

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 to a customer a carryout bag made of  
6 plastic film; prohibiting a food service business from  
7 selling or providing to a customer a single-use  
8 plastic straw; providing an exception; providing  
9 penalties; providing an effective date.

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

12  
13 Section 1. Section 509.235, Florida Statutes, is created to  
14 read:

15 509.235 Plastic carryout bags and single-use straws  
16 prohibited.—

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

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

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

29 (c) "Plastic" means a synthetic material made from linking

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30 monomers through a chemical reaction to create an organic  
31 polymer chain that can be molded or extruded at high heat into  
32 various solid forms retaining their defined shapes during their  
33 life cycle and after disposal.

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

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

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

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

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

51 1. A nonhandled bag made of plastic film used to separate  
52 and prevent a food item from damaging or contaminating another  
53 item.

54 2. A bag made of plastic film used to contain an unwrapped  
55 food item.

56 3. A durable, handled carryout bag made from a natural or  
57 synthetic material other than plastic film, including, but not  
58 limited to, woven or nonwoven plastic or cloth, which is at

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59 least 10 mils thick and which is specifically designed and  
60 manufactured to be reused multiple times.

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

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

67 (4) A person or entity that violates this section is  
68 subject to a fine of up to \$500 for a first violation and up to  
69 \$1,000 for a second or subsequent violation.

70 Section 2. This act shall take effect July 1, 2020.