

By Senator Bradley

6-01144A-26

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1                   A bill to be entitled  
2       An act relating to biosolids management; amending s.  
3       403.0855, F.S.; prohibiting the land application of  
4       Class AA biosolids fertilizer and compost products  
5       from exceeding the agronomic rate; requiring the land  
6       application site operator to maintain application  
7       records; authorizing bulk Class AA biosolids or  
8       biosolids products to be distributed or marketed as  
9       fertilizer and land applied if specified requirements  
10      are met; defining the term "bona fide sale";  
11      authorizing bulk Class AA biosolids compost products  
12      to be distributed or marketed as soil amendments and  
13      land applied if specified requirements are met;  
14      providing an exception; requiring that certain bulk  
15      Class AA biosolids compost and fertilizer products be  
16      land applied at land application sites approved by the  
17      Department of Environmental Protection; providing  
18      applicability; requiring the University of Florida's  
19      Institute of Food and Agricultural Sciences to publish  
20      and make publicly available recommended agronomic  
21      rates for the reuse of bulk Class AA biosolids  
22      fertilizer and compost products; providing an  
23      effective date.

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

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27       Section 1. Subsections (7) through (13) are added to  
28       section 403.0855, Florida Statutes, to read:  
29       403.0855 Biosolids management.—

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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.

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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.