

By Senator Rader

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1 A bill to be entitled
 2 An act relating to the prohibition of plastic carryout
 3 bags and straws; creating s. 509.235, F.S.; defining
 4 terms; prohibiting a store or food service business
 5 from providing a carryout bag made of plastic film to
 6 a customer; prohibiting a food service business from
 7 selling or providing a single-use plastic straw to a
 8 customer; providing an exception; providing penalties;
 9 providing an effective date.

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

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 13 Section 1. Section 509.235, Florida Statutes, is created to
 14 read:

15 509.235 Plastic carryout bags and straws prohibited.-

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

17 (a) "Carryout bag" means a bag that is provided by a store
 18 or food service business to a customer at the point of sale for
 19 the sole purpose of transporting groceries, prepared foods, or
 20 retail goods.

21 (b) "Food service business" means a business that sells or
 22 provides food to be consumed on or off the premises, and
 23 includes, but is not limited to, a restaurant, cafe,
 24 delicatessen, coffee shop, supermarket or grocery store, vending
 25 truck or cart, food truck, movie theater, or business or
 26 institutional cafeteria, including those operated by or on
 27 behalf of a governmental entity.

28 (c) "Plastic" means a synthetic material made from linking
 29 monomers through a chemical reaction to create an organic

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30 polymer chain that can be molded or extruded at high heat into
31 various solid forms retaining their defined shapes during their
32 life cycle and after disposal.

33 (d) "Plastic film" means a nonwoven, flexible plastic that
34 is less than 10 mils thick.

35 (e) "Single-use plastic straw" means a single-use,
36 disposable tube made predominantly of plastic which is used to
37 transfer a beverage from a container to the mouth of a person
38 drinking the beverage. The term does not include a straw made
39 from non-plastic materials, including, but not limited to,
40 paper, pasta, sugarcane, wood, or bamboo.

41 (f) "Store" means a grocery store, supermarket, convenience
42 store, liquor store, pharmacy, drugstore, or other retail
43 establishment that has over 1,000 square feet of retail space.

44 (2) (a) A store or a food service business may not provide a
45 carryout bag made of plastic film to a customer.

46 (b) This subsection does not prohibit a store or a food
47 service business from providing a customer with any of the
48 following:

49 1. A non-handled bag made of plastic film used to separate
50 and prevent a food item from damaging or contaminating another
51 item.

52 2. A bag made of plastic film used to contain an unwrapped
53 food item.

54 3. A durable, handled carryout bag made from a natural or
55 synthetic material other than plastic film, including, but not
56 limited to, woven or nonwoven plastic or cloth, which is at
57 least 10 mils thick and which is specifically designed and
58 manufactured for multiple reuse.

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59 (3) (a) Except as specified under paragraph (b), a food
60 service business may not sell or provide a single-use plastic
61 straw to a customer.

62 (b) Upon request, a food service business may provide a
63 single-use plastic straw to a person who requires a single-use
64 plastic straw due to a disability or medical condition.

65 (4) A person or entity that violates this section is
66 subject to a fine of up to \$500 for a first violation and up to
67 \$1,000 for a second or subsequent violation.

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