

By the Committees on Fiscal Policy; and Environment and Natural Resources; and Senator DiCeglie

594-03823-24

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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; providing applicability;
11 deleting a provision authorizing petitions to enjoin
12 the release of balloons under certain circumstances;
13 amending s. 403.413, F.S.; revising the definitions of
14 the terms "dump" and "litter"; exempting certain
15 persons from litter law penalties relating to the
16 release of balloons; reenacting s. 403.4135(1), F.S.,
17 relating to litter receptacles, to incorporate the
18 amendment made to s. 403.413, F.S., in a reference
19 thereto; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsections (2), (3), and (4) of section
24 379.233, Florida Statutes, are amended to read:

25 379.233 Release of balloons.—

26 (2) It is unlawful for any person, firm, or corporation to
27 intentionally release, organize the release of, or intentionally
28 cause to be released ~~within a 24-hour period 10 or more~~ balloons
29 inflated with a gas that is lighter than air except for any of

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30 the following:

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

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

35 (c) Balloons released indoors; ~~or~~

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

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

50 (4) This section does not apply to a person 6 years of age
51 or younger ~~Any person may petition the circuit court to enjoin~~
52 ~~the release of 10 or more balloons if that person is a citizen~~
53 ~~of the county in which the balloons are to be released.~~

54 Section 2. Paragraphs (d) and (f) of subsection (2) and
55 paragraph (a) of subsection (6) of section 403.413, Florida
56 Statutes, are amended to read:

57 403.413 Florida Litter Law.—

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

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59 (d) "Dump" means to dump, throw, discard, place, deposit,
60 drain, discharge, or dispose of. The term includes, with respect
61 to balloons, to intentionally release, organize the release of,
62 or intentionally cause to be released.

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

76 (6) PENALTIES; ENFORCEMENT.—

77 (a)1. Except as provided in subparagraphs ~~subparagraph~~ 2.
78 and 3., any person who dumps litter in violation of subsection
79 (4) in an amount not exceeding 15 pounds in weight or 27 cubic
80 feet in volume and not for commercial purposes commits a
81 noncriminal infraction, punishable by a civil penalty of \$150,
82 from which \$50 shall be deposited into the Solid Waste
83 Management Trust Fund to be used for the solid waste management
84 grant program pursuant to s. 403.7095.

85 2.a. If a person violates subparagraph 1. by intentionally
86 dumping litter onto private property for the purpose of
87 intimidating or threatening the owner, resident, or invitee of

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88 such property, the person commits a misdemeanor of the first
89 degree, punishable as provided in s. 775.082 or s. 775.083.

90 b. If a person violates subparagraph 1. by intentionally
91 dumping litter onto private property for the purpose of
92 intimidating the owner, resident, or invitee of such property
93 and such litter contains a credible threat, the person commits a
94 felony of the third degree, punishable as provided in s.
95 775.082, s. 775.083, or s. 775.084. For purposes of this
96 subparagraph, the term "credible threat" has the same meaning as
97 in s. 784.048(1).

98 c. If the penalty for a violation of this subparagraph is
99 reclassified under s. 775.085, such a violation is considered a
100 hate crime for purposes of the reporting requirements of s.
101 877.19.

102 3. A person who is 6 years of age or younger who
103 intentionally releases, organizes the release of, or
104 intentionally causes to be released balloons as prohibited by s.
105 379.233 does not violate subsection (4) and is not subject to
106 the penalties specified in subparagraph 1.

107
108 In addition, the court may require a person who violates this
109 subsection to pick up litter or perform other labor commensurate
110 with the offense committed.

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

115 403.4135 Litter receptacles.—

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

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117 "vessel" have the same meanings as provided in s. 403.413.

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