

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: CS/SB 1474

INTRODUCER: Environment and Natural Resources Committee and Senator Gaetz

SUBJECT: Biosolids Management

DATE: January 27, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	_____	_____	<u>AEG</u>	_____
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1474 provides that the Department of Environmental Protection may not issue or renew a permit for a land application site that authorizes the disposal or land application of septage as Class B biosolids if there is a permitted wastewater treatment facility that accepts septage for higher levels of treatment which is:

- Less than 50 miles from a proposed Class B biosolids land application site;
- Owned or operated by the federal government or a federal agency, a state government body or agency, or a political subdivision of this state; and
- Not defunct, used for other purposes, or out of capacity.

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

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).

When domestic wastewater is treated, solid, semisolid, or liquid residue known as biosolids² 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

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 to be 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

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.

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.*

facilities, applicators, and distributors¹⁵ 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 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 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

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).

²⁵ Fla. Admin. Code R. 62-640.650.

²⁶ *Id.*

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

III. Effect of Proposed Changes:

Section 1 amends s. 403.0855, F.S., regarding biosolids management. The bill provides that the Department of Environmental Protection may not issue or renew a permit for a land application site which authorizes disposal or land application of septage, as defined by rule 62-640.200(43) of the Florida Administrative Code,³⁷ as Class B biosolids if there is a permitted wastewater treatment facility that accepts septage for higher levels of treatment which is:

- Less than 50 miles from a proposed Class B biosolids land application site;
- Owned or operated by the Federal Government or a federal agency, a state government body or agency, or a political subdivision of this state; and
- Not defunct, used for other purposes, or out of capacity.

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.

³⁷ This rule defines “septage” as a mixture of sludge, fatty materials, human feces, and wastewater removed during pumping of an onsite sewage treatment and disposal system. Excluded from this definition are the contents of portable toilets, holding tanks, and grease interceptors. Fla. Admin. Code R. 62-640.200(43).

Section 2 provides an effective date of July 1, 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:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

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.)

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

Clarified that the prohibition applies to the land application of septage as defined in rule 62-640.200(43) of the Florida Administrative Code.

- B. **Amendments:**

None.