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LEGISLATIVE ACTION

Senate

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House

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Floor: 2/AD/2R

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04/29/2025 10:16 AM

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Senator McClain moved the following:

Senate Amendment (with title amendment)

Between lines 287 and 288
insert:

Section 2. Paragraph (e) is added to subsection (2) of
section 376.308, Florida Statutes, to read:

376.308 Liabilities and defenses of facilities.—

(2) In addition to the defense described in paragraph
(1)(c), the only other defenses of a person specified in
subsection (1) are to plead and prove that the occurrence was
solely the result of any of the following or any combination of



181416

the following:

(e) The condition giving rise to the cause of action is a natural geological substance of a former phosphate mine, as defined in s. 378.213, for which:

1. A notice has been recorded in accordance with s. 378.213(1); and

2. The Department of Health has conducted a survey under s. 404.0561(1).

Section 3. Section 378.213, Florida Statutes, is created to read:

378.213 Notice of former phosphate mine site.—

(1) A landowner may record a notice in the official records of the county in which the land is located which identifies the landowner's property as a former phosphate mine. The recorded notice must be in substantially the following form:

NOTICE

This property is a former phosphate mine as defined in s. 378.213(2), Florida Statutes.

Such recording serves as notice that the land is a former phosphate mine.

(2) As used in this section, the term "former phosphate mine" means an area of land upon which phosphate mining has been conducted and which may have been subject to a radiation survey in accordance with s. 404.0561 and state reclamation requirements of ss. 378.201-378.212, but does not include a phosphogypsum stack as defined in s. 403.4154(1)(d).

Section 4. Section 404.0561, Florida Statutes, is created



181416

to read:

404.0561 Survey of former phosphate mining lands.—

(1) Upon petition by a current landowner, the department shall conduct a gamma radiation survey of a former phosphate land parcel within 120 days after receipt of the petition to determine the radioactivity levels. The survey must document gamma radiation exposure measurements and the locations of the measurements.

(2) The department shall provide a copy of the preliminary survey results to the petitioner within 30 days after completion of the survey. Within 60 days after receipt of the survey, the petitioner may request an additional survey based upon any reasonable belief that the survey was flawed or not representative of conditions on the site. The department shall conduct one additional survey within 90 days after receipt of the petitioner's request. The additional survey must meet the requirements of this section and is deemed final within 90 days after completion.

Section 5. Section 768.405, Florida Statutes, is created to read:

768.405 Documentation of radiation levels.—In any civil action based on strict liability under s. 376.313(3), negligence or similar conduct related to an alleged discharge of hazardous substances or condition of pollution related to phosphate mining, including the presence of mining overburden, solid waste from the extraction, or beneficiation of phosphate rock from a phosphate mine; or any other similar claim related to the mining of phosphatic rock or reclamation of a mined area, the plaintiff must include a radiation survey of the property with the



181416

complaint. The survey must be prepared by a person certified as either a health physicist by the American Board of Health Physics or as a radiation protection technologist by the National Registry of Radiation Protection Technologists. The survey must be representative and document the measured gamma radiation on the property, including background values determined in accordance with the Environmental Protection Agency's Multi-agency Radiation Survey and Site Investigation Manual; the locations of the measurements; the testing equipment; the testing methodology used, including the equipment calibration date and protocol; and the name of the person performing the survey and describe the person's relevant training, education, and experience. The survey shall be verified under penalty of perjury as provided in s. 92.525.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 35

and insert:

thereafter; amending s. 376.308, F.S.; providing conditions for a cause of action against certain former phosphate mine sites; creating s. 378.213, F.S.; authorizing landowners to record certain notice of former phosphate mines; specifying requirements for such notice; defining the term "former phosphate mine"; creating s. 404.0561, F.S.; requiring the Department of Health to conduct gamma radiation surveys of former phosphate land parcels upon petition; creating s. 768.405, F.S.; requiring that



181416

99 specified documentation of radiation levels be
100 submitted in certain civil actions related to
101 phosphate mining; providing an effective date.