

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Business & Professions
2 Subcommittee

3 Representative Sabatini offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 403.7034 Local regulation of single-use plastic straws;
10 moratorium; environmental impact study; penalties.-

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

15 (2) In the interim, the department, or an entity
16 designated by the department, shall conduct a study to evaluate

Amendment No. 1

17 the environmental impact of single-use plastic straws. A
18 designated entity must be competent, knowledgeable, and unbiased
19 regarding environmental impact studies.

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

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

687473 - H0603-strikeal.docx

Published On: 3/25/2019 7:16:48 PM

Amendment No. 1

42 (5) An attempt by a county, a municipality, or another
43 entity of local government to adopt or enforce single-use
44 plastic straw regulations before July 1, 2024, is a violation of
45 this chapter and shall result in a fine to the offending local
46 government entity in the amount of \$25,000. Further, the
47 offending local government entity is responsible for the
48 attorney fees and costs of any party filing and prevailing in a
49 civil action to enforce the terms of the moratorium.

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

51
52 -----
53 **T I T L E A M E N D M E N T**

54 Remove everything before the enacting clause and insert:

55 A bill to be entitled

56 An act relating to preemption of local regulations;
57 creating s. 403.7034, F.S.; prohibiting local
58 government entities from adopting or enforcing local
59 ordinances or regulations relating to single-use
60 plastic straws before a specified date; requiring the
61 Department of Environmental Protection, or an entity
62 designated by the department, to conduct a study
63 evaluating the environmental impact of single-use
64 plastic straws; providing qualifications for the
65 designated entity; specifying requirements for the
66 environmental impact study; requiring the department

Amendment No. 1

67 to submit a report on the environmental impact study
68 results to the Legislature by a specified date;
69 providing that, under certain circumstances, the
70 moratorium on local regulation is lifted by a
71 specified date; providing penalties for violations of
72 the moratorium by a local government entity.

73
74 WHEREAS, single-use plastic straws comprise less than 1
75 percent of waste and litter, and

76 WHEREAS, alternatives to single-use plastic straws may have
77 equivalent environmental drawbacks or have reduced utility in
78 certain beverage types, and

79 WHEREAS, reducing the availability of single-use plastic
80 straws may negatively impact persons with disabilities who
81 require single-use plastic straws for feeding and hydration, and

82 WHEREAS, businesses should be free to decide the best
83 manner in which to serve their customers, free from unnecessary
84 governmental intrusion or regulation, and

85 WHEREAS, the prudent deliberation regarding materials usage
86 and the development of policy based on sound research and
87 science will result in better long-term solutions for this
88 state, NOW, THEREFORE,