

By the Committee on Environment and Natural Resources

592-02889-21

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1 A bill to be entitled
2 An act relating to biosolids; ratifying specified
3 rules relating to biosolids management for the sole
4 and exclusive purpose of satisfying any condition on
5 effectiveness pursuant to s. 120.541(3), F.S., which
6 requires ratification of any rule exceeding any
7 specified thresholds for likely adverse impact or
8 increase in regulatory costs; exempting the rules from
9 certain review and approval by the Environmental
10 Regulation Commission; providing applicability;
11 providing construction; providing a declaration of
12 important state interest; amending s. 403.0855, F.S.;
13 requiring the Department of Environmental Protection
14 to provide notice to and receive consent from private
15 property owners before entering onto private property
16 for specified biosolids testing; providing an
17 effective date.

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

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21 Section 1. (1) The following rules are ratified for the
22 sole and exclusive purpose of satisfying any condition on the
23 effectiveness imposed under s. 120.541(3), Florida Statutes:
24 Rules 62-640.100, 62-640.200, 62-640.210, 62-640.300, 62-
25 640.400, 62-640.500, 62-640.600, 62-640.650, 62-640.700, 62-
26 640.800, 62-640.850, 62-640.880, Florida Administrative Code,
27 entitled Scope, Intent, Purpose, and Applicability; Definitions;
28 General Technical Guidance and Forms; General Requirements;
29 Prohibitions; Nutrient Management Plan (NMP); Pathogen Reduction

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30 and Vector Attraction Reduction; Monitoring, Record Keeping,
31 Reporting, and Notification; Requirements for Land Application
32 of Class AA, A, and B Biosolids; Additional Requirements for
33 Land Application at Reclamation Sites; Distribution and
34 Marketing of Class AA Biosolids; and Additional Requirements
35 Related to Biosolids Treatment Facilities, respectively, as
36 published on December 3, 2020, in the Florida Administrative
37 Register, Vol. 46, No. 234, pages 5281-5297.

38 (2) The rules in subsection (1) proposed by the Department
39 of Environmental Protection pursuant to s. 403.0855(2), Florida
40 Statutes, are exempt from review and approval by the
41 Environmental Regulation Commission under s. 403.804(1), Florida
42 Statutes.

43 (3) This section serves no other purpose and may not be
44 codified in the Florida Statutes. At the time of filing this
45 rule for adoption, or as soon thereafter as practicable, the
46 department shall publish a notice of the enactment of this
47 exemption in the Florida Administrative Register. This section
48 does not alter rulemaking authority delegated by prior law and
49 does not constitute legislative preemption of or exception to
50 any other provision of law governing adoption or enforcement of
51 the rule cited. This section does not cure any rulemaking defect
52 or preempt any challenge based on a lack of authority or a
53 violation of the legal requirements governing the adoption of
54 any rule cited.

55 (4) The Legislature determines and declares that this
56 section fulfills an important state interest.

57 Section 2. Subsection (7) is added to section 403.0855,
58 Florida Statutes, to read:

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59 403.0855 Biosolids management.—

60 (7) The department shall provide notice to and receive
61 consent from a private property owner before entering onto his
62 or her property to install monitoring equipment or conduct
63 sampling for biosolids sites.

64 Section 3. This act shall take effect upon becoming a law.