

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 293 Community Service/Florida Litter Law
SPONSOR(S): Smith and Greenstein
TIED BILLS: None **IDEN./SIM. BILLS:** SB 268

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Criminal Justice (Sub)	6 Y, 0 N	Whittier	De La Paz
2) Public Safety & Crime Prevention	14 Y, 0 N w/CS	Whittier	De La Paz
3) Judiciary	17 Y, 0 N	Jaroslav	Havlicak
4)			
5)			

SUMMARY ANALYSIS

This bill amends the Florida Litter Law to specify that, when a court orders a person found guilty of a first degree misdemeanor for littering (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) to pick up litter or perform other community service, the service must be performed in the community, area, or neighborhood where the violation occurred.

Current law provides that 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; or
3. Perform public service relating to the removal of dumped litter or to the restoration of an area polluted by dumped litter.

The bill provides a fourth alternative that the court may order, which is for the violator to perform community service relating to beautification of the general area where the dumping occurred.

The bill does not appear to have a fiscal impact on state or local governments.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0293a.ju.doc
DATE: April 3, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Section 403.413(6), F.S., establishes penalties for littering.

- The dumping of litter in an amount not exceeding 15 pounds in weight or 27 cubic feet in volume and not for commercial purposes is a noncriminal infraction. In addition, the court **may** require the violator to pick up litter or perform other labor commensurate with the offense committed.
- 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.

This bill specifies 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.

- The dumping of litter in an amount exceeding 500 pounds in weight or 100 cubic feet in volume or in any quantity for commercial purposes, or which is hazardous waste, is a third-degree felony. In addition, the court **may** order the violator to:
 - Remove or render harmless the litter that was dumped;
 - Repair or restore property damaged by, or pay damages for any damage arising out of dumping of litter; or
 - Perform public service relating to the removal of dumped litter or to the restoration of an area polluted by dumped litter.

This bill provides a fourth alternative that the court may order: namely, for the violator to perform community service relating to beautification of the general area where the dumping occurred.

C. SECTION DIRECTORY:

Section 1: Amends s. 403.413, F.S., relating to littering violations.

Section 2: Provides an effective date of upon becoming law.

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:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, does not appear to reduce the authority that counties or municipalities have to raise revenue in the aggregate, and does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 6, 2003, the House Subcommittee on Criminal Justice recommended this bill with one amendment, which clarified an exemption for when it is lawful to dump litter on private property

On March 20, 2003, the House Committee on Public Safety & Crime Prevention reported this bill favorably with a committee substitute incorporating the substance of the Subcommittee's recommended amendment.

On April 2, 2003, the House Committee on Judiciary reported this bill favorably.