

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

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

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17 **Section 1.** (1) The Legislature finds that:

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

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

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

28 (2) The Legislature intends to:

29 (a) Combat the harmful impacts of paper drinking straws
30 and stirrers and provide businesses and residents of this state
31 with better alternatives to single-use plastic straws and
32 stirrers; and

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

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

38 403.7034 Local regulation of drinking straws and
39 stirrers.—

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

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

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

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

49 (d) "Marine biodegradable" means a product will completely
50 break down, biodegrade, and return to nature by decomposing into

51 elements found in the marine environment in less than 1 year, as
52 shown by competent and reliable scientific evidence.

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

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

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

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

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

75 (a) Renewable;

76 (b) Home compostable certified;

77 (c) Industrial compostable certified; and

78 (d) Marine biodegradable.

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

81 (a) A prepackaged drink sold at a commercial
82 establishment.

83 (b) A hospital, a medical care facility, or a senior care
84 facility.

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

89 **Section 3.** The Division of Law Revision is directed to
90 replace the phrase "the effective date of this act" wherever it
91 occurs in this act with the date this act becomes a law.

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