

**By** Senator Burgess

23-01543B-26

20261226

A bill to be entitled

An act relating to refrigerant safety and agricultural continuity; creating s. 604.74, F.S.; providing a short title; providing legislative findings and intent; defining terms; authorizing commercial and agricultural food processing and cold chain industries to continue to purchase, install, and service equipment utilizing R-410A refrigerants through a specified date; requiring the Department of Agriculture and Consumer Services to maintain certain records; requiring the department to provide an annual report to the Legislature by a specified date; providing requirements for the annual report; providing immunity from liability for certain persons and business entities; authorizing the department to coordinate with certain entities for a specified purpose; authorizing the department to adopt rules; providing construction; providing an effective date.

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

Section 1. Section 604.74, Florida Statutes, is created to read:

## 604.74 Refrigerant safety and agricultural continuity.—

(1) This section may be cited as the "Refrigerant Safety and Agricultural Continuity Act."

(2) The Legislature finds that this state's agricultural food processing and cold chain industries rely upon refrigerant systems that ensure product safety, temperature stability, and

23-01543B-26

20261226

30 export reliability. The United States Environmental Protection  
31 Agency's technology transition rule requires replacement of R-  
32 410A refrigerants with A2L refrigerants, including R-454B  
33 refrigerants, beginning in calendar years 2025 and 2026. R-454B  
34 refrigerant is classified as a mildly flammable refrigerant and  
35 has not been fully tested or certified for all commercial and  
36 agricultural refrigerant applications, creating potential risk  
37 of fire, equipment failure, and insurance exclusion. A rapid  
38 transition to A2L refrigerants may impose substantial costs on  
39 this state's agricultural food processing and cold chain  
40 industries with statewide economic impacts estimated in the  
41 billions of dollars. It is in the public interest to protect  
42 safety, food supply integrity, and small business continuity  
43 during the refrigerant transition period. It is the intent of  
44 the Legislature to ensure the safety, economic stability, and  
45 operational continuity of this state's commercial and  
46 agricultural food processing and cold chain industries by  
47 authorizing the continued use of R-410A refrigerants until  
48 alternative refrigerants, such as R-454B refrigerants, are  
49 proven safe, fully certified, and supported by adequate  
50 equipment availability, workforce training, and insurance  
51 coverage.

52 (3) As used in this section, the term:

53 (a) "Agricultural refrigerant application" means any  
54 cooling or cold storage system used for commercial and  
55 agricultural production or food processing, packaging, or  
56 transport.

57 (b) "A2L refrigerant" means any refrigerant classified as  
58 lower toxicity and mildly flammable under American Society of

23-01543B-26

20261226

59 Heating, Refrigerating and Air-Conditioning Engineers Standard  
60 34.

61 (c) "Department" means the Department of Agriculture and  
62 Consumer Services.

63 (4) Notwithstanding any federal phase-down schedule or  
64 other conflicting law, this state's commercial and agricultural  
65 food processing and cold chain industries may continue to  
66 purchase, install, and service equipment utilizing R-410A  
67 refrigerants through January 1, 2035, or as otherwise determined  
68 by the Legislature. The department shall maintain records of R-  
69 410A equipment installations and coordinate with relevant  
70 federal agencies to ensure compliance with applicable reporting  
71 requirements.

72 (5) By January 1, 2027, and annually thereafter, the  
73 department, in consultation with the Department of Environmental  
74 Protection and the State Fire Marshal, shall provide a report to  
75 the President of the Senate and the Speaker of the House of  
76 Representatives on:

77 (a) Safety performance data for A2L refrigerants, including  
78 R-454B refrigerants.

79 (b) Availability of compliant equipment and certified  
80 technicians for statewide transition to A2L refrigerants.

81 (c) Insurance and liability standards applicable to A2L  
82 refrigerant systems.

83 (d) Recommendations regarding readiness for statewide  
84 transition to A2L refrigerants.

85 (6) A person or business entity operating in compliance  
86 with this section and using R-410A refrigerants may not be held  
87 liable solely for continued use of such refrigerants under any

23-01543B-26

20261226

88 federal phase-down schedule until a state-certified safe  
89 alternative is fully available.

90 (7) The department may coordinate with Florida College  
91 System institutions, career centers, and industry trade  
92 associations to expand training and certification programs for  
93 the safe handling, installation, and servicing of A2L  
94 refrigerants.

95 (8) The department may adopt rules to implement this  
96 section.

97 (9) This section establishes the state's enforcement  
98 discretion and safety timeline consistent with its interest in  
99 agriculture and public safety and may not be construed to  
100 preempt or contravene the authority of the United States  
101 Environmental Protection Agency.

102 Section 2. This act shall take effect July 1, 2026.