

By 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 or retailer 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; 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 annually for review and approval; providing a term of validity for the plan; providing requirements for the plan; providing requirements for a BSO with an approved plan; 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.; requiring a BSO implementing an approved battery stewardship plan to satisfy certain requirements; 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

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30 issue a warning for the suspension or termination of
31 certain collection sites or services; providing that a
32 BSO is not required to provide for the collection of
33 batteries, battery-containing products, or covered
34 batteries if such batteries or products are recalled
35 for safety reasons; authorizing a BSO to seek
36 reimbursement from the producer of such batteries or
37 battery-containing products for certain costs;
38 creating s. 403.71877, F.S.; requiring a BSO to take
39 certain actions to promote the implementation of a
40 plan; creating s. 403.71878, F.S.; requiring a BSO to
41 submit a report to the department annually beginning
42 on a specified date; providing requirements for such
43 report; requiring a BSO to hire an independent third
44 party to audit the battery stewardship plan and plan
45 operation within a specified amount of time after the
46 implementation of an approved battery stewardship
47 plan; providing requirements for such audit; requiring
48 a BSO to submit a copy of the audit to the department;
49 creating s. 403.71879, F.S.; requiring the department
50 to include certain information on its website relating
51 to battery stewardship plans; creating s. 403.71881,
52 F.S.; providing that a producer, retailer, or BSO is
53 not liable for any claim of a violation of antitrust
54 laws or laws relating to fraudulent, deceptive, or
55 unfair methods of competition or trade practices;
56 creating s. 403.71882, F.S.; authorizing a person or
57 recycler to offer or perform fee-based household
58 battery collection services or mail-back battery

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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 certain data to the department; providing requirements for such data; prohibiting such person or recycler from receiving compensation from a BSO for certain batteries; creating s. 403.71883, F.S.; providing requirements for the disposal and management of covered batteries; 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 action against another BSO under certain circumstances; repealing s. 403.7192, F.S., relating to batteries and the penalties for violations of certain requirements for consumers, manufacturers, and sellers; providing an effective date.

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

Section 1. Section 403.71871, Florida Statutes, is created

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88 to read:

89 403.71871 Short title.—Sections 403.71871-403.71884 may be
90 cited as the “Safe Battery Collection and Recovery Act.”

91 Section 2. Section 403.71872, Florida Statutes, is created
92 to read:

93 403.71872 Definitions.—As used in ss. 403.71871-403.71884,
94 the term:

95 (1) “Battery-containing product” means a product that
96 contains or is packaged with a covered battery. The term does
97 not include computers, small-scale servers, computer monitors,
98 electronic keyboards and mice, printers, fax machines, scanners,
99 televisions, digital video disc players and recorders, video
100 cassette recorders, digital converter boxes, cable receivers,
101 satellite receivers, portable digital music players, or video
102 game consoles.

103 (2) “Battery stewardship organization” or “BSO” means an
104 organization designated by a producer or a group of five or more
105 producers which directly implements an approved battery
106 stewardship plan.

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

109 (a) A battery contained in a medical device regulated under
110 21 U.S.C. 301 et seq. which is not designed or marketed for sale
111 or resale at retail locations for personal use.

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

114 (c) A battery designed to power a motor vehicle, part of a
115 motor vehicle, or a component part of a motor vehicle assembled
116 by or for a vehicle manufacturer or franchised dealer, including

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117 replacement parts for use in a motor vehicle.

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

120 (e) A battery or battery-containing product recalled for
121 safety reasons.

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

125 (4) "Lithium-ion battery" means a rechargeable energy
126 storage device, weighing less than 25 pounds, which uses lithium
127 ions to move between a positive electrode made of lithium-
128 containing compounds and a negative electrode facilitating
129 energy storage and release through an intercalation process.

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

131 (a) For nonrechargeable batteries, a battery that weighs
132 more than 4.4 pounds, but less than 25 pounds; or

133 (b) For rechargeable batteries, a battery that weighs more
134 than 11 pounds or that has a rating of more than 300 watt-hours,
135 or both, but weighs less than 25 pounds or has a rating of less
136 than 2,000 watt-hours.

137 (6) "Portable battery" means any of the following:

138 (a) For nonrechargeable batteries, a battery that weighs
139 4.4 pounds or less; or

140 (b) For rechargeable batteries, a battery that weighs 11
141 pounds or less and has a rating of no more than 300 watt-hours.

142 (7) (a) "Producer" means a person who sells, offers for
143 sale, or distributes for sale a covered battery or battery-
144 containing product in this state and:

145 1. Is the person who manufactures such battery or product

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146 if such battery or product is sold under a brand of the
147 battery's or product's manufacturer;

148 2. Is the person who owns the brand if such battery or
149 product is sold under a retail brand or under a brand owned by a
150 person other than the battery's or product's manufacturer;

151 3. If subparagraphs 1. or 2. do not apply, the person that
152 is the licensee of a brand or trademark under which the covered
153 battery or battery-containing product is sold, offered for sale,
154 or distributed for sale in this state, regardless of whether the
155 trademark is registered in this state;

156 4. If subparagraphs 1., 2., or 3. do not apply, the person
157 that is the importer of record for the covered battery or
158 battery-containing product into the United States for the
159 purpose of selling, offering for sale, or distributing for sale
160 the battery or product in this state; or

161 5. If subparagraphs 1. through 4. do not apply to any
162 person with a commercial presence in this state, the person who
163 first sells, offers for sale, or distributes for sale the
164 covered battery or battery-containing product in this state.

165 (b) The term does not include a person who only sells,
166 offers for sale, or distributes for sale a battery-containing
167 product if the battery is supplied by another producer who has
168 designated a BSO to implement a battery stewardship plan and who
169 certifies this fact in writing to the person who only sells,
170 offers for sale, or distributes for sale the battery-containing
171 product.

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

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175 (9) "Recovery" means collecting, accumulating, and
176 transporting quantities of covered batteries or battery-
177 containing products for the purpose of introducing them into a
178 recycling process.

179 (10) (a) "Recycling" means separating, dismantling, or
180 processing recovered batteries or battery-containing products or
181 materials, components, or commodities contained in electronic
182 waste for the purpose of preparing batteries for use or reuse in
183 new products or components. The term includes manually and
184 mechanically separating electronic waste to recover materials,
185 components, or commodities contained therein for the purpose of
186 reuse or recycling and changing the physical composition of
187 electronic waste to segregate components for purposes of
188 recycling those components.

189 (b) The term does not include any of the following:

- 190 1. Destruction by incineration or other processes.
191 2. Energy recovery or energy generation by means of
192 combustion, gasification, pyrolysis, or other means.
193 3. Land disposal of recyclable materials.
194 4. Reuse, repair, or any other process through which
195 batteries are returned in their original form.

196 (11) "Recycling efficiency rate" means the percentage
197 calculated by dividing the weight of components and materials
198 recovered by a BSO by the weight of covered batteries collected
199 by the BSO.

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

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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 or retailer 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 as listed in the approved battery stewardship plan.

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

(b) Beginning January 1, 2029, a producer or retailer must provide verification to the department that the covered battery or the battery in the battery-containing product states or otherwise indicates all of the following information to ensure proper collection and recycling:

1. The chemistry of the battery.

2. An advisement that the battery should not be disposed of as household waste.

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Subparagraph (a)2. and paragraph (b) do not apply to batteries that are less than 0.5 inches in diameter or do not have a surface with a length that exceeds 0.5 inches.

(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.—

(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 annually for review and approval.

(2) A plan is valid for 5 years and 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, all of the following:

1. A strategy, including metrics, for optimal recycling efficiency rates of at least 60 percent for rechargeable batteries and 70 percent for nonrechargeable batteries.

2. An education and outreach strategy to enhance consumer

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262 awareness of the plan and of the convenience and accessibility
263 of end-of-life management options for covered batteries or
264 batteries in battery-containing products collected pursuant to
265 the plan.

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

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

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

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

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

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

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

285 (i) Procedures and guidelines to govern the execution of s.
286 403.71876.

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

290 (k) The names of proposed service providers, including

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291 sorters, transporters, and processors, to be used for the final
292 disposition of batteries.

293 (l) Procedures and guidelines to govern how the BSO shall
294 coordinate with material recovery facilities and secondary
295 processors to properly process and transport for recycling any
296 covered batteries improperly sent to such facilities through the
297 waste or recycling streams.

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

302 (3) A BSO whose plan is approved pursuant to this section
303 shall do all of the following:

304 (a) Submit a new plan to the department for approval every
305 4 years. If the performance goals included in the previously
306 approved plan have not been met, the new plan must include
307 corrective measures that the BSO must implement to meet such
308 performance goals, which may include, but need not be limited
309 to, improvements to the collection site network or increased
310 expenditures dedicated to education and outreach.

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

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

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

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

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

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

326 3. The department must approve or deny the revised plan or
327 plan amendment within 90 days after resubmittal. The denial of a
328 revised plan or plan amendment may be appealed to the
329 department, and the appeal must be in accordance with chapter
330 120.

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

333 403.71875 Battery stewardship organization fiscal duties.—A
334 BSO implementing a battery stewardship plan approved under s.
335 403.71874 shall do all of the following:

336 (1) Be responsible for all costs associated with
337 implementing the plan.

338 (2) Reimburse local governments for demonstrable costs
339 incurred by a local government facility or solid waste facility
340 designated as a collection site under the plan.

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

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

347 403.71876 Collection and management requirements.—

348 (1) A BSO implementing an approved battery stewardship plan

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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 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

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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 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 which may be used as a collection site or that will authorize a collection event on their property that satisfies the criteria in paragraph (g) and subparagraphs (h)1. and 2.

(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 health and safety.

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

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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
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

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436 a collected damaged or defective battery.

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

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

443 (9) Coordinate with other BSOs implementing a battery
444 stewardship plan in providing education and outreach under s.
445 403.71874(2)(c).

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

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

453 403.71878 Reporting requirements.—

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

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

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

467 (c) The weight of materials recycled from collected covered
468 batteries, as recovered by any method of battery recycling.

469 (d) A calculation of the recycling efficiency rate under
470 the plan.

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

473 (f) A summary of any violations of environmental laws and
474 regulations during the previous calendar year at each facility.

475 (g) For each facility used for the final disposition of
476 covered batteries under the plan, a review of how the facility
477 recycled or otherwise managed batteries and battery components.

478 (h) The weight and chemistry of covered batteries sent to
479 each facility used for the final disposition of batteries. This
480 information may be approximated based on extrapolations of
481 national or regional data for programs in operation in multiple
482 states.

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

488 (j) A summary describing the management and recycling of
489 collected batteries, including an analysis of best available
490 technologies and the recycling efficiency rate.

491 (k) A description of education and outreach efforts
492 supporting plan implementation, including:

493 1. A summary of education and outreach provided to

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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.

(l) 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.

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

(n) A analysis of the performance goals under the plan and
the rationale describing why performance goals were not met, if
applicable.

(o) If a BSO has disposed of covered batteries through
energy recovery, incineration, or landfiling during the
preceding calendar year of plan implementation, the steps that
the BSO will take to make the recycling of covered batteries
cost-effective, when possible, or to otherwise increase battery
recycling efficiency rates achieved by the BSO.

(2) After 4 years of implementation of an approved battery
stewardship plan, a BSO or a producer member of such
organization shall hire an independent third party to conduct a

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one-time audit of the battery stewardship plan and plan operation. The auditor shall examine the effectiveness of the battery stewardship plan in collecting and recycling covered batteries. The auditor shall also examine the cost-effectiveness of the plan and compare it to the cost-effectiveness of collections plans and programs for covered batteries in other jurisdictions. The BSO shall submit a copy of such audit to the department.

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

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

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

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

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

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

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

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552 403.71882 Collection of batteries independent of a battery
553 stewardship plan.-

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

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

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

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

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

576 (b) The weight of materials recycled from covered batteries
577 collected, in total and by method of battery recycling.

578 (c) A calculation of such person's or recycler's recycling
579 efficiency rate.

580 (d) A list of all facilities used in the processing or

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disposition of covered batteries and a summary of any violations of environmental laws and regulations during the previous 3 years at each facility.

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

(f) The weight and chemistry of covered batteries sent to each facility for the final disposition of batteries.

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

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, 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.

(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.

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

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610 (e) A person may not knowingly cause or allow the mixing of
611 a covered battery with waste that is intended for burning or
612 incineration.

613 (f) A person may not knowingly cause or allow the burning
614 or incineration of a covered battery.

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

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

623 (4) A BSO may not refuse to accept covered batteries
624 inadvertently received by a recycling or solid waste facility if
625 the batteries are properly packaged, unless the BSO properly
626 notifies the department.

627 Section 13. Section 403.71884, Florida Statutes, is created
628 to read:

629 403.71884 Penalties.—

630 (1) PENALTIES.—

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

633 (b) A person who knowingly makes a false material statement
634 to the department related to a battery stewardship plan
635 submitted pursuant to s. 403.71874 commits a felony of the third
636 degree, punishable as provided in s. 775.082, s. 775.083, or
637 775.084.

638 (c) The Attorney General or the county attorney of any

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639 county in which a violation of the act occurs may, in addition
640 to any other penalty, bring an action to enjoin any person from
641 violating this act.

642 (2) CIVIL ACTION.—

643 (a) A BSO implementing an approved battery stewardship plan
644 may bring a civil action or actions to recover costs and
645 damages, as specified in this section, from a producer who sells
646 or otherwise makes available in this state covered batteries or
647 battery-containing products not included under an approved plan
648 in violation of the requirements of this act. An action under
649 this subsection may be brought against one or more defendants.
650 An action under this subsection may be brought against a
651 defendant producer only if the BSO incurs costs in this state,
652 including legal fees and expenses and reasonable incremental
653 administrative and program promotional costs, in excess of
654 \$1,000 to collect, transport, and recycle or otherwise dispose
655 of the covered batteries or battery-containing products of a
656 nonparticipating producer.

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

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

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668 Section 14. Section 403.7192, Florida Statutes, is
669 repealed.

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