

By Senator Constantine

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A bill to be entitled  
An act relating to environmental health;  
creating part IV of chapter 489, F.S., relating  
to the regulation of portable restroom  
contracting; providing definitions; requiring a  
portable restroom contractor to apply for  
registration with the Department of Health;  
providing requirements for registration,  
including an examination; providing for  
administration; providing rulemaking authority;  
providing for renewal of registration,  
including continuing education; providing for  
certification of partnerships and corporations;  
providing grounds for suspension or revocation  
of registration; providing fees; providing  
penalties and prohibitions; amending s.  
381.0066, F.S.; authorizing the continuation of  
permit fees for system construction permits for  
onsite sewage treatment and disposal systems;  
providing an effective date.

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

Section 1. 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, the term:

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

1           (2) "Portable restroom contractor" means a contractor  
2 whose services are unlimited in the portable restroom trade  
3 who has had at least 3 years' experience as a  
4 Florida-registered portable restroom contractor; who has  
5 knowledge of state health code law and rules; and who has the  
6 experience, knowledge, and skills to handle, deliver, and pick  
7 up sanitary portable restrooms, to install, safely handle, and  
8 maintain portable holding tanks, and to handle, transport, and  
9 dispose of domestic portable restroom and portable holding  
10 tank wastewater.

11           489.662 Registration required.--A person may not hold  
12 himself or herself out as a portable restroom contractor in  
13 this state unless he or she is registered by the department in  
14 accordance with this part. However, this part does not  
15 prohibit any person licensed pursuant to s. 489.105(3)(m) or  
16 ss. 489.551-489.558 from engaging in the profession for which  
17 he or she is licensed.

18           489.663 Administration of part; registration  
19 qualifications; examination.--

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

23           (2) The department shall administer, coordinate, and  
24 enforce the provisions of this part, provide qualifications  
25 for applicants, administer the examination for applicants, and  
26 be responsible for the granting of certificates of  
27 registration to qualified persons.

28           (3) The department shall adopt reasonable rules  
29 pursuant to ss. 120.536(1) and 120.54 to administer this part,  
30 including, but not limited to, rules that establish ethical  
31 standards of practice, requirements for registering as a

1 contractor, requirements for obtaining an initial or renewal  
2 certificate of registration, disciplinary guidelines, and  
3 requirements for the certification of partnerships and  
4 corporations. The department may amend or repeal the rules in  
5 accordance with chapter 120.

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

8 (a) Be of good moral character. In considering good  
9 moral character, the department may consider any matter that  
10 has a substantial connection between the good moral character  
11 of the applicant and the professional responsibilities of a  
12 registered contractor, including, but not limited to, the  
13 applicant being convicted or found guilty of, or entering a  
14 plea of nolo contendere to, regardless of adjudication, a  
15 crime in any jurisdiction that directly relates to the  
16 practice of contracting or the ability to practice contracting  
17 and previous disciplinary action involving portable restroom  
18 contracting for which all judicial reviews have been  
19 completed.

20 (b) Pass an examination approved by the department  
21 which demonstrates that the applicant has a fundamental  
22 knowledge of the state laws relating to the installation,  
23 maintenance, and wastewater disposal of portable restrooms,  
24 portable sinks, and portable holding tanks.

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

26 (d) Have a total of at least 3 years of active  
27 experience serving an apprenticeship as a skilled worker under  
28 the supervision and control of a registered portable restroom  
29 contractor. Related work experience or educational experience  
30 may be substituted for no more than 2 years of active  
31 contracting experience. Each 30 hours of coursework approved

1 by the department shall be substituted for 6 months of work  
2 experience. Out-of-state work experience shall be accepted on  
3 a year-for-year basis for any applicant who demonstrates that  
4 he or she holds a current license issued by another state for  
5 portable restroom contracting which was issued upon  
6 satisfactory completion of an examination and continuing  
7 education courses that are equivalent to the requirements in  
8 this state. Individuals from a state with no state  
9 certification who have successfully completed a written  
10 examination provided by the Portable Sanitation Association  
11 International shall only be required to take the written  
12 portion of the examination that includes state health code law  
13 and rules. For purposes of this section, an equivalent  
14 examination must include the topics of state health code law  
15 and rules applicable to portable restrooms and the knowledge  
16 required to handle, deliver, and pick up sanitary portable  
17 restrooms; to install, handle, and maintain portable holding  
18 tanks; and to handle, transport, and dispose of domestic  
19 portable restroom and portable holding tank wastewater. A  
20 person employed by and under the supervision of a licensed  
21 contractor shall be granted up to 2 years of related work  
22 experience.

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

25 (5) The department shall provide each applicant for  
26 registration pursuant to this part with a copy of this part  
27 and any rules adopted under this part. The department may  
28 also prepare and disseminate such other material and  
29 questionnaires as it deems necessary to effectuate the  
30 registration provisions of this part.

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1       (6) Any person who was employed one or more years in  
2 this state by a portable restroom service holding a permit  
3 issued by the department on or before October 1, 2003, has  
4 until October 1, 2004, to be registered by the department in  
5 accordance with this part and may continue to perform portable  
6 restroom contracting services until that time. Such persons  
7 are exempt until October 1, 2004, from the 3 years' active  
8 work experience requirement of s. 489.663(4)(d).

9       489.664 Registration renewal.--The department shall  
10 prescribe by rule the method for approval of continuing  
11 education courses and for renewal of annual registration. At  
12 a minimum, annual renewal shall include continuing education  
13 requirements of not less than 6 classroom hours annually for  
14 portable restroom contractors.

15       489.665 Certification of partnerships and  
16 corporations.--

17       (1) The practice of or the offer to practice portable  
18 restroom contracting services by registrants through a parent  
19 corporation, corporation, subsidiary of a corporation, or  
20 partnership offering portable restroom contracting services to  
21 the public through registrants under this chapter as agents,  
22 employers, officers, or partners is permitted if one or more  
23 of the principal officers of the corporation or one or more  
24 partners of the partnership and all personnel of the  
25 corporation or partnership who act on its behalf as portable  
26 restroom contractors in this state are registered as provided  
27 by this part and if the corporation or partnership has been  
28 issued a certificate of authorization by the department as  
29 provided in this section. A registered contractor may not be  
30 the sole qualifying contractor for more than one business that  
31 requests a certificate of authorization. A business

1 organization that loses its qualifying contractor has 60 days  
2 following the date the qualifier terminates his or her  
3 affiliation within which to obtain another qualifying  
4 contractor. During this period, the business organization may  
5 complete any existing contract or continuing contract, but may  
6 not undertake any new contract. This period may be extended  
7 once by the department for an additional 60 days upon a  
8 showing of good cause. This section may not be construed to  
9 mean that a certificate of registration to practice portable  
10 restroom contracting must be held by a corporation. A  
11 corporation or partnership is not relieved of responsibility  
12 for the conduct or acts of its agents, employees, or officers  
13 by reason of its compliance with this section, and an  
14 individual practicing portable restroom contracting is not  
15 relieved of responsibility for professional services performed  
16 by reason of his or her employment or relationship with a  
17 corporation or partnership.

18 (2) For the purposes of this section, a certificate of  
19 authorization shall be required for a corporation, a  
20 partnership, an association, or a person practicing under a  
21 fictitious name when offering portable restroom contracting  
22 services to the public, except that when an individual is  
23 practicing portable restroom contracting in his or her own  
24 given name, he or she is not required to register under this  
25 section.

26 (3) Each certification of authorization shall be  
27 renewed every 2 years. Each partnership and corporation  
28 certified under this section shall notify the department  
29 within 1 month after any change in the information contained  
30 in the application upon which the certification is based.

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1           (4) Disciplinary action against a corporation or  
2 partnership shall be administered in the same manner and on  
3 the same grounds as disciplinary action against a registered  
4 portable restroom contractor.

5           (5) When a certificate of authorization has been  
6 revoked, any person authorized by law to provide portable  
7 restroom contracting services may not use the name or  
8 fictitious name of the entity whose certificate was revoked,  
9 or any other identifiers for the entity, including telephone  
10 numbers, advertisements, or logos.

11           489.666 Suspension or revocation of registration.--A  
12 certificate of registration may be suspended or revoked upon a  
13 showing that the registrant has:

14           (1) Violated any provision of this part.

15           (2) Violated any lawful order or rule rendered or  
16 adopted by the department.

17           (3) Obtained his or her registration or any other  
18 order, ruling, or authorization by means of fraud,  
19 misrepresentation, or concealment of material facts.

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

22           489.667 Fees; establishment.--

23           (1) The department shall, by rule, establish fees as  
24 follows:

25           (a) For registration as a portable restroom  
26 contractor:

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

29           2. Initial registration fee: not less than \$50 nor  
30 more than \$100.

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

3           (b) For certification of a partnership or corporation:  
4 not less than \$100 nor more than \$250.

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

9           489.668 Penalties and prohibitions.--

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

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

19           Section 2. Paragraph (k) of subsection (2) of section  
20 381.0066, Florida Statutes, is amended to read:

21           381.0066 Onsite sewage treatment and disposal systems;  
22 fees.--

23           (2) The minimum fees in the following fee schedule  
24 apply until changed by rule by the department within the  
25 following limits:

26           (k) Research: An additional \$5 fee shall be added to  
27 each new system construction permit issued ~~during fiscal years~~  
28 ~~1996-2003~~ to be used for onsite sewage treatment and disposal  
29 system research, demonstration, and training projects. Five  
30 dollars from any repair permit fee collected under this  
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1 section shall be used for funding the hands-on training  
2 centers described in s. 381.0065(3)(j).

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4 The funds collected pursuant to this subsection must be  
5 deposited in a trust fund administered by the department, to  
6 be used for the purposes stated in this section and ss.  
7 381.0065 and 381.00655.

8 Section 3. This act shall take effect October 1, 2003.

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11 SENATE SUMMARY

12 Creates part IV of chapter 489, F.S., to require the  
13 registration of portable restroom contractors. Provides  
14 for the Department of Health to regulate portable  
15 restroom contractors. Provides requirements for  
16 registration and registration renewal, including an  
17 examination and work experience. Authorizes the  
18 Department of Health to adopt rules. Provides  
19 requirements for continuing education. Requires a  
20 partnership or corporation that engages in portable  
21 restroom contracting services to obtain a certificate of  
22 authorization from the department. Provides fees and  
23 penalties. Provides for certain permit fees for system  
24 construction permits for onsite sewage treatment and  
25 disposal systems to be continued rather than abolished  
26 after the 2003 fiscal year. (See bill for details.)  
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