

By Senator Burgess

23-01541-25

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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.

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

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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

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

32 Section 2. Section 378.213, Florida Statutes, is created to
33 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 former mined lands is in the state's interests.

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

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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 to
65 read:

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

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88 verified under penalty of perjury as provided in s. 92.525.

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