

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/HB 1245](#)

TITLE: Biosolids Management

SPONSOR(S): Shoaf

COMPANION BILL: [CS/SB 1294](#) (Bradley)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Natural Resources & Disasters](#)

18 Y, 0 N, As CS



[Housing, Agriculture & Tourism](#)



[State Affairs](#)

SUMMARY

Effect of the Bill:

The bill creates new regulations for Class AA biosolids. The bill, in part:

- Prohibits land application of bulk Class AA biosolids fertilizer and compost products from exceeding certain agronomic rates and requires land application site operators to maintain application records.
- Authorizes bulk Class AA biosolids or biosolid products to be distributed or marketed as fertilizer and land applied if certain requirements are met.
- Authorizes bulk Class AA biosolids compost products to be distributed or marketed as soil amendments and land applied if certain requirements are met.
- Requires that bulk AA biosolids compost and fertilizer products that are not distributed, marketed, or sold through a bona fide sale as a fertilizer or soil amendment may only be land applied at land application sites approved by the Department of Environmental Protection.
- Requires the University of Florida's Institute of Food and Agricultural Sciences to, on a biennial basis, publish recommended agronomic rates for the beneficial reuse of bulk Class AA biosolids fertilizer and compost products.

Fiscal or Economic Impact:

None.

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ANALYSIS

EFFECT OF THE BILL:

Effective July 1, 2026, the bill prohibits the land application of bulk Class AA [biosolids](#) fertilizer and compost products from exceeding the appropriate rate and requires the [land application](#) site operator to maintain application records. The bill requires the University of Florida's Institute of Food and Agricultural Sciences to biennially publish and make publicly available recommended agronomic rates for the beneficial reuse of bulk Class AA biosolids fertilizer and compost products. (Section [1](#))

Effective July 1, 2028, the bill defines "bona fide sale" as a sale in which monetary consideration is paid for the biosolids fertilizer or biosolids compost product, and the amount paid bears a reasonable relationship to the fair market value of comparable fertilizer or soil-amendment products. The bill specifies that a nominal charge, exchange arrangement, a transfer to offset disposal costs, or a transfer in which a biosolids treatment facility compensates the recipient does not constitute a bona fide sale. In addition, a transaction does not constitute a bona fide sale if its price, structure, or associated payments are arranged for the purpose of avoiding compliance with the law. (Section [2](#))

The bill provides that Bulk Class AA biosolids products and biosolids compost products may only be land applied and marketed or distributed as fertilizer (for biosolids products) or soil amendments (for biosolids compost) if

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these products are transferred pursuant to a bona fide sale and meet all labeling and registration requirements. Class AA biosolids compost and fertilizer products that are not distributed, marketed, or sold through a bona fide sale may only be land applied at land application sites expressly approved by the Department of Environmental Protection (DEP). The bill exempts sales or exchanges between importers, manufacturers, or licensees from these requirements. (Section [2](#))

The bill specifies that Class AA biosolids compost products, if their labeling does not claim any plant nutrients or beneficial plant growth properties, that are enrolled and certified under the [United States Composting Council's](#) Seal of Testing Assurance Program are not required to be distributed and marketed as a soil amendment or fertilizer. Furthermore, such biosolids compost products are not limited to land application sites expressly approved by DEP. (Section [2](#))

The bill exempts from the bona fide sale requirement any biosolids treatment facility that owns or controls the land where the Class AA fertilizer or compost biosolids products are applied, but the Class AA products that are land applied on such lands must still meet all applicable registration and labeling requirements prior to application. (Section [2](#))

The effective date of the bill is July 1, 2026, but the provisions in section 2 become effective July 1, 2028. (Section [3](#))

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Biosolids](#)

When domestic wastewater is treated, solid, semisolid, or liquid residue known as biosolids¹ accumulates in the wastewater treatment plant and must be removed periodically to keep the plant operating properly.² Biosolids also include products and treated material from biosolids treatment facilities and septage management facilities regulated by DEP.³ The collected residue is high in organic content and contains moderate amounts of nutrients.⁴

Wastewater treatment facilities produce about 340,000 dry tons of biosolids each year.⁵ Biosolids can be disposed of in several ways including placement in a landfill, distribution and marketing as fertilizer, and land application to pasture or agricultural lands.⁶ Biosolids are subject to regulatory requirements established by DEP to protect public health and the environment.⁷

¹ Section [373.4595, F.S.](#), defines biosolids are the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility and include products and treated material from biosolids treatment facilities and septage management facilities. The term does not include the treated effluent or reclaimed water from a domestic wastewater treatment facility, solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, or ash generated during the incineration of biosolids.

² DEP, *Domestic wastewater biosolids*, <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (last visited Jan. 25, 2026).

³ Rule 62-640.200(6), F.A.C.

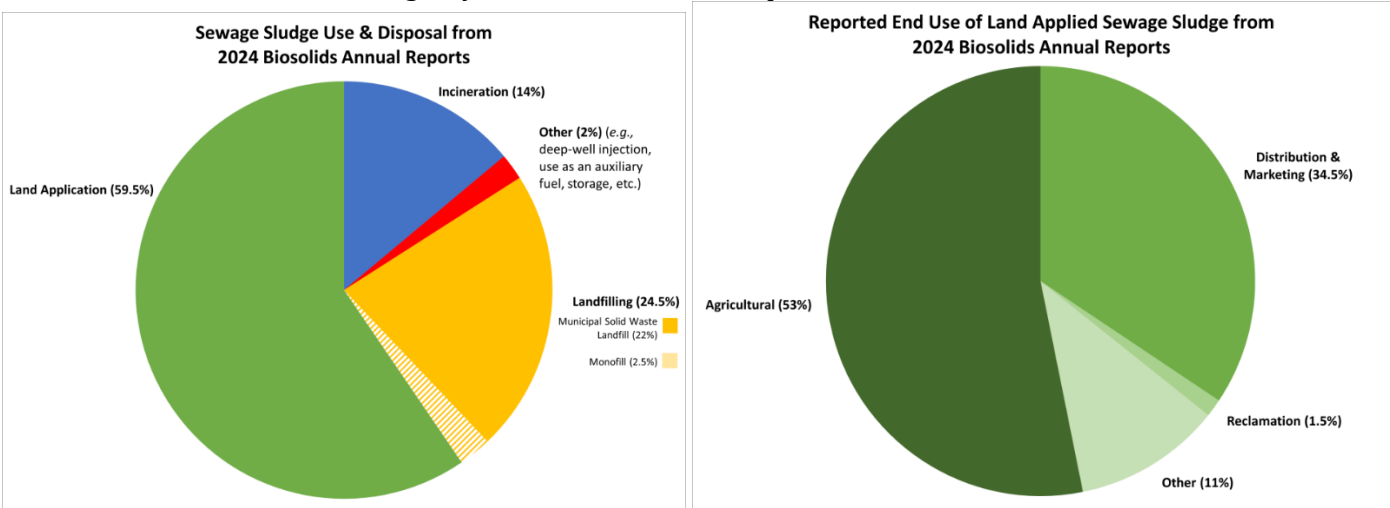
⁴ *Id.*

⁵ DEP, *Biosolids in Florida*, <https://www.florida-stormwater.org/assets/MemberServices/Conference/AC19/02%20-%20Frick%20Tom.pdf#:~:text=Biosolids%20and%20Management%20in%20Florida%20Estimated%20Total%20Production,two-thirds%20are%20beneficially%20used%20and%20onethird%20is%20landfilled> (last visited Jan. 25, 2026).

⁶ *Id.*

⁷ Rule 62-640, F.A.C.

U.S. Environmental Protection Agency – Biosolids use and disposal across the U.S.:⁸



Land application of biosolids involves spreading biosolids on the soil surface or incorporating or injecting biosolids into the soil at a permitted site.⁹ This practice provides nutrients and organic matter to the soil on agricultural land, golf courses, forests, parks, mine reclamation sites, and other disturbed lands. Composted and treated biosolids are used by landscapers and nurseries, and by homeowners for their lawns and home gardens.¹⁰

Biosolids are classified at the federal level in two classes, “Class A” or “Class B.”¹¹ In Florida, there is an additional “Class AA” designation for biosolids treated to the highest quality standard, which are distributed and marketed as fertilizer,¹² and DEP regulates the three classes of biosolids for beneficial use.¹³ The classes are categorized based on treatment and quality, with Class AA biosolids receiving the highest level of treatment, and Class B receiving the lowest.¹⁴ Treatment of biosolids must reduce pathogens, the attractiveness of the biosolids for pests like insects and rodents, and the amount of toxic metals in the biosolids.¹⁵

Biosolids are regulated under Rule 62-640 of the Florida Administrative Code. The rules provide minimum requirements, including monitoring and reporting requirements, for the treatment, management, use, and disposal of biosolids. The rules are applicable to wastewater treatment facilities, applicers, and distributors¹⁶ and include permit requirements for both treatment facilities and biosolids application sites.¹⁷

Each permit application for a biosolids application site must include a site-specific nutrient management plan (NMP) that establishes the specific rates of application and procedures to apply biosolids to land.¹⁸ Biosolids may

⁸ EPA, *Basic Information about Sewage Sludge and Biosolids*, <https://www.epa.gov/biosolids/fact-sheet-use-landfilling-biosolids-management> (last visited Jan. 25, 2026).

⁹ EPA, *Land application of biosolids*, <https://www.epa.gov/biosolids/land-application-biosolids> (last visited Jan. 25, 2026).

¹⁰ *Id.*

¹¹ 40 C.F.R. Part 503; EPA, *Land Application of Biosolids*, <https://www.epa.gov/biosolids/land-application-biosolids> (last visited Jan. 25, 2026).

¹² Rule 62-640.200(11), F.A.C.; *see also* National Biosolids Data Project, *Florida Biosolids* (last updated 2018), <https://www.biosolidsdata.org/florida> (last visited Jan. 25, 2026).

¹³ Rule 62-640.200, F.A.C.

¹⁴ *Id.*; Rule 62-640.200(6), F.A.C.,

¹⁵ Rule 62-640.200, F.A.C.

¹⁶ Rule 62-640.100, F.A.C.

¹⁷ Rule 62-640.300, F.A.C.

¹⁸ Rule 62-640.500, F.A.C.

only be applied to land application sites that are permitted by DEP and have a valid NMP.¹⁹ Once a facility or site is permitted, it is subject to monitoring, record-keeping, reporting, and notification requirements.²⁰

Section [403.0855, F.S.](#), requires all biosolids application sites to meet the DEP rules in effect at the time of the renewal of the biosolids application site permit or facility permit, effective July 1, 2020. Permittees applying Class A or Class B biosolids must ensure a minimum unsaturated soil depth of 2 feet between the depth of biosolids placement and the water table level at the time of application. Permittees must also be enrolled in FDACS best management practices (BMP) program or be within an agricultural operation enrolled in the program for the applicable commodity type.

Class AA biosolids may be distributed and marketed like other commercial fertilizers with few further restrictions and less regulation under Rule 62-640, F.A.C. than Class A and Class B biosolids;²¹ and, like other commercial fertilizers, they are primarily regulated by FDACS's BMP Program.²² Section [403.067, F.S.](#), authorizes and directs FDACS to develop and adopt by rule BMPs that will help Florida's agricultural industry achieve the reductions allocated in basin management action plans (BMAPs), which are restoration plans developed for the watersheds and basins connected to certain impaired waterbodies.²³

FDACS develops and adopts BMPs by rule for different types of agricultural commodities.²⁴ At least every 2 years, DACS must perform onsite inspections of each agricultural producer that enrolls in a BMP to ensure that such practice is being properly implemented.²⁵ Such verification must include a collection and review of the BMP documentation from the previous 2 years, including, but not limited to, nitrogen and phosphorus fertilizer application records, which must be collected and retained.²⁶

Producers or agricultural landowners who properly implement the applicable BMPs or who are in compliance with the Equivalent Program²⁷ requirements of Rule Chapter 5M-1, F.A.C., are entitled to a presumption of compliance with state water quality standards.²⁸

The application of biosolids is prohibited in certain areas. The Legislature banned the disposal of domestic wastewater biosolids within the Lake Okeechobee,²⁹ Caloosahatchee River,³⁰ and St. Lucie River³¹ watersheds unless the applicant can affirmatively demonstrate that the nutrients in the biosolids will not add to nutrient loadings in the watershed. The prohibition against land application in these watersheds does not apply to Class AA biosolids that are distributed as fertilizer products.³²

Biosolids Rulemaking

The Legislature passed the Clean Waterways Act in 2020 to address a number of environmental issues relating to water quality improvement, including biosolids. DEP was directed to promulgate rules to implement the Clean

¹⁹ *Id.*
²⁰ Rule 62-640.650, F.A.C.
²¹ Rule 62-640.800, F.A.C.
²² DEP. *Domestic wastewater biosolids*; National Biosolids Data Project. *Florida biosolids*. <https://www.biosolidsdata.org/florida> (last visited Jan. 25, 2026); Rule 62-640.850, F.A.C.; R. 62-640.850(2), F.A.C.; see also [S. 576.181\(1\), F.S.](#), and R. Ch. 5E-1, F.A.C.
²³ [S. 403.067\(7\)\(a\)1, F.S.](#); Rule 62-303.100(1), F.A.C.
²⁴ *Id.*
²⁵ [S. 403.067\(7\)\(d\)3, F.S.](#)
²⁶ *Id.*
²⁷ Equivalent Programs provide water quality protections equal to or more stringent than the applicable BMPs.
²⁸ [S. 403.067\(7\)\(c\)3, F.S.](#)
²⁹ [S. 373.4595\(3\)\(b\)16, F.S.](#)
³⁰ [S. 373.4595\(4\)\(b\)5, F.S.](#)
³¹ [S. 373.4595\(4\)\(d\)5, F.S.](#)
³² *Id.*; [ss. 373.4595\(3\)\(b\)16](#), and [373.4595\(4\)\(b\)5, F.S.](#); see also R. 62-640.850, F.A.C.

Waterways Act, including rules addressing biosolids management in Florida.³³ All rules adopted by DEP related to biosolids management require ratification by the Legislature prior to taking effect.³⁴ The initial biosolids rulemaking process included multiple workshops and opportunities for public input, and the rules were developed to minimize the migration of nutrients to waterbodies.³⁵ In 2021, the Legislature ratified the initial biosolids rules.³⁶

Clean Water Act

The federal Clean Water Act (1972) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters.³⁷ The Clean Water Act requires the U.S. Environmental Protection Agency (EPA) to establish requirements and management practices for the use and disposal of sewage sludge.³⁸ The EPA's Standards for the Use or Disposal of Sewage Sludge, regulates sewage sludge that is applied to land, fired in a sewage sludge incinerator or placed on a surface disposal site.³⁹

Agronomic rate refers to the amount of biosolids and other organic materials that are applied to soils.⁴⁰ The appropriate agronomic rate depends on crop type, geographic location, and soil characteristics.⁴¹ The Clean Water Act establishes standards and requirements for annual pollutant loading rates.⁴²

US Composting Council

The US Composting Council (USCC) is a national organization of compost manufacturers, compost marketers, equipment manufacturers, product suppliers, academic institutions, public agencies, nonprofit groups, and consulting/engineering firms dedicated to the development, expansion, and promotion of the composting industry.⁴³ The USCC's Seal of Testing Assurance Program (STA) is a testing and information disclosure program aimed at improving customer confidence in compost selection and utilization.⁴⁴ STA certified compost must:

- Meet the USCC's definition of compost;
- Stay in compliance with all federal, state, and local regulations and meet EPA limits for heavy metals and pathogens;
- Use STA approved labs for testing;
- Test compost product in accordance with the required schedule;
- Provide customers with technical data sheets; and
- Sign the STA contract, pay the USCC yearly fees, and renew contracts and payments annually.⁴⁵

³³ Ch. 2020-150, L.O.F.

³⁴ [S. 403.0855, F.S.](#)

³⁵ DEP, *DEP Chapter 62-640, F.A.C., Rulemaking*, <https://floridadep.gov/water/domestic-wastewater/content/dep-chapter-62-640-fac-rulemaking> (last visited Jan. 25, 2026).

³⁶ Ch. 2021-153, L.O.F..

³⁷ U.S. Environmental Protection Agency, [Summary of the Clean Water Act](#) (last visited Jan. 25, 2026).

³⁸ *Id.*

³⁹ Title 40 C.F.R., Part 503. *See also* U.S. Environmental Protection Agency, [Sewage Sludge Laws and Regulations](#) (last visited Jan. 25, 2026).

⁴⁰ Northeast Biosolids & Residuals Association, [Agronomic Rate](#) (last visited Jan. 25, 2026).

⁴¹ U.S. Environmental Protection Agency, [Basic Information about Biosolids](#) (last visited Jan. 25, 2026).

⁴² *See* § 503.14, C.F.R. and Table 4 of § 503.13 – Annual Pollutant Loading Rates.

⁴³ National Composting Council, [US Composting Council \(UCC\)](#) (last visited Jan. 25, 2026).

⁴⁴ BioCycle, [Introducing ... STA Certified Compost](#) (last visited Jan. 25, 2026).

⁴⁵ US Composting Council, [STA Requirements](#) (last visited Jan. 25, 2026).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Natural Resources & Disasters Subcommittee	18 Y, 0 N, As CS	1/28/2026	Skinner	Jones
THE CHANGES ADOPTED BY THE COMMITTEE:	• Changed the effective date of certain provisions regarding the distribution and marketing of Class AA biosolids and the requirements for a bona fide sale to July 1, 2028. • Removed the reference to the federal definition of “agronomic rate.” • Provided that the exemption from the requirement that Class AA biosolids compost products be distributed or marketed as a soil amendment or fertilizer applies only if the labeling does not claim any plant nutrients or beneficial plant growth properties. • Removed the provision that limited the agronomic rate requirement to applications constituting disposal. • Removed the reference to the slow-release nature of the nutrients in biosolids-derived products.			
Housing, Agriculture & Tourism Subcommittee				
State Affairs Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
