

By the Committee on Community Affairs; and Senator Wright

578-03261-23

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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:

26
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, excluding the permitted, regulated, or
46 authorized drainage, pumping, or runoff of surface water or
47 stormwater.

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

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

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

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59 motor vehicle, or both, are ~~shall be deemed~~ in violation of this
60 section.~~;~~

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

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

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

76 (6) PENALTIES; ENFORCEMENT.-

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

86 Section 2. Paragraph (a) of subsection (5) of section
87 810.011, Florida Statutes, is amended to read:

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88 810.011 Definitions.—As used in this chapter:

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

91 1. Signs ~~are~~ placed not more than 500 feet apart along~~7~~ and
92 at each corner of~~7~~ the boundaries of the land or, for land owned
93 by a water control district that exists pursuant to chapter 298
94 or was created by special act of the Legislature, signs placed
95 at or near the intersection of any district canal right-of-way
96 and a road right-of-way, which, ~~upon which signs there appears~~
97 prominently display~~7~~ in letters of not less than 2 inches in
98 height~~7~~ the words "no trespassing" and ~~in addition thereto~~ the
99 name of the owner, lessee, or occupant of the said land. The
100 ~~Said~~ signs must ~~shall~~ be placed along the boundary line of
101 posted land in a manner and in such position as to be clearly
102 noticeable from outside the boundary line; or

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

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

108 (II) Placed so that the bottom of the painted notice is not
109 less than 3 feet from the ground or more than 5 feet from the
110 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 posting
115 to identify a no trespassing ~~"no trespassing"~~ area, those
116 painted notices must ~~shall~~ be accompanied by signs complying

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117 with subparagraph 1. and must be placed conspicuously at all
118 places where entry to the property is normally expected or known
119 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.

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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.