

**IN THE COUNTY COURT IN AND FOR ESCAMBIA COUNTY,
FIRST JUDICIAL CIRCUIT, STATE OF FLORIDA**

Administrative Directive ECCOAD 2008-01

IN RE: LITTER VIOLATIONS – SECTION 403.413, *FLORIDA STATUTES*

WHEREAS, there has been an exponential increase in littering citations involving cigarette butts and other litter being thrown from motor vehicles and vessels, and

WHEREAS, most of these cases were apparently handled under Paragraph (6)(b), which is a first degree misdemeanor (over 15 pounds) requiring a court appearance, and

WHEREAS, it appears undisputable that most of the objects involved were well under 15 pounds, and

WHEREAS, Paragraph (6)(a) of the statute and Appendix C of the DHSMV rules indicate that litter violations (15 pounds or under) are non-moving infractions requiring payment of a \$100 fine which may be **mailed within 30 days** (community service optional with the sentencing judge, presumably if the matter ends up in court).

IT IS DIRECTED that effective immediately, such citations (15 pounds or under) shall be treated as non-moving violations (provided that there are no previous such convictions on the defendant's record), payable within thirty (30) days, with no court appearance required. Failure to pay will result in the issuance of a D-6 if charged on a UTC, or a fine/cost lien if charged otherwise. The Clerk shall review the record from January 1, 2008, and ensure that persons who were wrongfully convicted of (6)(b) violations have not been assessed points nor been adjudicated guilty of a criminal offense.

DONE AND ORDERED this 1st day of July, 2008.

Signed by: G. J. Roark III
Administrative County Judge

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