

By Senator Rader

29-00024A-20

202050\_\_

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 refund values 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

29-00024A-20

202050\_\_

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 containers not  
36 originally sold in this state or to pay the refund  
37 value and handling fees for them; prohibiting certain  
38 transactions involving such empty deposit beverage  
39 containers and requiring a specified notice to  
40 customers; providing a civil penalty for violations;  
41 providing for disposition of the penalty; requiring  
42 such penalties to be publicly noticed; prohibiting  
43 local governments from imposing fees for the same or a  
44 similar purpose; providing an effective date.

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

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

29-00024A-20

202050\_\_

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(3)(f).

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 this state  
80 to 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

29-00024A-20

202050\_\_

88 not include any of the following:

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 manufacturers deposit

29-00024A-20

202050\_\_

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

29-00024A-20

202050\_\_

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 this section which operates at  
151 a fixed location and which accepts empty deposit containers from  
152 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 redemption center.

163 (3) REFUND VALUES.—Beginning July 1, 2021, 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) Five cents for each deposit beverage container with a  
168 volume of at least 6 fluid ounces but less than 25 fluid ounces.

169 (b) Ten 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, 2021, 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

29-00024A-20

202050\_\_

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, 2021, 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. The beverage distributor must provide such stamp,  
189 label, or other mark.

190 (d) Inventory already in circulation on July 1, 2021, 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. The beverage distributor must  
194 provide such a sticker.

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 the  
201 department furnishes, and providing such information as the  
202 department deems necessary for such registration. The operator  
203 of the redemption center shall report any change in the

29-00024A-20

202050\_\_

204 information provided to the department within 48 hours after the  
205 change. At a minimum, the department must obtain all of the  
206 following 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 do all of  
227 the following:

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



29-00024A-20

202050\_\_

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 any  
240 broken, corroded, or flattened deposit beverage container or any  
241 deposit beverage container that contains a free-flowing liquid,  
242 does not properly indicate a refund value, or contains a  
243 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 redemption center operator requiring  
247 the redemption center to remove empty deposit beverage  
248 containers from the dealer's premises.

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 vending  
259 machines must ensure that the machines are routinely serviced to  
260 maintain proper operation, continuous acceptance of containers,  
261 and payment of refunds.

29-00024A-20

202050\_\_

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 the dealer uses  
266 to sell deposit beverages or refuse to pay to such person the  
267 refund value of the deposit beverage container as established by  
268 this section, unless:

269 1. The deposit beverage container is broken, corroded, or  
270 flattened; contains a free-flowing liquid; does not properly  
271 indicate a refund value; or contains a significant amount of  
272 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 beverage  
282 container of the kind, size, or brand previously sold at the  
283 dealer's place of business, the dealer may not refuse to accept  
284 and redeem such containers for the 60-day period immediately  
285 after the dealer's last sale of that kind, size, or brand of  
286 deposit beverage container. The dealer shall post at the point  
287 of sale a notice of the last date on which the discontinued  
288 kind, size, or brand of deposit beverage container may be  
289 redeemed. Such notice must be so posted for the entire 60-day  
290 period.

29-00024A-20

202050\_\_

291 (c) A dealer who accepts empty deposit beverage containers  
292 shall do all of the following:

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 is  
298 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, or  
315 flattened; contains a free-flowing liquid; does not properly  
316 indicate a refund value; or contains a significant amount of  
317 foreign material.

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

29-00024A-20

202050\_\_

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 container 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 container  
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) Beginning August 1, 2021 and every 4 months thereafter,  
348 all dealers, distributors, redemption centers, and recycling

29-00024A-20

202050\_\_

349 facilities that accept empty deposit beverage containers shall  
350 submit the following information to the 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; and

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

29-00024A-20

202050\_\_

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  
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

29-00024A-20

202050\_\_

407 and penalty imposed in paragraph (b).

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

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