A bill to be entitled
An act relating to biosolids management; creating s.
403.08715, F.S.; providing legislative findings;
defining the term "biosolids"; prohibiting the land
application of biosolids on certain sites; prohibiting
the Department of Environmental Protection from
issuing or renewing certain permits; directing the
department to initiate rulemaking by a specified date,
adopt specified rules for biosolids management, and
implement a specified water quality monitoring
program; providing applicability; providing an
effective date.

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

Section 1. Section 403.08715, Florida Statutes, is created
to read:

403.08715 Biosolids management.—
(1) LEGISLATIVE FINDINGS.—The Legislature finds it is in
the best interest of the state to:
    (a) Regulate biosolids management to minimize the
migration of nutrients that impair or contribute to the
impairment of waterbodies.
    (b) Expedite implementation of the recommendations of the
Biosolids Technical Advisory Committee, which includes
permitting based on site-specific application conditions,
increased inspection frequencies, groundwater and surface water
monitoring protocols, and nutrient management research to
improve the management of biosolids and protect the state's
water resources and water quality.

(c) Expedite the implementation of biosolids processing
innovative technologies as a means of improving biosolids
management and protecting water resources and water quality.

(2) DEFINITION.—As used in this section, the term
"biosolids" has the same meaning as in s. 373.4595(2).

(3) PROHIBITED LAND APPLICATION.—
(a) Beginning July 1, 2021, the land application of
biosolids is prohibited on any site where the biosolids
application zone interacts with the seasonal high water table.

(b) The department may not issue a new permit or renew an
existing permit for the land application of biosolids for any
site where the land application of biosolids is prohibited
pursuant to paragraph (a).

(4) RULEMAKING.—
(a) For sites that are not subject to the prohibition
under subsection (3), the department shall adopt rules for
biosolids management to:

1. Authorize the use of biosolids in a manner that
minimizes the migration of nutrients and that prevents
impairment of surface water and groundwater quality, including:
a. Site-specific land application rates of biosolids based on soil characteristics, soil adsorption capacity, water table characteristics, hydrogeology, site use, and distance to surface water;

b. An evaluation of the percentage of water-extractable phosphorus in all biosolids to inform the appropriate application rate;

c. Criteria for low-, medium-, and high-risk sites that guide application practices and required water quality monitoring; and

d. Site-specific agronomic rates based on soil and plant tissue tests. The application volume is limited to the amount necessary to meet the agronomic need demonstrated by the soil and plant tissue test.

2. Establish site-specific groundwater and surface water monitoring requirements.

(b) The department shall initiate rulemaking by August 1, 2020.

(5) WATER QUALITY MONITORING.—The department shall implement an offsite water quality monitoring program sufficient to determine impacts from the land application of biosolids on downstream and nearby surface water and groundwater quality.

(6) APPLICABILITY.—

(a) This section does not conflict with or supersede s. 373.4595 or s. 373.811.
(b) This section does not apply to Class AA biosolids that are marketed and distributed as fertilizer products in accordance with department rule.

(c)(1) An ordinance, moratorium, or regulation adopted by a municipality or county before February 1, 2020, relating to the land application of Class B biosolids shall remain in effect until the ordinance, moratorium, or regulation is repealed by the municipality or county or until the effective date of the rules adopted by the department pursuant to subsection (4).

2. This section does not limit the ability of a municipality or county to extend an ordinance, moratorium, resolution, or regulation adopted before February 1, 2020, relating to the land application of Class B biosolids until the effective date of the rules adopted by the department pursuant to subsection (4).

Section 2. This act shall take effect July 1, 2020.