

By Senator Bracy

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1                   A bill to be entitled  
2           An act relating to onsite sewage treatment and  
3           disposal systems; removing the exemption from  
4           legislative ratification for specified rules; creating  
5           s. 381.00653, F.S.; providing definitions; directing  
6           the Department of Environmental Protection and the  
7           Department of Health, by a specified date, to select a  
8           national third-party certification organization to  
9           develop a program for issuing innovative system  
10          permits; requiring counties to establish onsite sewage  
11          treatment and disposal system inspection programs;  
12          specifying program requirements; specifying inspection  
13          requirements for advanced active septic systems;  
14          requiring that systems authorized for installation  
15          meet certain certification standards by a specified  
16          date; providing an effective date.

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

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20           Section 1. The rules exempted from legislative ratification  
21 by the passage of HB 7051 in 2012, rules 62-302.200, 62-302.530,  
22 62-302.531, 62-302.532, 62-302.800, 62-303.150, 62-303.200, 62-  
23 303.310, 62-303.330, 62-303.350, 62-303.351, 62-303.352, 62-  
24 303.353, 62-303.354, 62-303.390, 62-303.420, 62-303.430, 62-  
25 303.450, 62-303.710, and 62-303.720, Florida Administrative  
26 Code, notices of which were published on November 10, 2011, in  
27 the Florida Administrative Weekly, Vol. 37, No. 45, pages 3753-  
28 3775, as approved by the Environmental Regulation Commission on  
29 December 8, 2011, and the subsequent changes to proposed rules

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62-302.200, 62-302.531, 62-302.532, 62-302.800, 62-303.200, 62-303.330, 62-303.350, 62-303.351, 62-303.352, 62-303.353, 62-303.390, and 62-303.430, Florida Administrative Code, which were published on December 22, 2011, in the Florida Administrative Weekly, Vol. 37, No. 51, pages 4444-4450, and any subsequent rules and rule changes made by the Department of Environmental Protection and the Department of Health under this exemption, are no longer exempt from legislative ratification under s. 120.541(3), Florida Statutes.

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

381.00653 Innovative system permits.-

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

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

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

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

(b) "Alternative drainfield products" means components that alter the design, structure, or underlay of a conventional drainfield to enhance the removal of nitrogen.

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

(d) "NSF/ANSI standard" means a certification given to

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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

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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 inspected  
116 as advised by the manufacturer due to their complexity,

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117 electricity requirements, and mechanical components. Such  
118 inspections shall be performed by the manufacturer's authorized  
119 representative, the installer's authorized representative, or an  
120 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, total  
134 suspended solids, and nitrogen reduction per the NSF/ANSI 245  
135 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

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146 available.

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