

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

592-02470-26

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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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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 a BSO to refuse to accept batteries from any such person or recycler if the department is notified of the reason for such refusal; 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.; providing requirements for the disposal and management of covered batteries, beginning on a specified date; providing an exception for an owner or operator of a solid waste facility or a solid waste collector under certain circumstances; prohibiting a BSO from refusing to accept certain covered batteries unless the BSO provides certain notice to the department; creating s. 403.71884, F.S.; providing civil and criminal penalties; authorizing the Attorney General and certain county attorneys to bring certain actions; authorizing a BSO to bring a civil action against certain producers; providing 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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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 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:

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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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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 subparagraph a., subparagraph b., subparagraph c., or 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 subparagraph a. or 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 subparagraph a., subparagraph b., or subparagraph c. within the United 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

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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.

(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;



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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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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 department under s. 403.71874.

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

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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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 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

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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.

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.

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

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

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

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

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

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

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

2. At least one permanent collection site, collection 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

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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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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 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.

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

(2) CIVIL ACTION.—

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

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

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

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.