or restore property damaged by, or pay damages  
64 | for any damage arising out of, his or her dumping litter in  
65 | violation of this section; ~~or~~

66 |       3. Perform public service relating to the removal of  
67 | litter dumped in violation of this section or to the restoration  
68 | of an area polluted by litter dumped in violation of this  
69 | section; or

70 |       4. Perform community service relating to beautification of  
71 | the general area where the dumping occurred.

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

73 |       (e) A motor vehicle, vessel, aircraft, container, crane,  
74 | winch, or machine used to dump litter that exceeds 500 pounds in  
75 | weight or 100 cubic feet in volume is declared contraband and is  
76 | subject to forfeiture in the same manner as provided in ss.  
77 | 932.703 and 932.704.

78 |       (f) If a person sustains damages arising out of a  
79 | violation of this section that is punishable as a felony, a  
80 | court, in a civil action for such damages, shall order the  
81 | person to pay the injured party threefold the actual damages or  
82 | \$200, whichever amount is greater. In addition, the court shall  
83 | order the person to pay the injured party's court costs and  
84 | attorney's fees. A final judgment rendered in a criminal



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85 proceeding against a defendant under this section estops the  
86 defendant from asserting any issue in a subsequent civil action  
87 under this paragraph which he or she would be estopped from  
88 asserting if such judgment were rendered in the civil action  
89 unless the criminal judgment was based upon a plea of no contest  
90 or nolo contendere.

91 (g) For the purposes of this section, if a person dumps  
92 litter or raw human waste from a commercial vehicle, that person  
93 is presumed to have dumped the litter or raw human waste for  
94 commercial purposes.

95 (h) In the criminal trial of a person charged with  
96 violating this section, the state does not have the burden of  
97 proving that the person did not have the right or authority to  
98 dump the litter or raw human waste or that litter or raw human  
99 waste dumped on private property causes a public nuisance. The  
100 defendant has the burden of proving that he or she had authority  
101 to dump the litter or raw human waste and that the litter or raw  
102 human waste dumped does not cause a public nuisance.

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

105 (j) Any person who violates the provisions of  
106 subsection(5) is guilty of a misdemeanor of the second degree,  
107 punishable as provided in s. 775.082 or s. 775.083; provided,  
108 however, that any person who dumps more than 500 pounds or more  
109 than 100 cubic feet of raw human waste, or who dumps any  
110 quantity of such waste for commercial purposes, is guilty of a  
111 felony of the third degree, punishable as provided in paragraph  
112 (c).



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