

By the Committee on Environment and Natural Resources; and
Senator Bradley

592-02262-26

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A bill to be entitled

An act relating to biosolids management; amending s. 403.0855, F.S.; prohibiting the land application of bulk Class AA biosolids fertilizer and compost products from exceeding the appropriate agronomic rate; requiring the land application site operator to maintain application records; requiring the University of Florida's Institute of Food and Agricultural Sciences to publish and make publicly available recommended agronomic rates for the reuse of bulk Class AA biosolids fertilizer and compost products, based on certain criteria; authorizing bulk Class AA biosolids or biosolids products to be distributed or marketed as fertilizer and land applied if specified requirements are met; defining the term "bona fide sale"; authorizing bulk Class AA biosolids compost products to be distributed or marketed as soil amendments and land applied if specified requirements are met; providing that class AA biosolids compost products are not required to be distributed or marketed as a fertilizer or soil amendment under certain circumstances; requiring that certain bulk Class AA biosolids compost and fertilizer products be land applied only at land application sites approved by the Department of Environmental Protection; providing applicability; requiring that certain bulk Class AA products that are land applied on certain lands meet certain requirements before land application; providing applicability; providing

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effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (7) and (8) 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 appropriate agronomic rate. Application records must be maintained by the land application site operator.

(8) The University of Florida's Institute of Food and Agricultural Sciences shall, 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. Effective July 1, 2028, subsections (9) through (13) are added to section 403.0855, Florida Statutes, as amended by this act, to read:

403.0855 Biosolids management.—

(9) (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

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59 value of comparable marketable fertilizer or soil-amendment
60 products. A nominal charge, an exchange arrangement, a transfer
61 made to offset disposal costs, or a transfer in which the
62 biosolids treatment facility compensates the recipient does not
63 constitute a bona fide sale. A transaction does not constitute a
64 bona fide sale if its price, structure, or associated payments
65 are arranged for the purpose of avoiding compliance with
66 paragraph (a) or subsection (10).

67 (10) (a) Bulk Class AA biosolids compost products may be
68 distributed or marketed as soil amendments in accordance with
69 chapter 576 and may be land applied if such products are
70 transferred pursuant to a bona fide sale and meet all applicable
71 labeling and registration requirements.

72 (b) Class AA biosolids compost products, if their labeling
73 does not claim any plant nutrients or beneficial plant growth
74 properties, are not required to be distributed or marketed as a
75 fertilizer or a soil amendment, as those terms are defined in s.
76 576.011, if the Class AA biosolids compost products are enrolled
77 and certified under the U.S. Composting Council's Seal of
78 Testing Assurance program.

79 (11) Bulk Class AA biosolids compost and fertilizer
80 products that are not distributed, marketed, or sold through a
81 bona fide sale as a fertilizer or soil amendment may be land
82 applied only at land application sites expressly approved by the
83 Department of Environmental Protection. This subsection does not
84 apply to Class AA biosolids compost products enrolled and
85 certified under the U.S. Composting Council's Seal of Testing
86 Assurance program.

87 (12) The requirement for a bona fide sale does not apply to

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88 biosolids treatment facilities that own or control the land
89 where the bulk Class AA biosolids compost and fertilizer
90 products are being land applied; however, bulk Class AA
91 biosolids products that are land applied on land owned or
92 controlled by a biosolids treatment facility must still meet all
93 applicable registration and labeling requirements before land
94 application.

95 (13) Subsections (9), (10), and (11) do not apply to sales
96 or exchanges between importers, manufacturers, or licensees
97 under s. 576.141.

98 Section 3. Except as otherwise expressly provided in this
99 act, this act shall take effect July 1, 2026.