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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
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The Committee on Environment and Natural Resources (McClain)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 98 - 622
and insert:
printers, fax machines, scanners, televisions, digital video
disc players and recorders, video cassette recorders, digital
converter boxes, cable receivers, satellite receivers, portable
digital music players, or video game consoles.

(2) "Battery stewardship organization" or "BSO" means:

(a) A third-party entity designated by one or more



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producers to implement an approved battery stewardship plan; or

(b) A group of producers which directly implement an approved battery stewardship plan.

(3) "Covered battery" means a portable battery or a medium format battery. The term does not include any of the following:

(a) A battery contained in a medical device as defined in 21 U.S.C. s. 321(h) which is not designed or marketed for sale or resale at retail locations for personal use.

(b) A battery that uses free-flowing liquid electrolyte or a product that contains such a battery.

(c) A battery designed to power a motor vehicle, part of a motor vehicle, or a component part of a motor vehicle assembled by or for a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle.

(d) A battery designed to power an off-highway vehicle as defined in s. 261.03(5), part of an off-highway vehicle, or a component of an off-highway vehicle assembled by or for a vehicle manufacturer or franchised dealer, including replacement parts for use in an off-highway vehicle.

(e) A battery used in a product which is not intended or designed to be easily removable from the product.

(f) A battery or battery-containing product recalled for safety reasons.

(g) A battery or battery-containing product offered for resale by a business that, as part of its operations, offers products for resale to other businesses or to consumers.

(h) Batteries or battery materials that are imported into this state after collection and are sold to or managed by collectors, logistics companies, or recyclers for the purpose of



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end-of-life management.

(i) Lead-acid batteries or battery components that weigh 11 pounds or more.

(4) "Medium format battery" means any of the following:

(a) For nonrechargeable batteries, a battery that weighs more than 4.4 pounds, but not more than 25 pounds; or

(b) For rechargeable batteries, a battery that weighs more than 11 pounds or that has a rating of more than 300 watt-hours, or both, but weighs not more than 25 pounds or has a rating of less than 2,000 watt-hours.

(5) "Portable battery" means any of the following:

(a) For nonrechargeable batteries, a battery that weighs 4.4 pounds or less; or

(b) For rechargeable batteries, a battery that weighs 11 pounds or less and has a rating of not more than 300 watt-hours.

(6)(a) "Producer" means the following person or persons responsible for compliance with requirements under this chapter for a covered battery or battery-containing product sold, offered for sale, or distributed in or into this state:

1. For covered batteries:

a. If the battery is sold under the brand of the battery manufacturer, the producer is the person who manufactures the battery;

b. If the battery is sold under a retail brand or under a brand owned by a person other than the manufacturer, the producer is the brand owner;

c. If there is no person to whom sub-subparagraph a. or sub-subparagraph b. applies, the producer is the person who is the licensee of a brand or trademark under which the battery is



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used in a commercial enterprise, sold, offered for sale, or distributed in or into this state, regardless of whether the trademark is registered in this state;

d. If there is no person to whom sub-subparagraph a., sub-subparagraph b., or sub-subparagraph c. applies, the producer is the person who is the importer of record for importing the battery into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the battery in this state; or

e. If there is no person to whom sub-subparagraph a., sub-subparagraph b., sub-subparagraph c., or sub-subparagraph d. applies or no person with a commercial presence in this state, the producer is the person who first sells, offers for sale, or distributes the battery in or into this state.

2. For covered battery-containing products:

a. If the battery-containing product is sold under the brand of the product manufacturer, the producer is the person who manufactures the product;

b. If the battery-containing product is sold under a retail brand or under a brand owned by a person other than the manufacturer, the producer is the brand owner;

c. If there is no person to whom sub-subparagraph a. or sub-subparagraph b. applies, the producer is the person who is the licensee of a brand or trademark under which the product is used in a commercial enterprise, sold, offered for sale, or distributed in or into this state, regardless of whether the trademark is registered in this state;

d. If there is no person described in sub-subparagraph a., sub-subparagraph b., or sub-subparagraph c. within the United



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States, the producer is the person who is the importer of record for the product into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the product in this state; or

e. If there is no person described in sub-subparagraph a., sub-subparagraph b., sub-subparagraph c., or sub-subparagraph d. with a commercial presence in this state, the producer is the person who first sells, offers for sale, or distributes the product in or into this state.

(b) A producer does not include any person who only manufactures, sells, offers for sale, distributes, or imports into this state a battery-containing product if the only batteries used by the battery-containing product are supplied by a producer that has joined a registered BSO as the producer for that covered battery under this chapter. Such a producer of covered batteries that are included in a battery-containing product shall provide written certification of that membership in a registered BSO to both the producer of the covered battery-containing product and the BSO of which the battery producer is a member.

(7) "Rechargeable battery" means a battery that contains one or more voltaic or galvanic cells electrically connected to produce electric energy and that is designed to be recharged.

(8) "Recovery" means collecting, accumulating, and transporting quantities of covered batteries or battery-containing products for the purpose of end-of-life management.

(9) (a) "Recycling" means the reprocessing, by means of a manufacturing process, of a used material into a product or a secondary raw material.



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(b) The term does not include:

1. Energy recovery or energy generation by means of combustion of the used material;

2. Use of the used material as a fuel;

3. Use of the used material as alternative daily cover, meaning material placed on the surface of a landfill at the end of each operating day to prevent such hazards as fires and to manage odors; or

4. Landfill disposal of discarded covered materials.

(10) "Retailer" means a person or an entity that sells or offers for sale a covered battery in this state or offers or otherwise makes available covered batteries or battery-containing products to a customer, including other businesses, in this state.

Section 3. Section 403.71873, Florida Statutes, is created to read:

403.71873 Requirements for producers or retailers of covered batteries or battery-containing products; prohibition.—

(1) REQUIREMENTS.—

(a) Beginning January 1, 2028, a producer must do all of the following before selling, offering for sale, or distributing for sale in this state any covered battery or battery-containing product:

1. Be a member of a BSO operating pursuant to a battery stewardship plan approved by the department under s. 403.71874. This subparagraph does not apply to a retailer if the website maintained by the department pursuant to s. 403.71879 lists, as of the date a battery or product is made available for retail sale, the producer or brand of the battery or product in the



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approved battery stewardship plan. Retailers of covered batteries or battery-containing products are not required to make retail locations available to serve as collection sites for a stewardship program operated by a BSO. Retailers that serve as a collection site may participate in an approved stewardship plan and comply with the requirements for collection sites, consistent with s. 403.71876.

2. Provide verification to the department that the covered battery or the battery in the battery-containing product has labeling or is imprinted with text that identifies the producer of the battery with a clear mark or insignia.

(b) Beginning January 1, 2029, a producer of a covered battery or a battery in a battery-containing product must list the following information on such batteries:

1. The chemistry of the battery.

2. An indicator that the battery may not be disposed of as household waste and is not eligible for curbside recycling.

Subparagraph (a)2. and paragraph (b) do not apply to a battery that can fit entirely, in any orientation, into the small parts cylinder described in 16 C.F.R. s. 1501.4. In this case, the mark required pursuant to subparagraph (a)2. must be placed on the packaging of the battery or battery-containing product. The department may amend by rule the requirements of this subsection to maintain consistency with the labeling requirements or voluntary standards for batteries established in federal law.

(2) PROHIBITION.—A producer, retailer, or BSO may not charge a point-of-sale fee to consumers to cover the costs of implementing a battery stewardship plan approved by the



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department under s. 403.71874.

Section 4. Section 403.71874, Florida Statutes, is created to read:

403.71874 Battery stewardship plan components.—

(1) Beginning January 1, 2027, any BSO operating in this state shall submit a battery stewardship plan, referred to hereafter as “plan,” to the department for review and approval.

(2) A plan must include all of the following:

(a) The name and contact information of each producer included in the plan.

(b) The brand of the covered battery or batteries that the BSO’s producer sells, offers for sale, or distributes for sale in this state. All such brands must be listed in the plan.

(c) Performance goals and processes for achieving such goals. Performance goals must include, but need not be limited to, an education and outreach strategy to enhance consumer awareness of the plan and of the convenience and accessibility of end-of-life management options for covered batteries or batteries in battery-containing products collected pursuant to the plan.

(d) Processes for providing notice to retailers of the prohibition in s. 403.71873(2).

(e) Processes for providing collection sites with signage, written materials, and other promotional materials to inform consumers of the available end-of-life management options for covered batteries collected pursuant to the plan.

(f) Collection site safety training procedures that must include, but need not be limited to, all of the following:

1. Operating protocols to reduce risks of spills or fires



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and response protocols for such events.

2. Protocols for the safe management of damaged or defective batteries.

(g) A detailed budget that equitably distributes plan implementation costs among the members of the BSO.

(h) Procedures and guidelines for covered battery collection which ensure covered battery collection will occur at no cost to consumers on a continuous, convenient, visible, and accessible basis, regardless of the brand or producer of the covered battery.

(i) Procedures and guidelines to govern the execution of s. 403.71876.

(j) Criteria for the designation of an entity as a covered battery collection site and the addresses of such designated covered battery collection sites.

(k) The names of proposed service providers, including sorters, transporters, and processors, to be used for the final disposition of batteries.

(l) Procedures and guidelines to govern how the BSO shall coordinate with material recovery facilities and secondary processors to properly process and transport for end-of-life management any covered batteries improperly sent to such facilities through the waste or recycling streams.

(m) Procedures for recordkeeping, tracking, and documenting the management and disposition of collected covered batteries, including any delay anticipated by the BSO in managing medium format batteries.

(3) An approved plan is valid for 5 years. A BSO whose plan is approved pursuant to this section shall do all of the



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following:

(a) Submit a new plan to the department for approval 1 year before the expiration of the existing approved plan. If the performance goals included in the previously approved plan have not been met, the new plan must include corrective measures that the BSO must implement to meet such performance goals, which may include, but need not be limited to, improvements to the collection site network or increased expenditures dedicated to education and outreach.

(b) Submit plan amendments to the department for approval.

(c) Notify the department within 90 days after a producer, processor, or transporter begins or ceases participation in the BSO, or within 90 days after the addition or removal of a processor or transporter under the plan.

(4) (a) The department shall approve, conditionally approve, or deny a plan or plan amendment within 120 days after receiving such proposed plan or proposed plan amendment.

(b) If the department denies a proposed plan or amendment:

1. The department must notify the BSO of the denial in writing and provide a rationale describing why the proposed plan or amendment does not comply with this section;

2. The BSO must submit a revised plan or plan amendment, or notice of plan or plan amendment withdrawal, within 60 days after the denial; and

3. The department must approve or deny the revised plan or plan amendment within 90 days after resubmittal. The denial of a revised plan or plan amendment may be appealed to the department, and the appeal must be in accordance with chapter 120.



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Section 5. Section 403.71875, Florida Statutes, is created to read:

403.71875 Battery stewardship organization fiscal duties.—A BSO implementing a battery stewardship plan approved under s. 403.71874 has all of the following fiscal duties:

(1) Responsibility for all costs associated with implementing the plan.

(2) Reimbursement of local governments for demonstrable costs incurred by a local government facility or solid waste facility designated as a collection site under the plan. Reimbursement shall only be for local government and solid waste or recyclables handling facilities that individually collect more than 200 pounds annually.

(3) Collection of charges from participating producers sufficient to cover the costs of implementing the plan, including battery collection, transportation, processing, education and outreach, and program evaluation.

Section 6. Section 403.71876, Florida Statutes, is created to read:

403.71876 Collection and management requirements.—

(1) A BSO implementing an approved battery stewardship plan shall do all of the following:

(a) Provide for the collection of all covered batteries, statewide, from any person, regardless of the chemistry or brand of the battery, on a free, continuous, convenient, and accessible basis.

(b) Equip collection sites designated pursuant to s. 403.71874(2)(j), at no cost to the sites, with suitable collection containers for covered batteries that are segregated



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301 from other solid waste, or provide alternative arrangements for
302 the collection of such batteries at the site.

303 (c) Ensure that medium format batteries are collected only
304 at household hazardous waste collection sites or other staffed
305 collection sites that meet applicable federal, state, and local
306 requirements for managing medium format batteries.

307 (d) Provide for the collection of damaged and defective
308 batteries, by persons trained to handle and ship such batteries,
309 at collection sites and at each permanent household hazardous
310 waste facility and each household hazardous waste collection
311 event provided by the department. As used in this paragraph, the
312 term "damaged and defective batteries" means batteries that have
313 been damaged or that have been identified by the manufacturer as
314 being defective for safety reasons and that have the potential
315 to produce a dangerous evolution of heat, fire, or short
316 circuit, as referred to in 49 C.F.R. s. 173.185(f), or as
317 provided by the state by rule to maintain consistency with
318 federal standards.

319 (e) Coordinate the delivery of services with existing
320 public and private waste collection services and facilities;
321 transporters; consolidators; processors; electronic waste
322 recyclers; other BSOs; retailers if cost-effective, mutually
323 agreeable, and otherwise practical; or other related entities to
324 provide efficient and cost-effective delivery of services.

325 (f) For portable batteries, provide all of the following
326 within 3 years after approval of the battery stewardship plan:

327 1. At least one permanent collection site within a 15-mile
328 radius for at least 95 percent of state residents; and

329 2. At least one permanent collection site, collection



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service, or collection event for every 30,000 residents of a
county.

(g) For medium format batteries, provide all of the
following within 3 years after approval of the battery
stewardship plan:

1. At least 10 permanent collection sites in this state.
Such sites must be reasonably dispersed throughout this state;

2. A collection event at least once every 3 years in each
county that does not have a permanent collection site, which
must provide for the collection of all medium format batteries,
including damaged and defective medium format batteries; and

3. Any entity that may be used as a collection site or that
will authorize a collection event on its property that satisfies
the criteria in this paragraph.

(2) A BSO implementing an approved battery stewardship plan
may issue a warning for the suspension or termination of a
collection site or service that does not comply with the
approved plan or that poses an immediate threat to public health
and safety.

(3) A BSO is not required to provide for the collection of
batteries, battery-containing products, or covered batteries
that remain contained in a battery-containing product at the
time of delivery to a collection site or collection event if
such batteries or products are under a recall for safety
reasons. A BSO may seek reimbursement from the producer of a
battery or battery-containing product under recall for safety
reasons for the costs incurred in collecting, transporting, or
processing such batteries and products.

Section 7. Section 403.71877, Florida Statutes, is created



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to read:

403.71877 Battery stewardship plan implementation.—A BSO implementing an approved battery stewardship plan shall do all of the following to promote the implementation of the plan:

(1) Develop and maintain a website.

(2) Develop and place advertisements on social media or other relevant media platforms.

(3) Develop promotional materials about the plan and the restrictions on disposing of covered batteries.

(4) Develop and distribute to collection sites collection site safety training procedures to help ensure proper management of covered batteries at collection sites.

(5) Provide to each collection site used under the plan consumer-focused educational materials that are accessible by customers of retailers that sell covered batteries or battery-containing products.

(6) Provide safety information related to covered battery collection activities to the operator of each collection site used under the plan, including appropriate protocols to reduce risks of spills or fires, respond to a spill or fire, and manage a collected damaged or defective battery.

(7) Provide educational materials to the operator of each collection site used under the plan for the management of recalled batteries.

(8) Upon request by a retailer or other potential collection site, provide educational materials describing collection opportunities for covered batteries.

(9) Coordinate with other BSOs implementing a battery stewardship plan in providing education and outreach under s.



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403.71874(2)(c).

(10) Conduct a survey, during the first year of implementing a battery stewardship plan and once every 5 years thereafter, of public awareness of the outreach efforts undertaken pursuant to this section. The BSO shall make the results of the surveys available to the department.

Section 8. Section 403.71878, Florida Statutes, is created to read:

403.71878 Reporting requirements.—

(1) Starting June 1, 2029, and annually thereafter, a BSO implementing an approved battery stewardship plan shall submit a report to the department which includes all of the following:

(a) A summary financial statement documenting the financing of the plan and an analysis of plan costs and expenditures, including an analysis of the plan's expenses, such as collection, transportation, management, education, and administrative overhead. The summary financial statement is sufficiently detailed if it provides transparency regarding funds collected from producers spent on plan implementation, in addition to other necessary financial accounting information.

(b) The weight, by chemistry, of collected covered batteries.

(c) A list of all facilities used in the processing or disposition of covered batteries under the plan.

(d) For each facility used for the final disposition of covered batteries under the plan, an overview of how the facility processed or otherwise managed batteries and battery components.

(e) The weight and chemistry of covered batteries sent to



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each facility used for the final disposition of batteries. This information may be approximated based on extrapolations of national or regional data for programs in operation in multiple states.

(f) The estimated aggregate sales, by weight and chemistry, of covered batteries, including covered batteries contained in or packaged with battery-containing products, sold in this state by the BSO's participating producers for each of the previous 3 calendar years.

(g) A summary describing the management and recycling of collected batteries.

(h) A description of education and outreach efforts supporting plan implementation, including:

1. A summary of education and outreach provided to consumers, collection sites, manufacturers, distributors, and retailers to promote the collection and recycling of covered batteries and an analysis of how such education and outreach met the requirements under s. 403.71874(2)(c)2.;

2. Samples of education and outreach materials;

3. A summary of coordinated education and outreach efforts with any other BSOs implementing a battery stewardship plan;

4. A summary of any changes made during the previous calendar year to education and outreach activities; and

5. An evaluation of the effectiveness of education and outreach activities.

(i) A list of all collection sites used to implement the plan, an address for each listed site, a link to the website of each listed site, if available, and an up-to-date map indicating the location of each site.



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446 (j) A description of methods used to collect, transport,
447 and recycle covered batteries under the plan.

448 (1) An analysis of the performance goals under the plan and
449 the rationale describing why performance goals were not met, if
450 applicable.

451 (2) After 4 years of implementation of an approved battery
452 stewardship plan, a BSO or a producer member of such
453 organization shall hire an independent third party to conduct a
454 one-time audit of the battery stewardship plan and plan
455 operation. The auditor shall examine the effectiveness of the
456 battery stewardship plan in collecting and managing covered
457 batteries. The auditor shall also examine the cost-effectiveness
458 of the plan and compare it to the cost-effectiveness of
459 collections plans and programs for covered batteries in other
460 jurisdictions. The BSO shall submit a copy of such audit to the
461 department.

462 Section 9. Section 403.71879, Florida Statutes, is created
463 to read:

464 403.71879 Responsibilities of the department.—The
465 department shall include on its website:

466 (1) A copy of all battery stewardship plans approved under
467 s. 403.71874 and any amendments to such plans;

468 (2) The names of producer members covered under an approved
469 battery stewardship plan;

470 (3) A list of brands of covered batteries covered under
471 approved battery stewardship plans; and

472 (4) A copy of each annual report submitted to the
473 department pursuant to s. 403.71878.

474 Section 10. Section 403.71881, Florida Statutes, is created



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to read:

403.71881 Antitrust.—A producer, retailer, or BSO is not liable for any claim of a violation of antitrust laws or laws relating to fraudulent, deceptive, or unfair methods of competition or trade practices arising from conduct that complies with an approved battery stewardship plan.

Section 11. Section 403.71882, Florida Statutes, is created to read:

403.71882 Collection of batteries independent of a battery stewardship plan.—

(1) A person or recycler may offer or perform fee-based household battery collection services or mail-back services for covered batteries in this state independently of a BSO if:

(a) The services are performed and facilities are operated in compliance with all applicable federal, state, and local laws and requirements;

(b) A person or recycler accepts all covered batteries; and

(c) Except as provided in subsection (2), all batteries collected by the person or recycler from customers in this state are provided to a BSO implementing an approved battery stewardship plan. After providing collected batteries to a BSO, any transport and processing of such batteries by the BSO must be done at the BSO's expense. A BSO may refuse to accept batteries from any such person or recycler if the department is notified of the reason for such refusal.

(2) A person or recycler described in subsection (1) may recycle covered batteries collected from customers in this state if such person or recycler provides annual collection data and recycling data to the department. Such data must include all of



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the following:

(a) The weight, by chemistry, of covered batteries collected.

(b) A description of how each facility recycled or otherwise managed batteries and battery components for the final disposition of covered batteries.

(3) Such person or recycler may not receive compensation from a BSO for any batteries collected, transported, or recycled under this section, unless otherwise agreed.

Section 12. Section 403.71883, Florida Statutes, is created to read:

403.71883 General battery disposal and collection requirements.—

(1) Beginning January 1, 2028, all of the following shall apply:

(a) A person may dispose of a covered battery only by delivery to a collection site or collection event operated under an approved battery stewardship plan or operated by an independent collector, unless the battery is regulated as hazardous waste.

(b) A person may not knowingly cause or allow the mixing of a covered battery with recyclable materials that are intended for processing and sorting at a material recovery facility without documenting the contents in the shipment manifest, the approval of the receiving party, and the approval of the transporting party.

(c) A person may not knowingly cause or allow the mixing of a covered battery with municipal waste that is intended for disposal at a landfill.



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(d) A person may not knowingly cause or allow the disposal of a covered battery in a landfill.

(e) A person may not knowingly cause or allow the mixing of a covered battery with waste that is intended for burning or incineration without documenting contents in the shipment manifest, the approval of the receiving party, and the approval of the transporting party.

(2) An owner or operator of a solid waste facility may not be found in violation of this act if the facility has posted in a conspicuous location a sign stating that covered batteries must be managed through collection sites established by a BSO and are not accepted for disposal.

(3) A solid waste collector is not in violation of this act for a covered battery placed in a disposal container by a person.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 5 - 67

and insert:

s. 403.71873, F.S.; requiring a producer to fulfill certain requirements, beginning on a specified date, before selling, offering for sale, or distributing for sale in this state any covered battery or battery-containing product; providing applicability; authorizing the department to amend by rule certain provisions for a certain purpose; requiring certain producers to list certain information on the battery beginning on a specified date; prohibiting a producer,



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retailer, or battery stewardship organization (BSO) from charging a certain fee to consumers; creating s. 403.71874, F.S.; requiring a BSO operating in this state to submit a battery stewardship plan to the Department of Environmental Protection for review and approval, beginning on a specified date; providing requirements for the plan; providing a term of validity for the plan; providing requirements for the plan; requiring a BSO with an approved plan to take certain actions; requiring the department to make a certain determination regarding a battery stewardship plan or plan amendment within a specified timeframe; providing certain requirements for the department and a BSO in the event a battery stewardship plan or amendment is denied; creating s. 403.71875, F.S.; providing fiscal duties for a BSO implementing an approved battery stewardship plan; creating s. 403.71876, F.S.; requiring a BSO to take certain actions to implement an approved battery stewardship plan; authorizing a BSO implementing an approved battery stewardship plan to issue a warning for the suspension or termination of certain collection sites or services; providing that a BSO is not required to provide for the collection of batteries, battery-containing products, or covered batteries if such batteries or products are recalled for safety reasons; authorizing a BSO to seek reimbursement from the producer of such batteries or battery-containing products for certain costs; creating s. 403.71877,



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F.S.; requiring a BSO to take certain actions to promote the implementation of a plan; creating s. 403.71878, F.S.; requiring a BSO to submit a report to the department annually beginning on a specified date; providing requirements for such report; requiring a BSO to hire an independent third party to audit the battery stewardship plan and plan operation within a specified amount of time after the implementation of an approved battery stewardship plan; providing requirements for such audit; requiring a BSO to submit a copy of the audit to the department; creating s. 403.71879, F.S.; requiring the department to include certain information on its website relating to battery stewardship plans; creating s. 403.71881, F.S.; providing that a producer, retailer, or BSO is not liable for any claim of a violation of antitrust laws or laws relating to fraudulent, deceptive, or unfair methods of competition or trade practices; creating s. 403.71882, F.S.; authorizing a person or recycler to offer or perform fee-based household battery collection services or mail-back battery collection services independently of a BSO if certain conditions are met; authorizing such person or recycler to recycle covered batteries if such person or recycler provides annual collection and recycling data to the department; providing requirements for such data; prohibiting such person or recycler from receiving compensation from a BSO for certain batteries, unless otherwise agreed; creating s. 403.71883, F.S.;



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620 providing requirements for the disposal and management
621 of covered batteries, beginning on a specified date;
622 providing an
623