

26 Florida Administrative Code, notices of which were published on
 27 November 10, 2011, in the Florida Administrative Weekly, Vol.
 28 37, No. 45, pages 3753-3775, as approved by the Environmental
 29 Regulation Commission on December 8, 2011, and the subsequent
 30 changes to proposed rules 62-302.200, 62-302.531, 62-302.532,
 31 62-302.800, 62-303.200, 62-303.330, 62-303.350, 62-303.351, 62-
 32 303.352, 62-303.353, 62-303.390, and 62-303.430, Florida
 33 Administrative Code, which were published on December 22, 2011,
 34 in the Florida Administrative Weekly, Vol. 37, No. 51, pages
 35 4444-4450, and any subsequent rules and rule changes made by the
 36 Department of Environmental Protection and the Department of
 37 Health under this exemption, are no longer exempt from
 38 legislative ratification under s. 120.541(3), Florida Statutes.

39 Section 2. Section 381.00653, Florida Statutes, is created
 40 to read:

41 381.00653 Innovative system permits.-

42 (1) As used in this section, the term:

43 (a) "Advanced active septic system" means a system that:

44 1. Uses energy to elevate or distribute wastewater and
 45 enhance treatment processes as wastewater passes through various
 46 processes, such as a septic tank and an optional drainfield; and

47 2. Requires external energy, such as electricity, may use
 48 computer boards, such as process control logic components, for
 49 timing and batch control, and has mechanical components.

50 (b) "Alternative drainfield products" means components

51 that alter the design, structure, or underlay of a conventional
52 drainfield to enhance the removal of nitrogen.

53 (c) "Innovative system permit" means a permit, pursuant to
54 rule 64E-6.026 (2006), Florida Administrative Code, that is used
55 to facilitate the testing and permitted use of innovative
56 solutions for wastewater treatment that are not included in
57 current certified solutions.

58 (d) "NSF/ANSI standard" means a certification given to
59 products tested by the National Sanitation Foundation and the
60 American National Standards Institute. Septic systems are
61 eligible for three NSF/ANSI standards:

62 1. "NSF/ANSI 40" means the system will produce reductions
63 in carbonaceous biochemical oxygen demand and total suspended
64 solids.

65 2. "NSF/ANSI 245" means the system will produce reductions
66 in carbonaceous biochemical oxygen demand and total suspended
67 solids and at least a 50-percent reduction of nitrogen.

68 3. "NSF/ANSI 360" means the system requires field
69 performance verification 6 months after a minimum of 100 systems
70 are installed inground and 20 systems are tested quarterly for 1
71 year.

72 (e) "Onsite sewage treatment and disposal system" or
73 "conventional passive septic system" means a system that:

74 1. Uses gravity and the position of the wastewater as
75 generated at the source of the wastewater input to transport

76 wastewater through various processes, such as a septic tank and
77 drainfield;

78 2. Uses organisms to treat wastewater and a drainfield to
79 disperse treated water back into the ground;

80 3. Includes 24 inches of soil beneath the drainfield; and

81 4. Does not require electricity, does not have computer
82 boards, and does not have mechanical components.

83 (f) "Passive aerobic treatment system" means a system that
84 is similar to an advanced active septic system except that the
85 removal of nutrients, such as nitrogen, is accomplished without
86 the use of electricity or mechanical components. A passive
87 aerobic treatment system may also be combined with alternative
88 drainfield products.

89 (2) (a) By July 1, 2020, the Department of Environmental
90 Protection and the Department of Health shall select a national
91 third-party certification organization to develop a documented
92 program for issuing an innovative system permit, including
93 establishing requirements for testing and certifying advanced
94 active septic systems, alternative drainfield products, and
95 passive aerobic treatment systems.

96 (b) The third-party certification organization will be
97 responsible for testing and certifying innovative systems and
98 products. Certifications will be based on the NSF/ANSI 40
99 standard and meet the nutrient removal criteria of the NSF/ANSI
100 245 standard.

101 (c) After certification, such innovative systems and
102 products shall be authorized and made available for commercial
103 and residential use in this state.

104 (3) Each county shall establish an onsite sewage treatment
105 and disposal system inspection program that:

106 (a) Maintains a database that identifies the address and
107 type of each onsite sewage treatment and disposal system within
108 its jurisdiction and any records of inspections, maintenance,
109 repairs, and replacements of each such system.

110 (b) Requires conventional passive septic systems and
111 modified conventional passive septic systems to be inspected
112 once every 5 years or upon system failure pursuant to s.
113 381.00651. The county shall perform the inspections on such
114 systems.

115 (c) Requires advanced active septic systems to be
116 inspected as advised by the manufacturer due to their
117 complexity, electricity requirements, and mechanical components.
118 Such inspections shall be performed by the manufacturer's
119 authorized representative, the installer's authorized
120 representative, or an authorized dealer or contractor.

121 (4) (a) The inspector of an advanced active septic system
122 shall issue a dated certificate to document the inspection. Such
123 inspection shall consist of:

- 124 1. A septic tank pump out.
125 2. A visual inspection of containers to ensure

126 | watertightness.

127 | 3. A check of electrical circuits and wiring.

128 | 4. A check of motors, alarms, and any other mechanical
129 | parts.

130 | 5. A check of computerized parts, as applicable.

131 | 6. A check of hatches or covers to ensure access and
132 | safety.

133 | 7. A test for carbonaceous biochemical oxygen demand,
134 | total suspended solids, and nitrogen reduction per the NSF/ANSI
135 | 245 standard.

136 | (b) The inspector shall upload notice of the inspection to
137 | the appropriate county agency database or provide written
138 | documentation to the appropriate county agency.

139 | (c) The installer's authorized representative shall upload
140 | notice of a new installation, replacement, or repair to the
141 | appropriate county agency database or provide written
142 | documentation to the appropriate county agency.

143 | (5) By January 1, 2022, all advanced active septic systems
144 | authorized for installation must meet the NSF/ANSI 360 standard.
145 | The results of such certifications shall be made publicly
146 | available.

147 | Section 3. This act shall take effect upon becoming a law.