

1 A bill to be entitled
 2 An act relating to former phosphate mining lands;
 3 amending s. 376.308, F.S.; providing conditions for a
 4 cause of action against certain former phosphate mine
 5 sites; creating s. 378.213, F.S.; providing
 6 legislative findings; providing for certain notice of
 7 former phosphate mines; creating s. 404.0561, F.S.;
 8 requiring the Department of Health to conduct surveys
 9 of former phosphate land parcels upon petition;
 10 providing conditions and requirements for such
 11 surveys; creating s. 768.405, F.S.; requiring that
 12 specified documentation of radiation levels be
 13 submitted in certain civil actions related to
 14 phosphate mining; providing an effective date.

15

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

17

18 **Section 1. Paragraph (e) is added to subsection (2) of**
 19 **section 376.308, Florida Statutes, to read:**

20 376.308 Liabilities and defenses of facilities.—

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

26 (e) The condition giving rise to the cause of action is a
 27 natural geology substance of a former phosphate mine for which:

28 1. A notice has been recorded in accordance with s.
 29 378.213(2); and

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

32 **Section 2. Section 378.213, Florida Statutes, is created**
 33 **to read:**

34 378.213 Notice of former phosphate mine site.—

35 (1) The Legislature finds that phosphate mining is an
 36 essential agricultural activity that is necessary for the food
 37 security of the nation and this state and that, further, former
 38 mined lands are a valuable resource. The highest and best use of
 39 formerly mined lands is in the state's interests.

40 (2) A landowner may record a notice in the official
 41 records of the county which identifies the landowner's property
 42 as a former phosphate mine. The recording shall serve as notice
 43 that the land is a former phosphate mine.

44 **Section 3. Section 404.0561, Florida Statutes, is created**
 45 **to read:**

46 404.0561 Monitoring of former phosphate mining lands.—

47 (1) Upon petition by a current landowner, the department
 48 shall conduct a gamma radiation survey of a former phosphate
 49 land parcel within 120 days to determine the radioactivity
 50 levels. The survey must document gamma radiation exposure

51 measurements and the locations of the measurements. Gamma
52 radiation measurements must be taken at the density of one per
53 site or one per acre of land, whichever is greater.

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

64 **Section 4. Section 768.405, Florida Statutes, is created**
65 **to read:**

66 768.405 Documentation of radiation levels.—In any civil
67 action based on strict liability under s. 376.313(3),
68 negligence, or similar conduct related to an alleged discharge
69 of hazardous substances or condition of pollution related to
70 phosphate mining, including the presence of mining overburden,
71 solid waste from the extraction, or beneficiation of phosphate
72 rock from a phosphate mine; or any other similar claim related
73 to the mining of phosphatic rock or reclamation of a mined area,
74 the plaintiff must include a radiation survey of the property
75 with the complaint. The survey must be prepared by a person

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

89 | **Section 5.** This act shall take effect July 1, 2025.