

1                   A bill to be entitled  
 2           An act relating to single-use plastic straws; creating  
 3           s. 403.7034, F.S.; defining terms; providing that a  
 4           food service establishment may distribute a single-use  
 5           plastic straw to a customer only if requested to do so  
 6           by the customer; providing exceptions; providing that  
 7           a food service establishment may make single-use  
 8           plastic straws available through self-serve straw  
 9           dispensers; preempting the regulation of single-use  
 10          plastic straws to the state; providing an effective  
 11          date.

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

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

17           403.7034 Single-use plastic straws.-

18           (1) As used in this section, the term:

19           (a) "Distribute" means to sell, use, or offer or to  
 20 provide for sale or use.

21           (b) "Food service establishment" means a restaurant,  
 22 convenience store, grocery store, or vendor that sells food or  
 23 beverages for the customer to consume on, near, or off the  
 24 establishment's premises.

25           (c) "Single-use" means a product that is designed to be

26 used only once in its original form and then be disposed of or  
27 destroyed.

28 (d) "Single-use plastic straw" means a single-use,  
29 disposable straw made predominantly of plastic derived from  
30 petroleum or a biologically based polymer, such as corn or other  
31 plant sources, which is used to transfer a beverage from a  
32 container to the mouth of the person drinking the beverage. The  
33 term does not include a straw made from nonplastic materials,  
34 including, but not limited to, paper, wood, or bamboo.

35 (2)(a) A food service establishment may distribute a  
36 single-use plastic straw to a customer only if requested to do  
37 so by the customer.

38 (b) The prohibition under paragraph (a) does not apply to  
39 a take-out order; an order for off-premises delivery; an order  
40 placed via a digital or mobile application; the distribution of  
41 food or beverage items that were filled, sealed, or packaged  
42 before the food service establishment received such items; or  
43 hospitals or nursing, rehabilitation, or other healthcare  
44 facilities.

45 (3) This section does not prohibit a food service  
46 establishment from making single-use plastic straws available to  
47 customers through a self-serve straw dispenser.

48 (4) The regulation of single-use plastic straws is  
49 preempted to the state. A municipality, county, or other local  
50 governmental entity may not adopt, enforce, or implement any

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51 ordinance, rule, or law that would further restrict a food  
52 service establishment from distributing single-use plastic  
53 straws to customers.

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