

By the Committee on Environment and Natural Resources; and
Senator DiCeglie

592-02016-24

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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.