

By Senator Harrell

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1 A bill to be entitled
2 An act relating to electric vehicle battery
3 management; providing a short title; creating s.
4 403.7722, F.S.; providing definitions; providing
5 requirements for the end-of-life of propulsion
6 batteries; prohibiting disposal of specified batteries
7 by landfilling; providing requirements for solid waste
8 collectors and facilities; providing responsibilities
9 for certain persons and entities; requiring specified
10 annual reports; providing rulemaking authority to the
11 Department of Environmental Protection; providing an
12 effective date.

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

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16 Section 1. This act may be cited as the "Promoting
17 Responsible End-of-Life Management for Electric Vehicle
18 Batteries Act."

19 Section 2. Section 403.7722, Florida Statutes, is created
20 to read:

21 403.7722 End-of-life management for electric vehicle
22 batteries.-

23 (1) DEFINITIONS.-As used in this section, the term:

24 (a) "Battery" means a device consisting of one or more
25 electrically connected electrochemical cells that is designed to
26 receive, store, and deliver electric energy.

27 (b) "Battery management hierarchy" means the preference for
28 salvage motor vehicle dealers, secondary handlers, secondary
29 users, or battery providers to first strive to reuse, repair,

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30 repurpose, or remanufacture batteries when possible and cost-
31 effective before management using a specialized battery
32 recycler.

33 (c) "Battery provider":

34 1. Means:

35 a. A person or entity that initially sells, offers for
36 sale, or distributes a propulsion battery or a vehicle
37 containing such a battery in or into this state, including
38 licensed vehicle manufacturers or propulsion battery
39 manufacturers that distribute propulsion batteries under the
40 person's or entity's own name or brand.

41 b. If there is no vehicle manufacturer or primary seller as
42 described in subparagraph 1., the owner or licensee of a brand
43 or trademark under which the propulsion battery is sold or
44 distributed in or into the state. This includes an exclusive
45 licensee with the exclusive right to use the trademark or brand
46 in connection with the distribution or sale of propulsion
47 batteries.

48 c. If no person or entity meets the criteria in
49 subparagraph 1. or subparagraph 2., the battery provider is the
50 person or entity who imports for sale, distribution, or
51 installation a propulsion battery into this state.

52 d. If no other person or entity is designated as the
53 battery provider under this subparagraph, subparagraph 2., or
54 subparagraph 3., the distributor, retailer, dealer, or
55 wholesaler that sells or distributes the propulsion battery in
56 or into this state shall be deemed the battery provider.

57 2. Does not include a secondary handler who sells, offers
58 for sale, or distributes a battery in or into the state, if the

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59 battery has not been modified, remanufactured, or repurposed.

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61 For the purposes of this paragraph, the sale of a propulsion
62 battery is considered to occur in this state if the battery, or
63 the vehicle containing the battery, is delivered to a licensed
64 dealer or directly to the consumer in this state.

65 (d) "Battery state of health" means a figure of merit,
66 measured in kilowatt-hours and a percentage of remaining
67 kilowatt-hours as compared to its initial capacity, provided to
68 facilitate understanding of the battery's remaining energy
69 retention capacity as compared to its original specifications
70 when it was new.

71 (e) "End-of-life" means the stage when a propulsion battery
72 is removed from its initial intended application and is
73 evaluated by a secondary handler, secondary user, or specialized
74 battery recycler for reuse, remanufacture, repair, repurpose, or
75 recycling.

76 (f) "Propulsion battery" means a battery that supplies
77 power to propel an electric or hybrid vehicle.

78 (g) "Remanufacture" means the process of refurbishing end-
79 of-life battery modules or cells to fulfill a battery module's
80 or cell's primary intended purpose.

81 (h) "Repurpose" means the use of a propulsion battery, or
82 any battery modules or battery cells thereof, to store and
83 supply electricity in a manner other than its primary intended
84 purpose.

85 (i) "Reuse" means the use of a propulsion battery in
86 another vehicle that does not require modification to the
87 battery.

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88 (j) "Secondary handler" means any entity that takes
89 possession of a propulsion battery to sort, reuse, repair,
90 remanufacture, or prepare the battery for repurposing by a
91 secondary user or end-of-life management by a specialized
92 battery recycler. The term includes a salvage motor vehicle
93 dealer, as defined in s. 320.27(1)(c)5., or a secondary metals
94 recycler, as defined in s. 538.18, when they are managing
95 propulsion batteries.

96 (k) "Secondary user" means an entity that repurposes a
97 propulsion battery before ensuring that the battery is directed
98 to a specialized battery recycler.

99 (l) "Solid waste collector" means a person who operates
100 collection routes for the removal of solid waste from
101 residential, multi-residential, commercial, or industrial
102 premises.

103 (m)1. "Specialized battery recycler" means an entity or
104 facility that is authorized by the department or an equivalent
105 agency in another state, or an applicable federal regulatory
106 body, and performs one or both of the following:

107 a. Refines end-of-life vehicle propulsion batteries or
108 battery materials back to useable materials.

109 b. Extracts and separates materials from end-of-life
110 vehicle traction batteries, including, but not limited to,
111 lithium compounds, cobalt, nickel, copper, aluminum, iron,
112 manganese, graphite, or intermediate fractions, and sends the
113 material for further processing or refining to another
114 specialized battery recycler.

115 2. The term "specialized battery recycler" does not include
116 entities or facilities that are only engaged in the collection

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117 or logistics of moving materials for recycling.

118 (n) "Spent battery" means a propulsion battery for which
119 the costs associated with recycling the battery presents an
120 economical, physical, informational, or a digital communication
121 burden for the owner of the vehicle or an entity that has
122 removed the battery from the vehicle.

123 (2) DISPOSAL OF PROPULSION BATTERIES.-

124 (a) All propulsion batteries shall be managed responsibly
125 at end-of-life in accordance with this section. Disposal of
126 propulsion batteries through landfilling is prohibited.

127 (b) A solid waste collector may not knowingly collect a
128 propulsion battery, or any module or cell thereof, placed for
129 collection and disposal as solid waste. A solid waste collector
130 shall refuse to collect a solid waste container containing a
131 propulsion battery, or any battery components thereof.

132 (c) A solid waste facility may not knowingly accept for
133 disposal a propulsion battery, or any module or cell components
134 thereof, or a truckload or roll-off container of solid waste
135 containing a propulsion battery, or any module or cell
136 components thereof. The owner or operator of a solid waste
137 facility shall refuse to accept for disposal a propulsion
138 battery, or any module or cell thereof, or any truckload or
139 roll-off container of solid waste containing a propulsion
140 battery, or any module or cell components thereof.

141 (3) RESPONSIBILITIES OF SECONDARY HANDLERS, AND SECONDARY
142 USERS.-

143 (a) Upon taking possession of a propulsion battery,
144 secondary handlers, including automobile wreckers managing
145 propulsion batteries, and secondary users shall manage

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146 propulsion batteries in accordance with the battery management
147 hierarchy in this section. If a secondary handler identifies a
148 propulsion battery as a spent battery the handler shall notify
149 the battery provider who will assume responsibility for the end-
150 of-life management for that battery.

151 (b) For batteries that are unable to be further reused,
152 repurposed, or remanufactured, secondary handlers and secondary
153 users shall coordinate with a specialized battery recycler for
154 end-of-life management to ensure compliance with this section.
155 When a battery provider acts as a secondary handler or secondary
156 user, the battery provider is subject to the responsibilities of
157 secondary handlers and secondary users imposed under this
158 section. A battery provider who is also acting as a secondary
159 handler or secondary user may file a single annual report that
160 shows proof of meeting all of the requirements in this section.

161 (c) If a secondary handler or secondary user modifies a
162 propulsion battery, the secondary handler or secondary user must
163 provide updated labeling which identifies the secondary handler
164 or secondary user as the entity responsible for end-of-life
165 management of the modified battery before it may be provided for
166 sale back on the market.

167 (d) Secondary handlers and secondary users shall submit
168 annual reports to the department containing all of the
169 following, as applicable:

170 1. The total volume of batteries that have been procured.
171 2. The secondary handlers involved in battery collections.
172 3. A brief overview of the methods used to transport used
173 propulsion batteries.

174 4. The volume of batteries that will be reused, repurposed,

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175 remanufactured, or sent to a specialized battery recycler to be
176 recycled.

177 5. A brief overview of the processes used to reuse,
178 repurpose, remanufacture, or recycle used propulsion batteries.

179 (e) A specialized battery recycler may submit the report on
180 behalf of a secondary handler or secondary user from which the
181 specialized battery recycler has received propulsion batteries
182 for end-of-life management if the report includes all the
183 information required under paragraph (d).

184 (4) RESPONSIBILITIES OF BATTERY PROVIDERS.-

185 (a) A battery provider shall:

186 1. Ensure the responsible end-of-life management of a
187 propulsion battery that is returned to a battery provider in
188 accordance with the battery management hierarchy.

189 2. Upon receiving notification from a secondary handler or
190 secondary user regarding a spent battery, be responsible for
191 retrieving the battery in a timely and safe manner.

192 3. Coordinate with specialized battery recyclers for the
193 end-of-life management of propulsion batteries.

194 (b) A propulsion battery in a vehicle sold in this state
195 shall enable easily interpretable and accessible battery state-
196 of-health data either while the battery is in the vehicle or
197 once it has been removed for the purpose of potential reuse,
198 repurposing, or remanufacture of the battery pursuant to the
199 battery management hierarchy. A propulsion battery sold in the
200 state while embedded in a vehicle must also include a physical
201 indication of and information on the battery type and chemistry,
202 known pollutants and composition, and safe-handling information.
203 A battery provider is not responsible for the end-of-life

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204 management of remanufactured or repurposed batteries unless it
205 performed the remanufacturing or repurposing or agreed to accept
206 responsibility by contract.

207 (c) Battery providers shall submit an annual report to the
208 department containing the following information:

209 1. The total volume of propulsion batteries managed at end-
210 of-life.

211 2. The total volume of propulsion batteries managed by
212 specialized battery recyclers.

213 (d) A specialized battery recycler may submit the report on
214 behalf of a battery provider from which the specialized battery
215 recycler has received propulsion batteries for end-of-life
216 management if the report includes all the information required
217 under paragraph (c).

218 (5) RESPONSIBILITIES OF A PERSON OR ENTITY.—A person or an
219 entity who is not a battery provider, secondary handler, or
220 secondary user seeking to discard a propulsion battery shall:

221 (a) Arrange for the return or pickup of the propulsion
222 battery or the vehicle containing the propulsion battery to the
223 battery provider, remanufacturer, or repurposer identified on
224 the battery label; or

225 (b) Sell or transfer the propulsion battery or the vehicle
226 containing the propulsion battery to a secondary handler,
227 secondary user, or specialized battery recycler.

228 (6) RESPONSIBILITIES OF SPECIALIZED BATTERY RECYCLERS.—
229 Specialized battery recyclers shall submit an annual report to
230 the department containing all of the following information:

231 (a) The total volume of propulsion batteries managed at
232 end-of-life, including those repurposed or recycled.

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- 233 (b) The total volume of propulsion batteries recycled.
- 234 (c) The recovery rates of lithium, nickel, cobalt, copper,
235 aluminum, and graphite, as applicable.
- 236 (7) RESPONSIBILITIES OF THE DEPARTMENT.—To implement the
237 provisions of this section, the department shall:
- 238 (a) Communicate to the regulated community the prohibition
239 against landfilling propulsion batteries.
- 240 (b) Authorize specialized battery recyclers.
- 241 (c) Notify battery providers, secondary handlers, secondary
242 users, and specialized battery recyclers of their
243 responsibilities under this section.
- 244 (d) Determine how to proceed if the federal government
245 creates any laws or regulations pertaining to propulsion
246 batteries which may impact the requirements provided under this
247 section. The department shall review, evaluate, and compare the
248 federal requirements and shall, if necessary, revise state
249 regulations to ensure compliance with federal standards and to
250 achieve greater efficiency and feasibility.
- 251 (e) Determine and enforce violations and penalties for
252 battery providers, specialized battery recyclers, secondary
253 handlers, and secondary users who fail to meet the requirements
254 outlined in this act, in alignment with section 5 of the
255 Mercury-Containing and Rechargeable Battery Management Act, 42
256 U.S.C. s. 14301.
- 257 (f) Adopt any other necessary rules.
- 258 Section 3. This act shall take effect July 1, 2025.