

By Senator Rader

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1                                   A bill to be entitled  
2       An act relating to beverage container deposits;  
3       creating s. 403.778, F.S.; providing a short title;  
4       defining terms; establishing a refund value for  
5       specified beverage containers; requiring dealers and  
6       consumers in this state to pay a deposit fee for  
7       specified beverage containers; requiring that certain  
8       information be affixed to or printed on deposit  
9       beverage containers; prohibiting the establishment or  
10      operation of a redemption center unless it is  
11      registered with the Department of Environmental  
12      Protection; providing minimum standards for  
13      registration; requiring that information provided to  
14      the department in the registration process be kept  
15      current; providing that persons establishing a  
16      redemption center have a certain right; providing  
17      requirements for redemption centers; prohibiting  
18      redemption centers from paying the refund value for  
19      certain containers; authorizing the use of reverse  
20      vending machines under certain circumstances;  
21      specifying requirements and procedures for certain  
22      deposit beverage dealers and distributors; requiring  
23      distributors to pay a handling fee of at least a  
24      specified amount to dealers and redemption centers;  
25      requiring certain dealers, distributors, redemption  
26      centers, and recycling facilities to submit specified  
27      information to the department and to make records  
28      available to the department upon request; authorizing  
29      the department or other specified entities to conduct

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30 certain audits; clarifying that certain trade secret  
31 information is confidential but authorizing the  
32 release of that information in a manner that would not  
33 reveal the trade secret; requiring the department to  
34 adopt rules; providing that distributors and dealers  
35 are not obligated to accept or take and pay the refund  
36 value for containers not originally sold in this  
37 state; prohibiting certain transactions involving such  
38 empty deposit beverage containers and requiring a  
39 specified notice to customers; providing a civil  
40 penalty for violations; providing for disposition of  
41 the penalty; requiring such penalties to be publicly  
42 noticed; prohibiting local governments from imposing  
43 fees for the same or a similar purpose; providing an  
44 effective date.

45  
46 WHEREAS, the Legislature finds that roadside litter  
47 presents an obstacle to the promotion of tourism and that  
48 reducing the amount of roadside litter improves the quality of  
49 life for the residents of this state, and

50 WHEREAS, the Legislature further finds that recycling is an  
51 important element of an integrated solid waste management system  
52 that protects and preserves environmental resources and reduces  
53 economic costs to residents and businesses in this state, and

54 WHEREAS, the Legislature further finds that the reduction  
55 of litter and the expansion of recycling program participation  
56 is in the best interest of Floridians and visitors to this  
57 state, and

58 WHEREAS, the purposes of this act are to reduce litter, to

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59 increase recycling rates for specified deposit beverage  
60 containers, to encourage recycling, to reduce waste disposal  
61 costs, to provide a connection between manufacturing decisions  
62 and recycling program management, to create local jobs, to  
63 combat climate change, and to save energy, NOW, THEREFORE,  
64

65 Be It Enacted by the Legislature of the State of Florida:  
66

67 Section 1. Section 403.778, Florida Statutes, is created to  
68 read:

69 403.778 Beverage container deposits.-

70 (1) SHORT TITLE.-This section may be cited as the "Florida  
71 Beverage Container Deposit Act."

72 (2) DEFINITIONS.-As used in this section, the term:

73 (a) "Certified recovered materials dealer" has the same  
74 meaning as in s. 403.7046.

75 (b) "Consumer" means a person who buys a deposit beverage  
76 in a deposit beverage container for use or consumption and pays  
77 the deposit.

78 (c) "Dealer" means a person who engages in the sale of  
79 deposit beverages in deposit beverage containers in the state to  
80 a consumer for off-premises consumption.

81 (d) "Deposit beverage" means beer, ale, or another drink  
82 produced by fermenting malt; mixed spirits, mixed wine, wine,  
83 distilled spirits, and wine coolers; tea and coffee drinks,  
84 regardless of any dairy-derived product content; soda;  
85 carbonated and noncarbonated water; and all nonalcoholic drinks  
86 in liquid form which are intended for internal human consumption  
87 and are contained in a deposit beverage container. The term does

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88 not include:

89 1. A liquid that is a syrup in a concentrated form or that  
90 is typically added as an incidental flavoring ingredient in food  
91 or drink, such as extracts, cooking additives, sauces, or  
92 condiments.

93 2. A liquid that is a drug, medical food, or infant formula  
94 as defined by the Federal Food, Drug, and Cosmetic Act, 21  
95 U.S.C. ss. 301 et seq.

96 3. A liquid that is designed and consumed only as a dietary  
97 supplement as defined in the Dietary Supplement Health and  
98 Education Act of 1994, Pub. L. No. 103-417, and not as a  
99 beverage.

100 4. Products that are frozen at the time of sale to the  
101 consumer or, in the case of institutional users such as  
102 hospitals and nursing homes, at the time of sale to such users.

103 5. Products designed to be consumed in a frozen state.

104 6. Instant drink powders.

105 7. Seafood, meat, or vegetable broths or soups, but not  
106 juices made or derived from these products.

107 8. Milk and all other dairy-derived products, except tea  
108 and coffee drinks containing such products.

109 (e) "Deposit beverage container" means a sealed, individual  
110 container made of glass, aluminum, steel, bimetal, or plastic,  
111 including polyethylene terephthalate, high-density polyethylene,  
112 and all other plastic types and grades, in sizes of at least 6  
113 fluid ounces but no more than 1 gallon, and used, at the time of  
114 sale to the consumer, for containing a deposit beverage intended  
115 for use or consumption in this state.

116 (f) "Distributor" means a person who is a manufacturer of

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117 deposit beverages in deposit beverage containers in this state  
118 or who buys, brings, or accepts delivery of deposit beverage  
119 containers from an address, supplier, or any entity outside the  
120 state and who engages in the sale of filled deposit beverage  
121 containers to a dealer or consumer. The term includes federal  
122 agencies and military distributors, but does not include  
123 airlines and shipping companies that merely transport deposit  
124 beverage containers.

125 (g) "Mobile redemption center" means a redemption center  
126 that offers container redemption services to residences,  
127 businesses, or both on their respective sites, either on a one-  
128 time or regular basis, regardless of whether the services are  
129 offered in association with a dealer or permanent redemption  
130 center.

131 (h) "On-premises consumption" means the immediate  
132 consumption of deposit beverages within the area under the  
133 control of the airplane, bar, restaurant, cafe, passenger ship,  
134 or other establishment where they are sold.

135 (i) "Person" means a federal agency; the state or a  
136 political subdivision of the state; an individual, partnership,  
137 firm, association, public or private corporation, trust, or  
138 estate; or any other legal entity.

139 (j) "Recycling facility" means all contiguous land,  
140 structures, appurtenances, and improvements on land that is:

141 1. Used for the collection, separation, recovery, and sale  
142 or reuse of secondary resources that would otherwise be disposed  
143 of as municipal solid waste; and

144 2. An integral part of a manufacturing process aimed at  
145 producing a marketable product made of post-consumer material.

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146 (k) "Redeemer" means a person, other than a dealer or  
147 distributor, who demands the refund value in exchange for the  
148 empty deposit beverage container.

149 (l) "Redemption center" or "permanent redemption center"  
150 means a facility registered under subsection (5) which operates  
151 at a fixed location and which accepts empty deposit containers  
152 from consumers or redeemers, provides the refund value for empty  
153 deposit beverage containers intended to be recycled, and ensures  
154 that such containers are properly recycled.

155 (m) "Reverse vending machine" means a mechanical device  
156 that accepts one or more types of empty deposit beverage  
157 containers and issues cash, electronic credit, or a redeemable  
158 credit slip with a value not less than the containers' refund  
159 value.

160 (n) "Satellite drop-off site" means a designated site where  
161 participating consumers bring empty containers for subsequent  
162 processing at a centralized processing facility.

163 (3) REFUND VALUES.—Beginning July 1, 2020, each deposit  
164 beverage container sold or offered for sale in this state must  
165 have one of the following refund values, as appropriate, when  
166 empty:

167 (a) Twenty cents for each deposit beverage container with a  
168 volume of at least 6 fluid ounces but less than 25 fluid ounces.

169 (b) Thirty cents for each deposit beverage container with a  
170 volume of at least 25 fluid ounces but not more than 1 gallon.

171 (4) DEPOSIT FEE.—

172 (a) Beginning on July 1, 2020, each deposit beverage  
173 distributor must charge a dealer or consumer in this state a  
174 deposit fee equal to the refund value for each deposit beverage

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175 container sold to the dealer or consumer. The charge for the  
176 deposit fee may appear as a separate line item on the invoice.

177 (b) Beginning on July 1, 2020, each dealer must charge a  
178 consumer in this state, at the point of sale, a deposit fee  
179 equal to the refund value for each deposit beverage container  
180 sold to the consumer, except on beverages intended for on-  
181 premises consumption. The charge for the deposit fee may appear  
182 as a separate line item on the invoice.

183 (c) Each deposit beverage container sold or offered for  
184 sale in this state must be clearly identified by a stamp, label,  
185 or other mark securely affixed to or printed on the deposit  
186 beverage container which bears the word "Florida" or the letters  
187 "FL" and indicates the refund value of the deposit beverage  
188 container. Such stamp, label, or other mark must be provided by  
189 the beverage distributor.

190 (d) Inventory already in circulation on July 1, 2020, must  
191 be affixed with an adhesive sticker that bears the word  
192 "Florida" or the letters "FL" and indicates the refund value of  
193 the deposit beverage container. Such sticker must be provided by  
194 the beverage distributor.

195 (e) Once a refund value has been affixed to or printed on a  
196 deposit beverage container, the deposit fee on that container  
197 may not be changed.

198 (5) REDEMPTION CENTERS.—

199 (a) A person may not establish or operate a redemption  
200 center without registering with the department, on a form  
201 provided by the department, and providing such information as  
202 the department deems necessary for such registration. The  
203 operator of the redemption center shall report any change in the

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204 information provided to the department within 48 hours after the  
205 change. At a minimum, the department must obtain the following  
206 information from a redemption center registrant:

207 1. The name and business address of the business owner of  
208 the redemption center.

209 2. The types of deposit beverage containers to be accepted  
210 and whether deposit beverage containers will be accepted from  
211 redeemers, dealers, or both.

212 3. The hours of operation and whether the center will  
213 operate a mobile redemption center or provide a satellite drop-  
214 off site.

215 (b) A person establishing a redemption center has the right  
216 to determine the kind, size, or brand of deposit beverage  
217 container that will be accepted. A redemption center may be  
218 established to serve all persons or to serve only specified  
219 consumers, redeemers, and dealers.

220 (c) Municipal and county governments, nonprofit agencies,  
221 dealers, and individuals may register to operate a redemption  
222 center.

223 (d) The department may review the registration of a  
224 redemption center at any time.

225 (e) Except for redemption centers operated by a certified  
226 recovered materials dealer, a redemption center shall:

227 1. Verify that all deposit beverage containers to be  
228 redeemed bear a valid Florida refund value.

229 2. Pay to the redeemer the full refund value for all  
230 deposit beverage containers as provided for in this section.

231 3. Ensure that all deposit beverage containers collected  
232 are recycled through a contractual agreement with an out-of-



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233 state recycler or an in-state certified recovered materials  
234 dealer.

235 (f) A redemption center must be maintained in full  
236 compliance with applicable laws and with the orders and rules of  
237 the department.

238 (g) A redemption center may not pay the refund value on any  
239 broken, corroded, dismembered, or flattened deposit beverage  
240 container or any deposit beverage container that contains a  
241 free-flowing liquid, does not properly indicate a refund value,  
242 or contains a significant amount of foreign material.

243 (h) For purposes of this section, a redemption center is  
244 deemed to be sponsored by a dealer if there is an agreement  
245 between the dealer and the operator of the redemption center  
246 requiring the redemption center to remove empty deposit beverage  
247 containers from the premises of the dealer.

248 (6) REVERSE VENDING MACHINES.—

249 (a) A redemption center may use a reverse vending machine  
250 if the machine accepts all of the same types of empty deposit  
251 beverage containers and pays out appropriate refunds in cash,  
252 electronic credit, or a redeemable voucher for those containers  
253 that bear a valid Florida refund value. If more than one  
254 container is redeemed in a single transaction, the refund value  
255 for all redeemed containers must be aggregated before payment is  
256 made.

257 (b) A redemption center or dealer that uses reverse vending  
258 machines must ensure that the machines are routinely serviced to  
259 maintain proper operation, continuous acceptance of containers,  
260 and payment of refunds.

261 (7) REQUIREMENTS FOR DEALERS.—

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262 (a) A dealer may not refuse to accept from any person and  
263 redeem at the dealer's place of business any empty deposit  
264 beverage container of the kind, size, or brand in which the  
265 dealer uses to sell deposit beverages or refuse to pay to such  
266 person the refund value of the deposit beverage container as  
267 established by this section, unless:

268 1. The deposit beverage container is broken, corroded,  
269 dismembered, or flattened; contains a free-flowing liquid; does  
270 not properly indicate a refund value; or contains a significant  
271 amount of foreign material; or

272 2. There is a redemption center located within 1 mile of  
273 the dealer's place of business which accepts empty deposit  
274 beverage containers of the kind, size, or brand sold by the  
275 dealer at the dealer's place of business. This subparagraph does  
276 not apply unless the dealer posts a clear and conspicuous sign  
277 at each public entrance to its place of business which specifies  
278 the name, address, and hours of operation of the closest  
279 redemption center location.

280 (b) If a dealer discontinues the sale of a deposit beverage  
281 container of the kind, size, or brand previously sold at the  
282 dealer's place of business, the dealer may not refuse to accept  
283 and redeem such containers for the 60-day period immediately  
284 after the dealer's last sale of that kind, size, or brand of  
285 deposit beverage container. The dealer shall post at the point  
286 of sale a notice of the last date on which the discontinued  
287 kind, size, or brand of deposit beverage container may be  
288 redeemed. Such notice must be so posted for the entire 60-day  
289 period.

290 (c) A dealer that accepts empty deposit beverage containers

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291 shall:

292 1. Verify that all empty deposit beverage containers to be  
293 redeemed bear a valid Florida refund value.

294 2. Pay to the redeemer the full refund value for all empty  
295 deposit beverage containers as provided in this section.

296 3. Ensure that each deposit beverage container collected is  
297 recycled through a contractual agreement with an out-of-state  
298 recycler or an in-state certified recovered materials dealer.

299 (8) REQUIREMENTS FOR DISTRIBUTORS.—

300 (a) A distributor may not refuse to accept any empty  
301 deposit beverage container of the kind, size, or brand sold by  
302 the distributor or refuse to pay to a dealer or redemption  
303 center operator the refund value of a deposit beverage container  
304 established by this section if:

305 1. The deposit beverage container is from a dealer or the  
306 operator of a redemption center, if such dealer or operator is  
307 located within the territory of the distributor; or

308 2. The deposit beverage container is from an operator of a  
309 redemption center who certifies to the distributor that the  
310 redeemed container was from a dealer located and operated  
311 exclusively within the territory of the distributor.

312 (b) A distributor may refuse to accept and redeem an empty  
313 deposit beverage container that is broken, corroded,  
314 dismembered, or flattened; contains a free-flowing liquid; does  
315 not properly indicate a refund value; or contains a significant  
316 amount of foreign material.

317 (c) A distributor shall remove any empty deposit beverage  
318 containers from the premises of a dealer serviced by the  
319 distributor or from the premises of a redemption center

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320 sponsored by any dealer serviced by the distributor when such  
321 premises are located within the territory of the distributor.

322 (d) The distributor shall pay the refund value to a dealer  
323 in accordance with a schedule for payment agreed to by the  
324 dealer and the distributor for full deposit beverage containers.  
325 The distributor shall pay the refund value to an operator of a  
326 redemption center not more than 20 days after receipt of the  
327 empty deposit beverage container.

328 (e) If a distributor discontinues the sale of a deposit  
329 beverage container of the kind, size, or brand previously sold  
330 at the dealer's place of business, the distributor may not  
331 refuse to accept and redeem such containers during the 150-day  
332 period immediately after the distributor's last day of delivery  
333 of that kind, size, or brand of deposit beverage container. Not  
334 less than 120 days before the last date on which such containers  
335 may be redeemed, the distributor must notify the dealer who  
336 bought the discontinued kind, size, or brand of deposit beverage  
337 container that the distributor no longer redeems that empty  
338 container.

339 (9) HANDLING FEE REIMBURSEMENT.—Upon a dealer or a  
340 redemption center redeeming empty deposit beverage containers,  
341 the distributor, in addition to the refund for such beverage  
342 containers, must pay the dealer or redemption center a handling  
343 fee in an amount equal to at least 20 percent of the deposit  
344 returned to the consumer.

345 (10) REQUIRED INFORMATION AND RECORDS.—

346 (a) All dealers, distributors, redemption centers, and  
347 recycling facilities that accept empty deposit beverage  
348 containers shall submit the following information to the

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349 department:

350 1. The amount and type of deposit beverage containers  
351 accepted and rejected;

352 2. The amount of refunds paid out;

353 3. The amount and weight of each type of deposit beverage  
354 container transported to each out-of-state recycler and in-state  
355 certified recovered materials dealer; and

356 4. Copies of transport and weight receipts from recycling  
357 facilities. If the redemption center and the recycling facility  
358 are the same entity, receipts must be independently verified.  
359 Such documentation may be used for periodic, random department  
360 audits of redemption centers.

361 (b) The records of all such dealers, distributors,  
362 redemption centers, and recycling facilities must be made  
363 available, upon request, for inspection by the department, a  
364 duly authorized agent of the department, or an auditor employed  
365 by the state.

366 (c) Pursuant to s. 815.04, information that, if disclosed,  
367 would reveal a trade secret as defined in s. 812.081, and that  
368 must be reported in accordance with this section or rules  
369 adopted pursuant to this section, is confidential and exempt  
370 from s. 119.07(1) and s. 24(a), Art. I of the State  
371 Constitution. However, for reporting or other informational  
372 purposes, the department may provide potential trade secret  
373 information in such a form that the names of the persons  
374 reporting the information and the specific trade secret  
375 information are not revealed.

376 (11) RULES.—The department shall adopt rules pursuant to  
377 chapter 120 to implement this section. Such rules must include,

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378 but need not be limited to, provisions for the redemption of  
379 empty deposit beverage containers dispensed through vending  
380 machines; the use of reverse vending machines that dispense  
381 cash, electronic credit, or a redeemable voucher to consumers  
382 for redemption of empty deposit beverage containers; the  
383 scheduling of redemption by dealers and distributors; and  
384 exemptions or modifications to the labeling requirements of this  
385 section.

386 (12) OBLIGATION; VIOLATION OF SECTION; PENALTY; REQUIRED  
387 SIGNAGE.—

388 (a) The obligation of a distributor or dealer to accept or  
389 take empty deposit beverage containers and to pay the refund  
390 value and handling fees for such containers applies only to  
391 deposit beverage containers originally sold in this state as  
392 filled deposit beverage containers.

393 (b) A person may not, during a single transaction, tender  
394 to a dealer, distributor, or redemption center more than 24  
395 empty deposit beverage containers that the person knows, or has  
396 reason to know, were not originally sold in this state as filled  
397 deposit beverage containers. A person who violates this  
398 paragraph commits a noncriminal infraction, punishable by a  
399 civil penalty of \$100, which must be deposited in the  
400 Administrative Trust Fund of the department and used to  
401 administer this section.

402 (c) At each location where customers tender empty deposit  
403 beverage containers for redemption, dealers and redemption  
404 centers must conspicuously display a sign with letters that are  
405 at least 1 inch in height advising consumers of the prohibition  
406 and penalty imposed in paragraph (b).

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407       (13) PREEMPTION.—A county or municipality may not impose or  
408 collect any assessment or fee on deposit beverage containers for  
409 the same or a similar purpose as that of this section.

410       Section 2. This act shall take effect upon becoming a law.