

FLORIDA HOUSE OF REPRESENTATIVES

FINAL BILL ANALYSIS

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

BILL #: CS/CS/HB 1245	COMPANION BILL: CS/CS/CS/SB 1294 (Bradley)
TITLE: Biosolids Management	LINKED BILLS: None
SPONSOR(S): Shoaf	RELATED BILLS: None
FINAL HOUSE FLOOR ACTION: 111 Y's 0 N's	GOVERNOR'S ACTION: Vetoed

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.
- Requires land application of bulk Class AA biosolids fertilizer and compost products at or below the agronomic rate to be managed with beneficial reuse as the primary objective, rather than disposal.
- Prohibits bulk land application of biosolids, including Class AA biosolids, if it constitutes disposal.
- Requires certain land application site operators to maintain application records for five years.
- Permits Class AA biosolids to be distributed or marketed for agricultural land application only if certain requirements are met.
- Requires the University of Florida's Institute of Food and Agricultural Sciences (UF/IFAS) to, on a biennial basis, publish recommended agronomic rates for the beneficial reuse of bulk Class AA biosolids fertilizer and compost products.
- Requires DEP to initiate rulemaking no later than November 1, 2026, to implement certain provisions.

Fiscal or Economic Impact:

The bill may have a negative, but insignificant, fiscal impact on UF/IFAS related to the biennial publication of agronomic rates and an indeterminate fiscal impact on local government.

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ANALYSIS

EFFECT OF THE BILL:

Effective November 1, 2026, the bill prohibits the [land application](#) of bulk Class AA [biosolids](#) fertilizer and compost products from exceeding the appropriate agronomic rate. The bill provides that land application of bulk Class AA biosolids fertilizer and compost products at or below the [agronomic rate](#) must be managed for beneficial reuse rather than disposal, as the primary objective. The bill defines "agronomic rate" as the nutrient application rate established using generally accepted, science-based nutrient management principles, including recommendations published by the University of Florida's Institute of Food and Agricultural Sciences (UF/IFAS). The bill specifies these recommendations consider plant nutrient requirements; site specific characteristics, including soil conditions; characteristics of the biosolids fertilizer or compost products, including nutrient release rates and soil amendment functions; other nutrient inputs applied to the site; and the protection of groundwater and surface water resources. (Section [1](#))

Beginning by November 1, 2027, the bill requires UF/IFAS to biennially publish and make publicly available recommended agronomic rates for the beneficial reuse of bulk Class AA biosolids fertilizer and compost products. The bill requires these recommendations to be informed by a review of the scientific literature and applicable available agronomic guidance and include, at a minimum, the following:

- The characteristics of commonly produced biosolids products relevant to nutrient availability and environmental risk, including nutrient content, nutrient release characteristics, and physical form.
- Recommended agronomic rate ranges or application approaches that account for crop type, soil conditions, environmental vulnerabilities, seasonal factors, and management practices.

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- The scientific basis and degree of supporting research for recommended agronomic rates, distinguishing recommendations suitable for general application from those requiring site-specific evaluation.
- Data gaps and product types, conditions, or practices for which additional field verification or research would improve future recommendations, including identification of relevant research priorities and associated resource considerations.
- Best practices for on-the-ground implementation and verification consistent with agronomic principles. (Section [1](#))

The bill prohibits bulk land application of biosolids, including Class AA biosolids, to the extent that such bulk land application constitutes disposal, and subjects violations to ch. 403, F.S. The bill defines “disposal” as the bulk land application of biosolids, including any application exceeding the agronomic rate, when, considering the manner and circumstances of the application, the nutrients applied cannot reasonably be expected to be taken up by crop or vegetation cover during the relevant growing season, and the application results in the discard of biosolids on the land application site. (Section [1](#))

The bill requires an owner or operator of a land application site, where bulk agricultural land application of biosolids fertilizer or compost products occurs, to maintain application records for at least five years. Such records must be available to the Department of Environmental Protection (DEP) upon request. These records must include:

- The classification and characteristics of the biosolids applied to the land application site.
- The physical address of the land application site.
- The quantity of biosolids transported to the land application site and received by the site owner or operator.
- The date on which the land application site owner or operator received the biosolids.
- The name of the person or entity responsible for the transportation of the biosolids to the land application site.
- The quantity of biosolids applied to the site and the portion or area of the site where they were applied.
- The name of the person or entity responsible for the physical application of the biosolids on the land application site.
- The date on which the land application occurred. (Section [1](#))

DEP must require that written notification of these recordkeeping requirements be provided to the owner or operator of the land application site at the time bulk Class AA biosolids are distributed for land application. (Section [1](#))

The bill provides that these recordkeeping requirements do not apply to Class AA biosolids products that have a moisture content of 25 percent or less at the time of distribution for land application use and that maintain a stable, discrete particulate or granular form during storage, handling, and land application. Instead, any person who distributes such biosolids for land application must maintain records for at least five years and make these records available to DEP upon request. These records must include:

- The characteristics and quantity of the biosolids distributed.
- The portion or area of the site where the biosolids were applied.
- The date of distribution and the recipient. (Section [1](#))

The bill requires DEP to initiate rulemaking, no later than November 1, 2026, to amend its current rule for biosolids to implement the bill’s provisions related to the bulk distribution and marketing of Class AA biosolids. The bill specifies this includes provisions addressing recordkeeping at the time Class AA biosolids are distributed or marketed in bulk. (Section [1](#))

The bill specifies that a Class AA biosolids compost product, if its labeling does not claim any plant nutrients or beneficial plant growth properties, may not be marketed or distributed for agricultural land application unless the product is enrolled and certified under the [United States Composting Council’s](#) Seal of Testing Assurance Program. (Section [1](#))

The bill prohibits a Class AA biosolids fertilizer product from being marketed or distributed for agricultural land application unless the product meets all applicable requirements of ch. 576, F.S. The bill also prohibits Class AA biosolids from being used for agricultural land application unless, before land application, the product meets all [applicable requirements](#) of ch. 576, F.S., as a biosolids fertilizer product or falls under the exception regarding the United States Composting Council's Seal of Testing Assurance Program. (Section [1](#))

The effective date of this bill was November 1, 2026; however, this bill was vetoed by the Governor on June 30, 2026. (Section [2](#))

RULEMAKING:

The bill requires DEP to initiate rulemaking no later than November 1, 2026, to implement the bill's provisions relating to the bulk distribution and marketing of Class AA biosolids, including provisions addressing recordkeeping at the time Class AA biosolids are distributed or marketed in bulk.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have a negative, but insignificant, fiscal impact on UF/IFAS related to the biennial publication of agronomic rates.

LOCAL GOVERNMENT:

The bill may have an indeterminate fiscal impact on public utilities as public utilities may incur indeterminate costs to treat and dispose of biosolids due to the bill's requirements.

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 the Department of Environmental Protection (DEP).³ The collected residue is high in organic content and contains moderate amounts of nutrients.⁴

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.

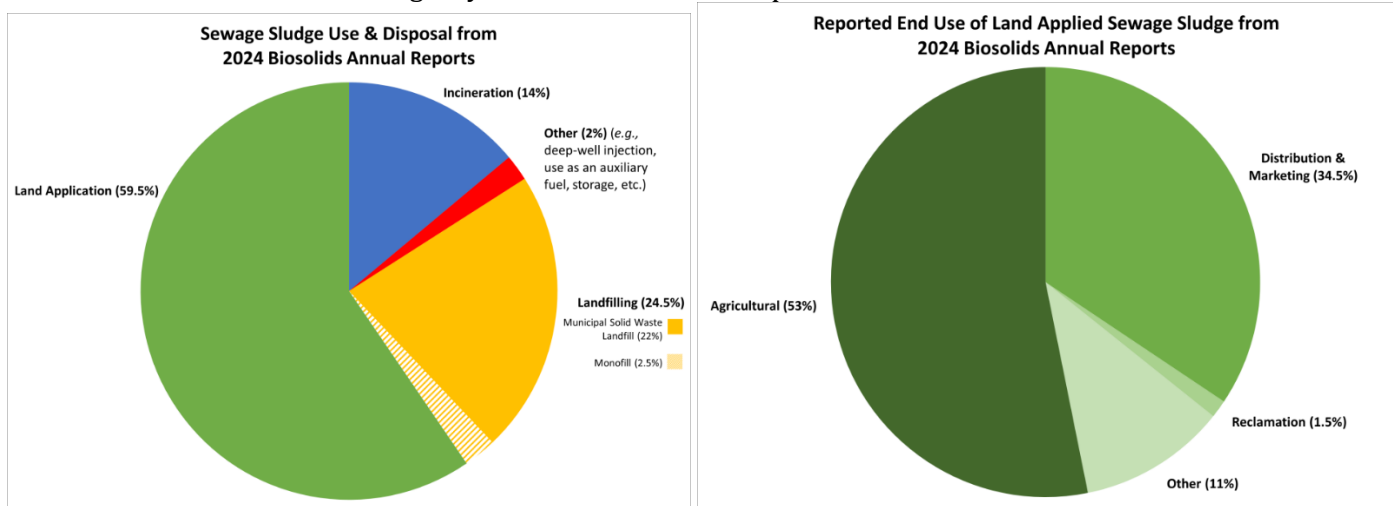
² DEP, *Domestic wastewater biosolids*, <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (last visited Jan. 25, 2026).

³ R. 62-640.200(6), F.A.C.

⁴ *Id.*

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

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, F.A.C. The rules provide minimum requirements, including monitoring and reporting requirements, for the treatment, management, use, and disposal of biosolids. The rules are

⁵ DEP, *Biosolids in Florida*, <https://www.florida-stormwater.org/assets/MemberServices/Conference/AC19/02 - Frick Tom.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 DEP, *Domestic wastewater biosolids*, <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (last visited Jan. 25, 2026).

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 R. 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 R. 62-640.200, F.A.C.

¹⁴ *Id.*; R. 62-640.200(6), F.A.C.

¹⁵ R. 62-640.600, F.A.C.

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 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 the Florida Department of Agriculture and Consumer Services (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 the FDACS 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, 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 two years, FDACS 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 two 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

¹⁶ R. 62-640.100, F.A.C.

¹⁷ R. 62-640.300, F.A.C.

¹⁸ R. 62-640.500, F.A.C.

¹⁹ *Id.*

²⁰ R. 62-640.650, F.A.C.

²¹ R. 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); R. 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.](#); R. 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.](#)

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 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

U.S. Composting Council

The U.S. 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

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.

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).

Fertilizer Licensing and Labeling Requirements

The company named on a fertilizer label may not distribute that fertilizer to a nonlicensee until the company acquires a license to distribute from FDACS.⁴⁶ The company named on a fertilizer label may not distribute a specialty fertilizer⁴⁷ in this state until the fertilizer is registered with FDACS, and each brand and grade of specialty fertilizer must be registered with FDACS.⁴⁸

Any fertilizer distributed in Florida in containers must have a label placed on or affixed to the immediate and outside container setting forth in clearly legible and conspicuous form the following information:⁴⁹

- The brand and grade.
- The guaranteed analysis.
- The name and address of the licensee.
- The net weight of the fertilizer.
- The sources from which the nitrogen, phosphorus, and potassium are derived.
- The sources of secondary plant nutrients and micro plant nutrients if guaranteed, claimed, or advertised.
- The Florida license number.

If the fertilizer is distributed in bulk, two labels containing the required label information must accompany delivery and be supplied to the purchaser at time of delivery with the delivery ticket, which must show the certified net weight of the fertilizer.⁵⁰

If a property owner or leaseholder implements interim measures, best management practices, or other measures adopted by FDACS that have been verified by DEP to be effective, and complies with certain other requirements, there is a presumption of compliance with state water quality standards with respect to the application of fertilizers or other soil-applied nutritional materials containing nitrogen or phosphorus.⁵¹

⁴⁶ [S. 576.021\(1\), F.S.](#)

⁴⁷ “Specialty fertilizer” means any fertilizer packaged, marketed, and distributed for home and garden use and packaged in containers or bags such that the net weight is 49 pounds or less. [S. 576.011\(40\), F.S.](#)

⁴⁸ [S. 576.021\(2\)\(a\), F.S.](#)

⁴⁹ [S. 576.031, F.S.](#)

⁵⁰ *Id.*

⁵¹ [S. 576.045\(6\), F.S.](#)