

By Senator Wright

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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.

24  
25   Be It Enacted by the Legislature of the State of Florida:

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27       Section 1. Paragraphs (d) and (f) of subsection (2),  
28       subsection (4), and paragraph (i) of subsection (6) of section  
29       403.413, Florida Statutes, are amended, and paragraph (j) is

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30 added to subsection (2) of that section, to read:

31 403.413 Florida Litter Law.—

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

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

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

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

49 (4) DUMPING LITTER PROHIBITED.—Unless otherwise authorized  
50 by law or permit, it is unlawful for any person to dump litter  
51 in any manner or amount in or on any of the following areas:

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

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

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

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

74 (6) PENALTIES; ENFORCEMENT.—

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

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

86 810.011 Definitions.—As used in this chapter:

87 (5) (a) "Posted land" is ~~that~~ land upon which any of the

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88 following are placed:

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

101 2.a. Conspicuous no trespassing notice is painted on trees  
102 or posts on the property, provided that the notice is:

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

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

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

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

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117 to occur.

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

122 403.4135 Litter receptacles.—

123 (1) DEFINITIONS.—As used in this section “litter” and  
124 “vessel” have the same meanings as provided in s. 403.413.

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

129 810.12 Unauthorized entry on land; prima facie evidence of  
130 trespass.—

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

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