

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 153 Florida Litter Law
SPONSOR(S): Smith
TIED BILLS: **IDEN./SIM. BILLS:** SB 550

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Criminal Justice (Sub)</u>	<u>6 Y, 0 N</u>	<u>Whittier</u>	<u>De La Paz</u>
2) <u>Public Safety & Crime Prevention</u>	<u>13 Y, 0 N</u>	<u>Whittier</u>	<u>De La Paz</u>
3) <u>Public Safety Appropriations Subcommittee</u>	<u>6 Y, 0 N</u>	<u>Davis</u>	<u>DeBeaugrine</u>
4) <u>Appropriations</u>	<u></u>	<u>DeBeaugrine</u>	<u>Baker</u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

HB 153 amends the Florida Litter Law and specifies that, when a court orders a person found guilty of a first degree misdemeanor for littering¹ to pick up litter or perform other community service, the service must be performed in the community, area, or neighborhood where the violation occurred.

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.

¹ Current law specifies that the littering must be 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.

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

STORAGE NAME: h0153e.ap.doc
DATE: April 12, 2004

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 type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" 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.

HB 153 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.

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.

C. SECTION DIRECTORY:

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

Section 2: Provides an effective date of "upon becoming a 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:

The offender may have to pay for travel to return to the area where the litter was dumped.

D. FISCAL COMMENTS:

The Criminal Justice Impact Conference is not scheduled to review this bill as it will not have a prison bed impact. This bill does not appear to have a fiscal impact on state government.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

N/A

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.

