

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/HB 1191 — Use of Phosphogypsum

by Infrastructure Strategies Committee; Transportation and Modals Subcommittee; and Rep. McClure and others (CS/CS/SB 1258 by Fiscal Policy Committee; Transportation Committee; and Senators Trumbull, Burgess, Gruters, and Ingoglia)

The bill authorizes the Florida Department of Transportation (FDOT) to undertake demonstration projects using phosphogypsum from phosphate production in road construction aggregate material. The bill requires the FDOT to conduct a study to evaluate the suitability of using phosphogypsum as a construction aggregate material. The FDOT may consider any prior or ongoing studies of phosphogypsum's road suitability. The study and a determination of suitability must be completed by April 1, 2024.

Upon the FDOT's determination of suitability, the bill authorizes the use of phosphogypsum from phosphate production as a construction aggregate material in accordance with the conditions of the United States Environmental Protection Agency's (EPA's) approval for such use. Finally, the bill provides that phosphogypsum placed in a phosphogypsum stack system permitted by the EPA or used in accordance with an allowed use expressly specified in EPA regulations or pursuant to an express EPA approval for the specific use is not solid waste and is an allowable use in this state.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 34-4; House 81-25