

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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This is a draft of the substitute amendment to AB 139. It is in preliminary form to avoid the need to return stripes in case a redraft is wanted.

Please note that the current littering law covers a person who fails to remove within 30 days, or otherwise abandons, a vehicle in the waters of the state. "Vehicle" means every device in or by which any person or property may be transported on a highway. The current law also applies to a person who owns an aircraft that has crashed in the waters of the state and fails to remove the aircraft within 30 days after the crash or after the national transportation safety board authorizes its removal. See current s. 287.81 (2) (c) and (d). The penalty for violating these provisions is a maximum of \$500. The violations under s. 287.81 (2) (c) and (d) seem to be at least as serious as violations of the new s. 287.81 (2m). Should I restructure the littering statute so that the actions described in current s. 287.81 (2) (c) and (d) are subject to the \$1,000 maximum penalty created in this draft?

The definition of "large item" makes s. 287.81 (2m) (created in this draft) quite vague for a statutory prohibition. This may lead to disputes over whether the prohibition applies in a particular case. Alternatives might include defining a large item by weight or size.

Please let me know if you have any questions or want any changes in the draft.

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