

By Senator DiCeglie

18-00476B-24

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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

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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 the~~  
49 ~~release of 10 or more balloons if that person is a citizen of~~  
50 ~~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; rubbish;  
58 trash; refuse; can; bottle; box; container; paper; balloon;

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59 tobacco product; pharmaceutical of any kind; tire; household  
60 item; shed; appliance; mechanical equipment or part; building or  
61 construction material; tool; machinery; wood; motor vehicle or  
62 motor vehicle part, including a truck, trailer, or motor home;  
63 vessel; aircraft; farm machinery or equipment; sludge from a  
64 waste treatment facility, water supply treatment plant, or air  
65 pollution control facility; or substance in any form resulting  
66 from domestic, industrial, commercial, mining, agricultural, or  
67 governmental operations, but excluding permitted, regulated, or  
68 authorized drainage, pumping, or runoff of surface water or  
69 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  
76 “vessel” have the same meanings as provided in s. 403.413.

77 Section 4. This act shall take effect July 1, 2024.