

By the Committees on Environment and Natural Resources; and  
Judiciary; and Senator Burgess

592-02834-25

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A bill to be entitled  
An act relating to former phosphate mining lands;  
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; providing  
conditions and requirements for such surveys;  
specifying that petitioners bear the cost of surveys;  
creating s. 768.405, F.S.; requiring that specified  
documentation of radiation levels be submitted in  
certain civil actions related to phosphate mining;  
providing an effective date.

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

Section 1. 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  
the following:

(e) The condition giving rise to the cause of action is a

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30 natural geological substance of a former phosphate mine, as  
31 defined in s. 378.213, for which:

32 1. A notice has been recorded in accordance with s.  
33 378.213(2); and

34 2. The Department of Health has conducted a survey under s.  
35 404.0561(1).

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

38 378.213 Notice of former phosphate mine site.—

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

43  
44 NOTICE

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

47  
48 Such recording serves as notice that the land is a former  
49 phosphate mine.

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

56 Section 3. Section 404.0561, Florida Statutes, is created  
57 to read:

58 404.0561 Survey of former phosphate mining lands.—

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

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

77       (3) A petitioner requesting a survey pursuant to this  
78 section is responsible for the cost of the survey conducted by  
79 the department.

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

82       768.405 Documentation of radiation levels.—In any civil  
83 action based on strict liability under s. 376.313(3), negligence  
84 or similar conduct related to an alleged discharge of hazardous  
85 substances or condition of pollution related to phosphate  
86 mining, including the presence of mining overburden, solid waste  
87 from the extraction, or beneficiation of phosphate rock from a

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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  
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.

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