

By Senator Rader

29-00339-18

20181856\_\_

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 consumers and  
6       dealers to pay a deposit fee for specified beverage  
7       containers; requiring certain information to be  
8       affixed to or printed on deposit beverage containers;  
9       providing for the redemption of beverage containers  
10      and the refunding of deposit fees; providing  
11      requirements and procedures for redemption centers;  
12      authorizing the use of reverse vending machines;  
13      specifying requirements and procedures for deposit  
14      beverage dealers and distributors; requiring payment  
15      of a certain handling fee; requiring dealers,  
16      distributors, redemption centers, and recycling  
17      facilities to keep specified information and records;  
18      authorizing the Department of Environmental Protection  
19      or other specified entities to conduct certain audits;  
20      clarifying that certain trade secret information is  
21      confidential but authorizing the release of that  
22      information in a manner that would not reveal the  
23      trade secret; requiring the department to adopt rules;  
24      specifying which containers are subject to redemption,  
25      deposit refunds, and handling fees; specifying  
26      conditions for violation of the act; providing a civil  
27      penalty for tendering more than a specified number of  
28      containers not sold in this state; providing for  
29      disposition of the penalty; prohibiting local

29-00339-18

20181856\_\_

30 governments from imposing fees for the same or similar  
31 purpose; providing an effective date.

32  
33 WHEREAS, the Legislature finds that reducing roadside  
34 litter is important for the promotion of tourism and to increase  
35 the quality of life for the residents of this state, and

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

40 WHEREAS, the Legislature further finds that the reduction  
41 of litter and the expansion of recycling program participation  
42 is in the best interest of Floridians and visitors to this  
43 state, and

44 WHEREAS, the purposes of this act are to reduce litter, to  
45 increase recycling rates for specified deposit beverage  
46 containers, to encourage recycling, to reduce waste disposal  
47 costs, to provide a connection between manufacturing decisions  
48 and recycling program management, to create local jobs, to  
49 combat climate change, and to save energy, NOW, THEREFORE,

50  
51 Be It Enacted by the Legislature of the State of Florida:

52  
53 Section 1. Section 403.778, Florida Statutes, is created to  
54 read:

55 403.778 Beverage container deposits.-

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

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

29-00339-18

20181856\_\_

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

61       (b) "Consumer" means a person who buys a deposit beverage  
62 in a deposit beverage container for use or consumption and pays  
63 the deposit.

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

67       (d) "Deposit beverage" means beer, ale, or other drink  
68 produced by fermenting malt; mixed spirits, mixed wine, wine,  
69 distilled spirits, and wine coolers; tea and coffee drinks,  
70 regardless of dairy-derived product content; soda; carbonated  
71 and noncarbonated water; and all nonalcoholic drinks in liquid  
72 form which are intended for internal human consumption and are  
73 contained in a deposit beverage container. The term does not  
74 include:

75           1. A liquid that is a syrup in a concentrated form or  
76 typically added as a minor flavoring ingredient in food or  
77 drink, such as extracts, cooking additives, sauces, or  
78 condiments.

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

82           3. A liquid that is designed and consumed only as a dietary  
83 supplement and not as a beverage as defined in the Dietary  
84 Supplement Health and Education Act of 1994, Pub. L. No. 103-  
85 417.

86           4. Products frozen at the time of sale to the consumer or,  
87 in the case of institutional users such as hospitals and nursing

29-00339-18

20181856\_\_

88 homes, at the time of sale to the user.

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

90 6. Instant drink powders.

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

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

95 (e) "Deposit beverage container" means a sealed, individual  
96 container made of glass, aluminum, steel, bimetals, or plastic,  
97 including polyethylene terephthalate, high-density polyethylene,  
98 and all other plastic types and grades, in sizes of at least 6  
99 fluid ounces but no more than 1 gallon, and used, at the time of  
100 sale to the consumer, for containing a deposit beverage intended  
101 for use or consumption in this state.

102 (f) "Distributor" means a person who is a manufacturer of  
103 deposit beverages in deposit beverage containers in this state  
104 or who buys, brings, or accepts delivery of deposit beverage  
105 containers from an address, supplier, or any entity outside the  
106 state and who engages in the sale of filled deposit beverage  
107 containers to a dealer or consumer. The term includes federal  
108 agencies and military distributors, but does not include  
109 airlines and shipping companies that merely transport deposit  
110 beverage containers.

111 (g) "Mobile redemption center" means a traveling certified  
112 redemption center that offers on-site container redemption to  
113 residences, businesses, or both, either on a one-time or regular  
114 basis, regardless of whether the mobile service is associated  
115 with a dealer or permanent redemption center.

116 (h) "On-premises consumption" means to consume deposit

29-00339-18

20181856\_\_

117 beverages immediately and within the area under control of the  
118 establishment, including bars, restaurants, cafes, passenger  
119 ships, and airplanes.

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

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

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

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

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

134 (l) "Redemption center" or "permanent redemption center"  
135 means an operation in a fixed location which accepts empty  
136 deposit containers from consumers or redeemers, provides the  
137 refund value for empty deposit beverage containers intended to  
138 be recycled, and ensures that such containers are properly  
139 recycled.

140 (m) "Reverse vending machine" means a mechanical device  
141 that accepts one or more types of empty deposit beverage  
142 containers and issues cash, electronic credit, or a redeemable  
143 credit slip with a value not less than the container's refund  
144 value.

145 (n) "Satellite drop-off site" means a designated site where

29-00339-18

20181856\_\_

146 participating consumers bring empty containers for processing at  
147 a centralized processing facility.

148 (3) REFUND VALUES.—Beginning July 1, 2019, every deposit  
149 beverage container sold or offered for sale in this state shall  
150 have the following refund value when empty:

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

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

155 (4) DEPOSIT FEE.—

156 (a) Beginning July 1, 2019, every deposit beverage  
157 distributor must charge the dealer or consumer a deposit fee  
158 equal to the refund value for each deposit beverage container  
159 sold to the dealer or consumer in the state. The deposit charge  
160 may appear as a separate line item on the invoice.

161 (b) Beginning July 1, 2019, every dealer must charge the  
162 consumer at the point of sale a deposit fee equal to the refund  
163 value for each deposit beverage container sold to the consumer  
164 in the state, except on beverages intended for on-premises  
165 consumption. The deposit charge may appear as a separate line  
166 item on the invoice.

167 (c) Every deposit beverage container sold or offered for  
168 sale in this state must be clearly identified by a stamp, label,  
169 or other mark securely affixed to or printed on the deposit  
170 beverage container bearing the word "Florida" or the letters  
171 "FL" and indicating the refund value of the deposit beverage  
172 container. Such stamp, label, or other mark must be provided by  
173 the beverage distributor.

174 (d) Inventory already in circulation on July 1, 2019, must

29-00339-18

20181856\_\_

175 be affixed with an adhesive sticker bearing the word "Florida"  
176 or the letters "FL" and indicating the refund value of the  
177 deposit beverage container. Such sticker must be provided by the  
178 beverage distributor.

179 (e) Once a refund value has been affixed to a deposit  
180 beverage container, the deposit fee on that container may not be  
181 changed.

182 (5) REDEMPTION CENTERS.—

183 (a) A person may not establish or operate a redemption  
184 center without registering with the department, on a form  
185 provided by the department, and providing such information as  
186 the department deems necessary to register a redemption center.  
187 At a minimum, the department must obtain the following  
188 information from a redemption center registrant:

189 1. The name and business address of the business owner of  
190 the redemption center.

191 2. The types of deposit beverage containers to be accepted  
192 and whether deposit beverage containers will be accepted from  
193 redeemers, dealers, or both.

194 3. The hours of operation and whether the center will  
195 operate a mobile redemption center or provide a satellite drop-  
196 off site.

197 (b) The operator of the redemption center shall report any  
198 change in procedure to the department within 48 hours of the  
199 change. A person establishing a redemption center has the right  
200 to determine what kind, size, or brand of deposit beverage  
201 container to accept. A redemption center may be established to  
202 serve all persons or to serve certain specified consumers,  
203 redeemers, and dealers.

29-00339-18

20181856\_\_

204       (c) Municipal and county governments, nonprofit agencies,  
205 dealers, and individuals may register to operate a redemption  
206 center.

207       (d) The department, at any time, may review the  
208 registration of a redemption center.

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

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

213           2. Pay to the redeemer the full refund value for all  
214 deposit beverage containers as provided for by this section.

215           3. Ensure all deposit beverage containers collected are  
216 recycled through a contractual agreement with an out-of-state  
217 recycler or an in-state certified recovered materials dealer.

218       (f) A redemption center must be maintained in full  
219 compliance with applicable laws and with the orders and rules of  
220 the department.

221       (g) A redemption center shall refuse to pay the refund  
222 value on any broken, corroded, dismembered, or flattened deposit  
223 beverage container or any deposit beverage container that  
224 contains a free-flowing liquid, does not properly indicate a  
225 refund value, or contains a significant amount of foreign  
226 material.

227       (h) For purposes of this section, a redemption center is  
228 deemed to be sponsored by a dealer if there is an agreement  
229 between the dealer and the operator of the redemption center  
230 requiring the redemption center to remove empty deposit beverage  
231 containers from the premises of the dealer.

232       (6) REVERSE VENDING MACHINES.—

29-00339-18

20181856\_\_

233 (a) A reverse vending machine may be used by a redemption  
234 center if the machine accepts all of the same types of empty  
235 deposit beverage containers and pays out appropriate refunds in  
236 cash, electronic credit, or a redeemable voucher for those  
237 containers that bear a valid Florida refund value. The refund  
238 value shall be aggregated and then paid if more than one  
239 container is redeemed in a single transaction.

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

244 (7) REQUIREMENTS FOR DEALERS.—

245 (a) A dealer may not refuse to accept from any person and  
246 redeem at the dealer's place of business any empty deposit  
247 beverage container of the kind, size, or brand sold by the  
248 dealer or refuse to pay to such person the refund value of the  
249 deposit beverage container as established by this section,  
250 unless:

251 1. The deposit beverage container is broken, corroded,  
252 dismembered, or flattened; contains a free-flowing liquid; does  
253 not properly indicate a refund value; or contains a significant  
254 amount of foreign material; or

255 2. There is a redemption center located within 1 mile of  
256 the dealer's place of business which accepts empty deposit  
257 beverage containers of the kind, size, or brand sold by the  
258 dealer at the dealer's place of business. This subparagraph does  
259 not apply unless the dealer posts a clear and conspicuous sign  
260 at each public entrance to its place of business which specifies  
261 the name, address, and hours of operation of the closest

29-00339-18

20181856\_\_

262 redemption center location.

263 (b) If a dealer discontinues the sale of a deposit beverage  
264 container of the kind, size, or brand previously sold at the  
265 dealer's place of business, the dealer may not refuse to accept  
266 and redeem such containers for the 60-day period immediately  
267 after the dealer's last sale of that kind, size, or brand of  
268 deposit beverage container. The dealer shall post at the point  
269 of sale a notice of the last date on which the discontinued  
270 kind, size, or brand of deposit beverage container may be  
271 redeemed. Such notice must be so posted for the entire 60-day  
272 period.

273 (c) A dealer accepting empty deposit beverage containers  
274 shall:

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

277 2. Pay to the redeemer the full refund value for all empty  
278 deposit beverage containers as provided by this section.

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

282 (8) REQUIREMENTS FOR DISTRIBUTORS.—

283 (a) A distributor may not refuse to accept any empty  
284 deposit beverage container of the kind, size, or brand sold by  
285 the distributor or refuse to pay to a dealer or redemption  
286 center operator the refund value of a deposit beverage container  
287 established by this section when the deposit beverage container  
288 is from a dealer or the operator of a redemption center if such  
289 dealer or operator is located within the territory of the  
290 distributor, or from an operator of a redemption center who

29-00339-18

20181856\_\_

291 certifies to the distributor that the redeemed container was  
292 from a dealer located and operated exclusively within the  
293 territory of the distributor.

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

299 (c) A distributor shall remove any empty deposit beverage  
300 containers from the premises of a dealer serviced by the  
301 distributor or from the premises of a redemption center  
302 sponsored by any dealer serviced by the distributor when such  
303 premises are located within the territory of the distributor.

304 (d) The distributor shall pay the refund value to a dealer  
305 in accordance with a schedule for payment agreed to by the  
306 dealer and the distributor for full deposit beverage containers.  
307 The distributor shall pay the refund value to an operator of a  
308 redemption center not more than 20 days after receipt of the  
309 empty deposit beverage container.

310 (e) If a distributor discontinues the sale of a deposit  
311 beverage container of the kind, size, or brand previously sold  
312 at the dealer's place of business, the distributor may not  
313 refuse to accept and redeem such containers for the 150-day  
314 period immediately after the distributor's last day of delivery  
315 of that kind, size, or brand of deposit beverage container. Not  
316 less than 120 days before the last date such containers may be  
317 redeemed, the distributor must notify the dealer who bought the  
318 discontinued kind, size, or brand of deposit beverage container  
319 that the distributor no longer redeems that empty container.

29-00339-18

20181856\_\_

320 (9) HANDLING FEE REIMBURSEMENT.—Upon a dealer or a  
321 redemption center redeeming empty deposit beverage containers, a  
322 distributor must pay the dealer or redemption center a handling  
323 fee in an amount that is at least 20 percent of the deposit  
324 returned to the consumer in addition to the refund for such  
325 beverage containers.

326 (10) REQUIRED INFORMATION AND RECORDS.—

327 (a) All dealers, distributors, redemption centers, and  
328 recycling facilities that accept empty deposit beverage  
329 containers shall submit the following information to the  
330 department:

331 1. The amount and type of deposit beverage containers  
332 accepted and rejected;

333 2. The amount of refunds paid out;

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

337 4. Copies of transport and weight receipts from recycling  
338 facilities. If the redemption center and the recycling facility  
339 are the same entity, receipts must be independently verified.  
340 Such documentation may be used for periodic, random department  
341 audits of redemption centers.

342 (b) The records of dealers, distributors, redemption  
343 centers, and recycling facilities that accept empty deposit  
344 beverage containers must be made available, upon request, for  
345 inspection by the department, a duly authorized agent of the  
346 department, or an auditor employed by the state.

347 (c) Pursuant to s. 815.04, information that, if disclosed,  
348 would reveal a trade secret as defined in s. 812.081, and that

29-00339-18

20181856\_\_

349 must be reported in accordance with this section or rules  
350 adopted pursuant to this section, is confidential and exempt  
351 from s. 119.07(1) and s. 24(a), Art. I of the State  
352 Constitution. However, for reporting or other informational  
353 purposes, the department may provide potential trade secret  
354 information in such a form that the names of the persons  
355 reporting the information and the specific trade secret  
356 information are not revealed.

357 (11) RULES.—The department shall adopt rules pursuant to  
358 chapter 120 to implement this section. Such rules must include,  
359 but need not be limited to, provisions for the redemption of  
360 empty deposit beverage containers dispensed through vending  
361 machines; the use of reverse vending machines that dispense  
362 cash, electronic credit, or a redeemable voucher to consumers  
363 for redemption of empty deposit beverage containers; the  
364 scheduling of redemption by dealers and distributors; and  
365 exemptions or modifications to the labeling requirement of this  
366 section.

367 (12) OBLIGATION; VIOLATION OF SECTION; PENALTY; REQUIRED  
368 SIGNAGE.—

369 (a) The obligation of a distributor or dealer to accept or  
370 take empty deposit beverage containers and to pay the refund  
371 value and handling fees for such containers applies only to  
372 deposit beverage containers originally sold in this state as  
373 filled deposit beverage containers.

374 (b) A person may not, during a single transaction, tender  
375 to a dealer, distributor, or redemption center more than 24  
376 empty deposit beverage containers that the person knows, or has  
377 reason to know, were not originally sold in this state as filled

29-00339-18

20181856\_\_

378 deposit beverage containers. A person who violates this  
379 paragraph commits a noncriminal infraction, punishable by a  
380 civil penalty of \$100, which must be deposited in the  
381 Administrative Trust Fund of the department and used to  
382 administer this section.

383 (c) At each location where customers tender empty deposit  
384 beverage containers for redemption, dealers and redemption  
385 centers must conspicuously display a sign with letters that are  
386 at least 1 inch in height advising consumers of the prohibition  
387 and penalty in paragraph (b).

388 (13) PREEMPTION.—A county or municipality may not impose or  
389 collect any assessment or fee on deposit beverage containers for  
390 the same or similar purpose that is the subject of this section.

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