

By the Committee on Environmental Preservation and Conservation; and Senator Rich

592-2280-07

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

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

17 (c) Any person who dumps litter in violation of
18 subsection (4) in an amount exceeding 500 pounds in weight or
19 100 cubic feet in volume or in any quantity for commercial
20 purposes, or dumps litter which is a hazardous waste as
21 defined in s. 403.703, commits ~~is guilty of~~ a felony of the
22 third degree, punishable as provided in s. 775.082 or s.
23 775.083. In addition, the court may order the violator to:

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

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

29 3. Perform public service relating to the removal of
30 litter dumped in violation of this section or to the
31 restoration of an area polluted by litter dumped in violation

1 | of this section within the same municipality, or county if the
2 | violation is committed in an unincorporated area, as the
3 | offense committed.

4 | (j) Any person who violates the provisions of
5 | subsection (5) commits ~~is guilty of~~ a misdemeanor of the
6 | second degree, punishable as provided in s. 775.082 or s.
7 | 775.083; provided, however, that any person who dumps more
8 | than 500 pounds or more than 100 cubic feet of raw human
9 | waste, or who dumps any quantity of such waste for commercial
10 | purposes, commits ~~is guilty of~~ a felony of the third degree,
11 | punishable as provided in paragraph (c).

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

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14 | STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
15 | COMMITTEE SUBSTITUTE FOR
16 | Senate Bill 1728

17 | The committee substitute provides that a person ordered by the
18 | court to pick up litter or to provide other community service
19 | must do so in the municipality, or county if the violation is
20 | committed in an unincorporated area, as the offense committed.