

1 A bill to be entitled
2 An act relating to perfluoroalkyl and polyfluoroalkyl
3 substances; amending s. 376.91, F.S.; revising and
4 providing definitions; providing for the ratification
5 of certain rules for cleanup target levels for PFAS;
6 authorizing the Department of Environmental Protection
7 to update statewide cleanup target levels as
8 necessary; requiring such updates to be ratified by
9 the Legislature; requiring the department to adopt
10 interim screening values until the United States
11 Environmental Protection Agency establishes final
12 standards for additional PFAS compounds; providing
13 requirements to apply for prospective purchaser
14 protection; requiring the department to review
15 applications for completeness within a specified
16 timeframe; providing that an application is deemed
17 approved under specified circumstances; specifying the
18 timeframe in which liability protection is effective;
19 providing liability protection for certain
20 contaminations; authorizing the department or other
21 parties to pursue cost recovery; requiring the
22 department to issue completion letters under certain
23 circumstances; specifying the circumstances under
24 which a prospective purchaser forfeits liability
25 protection; requiring the department and the

Department of Revenue to ensure eligibility to financial assistance for certain sites; creating s. 633.3041, F.S.; providing definitions; prohibiting fire 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

51 restriction or condition designed to prevent exposure to PFAS
52 contamination.

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

57 (e) "PSPA" means a PFAS site participation agreement a
58 prospective purchaser executes with the department.

59 (2) STATEWIDE CLEANUP TARGET LEVELS.—

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

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

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

(c) Until the United States Environmental Protection Agency establishes final standards for additional PFAS, the department must 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 the following:

101 1. Conduct all appropriate inquiries that includes a PFAS
102 analysis.

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

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

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

114 3. After the department executes a PSPA, liability
115 protection is effective during the time period a prospective
116 purchaser takes to comply with this section.

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

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

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

125 (f) A prospective purchaser forfeits liability protection

126 under this section for any willful violation of a PSPA
127 application or the failure to maintain continuing obligations
128 established by the department.

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

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

135 633.3041 Class B firefighting foam.—

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

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

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

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

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

151 (3) This section does not:

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

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

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

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