

By Senator Burgess

23-01543B-26

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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__

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

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

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

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

23-01543B-26

20261226__

Heating, Refrigerating and Air-Conditioning Engineers Standard
34.

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

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

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

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

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

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

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

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

23-01543B-26

20261226__

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

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

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

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

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