

CHAPTER 2024-263

Committee Substitute for House Bill No. 321

An act relating to the release of balloons; amending s. 379.233, F.S.; revising a prohibition on the release of certain balloons to delete a specified timeframe and number of balloons; deleting an exemption from such prohibition for certain biodegradable or photodegradable balloons; providing that a person who violates the prohibition commits the noncriminal infraction of littering; revising the penalty for such violation; providing applicability; deleting a provision authorizing petitions to enjoin the release of balloons under certain circumstances; amending s. 403.413, F.S.; revising the definitions of the terms “dump” and “litter”; exempting certain persons from litter law penalties relating to the release of balloons; reenacting s. 403.4135(1), F.S., relating to litter receptacles, to incorporate the amendment made to s. 403.413, F.S., in a reference thereto; providing an effective date.

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

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

379.233 Release of balloons.—

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

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

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

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

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

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

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

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

403.413 Florida Litter Law.—

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

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

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

(6) PENALTIES; ENFORCEMENT.—

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

2.a. If a person violates subparagraph 1. by intentionally dumping litter onto private property for the purpose of intimidating or threatening the owner, resident, or invitee of such property, the person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

b. If a person violates subparagraph 1. by intentionally dumping litter onto private property for the purpose of intimidating the owner, resident, or invitee of such property and such litter contains a credible threat, the person

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this subparagraph, the term “credible threat” has the same meaning as in s. 784.048(1).

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

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

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

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

403.4135 Litter receptacles.—

(1) DEFINITIONS.—As used in this section “litter” and “vessel” have the same meanings as provided in s. 403.413.

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

Approved by the Governor June 24, 2024.

Filed in Office Secretary of State June 24, 2024.