

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

403.0855 Biosolids management.—

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

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

(b) As used in this section, the term "bona fide sale" means 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 marketable fertilizer or soil-amendment products. A nominal charge, an exchange arrangement, a transfer made to offset disposal costs, or a transfer in which the biosolids treatment facility compensates the recipient does not

51 constitute a bona fide sale. A transaction does not constitute a
52 bona fide sale if its price, structure, or associated payments
53 are arranged for the purpose of avoiding compliance with
54 paragraph (a) or subsection (9).

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

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

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

73 (11) The requirement for a bona fide sale does not apply
74 to biosolids treatment facilities that own or control the land
75 where the bulk Class AA fertilizer or compost biosolids products

76 are being land applied; however, bulk Class AA products that are
77 land applied on land owned or controlled by a biosolids
78 treatment facility must still meet all applicable registration
79 and labeling requirements prior to land application.

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

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

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