

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1998

SPONSOR: Senator Dawson

SUBJECT: The Florida Litter Law

DATE: February 15, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Gee</u>	<u>Voigt</u>	<u>NR</u>	<u>Favorable</u>
2.	<u>Clodfelter</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill provides for community service to be imposed in the general area where certain litter law violations occurred.

This bill amends s. 403.413, F.S.

II. Present Situation:

Section 403.413(6), F.S., establishes penalties for littering. The dumping of litter in an amount 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 is a first degree misdemeanor. In addition, the court must require the violator to pick up litter or perform other community service commensurate with the offense committed. It is a third degree felony to dump litter in an amount exceeding 500 pounds in weight or 100 cubic feet in volume or in any quantity for commercial purposes, or to dump litter which is a hazardous waste. In addition, the court may order the violator to:

1. Remove or render harmless the litter that was dumped.
2. Repair or restore property damaged by, or pay damages for any damage arising out of dumping of litter.
3. Perform public service relating to the removal of dumped litter or to the restoration of an area polluted by dumped litter.

Pursuant to s. 775.091, F.S., a court, in addition to any other punishment, may order a defendant to perform a specified public service.

III. Effect of Proposed Changes:

This bill amends s. 403.413(6), F.S., to specify that, when a court orders a person found guilty of a first degree misdemeanor for littering to pick up litter or perform other community service, the service must be performed in the community, area, or neighborhood where the violation occurred. In addition, the bill provides that a court finding a person guilty of a third degree felony for littering may order the violator to perform community service relating to beautification of the general area where the dumping occurred.

The act takes effect July 1, 2002.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Local governments could benefit through reduced waste collection expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
