

By Senator Hutson

7-01075B-19

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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 provide
20 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

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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 a
39 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
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.