

1 A bill to be entitled

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

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20 WHEREAS, single-use plastic straws comprise less than 1
21 percent of waste and litter, and

22 WHEREAS, alternatives to single-use plastic straws may have
23 equivalent environmental drawbacks or have reduced utility in
24 certain beverage types, and

25 WHEREAS, reducing the availability of single-use plastic

26 | straws may negatively impact persons with disabilities who
 27 | require single-use plastic straws for feeding and hydration, and

28 | WHEREAS, businesses should be free to decide the best
 29 | manner in which to serve their customers, free from unnecessary
 30 | governmental intrusion or regulation, and

31 | WHEREAS, the prudent deliberation regarding materials usage
 32 | and the development of policy based on sound research and
 33 | science will result in better long-term solutions for the state,

34 | NOW, THEREFORE,

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

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

40 | 403.7034 Local regulation of single-use plastic straws;
 41 | moratorium; environmental impact study; penalties.—

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

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

51 (3) The environmental impact study must focus on
52 scientific data regarding the environmental impact of single-use
53 plastic straws and the potential impact on the environment of
54 the state of a reduction in the number of, or a prohibition on
55 the use of, single-use plastic straws. The study may consider
56 single-use plastic straw regulations adopted in other
57 jurisdictions in the United States and the actual effectiveness
58 of such regulations in those jurisdictions in terms of
59 environmental impact. The study must also consider the
60 usefulness and environmental impact of potential alternatives to
61 single-use plastic straws and the potential impact of reducing
62 or eliminating single-use plastic straws on the quality of life
63 of persons with disabilities who may rely on single-use plastic
64 straws for feeding and hydration.

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

73 (5) An attempt by a county, a municipality, or another
74 entity of local government to adopt or enforce single-use
75 plastic straw regulations before July 1, 2024, is a violation of

76 | this chapter and shall result in a fine to the offending local
77 | governmental entity in the amount of \$25,000. Further, the
78 | offending local governmental entity is responsible for the
79 | attorney fees and costs of any party filing and prevailing in a
80 | civil action to enforce the terms of the moratorium.

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