

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 municipality or, if the
 5 violation is committed in an unincorporated area, the same
 6 county as that in which the offense was committed;
 7 revising terminology; providing an effective date.

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

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

13 403.413 Florida Litter Law.--

14 (6) PENALTIES; ENFORCEMENT.--

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

27 (b) Any person who dumps litter in violation of subsection
 28 (4) in an amount exceeding 15 pounds in weight or 27 cubic feet

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29 | in volume, but not exceeding 500 pounds in weight or 100 cubic
30 | feet in volume and not for commercial purposes commits ~~is guilty~~
31 | ~~of~~ a misdemeanor of the first degree, punishable as provided in
32 | s. 775.082 or s. 775.083. In addition, the court shall require
33 | the violator to pick up litter or perform other community
34 | service commensurate with the offense committed. Such services
35 | shall be performed within the same municipality or, if the
36 | violation is committed in an unincorporated area, the same
37 | county as that in which the offense was committed. Further, if
38 | the violation involves the use of a motor vehicle, upon a
39 | finding of guilt, whether or not adjudication is withheld or
40 | whether imposition of sentence is withheld, deferred, or
41 | suspended, the court shall forward a record of the finding to
42 | the Department of Highway Safety and Motor Vehicles, which shall
43 | record a penalty of three points on the violator's driver's
44 | license pursuant to the point system established by s. 322.27.

45 | (c) Any person who dumps litter in violation of subsection
46 | (4) in an amount exceeding 500 pounds in weight or 100 cubic
47 | feet in volume or in any quantity for commercial purposes, or
48 | dumps litter which is a hazardous waste as defined in s.
49 | 403.703, commits ~~is guilty of~~ a felony of the third degree,
50 | punishable as provided in s. 775.082 or s. 775.083. In addition,
51 | the court may order the violator to:

52 | 1. Remove or render harmless the litter that he or she
53 | dumped in violation of this section;

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

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57 3. Perform public service relating to the removal of
58 litter dumped in violation of this section or to the restoration
59 of an area polluted by litter dumped in violation of this
60 section, within the same municipality or, if the violation is
61 committed in an unincorporated area, the same county as that in
62 which the offense was committed.

63 (j) Any person who violates the provisions of subsection
64 (5) commits ~~is guilty of~~ a misdemeanor of the second degree,
65 punishable as provided in s. 775.082 or s. 775.083; provided,
66 however, that any person who dumps more than 500 pounds or more
67 than 100 cubic feet of raw human waste, or who dumps any
68 quantity of such waste for commercial purposes, commits ~~is~~
69 ~~guilty of~~ a felony of the third degree, punishable as provided
70 in paragraph (c).

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