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1 A bill to be entitled
 2 An act relating to environmental health; amending s.
 3 381.0066, F.S.; authorizing the continuation of permit
 4 fees for system construction permits to be used for onsite
 5 sewage treatment and disposal system research,
 6 demonstration, and training projects; creating part IV of
 7 chapter 489, F.S.; providing definitions; requiring
 8 registration and providing requirements therefor,
 9 including an examination; providing for administration;
 10 providing rulemaking authority; providing for renewal of
 11 registration, including continuing education; providing
 12 for certification of partnerships and corporations;
 13 providing grounds for suspension or revocation of
 14 registration; providing fees; providing penalties and
 15 prohibitions; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. 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 apply
 24 until changed by rule by the department within the following
 25 limits:

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



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31 used for funding the hands-on training centers described in s.
 32 381.0065(3) (j).

33
 34 The funds collected pursuant to this subsection must be
 35 deposited in a trust fund administered by the department, to be
 36 used for the purposes stated in this section and ss. 381.0065
 37 and 381.00655.

38 Section 2. Part IV of chapter 489, Florida Statutes,
 39 consisting of sections 489.661, 489.662, 489.663, 489.664,
 40 489.665, 489.666, 489.667, and 489.668, is created to read:

41 PART IV

42 PORTABLE RESTROOM CONTRACTING

43 489.661 Definitions.--As used in this part:

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

45 (2) "Portable restroom contractor" means a portable
 46 restroom contractor whose services are unlimited in the portable
 47 restroom trade, who has had at least 3 years' experience as a
 48 Florida-registered portable restroom contractor, who has
 49 knowledge of state health code law and rules, and who has the
 50 experience, knowledge, and skills to handle, deliver, and pick
 51 up sanitary portable restrooms, to install, safely handle, and
 52 maintain portable holding tanks, and to handle, transport, and
 53 dispose of domestic portable restroom and portable holding tank
 54 wastewater.

55 489.662 Registration required.--A person shall not hold
 56 himself or herself out as a portable restroom contractor in this
 57 state unless he or she is registered by the department in
 58 accordance with the provisions of this part. However, nothing
 59 in this part prohibits any person licensed pursuant to s.



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60 489.105(3)(m) or ss. 489.551-489.558 in this state from engaging
 61 in the profession for which he or she is licensed.

62 489.663 Administration of part; registration
 63 qualifications; examination.--

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

67 (2) The department shall administer, coordinate, and
 68 enforce the provisions of this part, provide qualifications for
 69 applicants, administer the examination for applicants, and be
 70 responsible for the granting of certificates of registration to
 71 qualified persons.

72 (3) The department shall adopt reasonable rules pursuant
 73 to ss. 120.536(1) and 120.54 to administer this part, including,
 74 but not limited to, rules that establish ethical standards of
 75 practice, requirements for registering as a contractor,
 76 requirements for obtaining an initial or renewal certificate of
 77 registration, disciplinary guidelines, and requirements for the
 78 certification of partnerships and corporations. The department
 79 may amend or repeal the rules in accordance with chapter 120,
 80 the Administrative Procedure Act.

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

83 (a) Be of good moral character. In considering good moral
 84 character, the department may consider any matter that has a
 85 substantial connection between the good moral character of the
 86 applicant and the professional responsibilities of a registered
 87 contractor, including, but not limited to, the applicant being
 88 convicted or found guilty of, or entering a plea of nolo
 89 contendere to, regardless of adjudication, a crime in any



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90 jurisdiction that directly relates to the practice of
91 contracting or the ability to practice contracting, and previous
92 disciplinary action involving portable restroom contracting,
93 where all judicial reviews have been completed.

94 (b) Pass an examination approved by the department that
95 demonstrates that the applicant has a fundamental knowledge of
96 the state laws relating to the installation, maintenance, and
97 wastewater disposal of portable restrooms, portable sinks, and
98 portable holding tanks.

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

100 (d) Have a total of at least 3 years of active experience
101 serving an apprenticeship as a skilled worker under the
102 supervision and control of a registered portable restroom
103 contractor. Related work experience or educational experience
104 may be substituted for no more than 2 years of active
105 contracting experience. Each 30 hours of coursework approved by
106 the department shall substitute for 6 months of work experience.

107 Out-of-state work experience shall be accepted on a year-for-
108 year basis for any applicant who demonstrates that he or she
109 holds a current license issued by another state for portable
110 restroom contracting that was issued upon satisfactory
111 completion of an examination and continuing education courses
112 that are equivalent to the requirements in this state.

113 Individuals from a state with no state certification who have
114 successfully completed a written examination provided by the
115 Portable Sanitation Association International shall only be
116 required to take the written portion of the examination that
117 includes state health code law and rules. For purposes of this
118 section, an equivalent examination must include the topics of
119 state health code law and rules applicable to portable restrooms



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120 and the knowledge required to handle, deliver, and pick up
121 sanitary portable restrooms; to install, handle, and maintain
122 portable holding tanks; and to handle, transport, and dispose of
123 domestic portable restroom and portable holding tank wastewater.

124 A person employed by and under the supervision of a licensed
125 contractor shall be granted up to 2 years of related work
126 experience.

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

129 (5) The department shall provide each applicant for
130 registration pursuant to this part with a copy of this part and
131 any rules adopted under this part. The department may also
132 prepare and disseminate such other material and questionnaires
133 as it deems necessary to effectuate the registration provisions
134 of this part.

135 (6) Any person who was employed 1 or more years in this
136 state by a portable restroom service holding a permit issued by
137 the department on or before October 1, 2003, has until October
138 1, 2004, to be registered by the department in accordance with
139 the provisions of this act and may continue to perform portable
140 restroom contracting services until that time. Such persons are
141 exempt until October 1, 2004, from the 3 years' active work
142 experience requirement of paragraph (4) (d).

143 489.664 Registration renewal.--The department shall
144 prescribe by rule the method for approval of continuing
145 education courses and for renewal of annual registration. At a
146 minimum, annual renewal shall include continuing education
147 requirements of not less than 6 classroom hours annually for
148 portable restroom contractors.

149 489.665 Certification of partnerships and corporations.--



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150 (1) The practice of or the offer to practice portable
151 restroom contracting services by registrants through a parent
152 corporation, corporation, subsidiary of a corporation, or
153 partnership offering portable restroom contracting services to
154 the public through registrants under this chapter as agents,
155 employers, officers, or partners is permitted, provided that one
156 or more of the principal officers of the corporation or one or
157 more partners of the partnership and all personnel of the
158 corporation or partnership who act on its behalf as portable
159 restroom contractors in this state are registered as provided by
160 this part, and further provided that the corporation or
161 partnership has been issued a certificate of authorization by
162 the department as provided in this section. A registered
163 contractor may not be the sole qualifying contractor for more
164 than one business that requests a certificate of authorization.
165 A business organization that loses its qualifying contractor
166 has 60 days following the date the qualifier terminates his or
167 her affiliation within which to obtain another qualifying
168 contractor. During this period, the business organization may
169 complete any existing contract or continuing contract but may
170 not undertake any new contract. This period may be extended
171 once by the department for an additional 60 days upon a showing
172 of good cause. Nothing in this section shall be construed to
173 mean that a certificate of registration to practice portable
174 restroom contracting shall be held by a corporation. No
175 corporation or partnership shall be relieved of responsibility
176 for the conduct or acts of its agents, employees, or officers by
177 reason of its compliance with this section, nor shall any
178 individual practicing portable restroom contracting be relieved
179 of responsibility for professional services performed by reason



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180 of his or her employment or relationship with a corporation or
 181 partnership.

182 (2) For the purposes of this section, a certificate of
 183 authorization shall be required for a corporation, partnership,
 184 association, or person practicing under a fictitious name
 185 offering portable restroom contracting services to the public,
 186 except that when an individual is practicing portable restroom
 187 contracting in his or her own given name, he or she shall not be
 188 required to register under this section.

189 (3) Each certification of authorization shall be renewed
 190 every 2 years. Each partnership and corporation certified under
 191 this section shall notify the department within 1 month after
 192 any change in the information contained in the application upon
 193 which the certification is based.

194 (4) Disciplinary action against a corporation or
 195 partnership shall be administered in the same manner and on the
 196 same grounds as disciplinary action against a registered
 197 portable restroom contractor.

198 (5) When a certificate of authorization has been revoked,
 199 any person authorized by law to provide portable restroom
 200 contracting services may not use the name or fictitious name of
 201 the entity whose certificate was revoked, or any other
 202 identifiers for the entity, including telephone numbers,
 203 advertisements, or logos.

204 489.666 Suspension or revocation of registration.--A
 205 certificate of registration may be suspended or revoked upon a
 206 showing that the registrant has:

207 (1) Violated any provision of this part.

208 (2) Violated any lawful order or rule rendered or adopted
 209 by the department.



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210 (3) Obtained his or her registration or any other order,
 211 ruling, or authorization by means of fraud, misrepresentation,
 212 or concealment of material facts.

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

215 489.667 Fees; establishment.--

216 (1) The department shall, by rule, establish fees as
 217 follows:

218 (a) For portable restroom contractor registration:

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

221 2. Initial registration fee: not less than \$50 nor more
 222 than \$100.

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

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

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

231 489.668 Penalties and prohibitions.--

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

235 (2) The department may deny a registration if it
 236 determines that an applicant does not meet all requirements of
 237 this part or has violated any provision of this part. Any
 238 applicant aggrieved by such denial shall be entitled to a



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239 hearing, after reasonable notice thereof, upon filing a written
240 request for such hearing in accordance with chapter 120.

241 Section 3. This act shall take effect July 1, 2003.