A bill to be entitled
An act relating to the prohibition of plastic carryout bags and straws; creating s. 509.235, F.S.; defining terms; prohibiting a store or food service business from providing a carryout bag made of plastic film to a customer; prohibiting a food service business from selling or providing a single-use plastic straw to a customer; providing an exception; providing penalties; providing an effective date.

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

Section 1. Section 509.235, Florida Statutes, is created to read:
509.235 Plastic carryout bags and straws prohibited.—
(1) As used in this section, the term:
(a) “Carryout bag” means a bag that is provided by a store or food service business to a customer at the point of sale for the sole purpose of transporting groceries, prepared foods, or retail goods.
(b) “Food service business” means a business that sells or provides food to be consumed on or off the premises, and includes, but is not limited to, a restaurant, cafe, delicatessen, coffee shop, supermarket or grocery store, vending truck or cart, food truck, movie theater, or business or institutional cafeteria, including those operated by or on behalf of a governmental entity.
(c) “Plastic” means a synthetic material made from linking monomers through a chemical reaction to create an organic
polymer chain that can be molded or extruded at high heat into
various solid forms retaining their defined shapes during their
life cycle and after disposal.

(d) “Plastic film” means a nonwoven, flexible plastic that
is less than 10 mils thick.

(e) “Single-use plastic straw” means a single-use,
disposable tube made predominantly of plastic which is used to
transfer a beverage from a container to the mouth of a person
drinking the beverage. The term does not include a straw made
from non-plastic materials, including, but not limited to,
paper, pasta, sugarcane, wood, or bamboo.

(f) “Store” means a grocery store, supermarket, convenience
store, liquor store, pharmacy, drugstore, or other retail
establishment that has over 1,000 square feet of retail space.

(2)(a) A store or a food service business may not provide a
carryout bag made of plastic film to a customer.

(b) This subsection does not prohibit a store or a food
service business from providing a customer with any of the
following:

1. A non-handled bag made of plastic film used to separate
and prevent a food item from damaging or contaminating another
item.

2. A bag made of plastic film used to contain an unwrapped
food item.

3. A durable, handled carryout bag made from a natural or
synthetic material other than plastic film, including, but not
limited to, woven or nonwoven plastic or cloth, which is at
least 10 mils thick and which is specifically designed and
manufactured for multiple reuse.
(3) (a) Except as specified under paragraph (b), a food service business may not sell or provide a single-use plastic straw to a customer.

(b) Upon request, a food service business may provide a single-use plastic straw to a person who requires a single-use plastic straw due to a disability or medical condition.

(4) A person or entity that violates this section is subject to a fine of up to $500 for a first violation and up to $1,000 for a second or subsequent violation.

Section 2. This act shall take effect July 1, 2019.