

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
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
 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
 68 to 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
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
94 | formula as defined by the Federal Food, Drug, and Cosmetic Act,
95 | 21 U.S.C. ss. 301 et seq.

96 | 3. A liquid that is designed and consumed only as a
97 | dietary supplement as defined in the Dietary Supplement Health
98 | and 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,
110 individual container made of glass, aluminum, steel, bimetal, or
111 plastic, including polyethylene terephthalate, high-density
112 polyethylene, and all other plastic types and grades, in sizes
113 of at least 6 fluid ounces but no more than 1 gallon, and used,
114 at the time of sale to the consumer, for containing a deposit
115 beverage intended for use or consumption in this state.

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

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
161 where participating consumers bring empty containers for
162 subsequent 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
168 a volume of at least 6 fluid ounces but less than 25 fluid
169 ounces.

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

172 (4) DEPOSIT FEE.—

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

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

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

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

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

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

199 (5) REDEMPTION CENTERS.—

200 (a) A person may not establish or operate a redemption

201 center without registering with the department, on a form
202 provided by the department, and providing such information as
203 the department deems necessary for such registration. The
204 operator of the redemption center shall report any change in the
205 information provided to the department within 48 hours after the
206 change. At a minimum, the department must obtain the following
207 information from a redemption center registrant:

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

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

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

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

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

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

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

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

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

232 3. Ensure that all deposit beverage containers collected
233 are recycled through a contractual agreement with an out-of-
234 state recycler or an in-state certified recovered materials
235 dealer.

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

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

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

249 (6) REVERSE VENDING MACHINES.—

250 (a) A redemption center may use a reverse vending machine

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

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

262 (7) REQUIREMENTS FOR DEALERS.—

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

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

273 2. There is a redemption center located within 1 mile of
274 the dealer's place of business which accepts empty deposit
275 beverage containers of the kind, size, or brand sold by the

276 dealer at the dealer's place of business. This subparagraph does
277 not apply unless the dealer posts a clear and conspicuous sign
278 at each public entrance to its place of business which specifies
279 the name, address, and hours of operation of the closest
280 redemption center location.

281 (b) If a dealer discontinues the sale of a deposit
282 beverage container of the kind, size, or brand previously sold
283 at the dealer's place of business, the dealer may not refuse to
284 accept and redeem such containers for the 60-day period
285 immediately after the dealer's last sale of that kind, size, or
286 brand of deposit beverage container. The dealer shall post at
287 the point of sale a notice of the last date on which the
288 discontinued kind, size, or brand of deposit beverage container
289 may be redeemed. Such notice must be so posted for the entire
290 60-day period.

291 (c) A dealer that accepts empty deposit beverage
292 containers shall:

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

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

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

300 (8) REQUIREMENTS FOR DISTRIBUTORS.—

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

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

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

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

318 (c) A distributor shall remove any empty deposit beverage
319 containers from the premises of a dealer serviced by the
320 distributor or from the premises of a redemption center
321 sponsored by any dealer serviced by the distributor when such
322 premises are located within the territory of the distributor.

323 (d) The distributor shall pay the refund value to a dealer
324 in accordance with a schedule for payment agreed to by the
325 dealer and the distributor for full deposit beverage containers.

326 The distributor shall pay the refund value to an operator of a
327 redemption center not more than 20 days after receipt of the
328 empty deposit beverage container.

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

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

346 (10) REQUIRED INFORMATION AND RECORDS.—

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

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

353 2. The amount of refunds paid out;

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

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

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

367 (c) Pursuant to s. 815.04, information that, if disclosed,
368 would reveal a trade secret as defined in s. 812.081, and that
369 must be reported in accordance with this section or rules
370 adopted pursuant to this section, is confidential and exempt
371 from s. 119.07(1) and s. 24(a), Art. I of the State
372 Constitution. However, for reporting or other informational
373 purposes, the department may provide potential trade secret
374 information in such a form that the names of the persons
375 reporting the information and the specific trade secret

376 information are not revealed.

377 (11) RULES.—The department shall adopt rules pursuant to
378 chapter 120 to implement this section. Such rules must include,
379 but need not be limited to, provisions for the redemption of
380 empty deposit beverage containers dispensed through vending
381 machines; the use of reverse vending machines that dispense
382 cash, electronic credit, or a redeemable voucher to consumers
383 for redemption of empty deposit beverage containers; the
384 scheduling of redemption by dealers and distributors; and
385 exemptions or modifications to the labeling requirements of this
386 section.

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

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

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

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401 Administrative Trust Fund of the department and used to
402 administer this section.

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

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

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