

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; defining the term "former
8 phosphate mine"; creating s. 404.0561, F.S.; requiring
9 the Department of Health to conduct surveys of former
10 phosphate land parcels upon petition; providing
11 conditions and requirements for such surveys; creating
12 s. 768.405, F.S.; requiring that specified
13 documentation of radiation levels be submitted in
14 certain civil actions related to phosphate mining;
15 providing an effective date.

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

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

21 376.308 Liabilities and defenses of facilities.—

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

the following:

(e) The condition giving rise to the cause of action is a natural geology substance of a former phosphate mine, as defined in s. 378.213(3), for which:

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

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

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

378.213 Notice of former phosphate mine site.—

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

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

NOTICE

This property is a former phosphate mine as defined in s. 378.213(3), Florida Statutes.

51 Such recording shall serve as notice that the land is a former
52 phosphate mine.

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

59 **Section 3. Section 404.0561, Florida Statutes, is created**
60 **to read:**

61 404.0561 Monitoring of former phosphate mining lands.—

62 (1) Upon petition by a current landowner, the department
63 shall conduct a gamma radiation survey of a former phosphate
64 land parcel within 120 days to determine the radioactivity
65 levels. The survey must document gamma radiation exposure
66 measurements and the locations of the measurements. Gamma
67 radiation measurements must be taken at the density of one per
68 site or one per acre of land, whichever is greater.

69 (2) The department shall provide a copy of the preliminary
70 survey results to the petitioner within 30 days after completion
71 of the survey. Within 60 days after receipt of the survey, the
72 petitioner may request an additional survey based upon any
73 reasonable belief that the survey was flawed or not
74 representative of conditions on the site. The department shall
75 conduct one additional survey within 90 days after receipt of

76 the petitioner's request. The additional survey must meet the
77 requirements of this section and is deemed final within 90 days
78 after completion.

79 **Section 4. Section 768.405, Florida Statutes, is created**
80 **to read:**

81 768.405 Documentation of radiation levels.—In any civil
82 action based on strict liability under s. 376.313(3),
83 negligence, or similar conduct related to an alleged discharge
84 of hazardous substances or condition of pollution related to
85 phosphate mining, including the presence of mining overburden,
86 solid waste from the extraction, or beneficiation of phosphate
87 rock from a phosphate mine; or any other similar claim related
88 to the mining of phosphatic rock or reclamation of a mined area,
89 the plaintiff must include a radiation survey of the property
90 with the complaint. The survey must be prepared by a person
91 certified as either a health physicist by the American Board of
92 Health Physics or as a radiation protection technologist by the
93 National Registry of Radiation Protection Technologists. The
94 survey must be representative and document the measured gamma
95 radiation on the property, including background values
96 determined in accordance with the Environmental Protection
97 Agency's Multi-agency Radiation Survey and Site Investigation
98 Manual; the locations of the measurements; the testing
99 equipment; testing methodology used, including the equipment
100 calibration date and protocol; and the name of the person

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101 performing the survey and describe the person's relevant
102 training, education, and experience. The survey shall be
103 verified under penalty of perjury as provided in s. 92.525.

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