

By Senator Rich

34-806-07

See HB 601

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A bill to be entitled

An act relating to littering; amending s. 403.413, F.S.; requiring that any labor required of specified offenders be performed within the same zip code as the offense; revising terminology; providing an effective date.

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

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 and within the same zip code as the offense committed.

(b) Any person who dumps litter in violation of subsection (4) in an amount exceeding 15 pounds in weight or 27 cubic feet in volume, but not exceeding 500 pounds in weight or 100 cubic feet in volume and not for commercial purposes ~~commits is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. In

1 addition, the court shall require the violator to pick up
2 litter or perform other community service commensurate with
3 and within the same zip code as the offense committed.
4 Further, if the violation involves the use of a motor vehicle,
5 upon a finding of guilt, whether or not adjudication is
6 withheld or whether imposition of sentence is withheld,
7 deferred, or suspended, the court shall forward a record of
8 the finding to the Department of Highway Safety and Motor
9 Vehicles, which shall record a penalty of three points on the
10 violator's driver's license pursuant to the point system
11 established by s. 322.27.

12 (c) Any person who dumps litter in violation of
13 subsection (4) in an amount exceeding 500 pounds in weight or
14 100 cubic feet in volume or in any quantity for commercial
15 purposes, or dumps litter which is a hazardous waste as
16 defined in s. 403.703, commits ~~is guilty of~~ a felony of the
17 third degree, punishable as provided in s. 775.082 or s.
18 775.083. In addition, the court may order the violator to:

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

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

24 3. Perform public service relating to the removal of
25 litter dumped in violation of this section or to the
26 restoration of an area polluted by litter dumped in violation
27 of this section within the same zip code as the violation.

28 (j) Any person who violates the provisions of
29 subsection (5) commits ~~is guilty of~~ a misdemeanor of the
30 second degree, punishable as provided in s. 775.082 or s.
31 775.083; provided, however, that any person who dumps more

1 | than 500 pounds or more than 100 cubic feet of raw human
2 | waste, or who dumps any quantity of such waste for commercial
3 | purposes, commits ~~is guilty of~~ a felony of the third degree,
4 | punishable as provided in paragraph (c).

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