

ENROLLED

CS/HB 321, Engrossed 1

2024 Legislature

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 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.—

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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
 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 ~~;~~†

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

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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:

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

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(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.

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

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