

By Senator Berman

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A bill to be entitled

An act relating to perfluoroalkyl and polyfluoroalkyl substances; amending s. 376.91, F.S.; revising and defining terms; providing for the ratification of certain rules for cleanup target levels for perfluoroalkyl and polyfluoroalkyl substances (PFAS); authorizing the Department of Environmental Protection to update statewide cleanup target levels as necessary; requiring that such updates be ratified by the Legislature; requiring the department to adopt interim screening values until the United States Environmental Protection Agency establishes final standards for additional PFAS compounds; providing requirements to qualify for prospective purchaser protection; requiring the department to review applications for completeness within a specified timeframe; providing that an application is deemed approved under specified circumstances; specifying the timeframe in which liability protection is effective; providing liability protection for certain contaminations; authorizing the department or other parties to pursue cost recovery; requiring the department to issue completion letters under certain circumstances; specifying the circumstances under which a prospective purchaser forfeits liability protection; requiring the department and the Department of Revenue to ensure eligibility to financial assistance for certain sites; creating s. 633.3041, F.S.; defining terms; prohibiting fire

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service providers from using certain Class B  
firefighting foam after a specified date except under  
certain circumstances; providing construction;  
providing an effective date.

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

Section 1. Section 376.91, Florida Statutes, is amended to  
read:

376.91 Statewide cleanup of perfluoroalkyl and  
polyfluoroalkyl substances; liability protection; financial  
assistance.—

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

(a) “All appropriate inquiries” means consideration of PFAS  
contamination, included in the All Appropriate Inquiries rule  
under 40 C.F.R. s. 312.20, which sets the federal standards and  
practices necessary to fulfill the requirements of the  
Comprehensive Environmental Response, Compensation, and  
Liability Act.

(b) ~~(a)~~ “Department” means the Department of Environmental  
Protection.

(c) “Institutional control” means an enforceable  
restriction or condition designed to prevent exposure to PFAS  
contamination.

(d) ~~(b)~~ “PFAS” means perfluoroalkyl and polyfluoroalkyl  
substances, including perfluorooctanoic acid (PFOA), and  
perfluorooctane sulfonate (PFOS), and any other compounds  
designated by the United States Environmental Protection Agency.

(e) “PSPA” means a PFAS site participation agreement a

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59 prospective purchaser executes with the department.

60 (2) STATEWIDE CLEANUP TARGET LEVELS.—

61 ~~(a) If the United States Environmental Protection Agency~~  
62 ~~has not finalized its standards for PFAS in drinking water,~~  
63 ~~groundwater, and soil by January 1, 2026, the department shall~~  
64 ~~adopt by rule statewide cleanup target levels for PFAS in~~  
65 ~~drinking water, groundwater, and soil using criteria set forth~~  
66 ~~in s. 376.30701, with priority given to PFOA and PFOS. The rules~~  
67 ~~established by the department, consistent with the United States~~  
68 ~~Environmental Protection Agency's standards, for statewide~~  
69 ~~cleanup target levels for PFAS are may not take effect until~~  
70 ~~ratified by the Legislature.~~

71 (b) The department may update the statewide cleanup target  
72 levels as necessary to remain aligned with the United States  
73 Environmental Protection Agency's risk assessments or health  
74 advisories. Any update to the statewide cleanup target levels  
75 adopted by the department must be ratified by the Legislature  
76 under s. 120.541(3).

77 ~~(b) Until the department's rule for a particular PFAS~~  
78 ~~constituent has been ratified by the Legislature, a governmental~~  
79 ~~entity or private water supplier may not be subject to any~~  
80 ~~administrative or judicial action under this chapter brought by~~  
81 ~~any state or local governmental entity to compel or enjoin site~~  
82 ~~rehabilitation, to require payment for the cost of~~  
83 ~~rehabilitation of environmental contamination, or to require~~  
84 ~~payment of any fines or penalties regarding rehabilitation based~~  
85 ~~on the presence of that particular PFAS constituent.~~

86 (c) Until the United States Environmental Protection Agency  
87 establishes final standards for additional PFAS, the department

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shall adopt interim screening values to guide site assessment  
and remedial actions ~~rehabilitation is completed or rules for~~  
~~statewide cleanup target levels are ratified by the Legislature,~~  
~~any statute of limitations that would bar a state or local~~  
~~governmental entity from pursuing relief in accordance with its~~  
~~existing authority is tolled from June 20, 2022.~~

(d) This section does not affect the ability or authority  
to seek any recourse or relief from any person who may have  
liability with respect to a contaminated site ~~and who did not~~  
~~receive protection under paragraph (b).~~

(3) BONA FIDE PROSPECTIVE PURCHASER PROTECTION.—

(a) To qualify for liability protection, an applicant may  
not have any affiliation with a liable party and must do all of  
the following:

1. Conduct all appropriate inquiries that include a PFAS  
analysis.

2. Comply with all continuing obligations, including  
maintenance of institutional controls and reporting of releases.  
The department may impose United States Environmental Protection  
Agency due diligence requirements for a Phase I Environmental  
Site Assessment under the United States Environmental Protection  
Agency's all appropriate inquiries rule.

(b)1. The department shall review a PSPA application for  
completeness within 30 days after receipt of the application.

2. If the department does not deny a PSPA application  
within 120 days after receipt of the application, the  
application is deemed approved.

3. After the department executes a PSPA, liability  
protection is effective during the time period a prospective

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117 purchaser takes to comply with this section.

118 (c) A bona fide prospective purchaser is not liable for  
119 PFAS contamination that exists before acquisition.

120 (d) Liability protection does not bar the department or  
121 other parties from pursuing cost recovery against responsible  
122 persons as authorized under this chapter.

123 (e) The department shall issue completion letters to  
124 prospective purchasers upon satisfaction of all PSPA  
125 obligations.

126 (f) A prospective purchaser forfeits liability protection  
127 under this section for any willful violation of a PSPA  
128 application or the failure to maintain continuing obligations  
129 established by the department.

130 (4) FINANCIAL ASSISTANCE.—The department and the Department  
131 of Revenue shall ensure eligibility for remediation tax credits,  
132 brownfield grants, and other financial assistance programs for  
133 sites that meet the requirements of subsection (3).

134 Section 2. Section 633.3041, Florida Statutes, is created  
135 to read:

136 633.3041 Class B firefighting foam.—

137 (1) As used in this section, the term:

138 (a) "Class B firefighting foam" means any firefighting foam  
139 designed to extinguish fires involving flammable liquids.

140 (b) "PFAS chemicals" means a class of fluorinated organic  
141 chemicals containing at least one fully fluorinated carbon atom,  
142 including perfluoroalkyl substances, designed to be fully  
143 functional in Class B firefighting foam formulations.

144 (c) "Testing" means a calibration, conformance, or fixed  
145 system testing.

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146       (2) Beginning January 1, 2027, a fire service provider may  
147 not discharge or otherwise use Class B firefighting foam that  
148 contains intentionally added PFAS chemicals unless such  
149 discharge or use occurs in the course of providing fire  
150 prevention services or in response to an emergency firefighting  
151 operation.

152       (3) This section does not:

153       (a) Restrict the manufacturing, sale, or distribution of  
154 Class B firefighting foam that contains intentionally added PFAS  
155 chemicals;

156       (b) Restrict the discharge or use of Class B firefighting  
157 foam in providing fire prevention services or in response to an  
158 emergency firefighting operation; or

159       (c) Prevent the use of nonfluorinated foams, including  
160 other Class B firefighting foams, for purposes of firefighter  
161 training or testing.

162       Section 3. This act shall take effect July 1, 2026.