

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

JULY TERM 2003

STATE OF FLORIDA,

Appellant,

v.

Case No. 5D02-2583

BRUCE MICHAEL FOSTER,

Appellee.

\_\_\_\_\_ /

Opinion filed July 18, 2003

Appeal from the Circuit Court  
for Volusia County,  
Joseph G. Will, Judge.

Charles J. Crist, Jr., Attorney General, Tallahassee,  
and Mary G. Jolley, Assistant Attorney General,  
Daytona Beach, for Appellant.

No Appearance, for Appellee.

PER CURIAM.

The State of Florida appeals the dismissal of an information charging Bruce Michael Foster with a single count of violating section 403.413(4)(c), Florida Statutes (2001). That section is known as the Florida Litter Law and Foster was charged with its violation for illegally draining hazardous fuels onto or into the ground located on property that was owned by him.

The trial court dismissed the action relying upon its disposition of a similar case, the facts of which are included in this court's opinion in *State v. Davis*, 838 So. 2d 696 (Fla. 5th

DCA 2003).

The reasoning and disposition included in *Davis* are also dispositive of the instant case. The order of dismissal is vacated and we remand for further proceedings.<sup>1</sup>

REVERSED and REMANDED.

PETERSON, THOMPSON and TORPY, JJ., concur.

---

<sup>1</sup>*State v. Foster*, 840 So. 2d 1174 (Fla. 5th DCA 2003) was consolidated with the instant case at the trial level and also dismissed. That dismissal was reversed by this court and incidentally the defendant was Bruce Michael Foster's father.