



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation

Section 403.413(6), F.S. establishes the current penalties for violating the provisions of the Florida Litter Law. Current law provides three thresholds, each with an increasing penalty. Any person who dumps litter in an amount:

- 1) not exceeding 15 pounds in weight or 27 cubic feet in volume and not for commercial purposes.
  - The violation is a noncriminal infraction.
  - \$100 fine of which \$50 is deposited into the Solid Waste Management Trust Fund to be used for the solid waste management grant program pursuant to s. 403.7095, F.S..
  - The court may require public service.
- 2) 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.
  - The violation a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
  - up to 1 year in prison.
  - up to a \$1,000 fine.
  - The court must require public service.
- 3) Exceeding 500 pounds in weight or 100 cubic feet in volume or in any quantity for commercial purposes, or dumps litter which is a hazardous waste as defined in s. 403.703, F.S.
  - The violation a felony of the third degree.
  - up to 5 years in state prison.
  - up to \$5,000 fine.
  - The court may require the violator to remove or render harmless the litter; repair or restore the property, or pay damages arising out of the litter; or perform public service relating to the removal of the litter or the restoration of the area polluted by the litter.

In addition to the penalties above, the court, at its discretion, may require a violator of the Florida Litter Law to pick up litter or perform other labor commensurate with the offense committed. No stipulation is made as to where this public service is to take place.

##### Effect of Proposed Change

The council substitute amends s. 403.413(6), F.S., establishing the location of where a violator of the Florida Litter Law is to pick up litter or perform other labor commensurate with the offense committed. If the court decides to impose a penalty that requires a violator to pick up litter or perform other labor commensurate with the offense committed, those activities would have to take place within the same municipality, or county if the violation is committed in an unincorporated area, as the offense committed.

C. SECTION DIRECTORY:

Section 1 – Amends s. 403.413(6), F.S., providing the location of where public service is to take place when so sentenced by the courts.

Section 2 – provides an effective date.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the council substitute does not: require counties or municipalities to spend funds or to take an action requiring the expenditure of funds; reduce the percentage of a state tax shared with counties or municipalities; or reduce the authority that counties and municipalities have to raise revenue.

2. Other:

Not Applicable

B. RULE-MAKING AUTHORITY:

No additional rulemaking authority is granted by the provision of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

D. STATEMENT OF THE SPONSOR

No statement submitted.

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**

On April 4, 2007, the Environment and Natural Resources Council considered and passed HB 601 with one traveling strike-all amendment. The bill was reported favorably with council substitute. The strike-all amends s. 403.413(6), F.S., establishing the location of where a violator of the Florida Litter Law is to pick up litter or perform other labor commensurate with the offense committed. The original bill required the violator to perform the public service within the same zip code as the offense was committed. The strike all amendment requires a violator to perform their public service within the same municipality, or county if the violation is committed in an unincorporated area, as the offense committed.