

By the Committee on Environment and Natural Resources; and Senator McClain

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A bill to be entitled

An act relating to battery collection and recovery; creating s. 403.71871, F.S.; providing a short title; creating s. 403.71872, F.S.; defining terms; creating 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 a battery beginning on a specified date; prohibiting a producer, 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; 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;

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30 creating s. 403.71876, F.S.; requiring a BSO to take
31 certain actions to implement an approved battery
32 stewardship plan; defining the term "damaged and
33 defective batteries"; authorizing a BSO implementing
34 an approved battery stewardship plan to issue a
35 warning for the suspension or termination of certain
36 collection sites or services; providing that a BSO is
37 not required to provide for the collection of
38 batteries, battery-containing products, or covered
39 batteries if such batteries or products are recalled
40 for safety reasons; authorizing a BSO to seek
41 reimbursement from the producer of such batteries or
42 battery-containing products for certain costs;
43 creating s. 403.71877, F.S.; requiring a BSO to take
44 certain actions to promote the implementation of an
45 approved battery stewardship plan; creating s.
46 403.71878, F.S.; requiring a BSO to submit a report to
47 the department annually beginning on a specified date;
48 providing requirements for such report; requiring a
49 BSO to hire an independent third party to audit the
50 battery stewardship plan and plan operation within a
51 specified timeframe after the implementation of an
52 approved battery stewardship plan; providing
53 requirements for such audit; requiring a BSO to submit
54 a copy of the audit to the department; creating s.
55 403.71879, F.S.; requiring the department to include
56 certain information on its website relating to battery
57 stewardship plans; creating s. 403.71881, F.S.;
58 providing that a producer, retailer, or BSO is not

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59 liable for any claim of a violation of antitrust laws
60 or laws relating to fraudulent, deceptive, or unfair
61 methods of competition or trade practices; creating s.
62 403.71882, F.S.; authorizing a person or recycler to
63 offer or perform fee-based household battery
64 collection services or mail-back battery collection
65 services independently of a BSO if certain conditions
66 are met; authorizing a BSO to refuse to accept
67 batteries from any such person or recycler if the
68 department is notified of the reason for such refusal;
69 authorizing such person or recycler to recycle covered
70 batteries if such person or recycler provides annual
71 collection and recycling data to the department;
72 providing requirements for such data; prohibiting such
73 person or recycler from receiving compensation from a
74 BSO for certain batteries, unless otherwise agreed;
75 creating s. 403.71883, F.S.; providing requirements
76 for the disposal and management of covered batteries,
77 beginning on a specified date; providing an exception
78 for an owner or operator of a solid waste facility or
79 a solid waste collector under certain circumstances;
80 prohibiting a BSO from refusing to accept certain
81 covered batteries unless the BSO provides certain
82 notice to the department; creating s. 403.71884, F.S.;
83 providing civil and criminal penalties; authorizing
84 the Attorney General and certain county attorneys to
85 bring certain actions; authorizing a BSO to bring a
86 civil action against certain producers; providing
87 construction; authorizing a BSO to bring a civil

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88 action against another BSO under certain
89 circumstances; repealing s. 403.7192, F.S., relating
90 to batteries and the penalties for violations of
91 certain requirements for consumers, manufacturers, and
92 sellers; providing an effective date.

93
94 Be It Enacted by the Legislature of the State of Florida:

95
96 Section 1. Section 403.71871, Florida Statutes, is created
97 to read:

98 403.71871 Short title.—Sections 403.71871–403.71884 may be
99 cited as the “Safe Battery Collection and Recovery Act.”

100 Section 2. Section 403.71872, Florida Statutes, is created
101 to read:

102 403.71872 Definitions.—As used in ss. 403.71871–403.71884,
103 the term:

104 (1) “Battery-containing product” means a product that
105 contains or is packaged with a covered battery. The term does
106 not include computers, small-scale servers, computer monitors,
107 printers, fax machines, scanners, televisions, digital video
108 disc players and recorders, video cassette recorders, digital
109 converter boxes, cable receivers, satellite receivers, portable
110 digital music players, or video game consoles.

111 (2) “Battery stewardship organization” or “BSO” means:

112 (a) A third-party entity designated by one or more
113 producers to implement an approved battery stewardship plan; or
114 (b) A group of producers which directly implements an
115 approved battery stewardship plan.

116 (3) “Covered battery” means a portable battery or a medium

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117 format battery. The term does not include any of the following:

118 (a) A battery contained in a medical device as defined in
119 21 U.S.C. s. 321(h) which is not designed or marketed for sale
120 or resale at retail locations for personal use.

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

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

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

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

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

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

139 (h) Batteries or battery materials that are imported into
140 this state after collection and are sold to or managed by
141 collectors, logistics companies, or recyclers for the purpose of
142 end-of-life management.

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

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

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146 (a) For nonrechargeable batteries, a battery that weighs
147 more than 4.4 pounds, but not more than 25 pounds; or
148 (b) For rechargeable batteries, a battery that weighs more
149 than 11 pounds or that has a rating of more than 300 watt-hours,
150 or both, but weighs not more than 25 pounds or has a rating of
151 less than 2,000 watt-hours.

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

153 (a) For nonrechargeable batteries, a battery that weighs
154 4.4 pounds or less; or
155 (b) For rechargeable batteries, a battery that weighs 11
156 pounds or less and has a rating of not more than 300 watt-hours.

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

161 1. For covered batteries:

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

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

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

174 d. If there is no person to whom sub subparagraph a., sub-

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175 subparagraph b., or sub-subparagraph c. applies, the producer is
176 the person who is the importer of record for importing the
177 battery into the United States for use in a commercial
178 enterprise that sells, offers for sale, or distributes the
179 battery in this state; or

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

185 2. For covered battery-containing products:

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

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

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

198 d. If there is no person described in sub-subparagraph a.,
199 sub-subparagraph b., or sub-subparagraph c. within the United
200 States, the producer is the person who is the importer of record
201 for the product into the United States for use in a commercial
202 enterprise that sells, offers for sale, or distributes the
203 product in this state; or

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

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

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

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

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

229 (b) The term does not include:

230 1. Energy recovery or energy generation by means of
231 combustion of the used material;
232 2. Use of the used material as a fuel;

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

237 4. Landfill disposal of discarded covered materials.

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

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

245 403.71873 Requirements for producers or retailers of
246 covered batteries or battery-containing products; prohibition.—

247 (1) REQUIREMENTS.—

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

252 1. Be a member of a BSO operating pursuant to a battery
253 stewardship plan approved by the department under s. 403.71874.
254 This subparagraph does not apply to a retailer if the website
255 maintained by the department pursuant to s. 403.71879 lists, as
256 of the date a battery or product is made available for retail
257 sale, the producer or brand of the battery or product in the
258 approved battery stewardship plan. Retailers of covered
259 batteries or battery-containing products are not required to
260 make retail locations available to serve as collection sites for
261 a stewardship program operated by a BSO. Retailers that serve as

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262 a collection site may participate in an approved stewardship
263 plan and comply with the requirements for collection sites,
264 consistent with s. 403.71876.

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

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

272 1. The chemistry of the battery.

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

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

284 (2) PROHIBITION.—A producer, retailer, or BSO may not
285 charge a point-of-sale fee to consumers to cover the costs of
286 implementing a battery stewardship plan approved by the
287 department under s. 403.71874.

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

290 403.71874 Battery stewardship plan components.—

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

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

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

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

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

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

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

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

315 1. Operating protocols to reduce risks of spills or fires
316 and response protocols for such events.

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

319 (g) A detailed budget that equitably distributes plan

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320 implementation costs among the members of the BSO.

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

326 (i) Procedures and guidelines to govern the execution of s.
327 403.71876.

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

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

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

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

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

346 (a) Submit a new plan to the department for approval 1 year
347 before the expiration of the existing approved plan. If the
348 performance goals included in the previously approved plan have

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349 not been met, the new plan must include corrective measures that
350 the BSO must implement to meet such performance goals, which may
351 include, but need not be limited to, improvements to the
352 collection site network or increased expenditures dedicated to
353 education and outreach.

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

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

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

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

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

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

369 3. The department must approve or deny the revised plan or
370 plan amendment within 90 days after resubmittal. The denial of a
371 revised plan or plan amendment may be appealed to the
372 department, and the appeal must be in accordance with chapter
373 120.

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

376 403.71875 Battery stewardship organization fiscal duties.-A
377 BSO implementing a battery stewardship plan approved under s.

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378 403.71874 has all of the following fiscal duties:

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

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

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

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

393 403.71876 Collection and management requirements.—

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

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

400 (b) Equip collection sites designated pursuant to s.

401 403.71874(2)(j), at no cost to the sites, with suitable
402 collection containers for covered batteries that are segregated
403 from other solid waste, or provide alternative arrangements for
404 the collection of such batteries at the site.

405 (c) Ensure that medium format batteries are collected only
406 at household hazardous waste collection sites or other staffed

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407 collection sites that meet applicable federal, state, and local
408 requirements for managing medium format batteries.

409 (d) Provide for the collection of damaged and defective
410 batteries, by persons trained to handle and ship such batteries,
411 at collection sites and at each permanent household hazardous
412 waste facility and each household hazardous waste collection
413 event provided by the department. As used in this paragraph, the
414 term "damaged and defective batteries" means batteries that have
415 been damaged or that have been identified by the manufacturer as
416 being defective for safety reasons and that have the potential
417 to produce a dangerous evolution of heat, fire, or short
418 circuit, as referred to in 49 C.F.R. s. 173.185(f), or as
419 provided by the state by rule to maintain consistency with
420 federal standards.

421 (e) Coordinate the delivery of services with existing
422 public and private waste collection services and facilities;
423 transporters; consolidators; processors; electronic waste
424 recyclers; other BSOs; retailers if cost-effective, mutually
425 agreeable, and otherwise practical; or other related entities to
426 provide efficient and cost-effective delivery of services.

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

429 1. At least one permanent collection site within a 15-mile
430 radius for at least 95 percent of state residents; and
431 2. At least one permanent collection site, collection
432 service, or collection event for every 30,000 residents of a
433 county.

434 (g) For medium format batteries, provide all of the
435 following within 3 years after approval of the battery

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436 stewardship plan:

437 1. At least 10 permanent collection sites in this state.

438 Such sites must be reasonably dispersed throughout this state;

439 2. A collection event at least once every 3 years in each

440 county that does not have a permanent collection site, which

441 must provide for the collection of all medium format batteries,

442 including damaged and defective medium format batteries; and

443 3. Any entity that may be used as a collection site or that

444 will authorize a collection event on its property that satisfies

445 the criteria in this paragraph.

446 (2) A BSO implementing an approved battery stewardship plan

447 may issue a warning for the suspension or termination of a

448 collection site or service that does not comply with the

449 approved plan or that poses an immediate threat to public health

450 and safety.

451 (3) A BSO is not required to provide for the collection of

452 batteries, battery-containing products, or covered batteries

453 that remain contained in a battery-containing product at the

454 time of delivery to a collection site or collection event if

455 such batteries or products are under a recall for safety

456 reasons. A BSO may seek reimbursement from the producer of a

457 battery or battery-containing product under recall for safety

458 reasons for the costs incurred in collecting, transporting, or

459 processing such batteries and products.

460 Section 7. Section 403.71877, Florida Statutes, is created

461 to read:

462 403.71877 Battery stewardship plan implementation.—A BSO

463 implementing an approved battery stewardship plan shall do all

464 of the following to promote the implementation of the plan:

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465 (1) Develop and maintain a website.

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

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

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

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

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

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

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

488 (9) Coordinate with other BSOs implementing a battery
489 stewardship plan in providing education and outreach under s.
490 403.71874(2)(c).

491 (10) Conduct a survey, during the first year of
492 implementing a battery stewardship plan and once every 5 years
493 thereafter, of public awareness of the outreach efforts

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494 undertaken pursuant to this section. The BSO shall make the
495 results of the surveys available to the department.

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

498 403.71878 Reporting requirements.—

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

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

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

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

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

518 (e) The weight and chemistry of covered batteries sent to
519 each facility used for the final disposition of batteries. This
520 information may be approximated based on extrapolations of
521 national or regional data for programs in operation in multiple
522 states.

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

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

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

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

537 2. Samples of education and outreach materials;
538 3. A summary of coordinated education and outreach efforts
539 with any other BSOs implementing a battery stewardship plan;
540 4. A summary of any changes made during the previous
541 calendar year to education and outreach activities; and
542 5. An evaluation of the effectiveness of education and
543 outreach activities.

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

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

550 (k) An analysis of the performance goals under the plan and
551 the rationale describing why performance goals were not met, if

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552 applicable.

553 (2) After 4 years of implementation of an approved battery
554 stewardship plan, a BSO or a producer member of such
555 organization shall hire an independent third party to conduct a
556 one-time audit of the battery stewardship plan and plan
557 operation. The auditor shall examine the effectiveness of the
558 battery stewardship plan in collecting and managing covered
559 batteries. The auditor shall also examine the cost-effectiveness
560 of the plan and compare it to the cost-effectiveness of
561 collections plans and programs for covered batteries in other
562 jurisdictions. The BSO shall submit a copy of such audit to the
563 department.

564 Section 9. Section 403.71879, Florida Statutes, is created
565 to read:

566 403.71879 Responsibilities of the department.—The
567 department shall include on its website:

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

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

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

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

576 Section 10. Section 403.71881, Florida Statutes, is created
577 to read:

578 403.71881 Antitrust.—A producer, retailer, or BSO is not
579 liable for any claim of a violation of antitrust laws or laws
580 relating to fraudulent, deceptive, or unfair methods of

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581 competition or trade practices arising from conduct that
582 complies with an approved battery stewardship plan.

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

585 403.71882 Collection of batteries independent of a battery
586 stewardship plan.—

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

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

593 (b) The person or recycler accepts all covered batteries;
594 and

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

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

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

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

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

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

618 403.71883 General battery disposal and collection
619 requirements.—

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

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

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

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

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

638 (e) A person may not knowingly cause or allow the mixing of

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639 a covered battery with waste that is intended for burning or
640 incineration without documenting contents in the shipment
641 manifest, the approval of the receiving party, and the approval
642 of the transporting party.

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

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

651 (4) A BSO may not refuse to accept covered batteries
652 inadvertently received by a recycling or solid waste facility if
653 the batteries are properly packaged, unless the BSO properly
654 notifies the department.

655 Section 13. Section 403.71884, Florida Statutes, is created
656 to read:

657 403.71884 Penalties.—

658 (1) PENALTIES.—

659 (a) A person who violates this act shall be subject to a
660 civil penalty of \$1,000 for each violation.

661 (b) A person who knowingly makes a false material statement
662 to the department related to a battery stewardship plan
663 submitted pursuant to s. 403.71874 commits a felony of the third
664 degree, punishable as provided in s. 775.082, s. 775.083, or s.
665 775.084.

666 (c) The Attorney General or the county attorney of any
667 county in which a violation of the act occurs may, in addition

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668 to any other penalty, bring an action to enjoin any person from
669 violating this act.

670 (2) CIVIL ACTION.—

671 (a) A BSO implementing an approved battery stewardship plan
672 may bring a civil action or actions to recover costs and
673 damages, as specified in this section, from a producer who sells
674 or otherwise makes available in this state covered batteries or
675 battery-containing products not included under an approved plan
676 in violation of the requirements of this act. An action under
677 this subsection may be brought against one or more defendants.
678 An action under this subsection may be brought against a
679 defendant producer only if the BSO incurs costs in this state,
680 including legal fees and expenses and reasonable incremental
681 administrative and program promotional costs, in excess of
682 \$1,000 to collect, transport, and recycle or otherwise dispose
683 of the covered batteries or battery-containing products of a
684 nonparticipating producer.

685 (b) A BSO implementing an approved battery stewardship plan
686 may bring a civil action against a producer of a recalled
687 battery to recover costs associated with handling the recalled
688 battery, including legal fees and expenses.

689 (c) A BSO implementing an approved battery stewardship plan
690 may bring a civil action against another BSO that underperforms
691 on its battery collection obligations under this act by failing
692 to collect and provide for the end-of-life management of
693 batteries in an amount roughly equivalent to costs imposed on
694 the plaintiff BSO by virtue of the failures of the defendant
695 BSO, plus legal fees and expenses.

696 Section 14. Section 403.7192, Florida Statutes, is

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697 repealed.

698 Section 15. This act shall take effect July 1, 2026.