



624736

LEGISLATIVE ACTION

Senate

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House

The Committee on Fiscal Policy (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 48 - 69

and insert:

(4) This section does not apply to a person 6 years of age or younger ~~Any person may petition the circuit court to enjoin the release of 10 or more balloons if that person is a citizen of the county in which the balloons are to be released.~~

Section 2. Paragraphs (d) and (f) of subsection (2) and paragraph (a) of subsection (6) of section 403.413, Florida



11 Statutes, are amended to read:

12 403.413 Florida Litter Law.—

13 (2) DEFINITIONS.—As used in this section:

14 (d) "Dump" means to dump, throw, discard, place, deposit,
15 drain, discharge, or dispose of. The term includes, with respect
16 to balloons, to intentionally release, organize the release of,
17 or intentionally cause to be released.

18 (f) "Litter" means any personal property; garbage; rubbish;
19 trash; refuse; can; bottle; box; container; paper; balloon;
20 tobacco product; pharmaceutical of any kind; tire; household
21 item; shed; appliance; mechanical equipment or part; building or
22 construction material; tool; machinery; wood; motor vehicle or
23 motor vehicle part, including a truck, trailer, or motor home;
24 vessel; aircraft; farm machinery or equipment; sludge from a
25 waste treatment facility, water supply treatment plant, or air
26 pollution control facility; or substance in any form resulting
27 from domestic, industrial, commercial, mining, agricultural, or
28 governmental operations, but excluding permitted, regulated, or
29 authorized drainage, pumping, or runoff of surface water or
30 stormwater.

31 (6) PENALTIES; ENFORCEMENT.—

32 (a)1. Except as provided in subparagraphs ~~subparagraph~~ 2.
33 and 3., any person who dumps litter in violation of subsection
34 (4) in an amount not exceeding 15 pounds in weight or 27 cubic
35 feet in volume and not for commercial purposes commits a
36 noncriminal infraction, punishable by a civil penalty of \$150,
37 from which \$50 shall be deposited into the Solid Waste
38 Management Trust Fund to be used for the solid waste management
39 grant program pursuant to s. 403.7095.



40 2.a. If a person violates subparagraph 1. by intentionally
41 dumping litter onto private property for the purpose of
42 intimidating or threatening the owner, resident, or invitee of
43 such property, the person commits a misdemeanor of the first
44 degree, punishable as provided in s. 775.082 or s. 775.083.

45 b. If a person violates subparagraph 1. by intentionally
46 dumping litter onto private property for the purpose of
47 intimidating the owner, resident, or invitee of such property
48 and such litter contains a credible threat, the person commits a
49 felony of the third degree, punishable as provided in s.
50 775.082, s. 775.083, or s. 775.084. For purposes of this
51 subparagraph, the term "credible threat" has the same meaning as
52 in s. 784.048(1).

53 c. If the penalty for a violation of this subparagraph is
54 reclassified under s. 775.085, such a violation is considered a
55 hate crime for purposes of the reporting requirements of s.
56 877.19.

57 3. A person who is 6 years of age or younger who
58 intentionally releases, organizes the release of, or
59 intentionally causes to be released balloons as prohibited by s.
60 379.233 does not violate subsection (4) and is not subject to
61 the penalties specified in subparagraph 1.

62
63 In addition, the court may require a person who violates this
64 subsection to pick up litter or perform other labor commensurate
65 with the offense committed.

66
67 ===== T I T L E A M E N D M E N T =====

68 And the title is amended as follows:



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69 Delete lines 10 - 14
70 and insert:
71 penalty for such violation; providing applicability;
72 deleting a provision authorizing petitions to enjoin
73 the release of balloons under certain circumstances;
74 amending s. 403.413, F.S.; revising the definitions of
75 the terms "dump" and "litter"; exempting certain
76 persons from litter law penalties relating to the
77 release of balloons; reenacting s. 403.4135(1), F.S.,