

By Senator Berman

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

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

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

39 376.91 Statewide cleanup of perfluoroalkyl and
40 polyfluoroalkyl substances; liability protection; financial
41 assistance.—

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

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

49 (b) ~~(a)~~ "Department" means the Department of Environmental
50 Protection.

51 (c) "Institutional control" means an enforceable
52 restriction or condition designed to prevent exposure to PFAS
53 contamination.

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

58 (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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88 shall adopt interim screening values to guide site assessment
89 and remedial actions ~~rehabilitation is completed or rules for~~
90 ~~statewide cleanup target levels are ratified by the Legislature,~~
91 ~~any statute of limitations that would bar a state or local~~
92 ~~governmental entity from pursuing relief in accordance with its~~
93 ~~existing authority is tolled from June 20, 2022.~~

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

98 (3) BONA FIDE PROSPECTIVE PURCHASER PROTECTION.

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

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

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

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

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

115 3. After the department executes a PSPA, liability
116 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.