

ENROLLED

HB 167

2026 Legislature

1
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.; authorizing
6 landowners to record certain notice of former
7 phosphate mines; specifying requirements for such
8 notice; defining the term "former phosphate mine";
9 creating s. 404.0561, F.S.; requiring the Department
10 of Health to conduct gamma radiation surveys of former
11 phosphate land parcels upon petition; creating s.
12 768.405, F.S.; requiring that specified documentation
13 of radiation levels be submitted in certain civil
14 actions related to phosphate mining; providing an
15 effective date.

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

18
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

ENROLLED

HB 167

2026 Legislature

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
 59 land parcel within 120 days after receipt of the petition to
 60 determine the radioactivity levels. The survey must document
 61 gamma radiation exposure measurements and the locations of the
 62 measurements.

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

73 Section 4. Section 768.405, Florida Statutes, is created
 74 to read:

75 768.405 Documentation of radiation levels.—In any civil

ENROLLED

HB 167

2026 Legislature

76 | action based on strict liability under s. 376.313(3), negligence
77 | or similar conduct related to an alleged discharge of hazardous
78 | substances or condition of pollution related to phosphate
79 | mining, including the presence of mining overburden, solid waste
80 | from the extraction, or beneficiation of phosphate rock from a
81 | phosphate mine; or any other similar claim related to the mining
82 | of phosphatic rock or reclamation of a mined area, the plaintiff
83 | must include a radiation survey of the property with the
84 | complaint. The survey must be prepared by a person certified as
85 | either a health physicist by the American Board of Health
86 | Physics or as a radiation protection technologist by the
87 | National Registry of Radiation Protection Technologists. The
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, 2026.