

By the Committee on Commerce and Tourism; and Senators Hutson and Bradley

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1 A bill to be entitled
2 An act relating to preemption of local regulations;
3 creating s. 403.7034, F.S.; prohibiting local
4 government entities from adopting or enforcing local
5 ordinances or regulations relating to single-use
6 plastic straws before a specified date; requiring the
7 Department of Environmental Protection, or an entity
8 designated by the department, to conduct a study
9 evaluating the environmental impact of single-use
10 plastic straws; providing qualifications for the
11 designated entity; specifying requirements for the
12 environmental impact study; requiring the department
13 to submit a report on the environmental impact study
14 results to the Legislature by a specified date;
15 providing that, under certain circumstances, the
16 moratorium on local regulation is lifted by a
17 specified date; providing penalties for violations of
18 the moratorium by a local government entity; amending
19 s. 499.002, F.S.; preempting the regulation of over-
20 the-counter proprietary drugs or cosmetics to the
21 state; providing an effective date.

22
23 WHEREAS, single-use plastic straws comprise less than 1
24 percent of waste and litter, and

25 WHEREAS, alternatives to single-use plastic straws may have
26 equivalent environmental drawbacks or have reduced utility in
27 certain beverage types, and

28 WHEREAS, reducing the availability of single-use plastic
29 straws may negatively impact persons with disabilities who

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30 require single-use plastic straws for feeding and hydration, and

31 WHEREAS, businesses should be free to decide the best
32 manner in which to serve their customers, free from unnecessary
33 governmental intrusion or regulation, and

34 WHEREAS, the prudent deliberation regarding materials usage
35 and the development of policy based on sound research and
36 science will result in better long-term solutions for this
37 state, NOW, THEREFORE,

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

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

43 403.7034 Local regulation of single-use plastic straws;
44 moratorium; environmental impact study; penalties.-

45 (1) Before July 1, 2024, a county, a municipality, or
46 another entity of local government may not adopt or enforce an
47 ordinance or other local regulation relating to single-use
48 plastic straws.

49 (2) In the interim, the department, or an entity designated
50 by the department, shall conduct a study to evaluate the
51 environmental impact of single-use plastic straws. A designated
52 entity must be competent, knowledgeable, and unbiased regarding
53 environmental impact studies.

54 (3) The environmental impact study must focus on scientific
55 data regarding the environmental impact of single-use plastic
56 straws and the potential impact on the environment of this state
57 of a reduction in the number of, or a prohibition on the use of,
58 single-use plastic straws. The study may consider single-use

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59 plastic straw regulations adopted in other jurisdictions in the
60 United States and the actual effectiveness of such regulations
61 in those jurisdictions in terms of environmental impact. The
62 study must also consider the usefulness and environmental impact
63 of potential alternatives to single-use plastic straws and the
64 potential impact of reducing or eliminating single-use plastic
65 straws on the quality of life of persons with disabilities who
66 may rely on single-use plastic straws for feeding and hydration.

67 (4) The department shall report the results of the
68 environmental impact study to the Legislature by January 1,
69 2024. If, upon evaluating the results of the study, the
70 Legislature does not enact a general law specifying a statewide
71 policy regarding single-use plastic straws or a law preempting
72 local regulation of single-use plastic straws, the moratorium on
73 local regulation and enforcement under this section is lifted,
74 effective July 1, 2024.

75 (5) An attempt by a county, a municipality, or another
76 entity of local government to adopt or enforce single-use
77 plastic straw regulations before July 1, 2024, is a violation of
78 this chapter and shall result in a fine to the offending local
79 government entity in the amount of \$25,000. Further, the
80 offending local government entity is responsible for the
81 attorney fees and costs of any party filing and prevailing in a
82 civil action to enforce the terms of the moratorium.

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

85 499.002 Purpose, administration, and enforcement of and
86 exemption from this part.—

87 (7) Notwithstanding any other law or local ordinance to the

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88 contrary, the regulation of over-the-counter proprietary drugs
89 and cosmetics is preempted to the state to be uniformly
90 administered.

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