

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

6
 7 Be It Enacted by the Legislature of the State of Florida:

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

11 403.413 Florida Litter Law.--

12 (6) PENALTIES; ENFORCEMENT.--

13 (a) Any person who dumps litter in violation of subsection
 14 (4) in an amount not exceeding 15 pounds in weight or 27 cubic
 15 feet in volume and not for commercial purposes commits ~~is guilty~~
 16 of a noncriminal infraction, punishable by a civil penalty of
 17 \$100, from which \$50 shall be deposited into the Solid Waste
 18 Management Trust Fund to be used for the solid waste management
 19 grant program pursuant to s. 403.7095. In addition, the court
 20 may require the violator to pick up litter or perform other
 21 labor commensurate with and within the same zip code as the
 22 offense committed.

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

29 the violator to pick up litter or perform other community
 30 service commensurate with and within the same zip code as the
 31 offense committed. Further, if the violation involves the use of
 32 a motor vehicle, upon a finding of guilt, whether or not
 33 adjudication is withheld or whether imposition of sentence is
 34 withheld, deferred, or suspended, the court shall forward a
 35 record of the finding to the Department of Highway Safety and
 36 Motor Vehicles, which shall record a penalty of three points on
 37 the violator's driver's license pursuant to the point system
 38 established by s. 322.27.

39 (c) Any person who dumps litter in violation of subsection
 40 (4) in an amount exceeding 500 pounds in weight or 100 cubic
 41 feet in volume or in any quantity for commercial purposes, or
 42 dumps litter which is a hazardous waste as defined in s.
 43 403.703, commits ~~is guilty of~~ a felony of the third degree,
 44 punishable as provided in s. 775.082 or s. 775.083. In addition,
 45 the court may order the violator to:

- 46 1. Remove or render harmless the litter that he or she
 47 dumped in violation of this section;
- 48 2. Repair or restore property damaged by, or pay damages
 49 for any damage arising out of, his or her dumping litter in
 50 violation of this section; or
- 51 3. Perform public service relating to the removal of
 52 litter dumped in violation of this section or to the restoration
 53 of an area polluted by litter dumped in violation of this
 54 section within the same zip code as the violation.

55 (j) Any person who violates the provisions of subsection
 56 (5) commits ~~is guilty of~~ a misdemeanor of the second degree,

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57 | punishable as provided in s. 775.082 or s. 775.083; provided,
58 | however, that any person who dumps more than 500 pounds or more
59 | than 100 cubic feet of raw human waste, or who dumps any
60 | quantity of such waste for commercial purposes, commits ~~is~~
61 | ~~guilty of~~ a felony of the third degree, punishable as provided
62 | in paragraph (c).

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