

By Senator Bradley

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A bill to be entitled  
An act relating to local regulation of drinking straws  
and stirrers; providing legislative findings and  
intent; creating s. 403.7034, F.S.; defining terms;  
prohibiting local governmental entities from enacting  
any rule, regulation, or ordinance for drinking straws  
or stirrers which does not meet specified  
requirements; providing requirements for local  
governmental entities that elect to enact rules,  
regulations, or ordinances for drinking straws or  
stirrers; providing applicability; providing  
construction; providing a directive to the Division of  
Law Revision; providing an effective date.

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

Section 1. (1) The Legislature finds that:

(a) Many businesses and communities in this state are using  
paper drinking straws and stirrers as a purportedly better  
option for public health and the environment. However,  
independent university studies have shown that most paper straws  
contain harmful PFAS chemicals, exposure to which is linked to  
concerning health risks.

(b) Paper drinking straw regulations marginalize residents  
with disabilities for whom paper straws are not an option.

(c) Any regulation of drinking straws and stirrers must be  
based on government policy driven by science.

(2) The Legislature intends to:

(a) Combat the harmful impacts of paper drinking straws and

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stirrers and provide businesses and residents of this state with better alternatives to single-use plastic straws and stirrers; and

(b) Promote uniformity of drinking straw and stirrer regulations throughout this state, rather than forcing businesses to comply with a patchwork of local regulations.

Section 2. Section 403.7034, Florida Statutes, is created to read:

403.7034 Local regulation of drinking straws and stirrers.-

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

(a) "Certification body" means a recognized, independent, third-party verification body, such as the Biodegradable Products Institute or TUV Austria, which certifies products that meet ASTM standards for compostability.

(b) "Home compostable certified" means a product certified by a certification body as home compostable.

(c) "Industrial compostable certified" means a product certified by a certification body as industrially compostable.

(d) "Marine biodegradable" means a product will completely break down, biodegrade, and return to nature by decomposing into elements found in the marine environment in less than 1 year, as shown by competent and reliable scientific evidence.

(e) "Renewable" means a product certified under:

1. The USDA BioPreferred Program with biobased content of at least 80 percent; or

2. The TUV Austria OK biobased program with a 4-star rating.

(2) A local governmental entity may not enact any rule, regulation, or ordinance regarding the use, disposition, sale,

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59 prohibition, or restriction of drinking straws or stirrers which  
60 does not meet the requirements of this section. By January 1,  
61 2027, a local governmental entity shall amend any such rule,  
62 regulation, or ordinance in effect as of the effective date of  
63 this act which does not permit the sale or use of drinking  
64 straws and stirrers that are renewable, home compostable  
65 certified, industrial compostable certified, or marine  
66 biodegradable to permit the sale or use of renewable, home  
67 compostable certified, industrial compostable certified and  
68 marine biodegradable drinking straws and stirrers.

69 (3) If a local governmental entity elects to enact any  
70 rule, regulation, or ordinance regarding the use, disposition,  
71 sale, prohibition, or restriction of drinking straws or  
72 stirrers, such rule, regulation, or ordinance must require that  
73 drinking straws or stirrers be:

74 (a) Renewable;

75 (b) Home compostable certified;

76 (c) Industrial compostable certified; and

77 (d) Marine biodegradable.

78 (4) This section does not apply to a drinking straw or  
79 stirrer sold, distributed, or used in any of the following:

80 (a) A prepackaged drink sold at a commercial establishment.

81 (b) A hospital, a medical care facility, or a senior care  
82 facility.

83 (5) This section may not be construed to require a local  
84 governmental entity to adopt any rule, regulation, or ordinance  
85 relating to the use, disposition, sale, prohibition, or  
86 restriction of drinking straws or stirrers.

87 Section 3. The Division of Law Revision is directed to

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88 replace the phrase "the effective date of this act" wherever it  
89 occurs in this act with the date this act becomes a law.

90 Section 4. This act shall take effect upon becoming a law.