The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL:	SB 1294
INTRODUCER:	Senator Bradley
SUBJECT:	Biosolids Management
DATE:	January 26, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	**Pre-meeting**
2.			AEG	
3.			RC	

I. Summary:

SB 1294 provides that the land application of bulk Class AA biosolids may not exceed the agronomic rate to the extent that such application constitutes disposal. The bill requires land application site operators to maintain application records. The bill directs the University of Florida's Institute of Food and Agricultural Sciences to publish recommended agronomic rates for bulk Class AA biosolids.

The bill provides that bulk Class AA biosolids products may be distributed or marketed as fertilizer or soil amendments and land applied only if transferred pursuant to a bona fide sale and in compliance with applicable labeling and registration requirements. Bulk Class AA biosolids products that are not distributed, marketed, or sold through a bona fide sale may only be land applied at sites approved by the Department of Environmental Protection. These requirements do not apply to Class AA biosolids compost products that are enrolled and certified under the United States Composting Council's Seal of Testing Assurance program. The bill also creates exceptions for sales or exchanges between importers, manufacturers, or licensees.

The bill also provides that the bona fide sale requirement does not apply when a biosolids treatment facility owns or controls the land where the bulk Class AA biosolids are land applied; however, such products must still comply with all applicable registration and labeling requirements before land application.

II. Present Situation:

Biosolids

The proper treatment and disposal or reuse of domestic wastewater is an important part of protecting Florida's water resources. The majority of Florida's domestic wastewater is controlled and treated by centralized treatment facilities regulated by the Department of Environmental Protection (DEP). Florida has approximately 2,000 permitted domestic wastewater treatment facilities.[1]

When domestic wastewater is treated, solid, semisolid, or liquid residue known as biosolids[2] accumulates in the wastewater treatment plant and must be removed periodically to keep the plant operating properly.[3] Biosolids also include products and treated material from biosolids treatment facilities and septage management facilities regulated by DEP.[4] The collected residue is high in organic content and contains moderate amounts of nutrients, which can make biosolids suitable for use as a soil amendment or fertilizer under appropriate conditions.[5]

Wastewater treatment facilities produce about 461,000 dry tons of biosolids each year.[6] Biosolids can be disposed of in several ways including placement in a landfill, distribution and marketing as fertilizer, and land application on pasture or agricultural lands.[7] Biosolids are subject to regulatory requirements established by DEP to protect public health and the environment.[8]

DEP regulates three classes of biosolids for beneficial use: Class AA, Class A, and Class B biosolids.[9] 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.[10] Consistent with federal standards, 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.[11]

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[1] Department of Environmental Protection (DEP), *General facts and statistics about wastewater in Florida,* https://floridadep.gov/water/domestic-wastewater/content/general-facts-and-statistics-about-wastewater-florida (last visited Jan. 19, 2025).

[2] Section 373.4595, F.S., defines biosolids as 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. *See also* Fla. Admin. Code R. 62-640.200(6).

[3] DEP, *Domestic wastewater biosolids*, https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids (last visited Jan. 19, 2025).

[4] Fla. Admin. Code R. 62-640.200(6).

[5] DEP, *Domestic wastewater biosolids*.

[6] DEP, *Presentation to the Florida Senate Committee on Environment and Natural Resource*, 6 (Dec. 9, 2025), *available at* https://www.flsenate.gov/Committees/DownloadMeetingDocument/7981.

[7] *See id*.

[8] Fla. Admin. Code R. 62-640.

[9] Fla. Admin. Code R. 62-640.200.

[10] *Id.*; DEP, *Domestic wastewater biosolids*.

[11] Fla. Admin. Code R. 62-640.200; 40 C.F.R. part 503.

Class AA biosolids can be distributed and marketed like other commercial fertilizers.[12] Such biosolids may be sold or given away.[13] Class AA biosolids compost products that are distributed and marketed outside of the Lake Okeechobee, St. Lucie River, and Caloosahatchee River watersheds do not have be to distributed and marketed as a fertilizer if the biosolids compost product is enrolled and certified under the U.S. Composting Council's (USCC) Seal of Testing Assurance program.[14]

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, appliers, and distributors[15] and include permit requirements for both treatment facilities and biosolids application sites.[16]

Land Application of Biosolids

Land application of biosolids involves spreading biosolids on the soil surface or incorporating or injecting biosolids into the soil at a DEP-permitted site.[17] 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.[18] Biosolids must be treated to at least Class B standards to be land applied.[19] Permits are required for the land application of biosolids unless they have been marketed and distributed as fertilizer.[20]

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.[21] Biosolids may only be applied to land application sites that are permitted by DEP and have a valid NMP.[22] Biosolids must be applied at rates established in accordance with the NMP and may be applied to a land application site only if all concentrations of minerals do not exceed ceiling and cumulative concentrations determined by rule.[23] According to the St. Johns River Water Management District, application rates of biosolids are determined by crop nitrogen demand, which can often result in the overapplication of phosphorus to the soil and can increase the risk of nutrient runoff into nearby surface waters.[24]

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[12] DEP, *Domestic wastewater biosolids*; National Biosolids Data Project, *Florida biosolids*, https://www.biosolidsdata.org/florida (last visited Jan. 19, 2025); Fla. Admin. Code R. 62-640.850.
[13] Fla. Admin. Code R. 62-640.850(2).
[14] *Id*.
[15] Fla. Admin. Code R. 62-640.100.
[16] Fla. Admin. Code R. 62-640.300.
[17] Environmental Protection Agency (EPA), *Land application of biosolids*, https://www.epa.gov/biosolids/land-application-biosolids (last visited Jan. 19, 2025).
[18] *Id*.
[19] Fla. Admin. Code R. 62-640.700(2).
[20] Fla. Admin. Code R. 62-640.700(1) and 62-640.850.
[21] Fla. Admin. Code R. 62-640.500.
[22] *Id*.
[23] Fla. Admin. Code R. 62-640.700.
[24] V. R. Hoge et al., *Developing a biosolids database for watershed modeling efforts*, Environmental Scientist IV, St. Johns River Water Management District, *abstract available at* http://archives.waterinstitute.ufl.edu/symposium2018/abstract_detail.asp?AssignmentID=1719 (last visited Jan. 19, 2025).

Once a facility or site is permitted, it is subject to monitoring, record-keeping, reporting, and notification requirements.[25] The requirements are site-specific and can be increased or reduced by DEP based on the quality or quantity of wastewater or biosolids treated; historical variations in biosolids characteristics; industrial wastewater or sludge contributions to the facility; the use, land application, or disposal of the biosolids; the water quality of surface and ground water and the hydrogeology of the area; wastewater or biosolids treatment processes; and the compliance history of the facility or application site.[26]

The land application of Class A and Class B biosolids is also prohibited within priority focus areas in effect for Outstanding Florida Springs if the land application is not in accordance with a NMP that has been approved by DEP.[27] The NMP must establish the rate at which all biosolids, soil amendments, and nutrient sources at the land application site can be applied to the land for crop production while minimizing the amount of pollutants and nutrients discharged into groundwater and waters of the states.[28] In addition, DEP may not authorize the land application of domestic wastewater biosolids within the Lake Okeechobee, Caloosahatchee River, or St. Lucie River watersheds unless the applicant demonstrates that the biosolids will not contribute to nutrient loadings in the applicable watershed, with a limited exception for Class AA biosolids that are marketed and distributed as fertilizer.[29]

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.[30] Permittees must also be enrolled in the Department of Agriculture and Consumer Services best management practices program or be within an agricultural operation enrolled in the program for the applicable commodity type.[31]

Historically, about two-thirds of all biosolids produced have been land applied.[32] However, between 2018 and 2024, the number of biosolids land application sites decreased from 120 to 58.[33] These reductions are expected to continue in the future.[34] Other disposal methods, including distribution and marketing of Class AA biosolids products and landfilling, are increasing.[35] Florida Class AA and Class B biosolids are also marketed and distributed out of state.[36]

[25] Fla. Admin. Code R. 62-640.650.
[26] *Id*.
[27] Section 373.811(4), F.S.
[28] *Id*.
[29] Section 373.4595(3)(b)16., (4)(b)5., and (4)(d)5., F.S.
[30] Section 403.0855(3)(a), F.S.
[31] Section 403.0855(3)(b), F.S.
[32] DEP, *Biosolids in Florida*, 5 (2019), *available at* https://www.florida-stormwater.org/assets/MemberServices/Conference/AC19/02%20-%20Frick%20Tom.pdf.
[33] DEP, *Presentation to the Florida Senate Committee on Environment and Natural Resource*, 5 (Dec. 9, 2025), *available at* https://www.flsenate.gov/Committees/DownloadMeetingDocument/7981.
[34] *Id.*
[35] *Id.* at 6.
[36] Email from DEP On File with Senate Committee on Environment and Natural Resources.

United States Composting Council's Seal of Testing Assurance Program

Formed in 1990, the United States Composting Council (USCC) is a national nonprofit organization focused on the development and support of the composting and organics recycling industry in the United States.[37] USCC provides training, education, and certification for compost facility operators, administers compost testing certification programs, and engages in state and federal lobbying and advocacy.[38]

USCC's Seal of Testing Assurance Program is a national compost testing, labeling, and information disclosure program that uses standardized analytical methods and laboratory oversight to certify and provide data on compost products.[39] To obtain Seal of Testing Assurance certification, a compost manufacturer and its products must satisfy the following requirements:

- Meet USCC's definition of compost.[40]
- Comply with all applicable federal, state, and local regulations and permitting requirements. Immediately inform USCC if an issue arises.
- Conduct product testing through approved laboratories.
- Test products at frequencies determined by the annual wet tonnage of finished compost produced and provide test results to USCC.
- Provide customers with Seal of Testing Assurance Compost Technical Data Sheets, including information on feedstocks and instructions for use.
- Meet the Environmental Protection Agency's testing limits for heavy metals and pathogens.
- Execute a Seal of Testing Assurance Certified Compost rules contract.
- Pay annual program fees.
- Renew program participation contracts and pay associated fees annually for each certified product.[41]

III. Effect of Proposed Changes:

Section 1 amends s. 403.0855, F.S., regarding biosolids management. The bill provides that the land application of bulk Class AA biosolids fertilizer and compost products may not exceed the agronomic rate, as that term is defined in federal regulations,[42] 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.

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[37] *See generally* USCC, *About Us,* https://www.compostingcouncil.org/page/AboutUs (last visited Jan. 21, 2026).
[38] *Id.*
[39] *See* USCC, *STA Certified Compost*, https://www.compostingcouncil.org/page/CompostManufacturersSTA (last visited Jan. 19, 2026); USCC, *STA Requirements*, https://www.compostingcouncil.org/page/STA-Requirements (last visited Jan. 19, 2026).
[40] USCC defines compost as "a product manufactured through the controlled aerobic, biological decomposition of biodegradable materials. The product has undergone mesophilic and thermophilic temperatures, which significantly reduces the viability of pathogens and weed seeds, and stabilizes the carbon, such that it is beneficial to plant growth. Compost is typically used as a soil amendment but may also contribute plant nutrients." USCC, *Definition of Compost*, https://www.compostingcouncil.org/page/CompostDefinition (last visited Jan. 19, 2026).
[41] USCC, *STA Requirements*, https://www.compostingcouncil.org/page/STA-Requirements (last visited Jan. 19, 2026).
[42] "Agronomic rate" is the whole sludge application rate (dry weight basis) designed (1) to provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop, or vegetation grown on the land, and (2) to minimize the amount of nitrogen in the sewage sludge that passes below the root zone of the crop or vegetation grown on the land to the ground water. 40 C.F.R. § 503.11(b).

The bill provides that bulk Class AA biosolids or biosolids products may be distributed or marketed as fertilizer 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. 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 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 constitute a bona fide sale. 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 bona fide sale requirements.

The bill authorizes bulk Class AA biosolids compost products to be distributed or marketed as soil amendments and may be land applied if such products are transferred pursuant to a bona fide sale and meet all applicable labeling and registration requirements. The bill provides that class AA biosolids compost products are not required to be distributed or marketed as a soil amendment or a fertilizer if the Class AA biosolids compost product is enrolled and certified under the United States Composting Council's (USCC's) Seal of Testing Assurance program.

The bill provides that bulk Class 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 expressly approved by the Department of Environmental Protection. This does not apply to Class AA biosolids compost products enrolled and certified under the USCC's Seal of Testing Assurance program.

The bill specifies that the requirement for a bona fide sale does not apply to biosolids treatment facilities that own or control the land where the bulk Class AA fertilizer or compost biosolids products are being land applied; however, bulk Class AA products that are land applied on land owned or controlled by a biosolids treatment facility must still meet all applicable registration and labeling requirements prior to land application.

The bill provides that the bona fide sale requirements do not apply to sales or exchanges between importers, manufacturers, or licensees.

The bill directs the University of Florida's Institute of Food and Agricultural Sciences[43] to, on a biennial basis, publish and make publicly available the recommended agronomic rates for the beneficial reuse of bulk Class AA biosolids fertilizer and compost products based on predominant application practices.

Section 2 provides an effective date of July 1, 2026.

[43] The University of Florida's Institute of Food and Agricultural Sciences (UF/IFAS) is a federal-state-county partnership dedicated to developing knowledge in agriculture, human and natural resources, and the life sciences. UF/IFAS, *About UF/IFAS*, https://ifas.ufl.edu/about-us/ (last visited Jan. 21, 2026).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Article I, Section 10 of the U.S. Constitution prohibits a state from passing any law impairing the obligation of contracts. Article I, Section 10 of the Florida Constitution also prohibits the passage of laws impairing the obligation of contracts. The bill's bona fide sale requirements may impact existing contracts.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Private entities may incur indeterminate costs to acquire bulk Class AA biosolids products through bona fide sales.

C. Government Sector Impact:

University of Florida's Institute of Food and Agricultural Sciences may incur indeterminate costs to publish recommended agronomic rates for Class AA biosolids. Public utilities may incur indeterminate costs to treat and dispose of biosolids given the additional requirements in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 403.0855 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.