

## CHAPTER 2023-236

### Committee Substitute for Committee Substitute for House Bill No. 1367

An act relating to unlawful dumping; amending s. 403.413, F.S.; revising the definitions of the terms “dump” and “litter”; defining the term “water control district”; specifying that it is unlawful to dump litter in or on any water control district property or canal right-of-way without specified consent; providing that when litter is thrown or discarded from a boat, the operator or owner, or both, are in violation of certain provisions; requiring a water control district board of directors member or district manager to report an unlawful dumping to the appropriate law enforcement agencies; authorizing law enforcement officers to enter water control district property under certain circumstances; amending s. 810.011, F.S.; revising the definition of the term “posted land” to include land owned by a water control district which has no trespassing signs placed at specified points; reenacting ss. 403.4135(1) and 810.12(6), F.S., relating to litter receptacles and prima facie evidence of trespass, respectively, to incorporate the amendment made to s. 403.413, F.S., in references thereto; providing an effective date.

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

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, regulated, or authorized drainage, pumping, or runoff of surface water or stormwater.

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

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

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

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

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

(6) PENALTIES; ENFORCEMENT.—

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

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

810.011 Definitions.—As used in this chapter:

(5)(a) “Posted land” is ~~that~~ land upon which any of the following are placed:

1. Signs ~~are placed~~ not more than 500 feet apart along, and at each corner of, ~~the boundaries of the land or, for land owned by a water control district that exists pursuant to chapter 298 or was created by special act of the Legislature, signs placed at or near the intersection of any district canal right-of-way and a road right-of-way, which, upon which signs there appears prominently display,~~ in letters of not less than 2 inches in height, the words “no trespassing” and ~~in addition thereto~~ the name of the owner, lessee, or occupant of the said land. The Said signs must shall be placed along the

boundary line of posted land in a manner and in such position as to be clearly noticeable from outside the boundary line; or

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

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

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

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

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

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

403.4135 Litter receptacles.—

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

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

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

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

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

Approved by the Governor June 14, 2023.

Filed in Office Secretary of State June 14, 2023.