

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

47

48 Section 1. Section 403.778, Florida Statutes, is created
 49 to read:

50 403.778 Beverage container deposits.-

51 (1) SHORT TITLE.—This section may be cited as the "Florida
52 Beverage Container Deposit Act."

53 (2) DEFINITIONS.—As used in this section, the term:

54 (a) "Certified recovered materials dealer" has the same
55 meaning as in s. 403.7046(2)(f)3.

56 (b) "Consumer" means a person who buys a deposit beverage
57 in a deposit beverage container for use or consumption and pays
58 the deposit.

59 (c) "Dealer" means a person who engages in the sale of
60 deposit beverages in deposit beverage containers in this state
61 to a consumer for off-premises consumption.

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

70 1. A liquid that is a syrup in a concentrated form or that
71 is typically added as an incidental flavoring ingredient in food
72 or drink, such as extracts, cooking additives, sauces, or
73 condiments.

74 2. A liquid that is a drug, medical food, or infant
75 formula as defined by the Federal Food, Drug, and Cosmetic Act,

76 | 21 U.S.C. ss. 301 et seq.

77 | 3. A liquid that is designed and consumed only as a
 78 | dietary supplement as defined in the Dietary Supplement Health
 79 | and Education Act of 1994, Pub. L. No. 103-417, and not as a
 80 | beverage.

81 | 4. Products that are frozen at the time of sale to the
 82 | consumer or, in the case of institutional users such as
 83 | hospitals and nursing homes, at the time of sale to such users.

84 | 5. Products designed to be consumed in a frozen state.

85 | 6. Instant drink powders.

86 | 7. Seafood, meat, or vegetable broths or soups, but not
 87 | juices made or derived from these products.

88 | 8. Milk and all other dairy-derived products, except tea
 89 | and coffee drinks containing such products.

90 | (e) "Deposit beverage container" means a sealed,
 91 | individual container made of glass, aluminum, steel, bimetal, or
 92 | plastic, including polyethylene terephthalate, high-density
 93 | polyethylene, and all other plastic types and grades, in sizes
 94 | with a volume of at least 6 fluid ounces but not more than 1
 95 | gallon, and used, at the time of sale to the consumer, for
 96 | containing a deposit beverage intended for use or consumption in
 97 | this state.

98 | (f) "Distributor" means a person who is a manufacturer of
 99 | deposit beverages in deposit beverage containers in this state
 100 | or who buys, brings, or accepts delivery of deposit beverage

101 containers from an address, supplier, or any entity outside this
102 state and who engages in the sale of filled deposit beverage
103 containers to a dealer or consumer. The term includes federal
104 agencies and military distributors, but does not include
105 airlines and shipping companies that merely transport deposit
106 beverage containers.

107 (g) "Mobile redemption center" means a redemption center
108 that offers container redemption services to residences,
109 businesses, or both on their respective sites, either on a one-
110 time or regular basis, regardless of whether the services are
111 offered in association with a dealer or permanent redemption
112 center.

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

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

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

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

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

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

131 (l) "Redemption center" or "permanent redemption center"
 132 means a facility registered under subsection (5) which operates
 133 at a fixed location and which accepts empty deposit containers
 134 from consumers or redeemers, provides the refund value for empty
 135 deposit beverage containers intended to be recycled, and ensures
 136 that such containers are properly recycled.

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

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

145 (3) REFUND VALUES.—Beginning July 1, 2024, each deposit
 146 beverage container sold or offered for sale in this state must
 147 have one of the following refund values, as appropriate, when
 148 empty:

149 (a) Ten cents for each deposit beverage container with a
 150 volume of at least 6 fluid ounces but less than 25 fluid ounces.

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

153 (4) DEPOSIT FEE.—

154 (a) Beginning on July 1, 2024, each deposit beverage
155 distributor must charge a dealer or consumer in this state a
156 deposit fee equal to the refund value for each deposit beverage
157 container sold to the dealer or consumer. The charge for the
158 deposit fee may appear as a separate line item on the invoice.

159 (b) Beginning on July 1, 2024, each dealer must charge a
160 consumer in this state, at the point of sale, a deposit fee
161 equal to the refund value for each deposit beverage container
162 sold to the consumer, except on beverages intended for on-
163 premises consumption. The charge for the deposit fee may appear
164 as a separate line item on the invoice.

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

172 (d) Inventory already in circulation on July 1, 2024, must
173 be affixed with an adhesive sticker that bears the word
174 "Florida" or the letters "FL" and indicates the refund value of
175 the deposit beverage container. Such sticker must be provided by

176 the beverage distributor.

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

180 (5) REDEMPTION CENTERS.—

181 (a) A person may not establish or operate a redemption
182 center without registering with the department, on a form
183 provided by the department, and providing such information as
184 the department deems necessary for such registration. The
185 operator of the redemption center shall report any change in the
186 information provided to the department within 48 hours after the
187 change. 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) A person establishing a redemption center has the
198 right to determine the kind, size, or brand of deposit beverage
199 container that will be accepted. A redemption center may be
200 established to serve all persons or to serve only specified

201 consumers, redeemers, and dealers.

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

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

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

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

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

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

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

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

225 (h) For purposes of this section, a redemption center is

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226 deemed to be sponsored by a dealer if there is an agreement
227 between the dealer and the operator of the redemption center
228 requiring the redemption center to remove empty deposit beverage
229 containers from the premises of the dealer.

230 (6) REVERSE VENDING MACHINES.—

231 (a) A redemption center may use a reverse vending machine
232 if the machine accepts all of the same types of empty deposit
233 beverage containers and pays out appropriate refunds in cash,
234 electronic credit, or a redeemable voucher for those containers
235 that bear a valid Florida refund value. If more than one
236 container is redeemed in a single transaction, the refund value
237 for all redeemed containers must be aggregated before payment is
238 made.

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

243 (7) REQUIREMENTS FOR DEALERS.—

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

250 1. The deposit beverage container is broken, corroded,

251 dismembered, or flattened; contains a free-flowing liquid; does
252 not properly indicate a refund value; or contains a significant
253 amount of foreign material; or

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

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

272 (c) A dealer that accepts empty deposit beverage
273 containers shall:

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

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

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

281 (8) REQUIREMENTS FOR DISTRIBUTORS.—

282 (a) A distributor may not refuse to accept any empty
 283 deposit beverage container of the kind, size, or brand sold by
 284 the distributor or refuse to pay to a dealer or redemption
 285 center operator the refund value of a deposit beverage container
 286 established by this section if:

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

290 2. The deposit beverage container is from an operator of a
 291 redemption center who certifies to the distributor that the
 292 redeemed container was from a dealer located and operated
 293 exclusively within the 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 during 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 on which such containers
317 may be redeemed, the distributor must notify the dealer who
318 bought the discontinued kind, size, or brand of deposit beverage
319 container that the distributor no longer redeems that empty
320 container.

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

326 returned to the consumer.

327 (10) REQUIRED INFORMATION AND RECORDS.—

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

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

334 2. The amount of refunds paid out;

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

338 4. Copies of transport and weight receipts from recycling
339 facilities. If the redemption center and the recycling facility
340 are the same entity, receipts must be independently verified.

341 Such documentation may be used for periodic, random department
342 audits of redemption centers.

343 (b) The records of all such dealers, distributors,
344 redemption centers, and recycling facilities must be made
345 available, upon request, for inspection by the department, a
346 duly authorized agent of the department, or an auditor employed
347 by the state.

348 (c) Pursuant to s. 815.04, information that, if disclosed,
349 would reveal a trade secret as defined in s. 812.081(1), and
350 that must be reported in accordance with this section or rules

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

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

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

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

375 (b) A person may not, during a single transaction, tender

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376 to a dealer, distributor, or redemption center more than 24
377 empty deposit beverage containers that the person knows, or has
378 reason to know, were not originally sold in this state as filled
379 deposit beverage containers. A person who violates this
380 paragraph commits a noncriminal infraction, punishable by a
381 civil penalty of \$100, which must be deposited in the
382 Administrative Trust Fund of the department and used to
383 administer this section.

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

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

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