

By Senator Bradley

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A bill to be entitled

An act relating to biosolids management; amending s. 403.0855, F.S.; prohibiting the land application of Class AA biosolids fertilizer and compost products from exceeding the agronomic rate; requiring the land application site operator to maintain application records; authorizing bulk Class AA biosolids or biosolids products to be distributed or marketed as fertilizer and land applied if specified requirements are met; defining the term "bona fide sale"; authorizing bulk Class AA biosolids compost products to be distributed or marketed as soil amendments and land applied if specified requirements are met; providing an exception; requiring that certain bulk Class AA biosolids compost and fertilizer products be land applied at land application sites approved by the Department of Environmental Protection; providing applicability; requiring the University of Florida's Institute of Food and Agricultural Sciences to publish and make publicly available recommended agronomic rates for the reuse of bulk Class AA biosolids fertilizer and compost products; providing an effective date.

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

Section 1. Subsections (7) through (13) are added to section 403.0855, Florida Statutes, to read:

403.0855 Biosolids management.—

6-01144A-26

20261294

30 (7) The land application of bulk Class AA biosolids
31 fertilizer and compost products may not exceed the agronomic
32 rate, as that term is defined in 40 C.F.R. s. 503.11, to the
33 extent that such application constitutes disposal, considering
34 the slow-release nature of nitrogen and phosphorus in biosolids-
35 derived products. Application records must be maintained by the
36 land application site operator.

37 (8) (a) Bulk Class AA biosolids or biosolids products may be
38 distributed or marketed as fertilizer in accordance with chapter
39 576, and may be land applied if such biosolids and products are
40 transferred pursuant to a bona fide sale as fertilizer and meet
41 all applicable labeling and registration requirements.

42 (b) As used in this section, the term "bona fide sale"
43 means a sale in which monetary consideration is paid for the
44 biosolids fertilizer or biosolids compost product, and the
45 amount paid bears a reasonable relationship to the fair market
46 value of comparable marketable fertilizer or soil-amendment
47 products. A nominal charge, an exchange arrangement, a transfer
48 made to offset disposal costs, or a transfer in which the
49 biosolids treatment facility compensates the recipient does not
50 constitute a bona fide sale. A transaction does not constitute a
51 bona fide sale if its price, structure, or associated payments
52 are arranged for the purpose of avoiding compliance with
53 paragraph (a) or subsection (9).

54 (9) (a) Bulk Class AA biosolids compost products may be
55 distributed or marketed as soil amendments in accordance with
56 chapter 576 and may be land applied if such products are
57 transferred pursuant to a bona fide sale and meet all applicable
58 labeling and registration requirements.

6-01144A-26

20261294

59 (b) Class AA biosolids compost products are not required to
60 be distributed or marketed as a soil amendment or a fertilizer
61 if the Class AA biosolids compost product is enrolled and
62 certified under the United States Composting Council's Seal of
63 Testing Assurance program.

64 (10) Bulk Class AA biosolids compost and fertilizer
65 products that are not distributed, marketed, or sold through a
66 bona fide sale as a fertilizer or soil amendment may only be
67 land applied at land application sites expressly approved by the
68 Department of Environmental Protection. This subsection does not
69 apply to Class AA biosolids compost products enrolled and
70 certified under the United States Composting Council's Seal of
71 Testing Assurance program.

72 (11) The requirement for a bona fide sale does not apply to
73 biosolids treatment facilities that own or control the land
74 where the bulk Class AA fertilizer or compost biosolids products
75 are being land applied; however, bulk Class AA products that are
76 land applied on land owned or controlled by a biosolids
77 treatment facility must still meet all applicable registration
78 and labeling requirements prior to land application.

79 (12) Subsections (8), (9), and (10) do not apply to sales
80 or exchanges between importers, manufacturers, or licensees
81 under s. 576.141.

82 (13) The University of Florida's Institute of Food and
83 Agricultural Sciences shall, on a biennial basis, publish and
84 make publicly available the recommended agronomic rates for the
85 beneficial reuse of bulk Class AA biosolids fertilizer and
86 compost products based on predominant application practices.

87 Section 2. This act shall take effect July 1, 2026.