

1 A bill to be entitled
2 An act relating to the release of balloons; amending
3 s. 379.233, F.S.; revising a prohibition on the
4 release of certain balloons to delete a specified
5 timeframe and number of balloons; deleting an
6 exemption from such prohibition for certain
7 biodegradable or photodegradable balloons; providing
8 that a person who violates the prohibition commits the
9 noncriminal infraction of littering; revising the
10 penalty for such violation; deleting a provision
11 authorizing petitions to enjoin the release of
12 balloons under certain circumstances; amending s.
13 403.413, F.S.; revising the definitions of the terms
14 "dump" and "litter"; reenacting s. 403.4135(1), F.S.,
15 relating to litter receptacles, to incorporate the
16 amendment made to s. 403.413, F.S., in a reference
17 thereto; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Subsections (2), (3), and (4) of section
22 379.233, Florida Statutes, are amended to read:

23 379.233 Release of balloons.—

24 (2) It is unlawful for any person, firm, or corporation to
25 intentionally release, organize the release of, or intentionally

26 | cause to be released ~~within a 24-hour period 10 or more~~ balloons
 27 | inflated with a gas that is lighter than air except for any of
 28 | the following:

29 | (a) Balloons released by a person on behalf of a
 30 | governmental agency or pursuant to a governmental contract for
 31 | scientific or meteorological purposes .†

32 | (b) Hot air balloons ~~that are~~ recovered after launching .†

33 | (c) Balloons released indoors; ~~or~~

34 | ~~(d) Balloons that are either biodegradable or~~
 35 | ~~photodegradable, as determined by rule of the Fish and Wildlife~~
 36 | ~~Conservation Commission, and which are closed by a hand-tied~~
 37 | ~~knot in the stem of the balloon without string, ribbon, or other~~
 38 | ~~attachments. In the event that any balloons are released~~
 39 | ~~pursuant to the exemption established in this paragraph, the~~
 40 | ~~party responsible for the release shall make available to any~~
 41 | ~~law enforcement officer evidence of the biodegradability or~~
 42 | ~~photodegradability of said balloons in the form of a certificate~~
 43 | ~~executed by the manufacturer. Failure to provide said evidence~~
 44 | ~~shall be prima facie evidence of a violation of this act.~~

45 | (3) Any person who violates subsection (2) commits ~~is~~
 46 | ~~guilty of~~ a noncriminal littering infraction, punishable as
 47 | provided in s. 403.413(6)(a) ~~by a fine of \$250.~~

48 | ~~(4) Any person may petition the circuit court to enjoin~~
 49 | ~~the release of 10 or more balloons if that person is a citizen~~
 50 | ~~of the county in which the balloons are to be released.~~

51 Section 2. Paragraphs (d) and (f) of subsection (2) of
 52 section 403.413, Florida Statutes, are amended to read:

53 403.413 Florida Litter Law.—

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

55 (d) "Dump" means to dump, throw, discard, place, deposit,
 56 drain, discharge, ~~or~~ dispose of, or intentionally release.

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

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

74 403.4135 Litter receptacles.—

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

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76 | "vessel" have the same meanings as provided in s. 403.413.
77 | Section 4. This act shall take effect July 1, 2024.