

1 A bill to be entitled
2 An act relating to unlawful dumping; amending s.
3 403.413, F.S.; revising the definitions of the terms
4 "dump" and "litter"; defining the term "water control
5 district"; specifying that it is unlawful to dump
6 litter in or on any water control district property or
7 canal right-of-way without specified consent;
8 providing that when litter is thrown or discarded from
9 a boat, the operator or owner, or both, are in
10 violation of certain provisions; requiring a water
11 control district board of directors member or district
12 manager to report an unlawful dumping to the
13 appropriate law enforcement agencies; authorizing law
14 enforcement officers to enter water control district
15 property under certain circumstances; amending s.
16 810.011, F.S.; revising the definition of the term
17 "posted land" to include land owned by a water control
18 district which has no trespassing signs placed at
19 specified points; reenacting ss. 403.4135(1) and
20 810.12(6), F.S., relating to litter receptacles and
21 prima facie evidence of trespass, respectively, to
22 incorporate the amendment made to s. 403.413, F.S., in
23 references thereto; providing an effective date.

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25 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Paragraphs (d) and (f) of subsection (2),
subsection (4), and paragraph (i) of subsection (6) of section
403.413, Florida Statutes, are amended, and paragraph (j) is
added to subsection (2) of that section, to read:

403.413 Florida Litter Law.—

(2) DEFINITIONS.—As used in this section:

(d) "Dump" means to dump, throw, discard, place, deposit,
drain, discharge, or dispose of.

(f) "Litter" means any personal property; garbage;
rubbish; trash; refuse; can; bottle; box; container; paper;
tobacco product; pharmaceutical of any kind; tire; household
item; shed; appliance; mechanical equipment or part; building or
construction material; tool; machinery; wood; motor vehicle or
motor vehicle part, including a truck, trailer, or motor home;
vessel; aircraft; farm machinery or equipment; sludge from a
waste treatment facility, water supply treatment plant, or air
pollution control facility; or substance in any form resulting
from domestic, industrial, commercial, mining, agricultural, or
governmental operations, but excluding permitted stormwater
drainage, pumping, or runoff.

(j) "Water control district" means a water control
district that exists pursuant to chapter 298 or was created by
special act of the Legislature.

(4) DUMPING LITTER PROHIBITED.—Unless otherwise authorized

51 by law or permit, it is unlawful for any person to dump litter
 52 in any manner or amount in or on any of the following areas:

53 (a) ~~In or on~~ Any public highway, road, street, alley, or
 54 thoroughfare, including any portion of the right-of-way thereof,
 55 or any other public lands, except in containers or areas
 56 lawfully provided therefor. When any litter is thrown or
 57 discarded from a motor vehicle, the operator or owner of the
 58 motor vehicle, or both, are ~~shall be deemed~~ in violation of this
 59 section.~~;~~

60 (b) ~~In or on~~ Any freshwater lake, river, canal, or stream
 61 or tidal or coastal water of the state, including canals. When
 62 any litter is thrown or discarded from a boat, the operator or
 63 owner of the boat, or both, are ~~shall be deemed~~ in violation of
 64 this section.~~;~~

65 (c) Any water control district property or canal right-of-
 66 way, unless the district board of directors or the district
 67 manager or his or her designee has given prior consent. When any
 68 litter is thrown or discarded from a boat, the operator or owner
 69 of the boat, or both, are in violation of this section.

70 (d) In or on Any private property, unless the owner has
 71 given prior consent ~~of the owner has been given~~ and unless the
 72 dumping of such litter by such person will not cause a public
 73 nuisance or otherwise be in violation of any other state or
 74 local law, rule, or regulation.

75 (6) PENALTIES; ENFORCEMENT.—

76 (i) It is ~~shall be~~ the duty of all law enforcement
 77 officers to enforce ~~the provisions of~~ this section. If a member
 78 of a water control district board of directors or a district
 79 manager discovers that a person has committed unlawful dumping
 80 in violation of paragraph (4)(c), he or she must report the
 81 incident to the appropriate law enforcement agency with
 82 jurisdiction over the district. A law enforcement officer may
 83 enter any district canal right-of-way, property, or facility to
 84 respond to such an incident.

85 Section 2. Paragraph (a) of subsection (5) of section
 86 810.011, Florida Statutes, is amended to read:

87 810.011 Definitions.—As used in this chapter:

88 (5)(a) "Posted land" is ~~that~~ land upon which any of the
 89 following are placed:

90 1. Signs ~~are~~ placed not more than 500 feet apart along,
 91 and at each corner of, ~~the boundaries of the land~~ or, for land
 92 owned by a water control district that exists pursuant to
 93 chapter 298 or was created by special act of the Legislature,
 94 signs placed at or near the intersection of any district canal
 95 right-of-way and a road right-of-way, which, ~~upon which signs~~
 96 ~~there appears~~ prominently display, in letters of not less than 2
 97 inches in height, ~~the words "no trespassing" and in addition~~
 98 ~~thereto~~ the name of the owner, lessee, or occupant of the said
 99 land. The said signs must ~~shall~~ be placed along the boundary
 100 line of posted land in a manner and in such position as to be

101 clearly noticeable from outside the boundary line; or
 102 2.a. Conspicuous no trespassing notice is painted on trees
 103 or posts on the property, provided that the notice is:

104 (I) Painted in an international orange color and
 105 displaying the stenciled words "No Trespassing" in letters no
 106 less than 2 inches high and 1 inch wide either vertically or
 107 horizontally;

108 (II) Placed so that the bottom of the painted notice is
 109 not less than 3 feet from the ground or more than 5 feet from
 110 the ground; and

111 (III) Placed at locations that are readily visible to any
 112 person approaching the property and no more than 500 feet apart
 113 on agricultural land.

114 b. When a landowner uses the painted no trespassing
 115 posting to identify a no trespassing ~~"no trespassing"~~ area,
 116 those painted notices must ~~shall~~ be accompanied by signs
 117 complying with subparagraph 1. and must be placed conspicuously
 118 at all places where entry to the property is normally expected
 119 or known to occur.

120 Section 3. For the purpose of incorporating the amendment
 121 made by this act to section 403.413, Florida Statutes, in a
 122 reference thereto, subsection (1) of section 403.4135, Florida
 123 Statutes, is reenacted to read:

124 403.4135 Litter receptacles.—

125 (1) DEFINITIONS.—As used in this section "litter" and

126 "vessel" have the same meanings as provided in s. 403.413.

127 Section 4. For the purpose of incorporating the amendment
 128 made by this act to section 403.413, Florida Statutes, in
 129 references thereto, subsection (6) of section 810.12, Florida
 130 Statutes, is reenacted to read:

131 810.12 Unauthorized entry on land; prima facie evidence of
 132 trespass.—

133 (6) The unlawful dumping by any person of any litter in
 134 violation of s. 403.413(4) is prima facie evidence of the
 135 intention of such person to commit an act of trespass. If any
 136 waste that is dumped in violation of s. 403.413(4) is discovered
 137 to contain any article, including, but not limited to, a letter,
 138 bill, publication, or other writing that displays the name of a
 139 person thereon, addressed to such person or in any other manner
 140 indicating that the article last belonged to such person, that
 141 discovery raises a mere inference that the person so identified
 142 has violated this section. If the court finds that the discovery
 143 of the location of the article is corroborated by the existence
 144 of an independent fact or circumstance which, standing alone,
 145 would constitute evidence sufficient to prove a violation of s.
 146 403.413(4), such person is rebuttably presumed to have violated
 147 that section.

148 Section 5. This act shall take effect October 1, 2023.