

Bill No. SB 346

Amendment No.      Barcode 673446

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Mitchell moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 3, between lines 12 and 13,

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16 insert:

17 Section 4. Part IV of chapter 489, Florida Statutes,

18 consisting of sections 489.661, 489.662, 489.663, 489.664,

19 489.665, 489.666, 489.667, and 489.668, is created to read:

20 PART IV

21 PORTABLE RESTROOM CONTRACTING

22 489.661 Definitions.--As used in this part, the term:

- 23 (1) "Department" means the Department of Health.
- 24 (2) "Portable restroom contractor" means a portable
- 25 restroom contractor whose services are unlimited in the
- 26 portable restroom trade and who has had at least 3 years'
- 27 experience as a Florida-registered portable restroom
- 28 contractor; who has knowledge of state health code law and
- 29 rules; and who has the experience, knowledge, and skills to
- 30 handle, deliver, and pickup sanitary portable restrooms, to
- 31 install, safely handle, and maintain portable holding tanks,

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1 and to handle, transport, and dispose of domestic portable  
2 restroom and portable holding tank wastewater.

3 489.662 Registration required.--A person shall not  
4 hold himself or herself out as a portable restroom contractor  
5 in this state unless he or she is registered by the department  
6 in accordance with the provisions of this part. However, this  
7 part does not prohibit any person licensed pursuant to s.  
8 489.105(3)(m) in this state from engaging in the profession  
9 for which he or she is licensed.

10 489.663 Administration of part; registration  
11 qualifications; examination.--

12 (1) Each person desiring to be registered pursuant to  
13 this part shall apply to the department in writing upon forms  
14 prepared and furnished by the department.

15 (2) The department shall administer, coordinate, and  
16 enforce the provisions of this part, provide qualifications  
17 for applicants, administer the examination for applicants, and  
18 be responsible for the granting of certificates of  
19 registration to qualified persons.

20 (3) The department shall adopt reasonable rules  
21 pursuant to ss. 120.536(1) and 120.54 to administer this part,  
22 including, but not limited to, rules that establish ethical  
23 standards of practice, requirements for registering as a  
24 contractor, requirements for obtaining an initial or renewal  
25 certificate of registration, disciplinary guidelines, and  
26 requirements for the certification of partnerships and  
27 corporations. The department may amend or repeal the rules in  
28 accordance with chapter 120, the Administrative Procedure Act.

29 (4) To be eligible for registration by the department  
30 as a portable restroom contractor, the applicant shall:

31 (a) Be of good moral character. In considering good

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1 moral character, the department may consider any matter that  
 2 has a substantial connection between the good moral character  
 3 of the applicant and the professional responsibilities of a  
 4 registered contractor, including, but not limited to, the  
 5 applicant being convicted or found guilty of, or entering a  
 6 plea of nolo contendere to, regardless of adjudication, a  
 7 crime in any jurisdiction that directly relates to the  
 8 practice of contracting or the ability to practice  
 9 contracting, and previous disciplinary action involving  
 10 portable restroom contracting, where all judicial reviews have  
 11 been completed.

12 (b) Pass an examination approved by the department  
 13 which demonstrates that the applicant has a fundamental  
 14 knowledge of the state laws relating to the installation,  
 15 maintenance, and wastewater disposal of portable restrooms,  
 16 portable sinks, and portable holding tanks.

17 (c) Be at least 18 years of age.

18 (d) Have a total of at least 3 years of active  
 19 experience serving an apprenticeship as a skilled worker under  
 20 the supervision and control of a registered portable restroom  
 21 contractor. Related work experience or educational experience  
 22 may be substituted for no more than 2 years of active  
 23 contracting experience. Each 30 hours of coursework approved  
 24 by the department will substitute for 6 months of work  
 25 experience. Out-of-state work experience is acceptable on a  
 26 year-for-year basis for any applicant who demonstrates that he  
 27 or she holds a current license issued by another state for  
 28 portable restroom contracting which was issued upon  
 29 satisfactory completion of an examination and continuing  
 30 education courses that are equivalent to the requirements in  
 31 this state. Individuals from a state with no state

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1 certification who have successfully completed a written  
2 examination provided by the Portable Sanitation Association  
3 International are only required to take the written portion of  
4 the examination that includes state health code law and rules.  
5 For purposes of this section, an equivalent examination must  
6 include the topics of state health code law and rules  
7 applicable to portable restrooms and the knowledge required to  
8 handle, deliver, and pickup sanitary portable restrooms; to  
9 install, handle, and maintain portable holding tanks; and to  
10 handle, transport, and dispose of domestic portable restroom  
11 and portable holding tank wastewater. A person employed by  
12 and under the supervision of a licensed contractor shall be  
13 granted up to 2 years of related work experience.

14 (e) Have not had a registration revoked, the effective  
15 date of which was less than 5 years before the application.

16 (5) The department shall provide each applicant for  
17 registration pursuant to this part with a copy of this part  
18 and any rules adopted under this part. The department may  
19 also prepare and disseminate such other material and  
20 questionnaires as it deems necessary to effectuate the  
21 registration provisions of this part.

22 489.664 Registration renewal.--The department shall  
23 prescribe by rule the method for approval of continuing  
24 education courses and for renewal of annual registration. At  
25 a minimum, annual renewal shall include continuing education  
26 requirements of not less than 6 classroom hours annually for  
27 portable restroom contractors.

28 489.665 Certification of partnerships and  
29 corporations.--

30 (1) The practice of or the offer to practice portable  
31 restroom contracting services by registrants through a parent

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1 corporation, corporation, subsidiary of a corporation, or  
2 partnership offering portable restroom contracting services to  
3 the public through registrants under this chapter as agents,  
4 employers, officers, or partners is permitted, if one or more  
5 of the principal officers of the corporation or one or more  
6 partners of the partnership and all personnel of the  
7 corporation or partnership who act on its behalf as portable  
8 restroom contractors in this state are registered as provided  
9 by this part, and if the corporation or partnership has been  
10 issued a certificate of authorization by the department as  
11 provided in this section. A registered contractor may not be  
12 the sole qualifying contractor for more than one business that  
13 requests a certificate of authorization. A business  
14 organization that loses its qualifying contractor has 60 days  
15 following the date the qualifier terminates his or her  
16 affiliation within which to obtain another qualifying  
17 contractor. During this period, the business organization may  
18 complete any existing contract or continuing contract, but may  
19 not undertake any new contract. This period may be extended  
20 once by the department for an additional 60 days upon a  
21 showing of good cause. Nothing in this section shall be  
22 construed to mean that a certificate of registration to  
23 practice portable restroom contracting shall be held by a  
24 corporation. No corporation or partnership shall be relieved  
25 of responsibility for the conduct or acts of its agents,  
26 employees, or officers by reason of its compliance with this  
27 section, nor shall any individual practicing portable restroom  
28 contracting be relieved of responsibility for professional  
29 services performed by reason of his or her employment or  
30 relationship with a corporation or partnership.

31 (2) For the purposes of this section, a certificate of

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1 authorization is required for a corporation, partnership,  
2 association, or person practicing under a fictitious name,  
3 offering portable restroom contracting services to the public,  
4 except that when an individual is practicing portable restroom  
5 contracting in his or her own given name, he or she is not  
6 required to register under this section.

7 (3) Each certification of authorization shall be  
8 renewed every 2 years. Each partnership and corporation  
9 certified under this section shall notify the department  
10 within 1 month after any change in the information contained  
11 in the application upon which the certification is based.

12 (4) Disciplinary action against a corporation or  
13 partnership shall be administered in the same manner and on  
14 the same grounds as disciplinary action against a registered  
15 portable restroom contractor.

16 (5) When a certificate of authorization has been  
17 revoked, any person authorized by law to provide portable  
18 restroom contracting services may not use the name or  
19 fictitious name of the entity whose certificate was revoked,  
20 or any other identifiers for the entity, including telephone  
21 numbers, advertisements, or logos.

22 489.666 Suspension or revocation of registration.--A  
23 certificate of registration may be suspended or revoked upon a  
24 showing that the registrant has:

25 (1) Violated any provision of this part.

26 (2) Violated any lawful order or rule rendered or  
27 adopted by the department.

28 (3) Obtained his or her registration or any other  
29 order, ruling, or authorization by means of fraud,  
30 misrepresentation, or concealment of material facts.

31 (4) Been found guilty of gross misconduct in the

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1 pursuit of his or her profession.

2 489.667 Fees; establishment.--

3 (1) The department shall, by rule, establish fees as  
4 follows:

5 (a) For portable restroom contractor registration:

6 1. Application and examination fee: not less than \$25  
7 nor more than \$75.

8 2. Initial registration fee: not less than \$50 nor  
9 more than \$100.

10 3. Renewal of registration fee: not less than \$50 nor  
11 more than \$100.

12 (b) Certification of partnerships and corporations:  
13 not less than \$100 nor more than \$250.

14 (2) Fees established pursuant to subsection (1) shall  
15 be based on the actual costs incurred by the department in  
16 carrying out its registration and other related  
17 responsibilities under this part.

18 489.668 Penalties and prohibitions.--

19 (1) Any person who violates any provision of this part  
20 commits a misdemeanor of the first degree, punishable as  
21 provided in s. 775.082 or s. 775.083.

22 (2) The department may deny a registration if it  
23 determines that an applicant does not meet all requirements of  
24 this part or has violated any provision of this part. Any  
25 applicant aggrieved by such denial is entitled to a hearing,  
26 after reasonable notice thereof, upon filing a written request  
27 for such hearing in accordance with chapter 120.

28  
29 (Redesignate subsequent sections.)

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 10, after the semicolon,

4

5 insert:

6 creating part IV of chapter 489, F.S., relating  
7 to portable restroom contracting; providing  
8 definitions; requiring registration and  
9 providing requirements therefor, including an  
10 examination; providing for administration;  
11 providing rulemaking authority; providing for  
12 renewal of registration, including continuing  
13 education; providing for certification of  
14 partnerships and corporations; providing  
15 grounds for suspension or revocation of  
16 registration; providing fees; providing  
17 penalties and prohibitions;

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