

Bill No. SB 1728

Barcode 164766

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation and Conservation
(Rich) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Paragraphs (a), (b), (c), and (j) of
subsection (6) of section 403.413, Florida Statutes, are
amended to read:

403.413 Florida Litter Law.--

(6) PENALTIES; ENFORCEMENT.--

(a) Any person who dumps litter in violation of
subsection (4) in an amount not exceeding 15 pounds in weight
or 27 cubic feet in volume and not for commercial purposes
commits ~~is guilty of~~ a noncriminal infraction, punishable by a
civil penalty of \$100, from which \$50 shall be deposited into
the Solid Waste Management Trust Fund to be used for the solid
waste management grant program pursuant to s. 403.7095. In
addition, the court may require the violator to pick up litter
or perform other labor commensurate with the offense

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1 committed. Such services must be performed within the same
2 municipality, or county if the violation is committed in an
3 unincorporated area, as the offense committed.

4 (b) Any person who dumps litter in violation of
5 subsection (4) in an amount exceeding 15 pounds in weight or
6 27 cubic feet in volume, but not exceeding 500 pounds in
7 weight or 100 cubic feet in volume and not for commercial
8 purposes commits ~~is guilty of~~ a misdemeanor of the first
9 degree, punishable as provided in s. 775.082 or s. 775.083. In
10 addition, the court shall require the violator to pick up
11 litter or perform other community service commensurate with
12 the offense committed. Such services must be performed within
13 the same municipality, or county if the violation is committed
14 in an unincorporated area, as the offense committed. Further,
15 if the violation involves the use of a motor vehicle, upon a
16 finding of guilt, whether or not adjudication is withheld or
17 whether imposition of sentence is withheld, deferred, or
18 suspended, the court shall forward a record of the finding to
19 the Department of Highway Safety and Motor Vehicles, which
20 shall record a penalty of three points on the violator's
21 driver's license pursuant to the point system established by
22 s. 322.27.

23 (c) Any person who dumps litter in violation of
24 subsection (4) in an amount exceeding 500 pounds in weight or
25 100 cubic feet in volume or in any quantity for commercial
26 purposes, or dumps litter which is a hazardous waste as
27 defined in s. 403.703, commits ~~is guilty of~~ a felony of the
28 third degree, punishable as provided in s. 775.082 or s.
29 775.083. In addition, the court may order the violator to:

- 30 1. Remove or render harmless the litter that he or she
31 dumped in violation of this section;

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

4 3. Perform public service relating to the removal of
5 litter dumped in violation of this section or to the
6 restoration of an area polluted by litter dumped in violation
7 of this section, within the same municipality, or county if
8 the violation is committed in an unincorporated area, as the
9 offense committed.

10 (j) Any person who violates the provisions of
11 subsection (5) commits ~~is guilty of~~ a misdemeanor of the
12 second degree, punishable as provided in s. 775.082 or s.
13 775.083; provided, however, that any person who dumps more
14 than 500 pounds or more than 100 cubic feet of raw human
15 waste, or who dumps any quantity of such waste for commercial
16 purposes, commits ~~is guilty of~~ a felony of the third degree,
17 punishable as provided in paragraph (c).

18 Section 2. This act shall take effect July 1, 2007.

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21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 Delete everything before the enacting clause

24

25 and insert:

26 A bill to be entitled
27 An act relating to littering; amending s.
28 403.413, F.S.; requiring that any labor
29 required of specified offenders be performed
30 within the same municipality or county, if the
31 violation is committed in an unincorporated

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1 area, as the offense; revising terminology;
2 providing an effective date.
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