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

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30 1. A notice has been recorded in accordance with s.
31 378.213(1); and

32 2. The Department of Health has conducted a survey under s.
33 404.0561(1).

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

36 378.213 Notice of former phosphate mine site.—

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

41
42 NOTICE

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

45
46 Such recording serves as notice that the land is a former
47 phosphate mine.

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

54 Section 3. Section 404.0561, Florida Statutes, is created
55 to read:

56 404.0561 Survey of former phosphate mining lands.—

57 (1) Upon petition by a current landowner, the department
58 shall conduct a gamma radiation survey of a former phosphate

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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 4. 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 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

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88 survey must be representative and document the measured gamma
89 radiation on the property, including background values
90 determined in accordance with the Environmental Protection
91 Agency's Multi-agency Radiation Survey and Site Investigation
92 Manual; the locations of the measurements; the testing
93 equipment; the testing methodology used, including the equipment
94 calibration date and protocol; and the name of the person
95 performing the survey and describe the person's relevant
96 training, education, and experience. The survey shall be
97 verified under penalty of perjury as provided in s. 92.525.

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