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 Rules

BILL:	CS/CS/CS/SB 1294
INTRODUCER:	Rules Committee; Appropriations Committee on Agriculture, Environment, and General Government; Environment and Natural Resources Committee; and Senator Bradley
SUBJECT:	Biosolids Management
DATE:	February 24, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	**Fav/CS**
2.	Reagan	Betta	AEG	**Fav/CS**
3.	Barriero	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1294 provides that the land application of bulk Class AA biosolids may not exceed the agronomic rate. The bill provides that the land application of bulk Class AA biosolids, to the extent that such land application constitutes disposal, is prohibited if the application cannot reasonably be expected to be taken up by a crop or vegetative cover during the relevant growing season. The bill requires land application site owners or operators to maintain application records for five years and provides what information must be included in such 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 on a biennial basis beginning November 1, 2027. The bill also directs the Department of Environmental Protection to initiate rulemaking by September 1, 2026, for the bulk distribution and marketing of Class AA biosolids.

The bill provides that a Class AA biosolids fertilizer product may not be marketed or distributed for agricultural land application as Class AA biosolids unless it meets all applicable statutory requirements.

The bill provides that Class AA biosolids compost products that do not claim any plant nutrients or beneficial plant growth properties may not be marketed or distributed for agricultural land application unless the product is certified under the U.S. Composting Council Seal of Testing Assurance Program. The bill prohibits Class AA biosolids from being used for agricultural land

application unless, before land application, the product meets all applicable statutory requirements as a biosolids fertilizer product or meets the specifications for biosolids compost products.

The bill has no fiscal impact on state revenues or expenditures; however, the University of Florida's Institute of Food and Agricultural Sciences may incur indeterminate costs to publish recommended agronomic rates for Class AA biosolids. This cost can be absorbed through existing resources. The Department of Environmental Protection may also incur indeterminate costs related to rulemaking. See Section V., Fiscal Impact Statement.

The bill has an effective date of November 1, 2026.

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 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 the 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 the DEP to protect public health and the environment.[8]

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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.

The 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] 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 the 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 the 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

[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.
[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*.

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]

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 the 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 the 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, the 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 two 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

[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).
[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.*

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]

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] The 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]

The 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 the USCC's definition of compost.[40]
- Comply with all applicable federal, state, and local regulations and permitting requirements. Immediately inform the 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 the 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 land application of bulk Class AA biosolids fertilizer and compost products may not exceed the appropriate agronomic rate. The bill provides that land application of bulk Class AA biosolids fertilizer and biosolids compost products at or below the agronomic rate must be managed so that

[35] *Id.* at 6.
[36] Email from DEP On File with Senate Committee on Environment and Natural Resources.
[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).

the beneficial reuse, rather than biosolids disposal, is 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 Institute of Food and Agriculture Sciences (UF/IFAS).[42]

The bill provides that bulk land application of biosolids, including Class AA biosolids, to the extent that such bulk land application constitutes disposal, is prohibited, and violations are subject to ch. 403, F.S. The bill defines the term "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 a crop or vegetation cover during the relevant growing season, and the application results in the discard of biosolids on the land application site.

The bill requires application records to be maintained by the land application site operator for at least five years. The bill requires the records be made available to the Department of Environmental Protection (DEP) upon request and must include the following:

- The classification and characteristics of the biosolids applied;
- The physical address of the land application site;
- The quantity of biosolids transported to the land application site and received by the owner or operator of the land application site;
- The date on which such biosolids were received by the owner or operator;
- The name of the person or entity responsible for the transportation of the biosolids;
- The quantity of biosolids applied and the portion or area of the site to which the biosolids are applied;
- The name of the person or entity responsible for the physical application of the biosolids;
- The date on which land application of the biosolids occurred.

The bill provides that the DEP must require that written notification of the 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. 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 use in land application and that maintain a stable, discrete particulate or granular form during storage, handling, and land application. Any person who distributes such biosolids for use in land application must maintain for at least five years and, upon request, provide to the DEP records identifying the characteristics and quantity of the biosolids distributed, the portion or area of the site to which the biosolids are applied, the date of distribution, and the recipient.

The bill directs the DEP to initiate rulemaking no later than November 1, 2026, to amend rule 62-640 of the Florida Administrative Code to implement the provisions of this bill 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.

[42] 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 Feb. 24, 2026).

The bill directs UF/IFAS 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. The initial publication must occur on or before November 1, 2027. The bill requires that the recommendations must be informed by a review of the scientific literature and applicable available agronomic guidance and must include, but need not be limited to all of 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;
- 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.

The bill provides that Class AA biosolids fertilizer products may not be marketed or distributed for agricultural land application unless the product meets all applicable requirements of ch. 576, F.S., regarding agricultural fertilizers.

The bill provides that Class AA biosolids compost products that do not claim any plant nutrients or beneficial plant growth properties, as described in s. 576.011(14), F.S.,[43] may not be marketed or distributed for agricultural land application unless the product is enrolled in and certified under the U.S. Composting Council Seal of Testing Assurance Program. The bill 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 meets the bill's specifications for compost products.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

[43] Section 576.011(14), F.S., defines "fertilizer" as any substance which: (a) contains one or more recognized plant nutrients and promotes plant growth, or (b) controls soil acidity or alkalinity, or (c) provides other soil enrichment, or (d) provides other corrective measures to the soil. The term does not include unmanipulated animal or vegetable manures, peat, or compost which make no claims as described in (a)-(d).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Private entities may incur indeterminate costs to maintain applicable records and meet statutory requirements pursuant to this bill.

C. Government Sector Impact:

The bill has no fiscal impact on state revenues or expenditures; however, the 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. The Department of Environmental Protection may also incur indeterminate costs related to the bill's rulemaking requirements.

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 Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS/CS by Rules on Feb. 24, 2026:

This committee substitute:

- Adds a requirement that land application site owners or operators maintain records of the portion or area of the site to which the biosolids were applied;
- Requires written notification of the recordkeeping requirements be provided to the owner or operator of a land application site when bulk Class AA biosolids are distributed for land application;
- Creates different recordkeeping requirements for Class AA biosolids with a moisture content of 25 percent or less;
- Directs the Department of Environmental Protection to initiate rulemaking by September 1, 2026, for the bulk distribution and marketing of Class AA biosolids;
- Removes the provision applying inspection fees and tonnage reporting requirements to all Class AA biosolids products marketed or distributed for land application;
- Requires Class AA biosolids compost products that make no plant nutrient or beneficial plant growth claims to be certified under the U.S. Composting Council Seal of Testing Assurance program before being marketed or distributed for agricultural land application;
- Prohibits the use of Class AA biosolids for agricultural land application unless, prior to land application, the product meets applicable statutory requirements as a biosolids fertilizer product or qualifies under the specified compost exception.

CS/CS by Agriculture, Environment, and General Government on Feb. 12, 2026:

This committee substitute:

- Requires biosolids to be applied at or below the agronomic rate;
- Clarifies that when land application becomes disposal, it is enforceable under ch. 403, Florida Statutes;
- Requires basic recordkeeping at the land application site;
- Directs IFAS to publish biennial agronomic guidance;
- Applies existing fertilizer registration, labeling, inspection fee, and tonnage reporting requirements to all Class AA biosolids marketed or distributed for bulk land application whether sold or given away; and
- Preserves an exemption for certified compost products that make no nutrient claims.

CS by Environment and Natural Resources on Jan. 27, 2026:

- Provided that the bona fide sale requirements and related exemptions are effective July 1, 2028.
- 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 reference to the federal definition of “agronomic rate.”

- 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.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.