A bill to be entitled
An act relating to beverage container deposits;
creating s. 403.778, F.S.; providing a short title;
defining terms; establishing refund values for
specified beverage containers; requiring dealers and
consumers in this state to pay a deposit fee for
specified beverage containers; requiring that certain
information be affixed to or printed on deposit
beverage containers; prohibiting the establishment or
operation of a redemption center unless it is
registered with the Department of Environmental
Protection; providing minimum standards for
registration; requiring that information provided to
the department in the registration process be kept
current; providing that persons establishing a
redemption center have a certain right; providing
requirements for redemption centers; prohibiting
redemption centers from paying the refund value for
certain containers; authorizing the use of reverse
vending machines under certain circumstances;
specifying requirements and procedures for certain
deposit beverage dealers and distributors; requiring
distributors to pay a handling fee of at least a
specified amount to dealers and redemption centers;
requiring certain dealers, distributors, redemption
centers, and recycling facilities to submit specified
information to the department and to make records
available to the department upon request; authorizing
the department or other specified entities to conduct
certain audits; clarifying that certain trade secret
information is confidential but authorizing the
release of that information in a manner that would not
reveal the trade secret; requiring the department to
adopt rules; providing that distributors and dealers
are not obligated to accept or take containers not
originally sold in this state or to pay the refund
value and handling fees for them; prohibiting certain
transactions involving such empty deposit beverage
containers and requiring a specified notice to
customers; providing a civil penalty for violations;
providing for disposition of the penalty; requiring
such penalties to be publicly noticed; prohibiting
local governments from imposing fees for the same or a
similar purpose; providing an effective date.

WHEREAS, the Legislature finds that roadside litter
presents an obstacle to promoting tourism and that reducing the
amount of roadside litter improves the quality of life for the
residents of this state, and

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

WHEREAS, the Legislature further finds that the reduction
of litter and the expansion of recycling program participation
is in the best interest of residents and visitors to this state, and

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

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

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

403.778 Beverage container deposits.—
(1) SHORT TITLE.—This section may be cited as the “Florida Beverage Container Deposit Act.”

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

(a) “Certified recovered materials dealer” has the same meaning as in s. 403.7046(3)(f).

(b) “Consumer” means a person who buys a deposit beverage in a deposit beverage container for use or consumption and pays the deposit.

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

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

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

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

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

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

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

6. Instant drink powders.

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

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

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

(f) “Distributor” means a person who manufacturers deposit
beverages in deposit beverage containers in this state or who buys, brings, or accepts delivery of deposit beverage containers from an address, supplier, or any entity outside this state and who engages in the sale of filled deposit beverage containers to a dealer or consumer. The term includes federal agencies and military distributors, but does not include airlines and shipping companies that merely transport deposit beverage containers.

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

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

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

  (j) “Recycling facility” means all contiguous land, structures, appurtenances, and improvements on land that is:
  1. Used for the collection, separation, recovery, and sale or reuse of secondary resources that would otherwise be disposed of as municipal solid waste; and
  2. An integral part of a manufacturing process aimed at producing a marketable product made of post-consumer material.
(k) “Redeemer” means a person, other than a dealer or distributor, who demands the refund value in exchange for the empty deposit beverage container.

(l) “Redemption center” or “permanent redemption center” means a facility registered under this section which operates at a fixed location and which accepts empty deposit containers from consumers or redeemers, provides the refund value for empty deposit beverage containers intended to be recycled, and ensures that such containers are properly recycled.

(m) “Reverse vending machine” means a mechanical device that accepts one or more types of empty deposit beverage containers and issues cash, electronic credit, or a redeemable credit slip with a value not less than the containers’ refund value.

(n) “Satellite drop-off site” means a designated site where participating consumers bring empty containers for subsequent processing at a redemption center.

(3) REFUND VALUES.—Beginning July 1, 2021, each deposit beverage container sold or offered for sale in this state must have one of the following refund values, as appropriate, when empty:

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

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

(4) DEPOSIT FEE.—

(a) Beginning on July 1, 2021, each deposit beverage distributor must charge a dealer or consumer in this state a deposit fee equal to the refund value for each deposit beverage container.
container sold to the dealer or consumer. The charge for the
deposit fee may appear as a separate line item on the invoice.

(b) Beginning on July 1, 2021, each dealer must charge a
consumer in this state, at the point of sale, a deposit fee
equal to the refund value for each deposit beverage container
sold to the consumer, except on beverages intended for on-
premises consumption. The charge for the deposit fee may appear
as a separate line item on the invoice.

(c) Each deposit beverage container sold or offered for
sale in this state must be clearly identified by a stamp, label,
or other mark securely affixed to or printed on the deposit
beverage container which bears the word “Florida” or the letters
“FL” and indicates the refund value of the deposit beverage
container. The beverage distributor must provide such stamp,
label, or other mark.

(d) Inventory already in circulation on July 1, 2021, must
be affixed with an adhesive sticker that bears the word
“Florida” or the letters “FL” and indicates the refund value of
the deposit beverage container. The beverage distributor must
provide such a sticker.

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

(5) REDEMPTION CENTERS.—
(a) A person may not establish or operate a redemption
center without registering with the department, on a form the
department furnishes, and providing such information as the
department deems necessary for such registration. The operator
of the redemption center shall report any change in the
information provided to the department within 48 hours after the change. At a minimum, the department must obtain all of the following information from a redemption center registrant:

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

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

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

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

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

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

(e) Except for redemption centers operated by a certified recovered materials dealer, a redemption center shall do all of the following:

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

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

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

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

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

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

(6) REVERSE VENDING MACHINES.—

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

(b) A redemption center or dealer that uses reverse vending
machines must ensure that the machines are routinely serviced to
maintain proper operation, continuous acceptance of containers,
and payment of refunds.
(7) REQUIREMENTS FOR DEALERS.—

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

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

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

(b) If a dealer discontinues the sale of a deposit beverage container of the kind, size, or brand previously sold at the dealer’s place of business, the dealer may not refuse to accept and redeem such containers for the 60-day period immediately after the dealer’s last sale of that kind, size, or brand of deposit beverage container. The dealer shall post at the point of sale a notice of the last date on which the discontinued kind, size, or brand of deposit beverage container may be redeemed. Such notice must be so posted for the entire 60-day period.
(c) A dealer who accepts empty deposit beverage containers shall do all of the following:

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

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

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

(8) REQUIREMENTS FOR DISTRIBUTORS.—

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

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

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

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

(c) A distributor shall remove any empty deposit beverage containers from the premises of a dealer serviced by the
(d) The distributor shall pay the refund value to a dealer in accordance with a schedule for payment agreed to by the dealer and the distributor for full deposit beverage containers. The distributor shall pay the refund value to an operator of a redemption center not more than 20 days after receipt of the empty deposit beverage container.

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

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

(10) REQUIRED INFORMATION AND RECORDS.—

(a) Beginning August 1, 2021 and every 4 months thereafter, all dealers, distributors, redemption centers, and recycling
facilities that accept empty deposit beverage containers shall submit the following information to the department:

1. The amount and type of deposit beverage containers accepted and rejected;
2. The amount of refunds paid out;
3. The amount and weight of each type of deposit beverage container transported to each out-of-state recycler and in-state certified recovered materials dealer; and
4. Copies of transport and weight receipts from recycling facilities. If the redemption center and the recycling facility are the same entity, receipts must be independently verified. Such documentation may be used for periodic, random department audits of redemption centers.

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

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

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

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

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

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

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

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

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