



510796

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2019	.	
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The Committee on Commerce and Tourism (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 403.7034, Florida Statutes, is created
to read:

403.7034 Local regulation of single-use plastic straws;
moratorium; environmental impact study; penalties.—

(1) Before July 1, 2024, a county, a municipality, or
another entity of local government may not adopt or enforce an



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11 ordinance or other local regulation relating to single-use
12 plastic straws.

13 (2) In the interim, the department, or an entity designated
14 by the department, shall conduct a study to evaluate the
15 environmental impact of single-use plastic straws. A designated
16 entity must be competent, knowledgeable, and unbiased regarding
17 environmental impact studies.

18 (3) The environmental impact study must focus on scientific
19 data regarding the environmental impact of single-use plastic
20 straws and the potential impact on the environment of this state
21 of a reduction in the number of, or a prohibition on the use of,
22 single-use plastic straws. The study may consider single-use
23 plastic straw regulations adopted in other jurisdictions in the
24 United States and the actual effectiveness of such regulations
25 in those jurisdictions in terms of environmental impact. The
26 study must also consider the usefulness and environmental impact
27 of potential alternatives to single-use plastic straws and the
28 potential impact of reducing or eliminating single-use plastic
29 straws on the quality of life of persons with disabilities who
30 may rely on single-use plastic straws for feeding and hydration.

31 (4) The department shall report the results of the
32 environmental impact study to the Legislature by January 1,
33 2024. If, upon evaluating the results of the study, the
34 Legislature does not enact a general law specifying a statewide
35 policy regarding single-use plastic straws or a law preempting
36 local regulation of single-use plastic straws, the moratorium on
37 local regulation and enforcement under this section is lifted,
38 effective July 1, 2024.

39 (5) An attempt by a county, a municipality, or another



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40 entity of local government to adopt or enforce single-use
41 plastic straw regulations before July 1, 2024, is a violation of
42 this chapter and shall result in a fine to the offending local
43 governmental entity in the amount of \$25,000. Further, the
44 offending local government entity is responsible for the
45 attorney fees and costs of any party filing and prevailing in a
46 civil action to enforce the terms of the moratorium.

47 Section 2. Subsection (7) is added to section 499.002,
48 Florida Statutes, to read:

49 499.002 Purpose, administration, and enforcement of and
50 exemption from this part.—

51 (7) Notwithstanding any other law or local ordinance to the
52 contrary, the regulation of over-the-counter proprietary drugs
53 and cosmetics is preempted to the state to be uniformly
54 administered.

55 Section 3. This act shall take effect July 1, 2019.

56

57 ===== T I T L E A M E N D M E N T =====

58 And the title is amended as follows:

59 Delete everything before the enacting clause
60 and insert:

61 A bill to be entitled
62 An act relating to preemption of local regulations;
63 creating s. 403.7034, F.S.; prohibiting local
64 governmental entities from adopting or enforcing local
65 ordinances or regulations relating to single-use
66 plastic straws before a specified date; requiring the
67 Department of Environmental Protection, or an entity
68 designated by the department, to conduct a study



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69 evaluating the environmental impact of single-use
70 plastic straws; providing qualifications for the
71 designated entity; specifying requirements for the
72 environmental impact study; requiring the department
73 to submit a report on the environmental impact study
74 results to the Legislature by a specified date;
75 providing that, under certain circumstances, the
76 moratorium on local regulation is lifted by a
77 specified date; providing penalties for violations of
78 the moratorium by a local governmental entity;
79 amending s. 499.002, F.S.; preempting the regulation
80 of over-the-counter proprietary drugs or cosmetics to
81 the state; providing an effective date.

82
83 WHEREAS, single-use plastic straws comprise less than 1
84 percent of waste and litter, and

85 WHEREAS, alternatives to single-use plastic straws may have
86 equivalent environmental drawbacks or have reduced utility in
87 certain beverage types, and

88 WHEREAS, reducing the availability of single-use plastic
89 straws may negatively impact persons with disabilities who
90 require single-use plastic straws for feeding and hydration, and

91 WHEREAS, businesses should be free to decide the best
92 manner in which to serve their customers, free from unnecessary
93 governmental intrusion or regulation, and

94 WHEREAS, the prudent deliberation regarding materials usage
95 and the development of policy based on sound research and
96 science will result in better long-term solutions for this
97 state, NOW, THEREFORE,