

Amendment No. 3 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Business Regulation offered the following:

Amendment (with title amendment)

On page 3, between lines 12 and 13, of the bill

insert:

Section 4. Part IV of chapter 489, Florida Statutes, consisting of sections 489.661, 489.662, 489.663, 489.664, 489.665, 489.666, 489.667, and 489.668, is created to read:

PART IV

PORTABLE RESTROOM CONTRACTING

489.661 Definitions.--As used in this part:

(1) "Department" means the Department of Health.

(2) "Portable restroom contractor" means a portable restroom contractor whose services are unlimited in the portable restroom trade who has had at least 3 years' experience as a Florida-registered portable restroom contractor, who has knowledge of state health code law and rules, and who has the experience, knowledge, and skills to handle, deliver, and pick up sanitary portable restrooms, to 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,
7 nothing in this part prohibits any person licensed pursuant to
8 s. 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 that 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 shall be accepted on
26 a year-for-year basis for any applicant who demonstrates that
27 he or she holds a current license issued by another state for
28 portable restroom contracting that 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 shall only be required to take the written
4 portion of the examination that includes state health code law
5 and rules. For purposes of this section, an equivalent
6 examination must include the topics of state health code law
7 and rules applicable to portable restrooms and the knowledge
8 required to handle, deliver, and pick up sanitary portable
9 restrooms; to install, handle, and maintain portable holding
10 tanks; and to handle, transport, and dispose of domestic
11 portable restroom and portable holding tank wastewater. A
12 person employed by and under the supervision of a licensed
13 contractor shall be granted up to 2 years of related work
14 experience.

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

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

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

29 489.665 Certification of partnerships and
30 corporations.--

31 (1) The practice of or the offer to practice portable

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

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1 corporation or partnership.

2 (2) For the purposes of this section, a certificate of
3 authorization shall be required for a corporation,
4 partnership, association, or person practicing under a
5 fictitious name, offering portable restroom contracting
6 services to the public, except that when an individual is
7 practicing portable restroom contracting in his or her own
8 given name, he or she shall not be required to register under
9 this section.

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

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

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

25 489.666 Suspension or revocation of registration.--A
26 certificate of registration may be suspended or revoked upon a
27 showing that the registrant has:

28 (1) Violated any provision of this part.

29 (2) Violated any lawful order or rule rendered or
30 adopted by the department.

31 (3) Obtained his or her registration or any other

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1 order, ruling, or authorization by means of fraud,
2 misrepresentation, or concealment of material facts.

3 (4) Been found guilty of gross misconduct in the
4 pursuit of his or her profession.

5 489.667 Fees; establishment.--

6 (1) The department shall, by rule, establish fees as
7 follows:

8 (a) For portable restroom contractor registration:

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

11 2. Initial registration fee: not less than \$50 nor
12 more than \$100.

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

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

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

21 489.668 Penalties and prohibitions.--

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

25 (2) The department may deny a registration if it
26 determines that an applicant does not meet all requirements of
27 this part or has violated any provision of this part. Any
28 applicant aggrieved by such denial shall be entitled to a
29 hearing, after reasonable notice thereof, upon filing a
30 written request for such hearing in accordance with chapter
31 120.

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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,

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5 after the semicolon 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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