



HB 0537

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CHAMBER ACTION

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The Committee on Health Care recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to environmental health; creating s. 381.0069, F.S.; providing for 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:



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29 Section 1. Section 381.0069, Florida Statutes, is created  
30 to read:

31 381.0069 Portable restroom contracting.--

32 (1) DEFINITIONS.--As used in this section, the term:

33 (a) "Department" means the Department of Health.

34 (b) "Portable restroom" means holding tanks, portable  
35 toilets, or portable restroom facilities intended for use on a  
36 permanent or nonpermanent basis, including such facilities  
37 placed at construction sites when workers are present.

38 (c) "Portable restroom contractor" means a contractor  
39 whose services are unlimited in the portable restroom trade who  
40 has had at least 3 years' experience as a Florida-registered  
41 portable restroom contractor; who has knowledge of state health  
42 code law and rules; and who has the experience, knowledge, and  
43 skills to handle, deliver, and pick up sanitary portable  
44 restrooms, to install, safely handle, and maintain portable  
45 holding tanks, and to handle, transport, and dispose of domestic  
46 portable restroom and portable holding tank wastewater.

47 (2) REGISTRATION REQUIRED.--A person may not hold himself  
48 or herself out as a portable restroom contractor in this state  
49 unless he or she is registered by the department in accordance  
50 with this section. However, this section does not prohibit any  
51 person licensed pursuant to s. 489.105(3)(m) or part III of  
52 chapter 489 from engaging in the profession for which he or she  
53 is licensed. This section shall not apply to an entity defined  
54 in s. 403.70605(4)(b).

55 (3) ADMINISTRATION OF SECTION; REGISTRATION  
56 QUALIFICATIONS; EXAMINATION.--



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57 (a) Each person desiring to be registered pursuant to this  
58 section shall apply to the department in writing upon forms  
59 prepared and furnished by the department.

60 (b) The department shall administer, coordinate, and  
61 enforce the provisions of this section, administer the  
62 examination for applicants, and be responsible for the granting  
63 of certificates of registration to qualified persons.

64 (c) The department shall adopt rules pursuant to ss.  
65 120.536(1) and 120.54 to administer this section that establish  
66 ethical standards of practice, requirements for registering as a  
67 contractor, requirements for obtaining an initial or renewal  
68 certificate of registration, disciplinary guidelines, and  
69 requirements for the certification of partnerships and  
70 corporations. The department may amend or repeal the rules in  
71 accordance with chapter 120.

72 (d) To be eligible for registration by the department as a  
73 portable restroom contractor, the applicant shall:

74 1. Be of good moral character. In considering good moral  
75 character, the department may consider any matter that has a  
76 substantial connection between the good moral character of the  
77 applicant and the professional responsibilities of a registered  
78 contractor, including, but not limited to, the applicant's being  
79 convicted or found guilty of, or entering a plea of nolo  
80 contendere to, regardless of adjudication, a crime in any  
81 jurisdiction that directly relates to the practice of  
82 contracting or the ability to practice contracting and previous  
83 disciplinary action involving portable restroom contracting for  
84 which all judicial reviews have been completed.



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85        2. Pass an examination approved by the department which  
86 demonstrates that the applicant has a fundamental knowledge of  
87 the state laws relating to the installation, maintenance, and  
88 wastewater disposal of portable restrooms, portable sinks, and  
89 portable holding tanks.

90        3. Be at least 18 years of age.

91        4. Have a total of at least 3 years of active experience  
92 serving an apprenticeship as a skilled worker under the  
93 supervision and control of a registered portable restroom  
94 contractor. Related work experience or educational experience  
95 may be substituted for no more than 2 years of active  
96 contracting experience. Each 30 hours of coursework approved by  
97 the department shall be substituted for 6 months of work  
98 experience. Out-of-state work experience shall be accepted on a  
99 year-for-year basis for any applicant who demonstrates that he  
100 or she holds a current license issued by another state for  
101 portable restroom contracting which was issued upon satisfactory  
102 completion of an examination and continuing education courses  
103 that are equivalent to the requirements in this state.

104 Individuals from a state with no state certification who have  
105 successfully completed a written examination provided by the  
106 Portable Sanitation Association International shall only be  
107 required to take the written portion of the examination that  
108 includes state health code law and rules. For purposes of this  
109 section, an equivalent examination must include the topics of  
110 state health code law and rules applicable to portable restrooms  
111 and the knowledge required to handle, deliver, and pick up  
112 sanitary portable restrooms; to install, handle, and maintain



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113 portable holding tanks; and to handle, transport, and dispose of  
114 domestic portable restroom and portable holding tank wastewater.  
115 A person employed by and under the supervision of a licensed  
116 contractor shall be granted up to 2 years of related work  
117 experience.

118 5. Have not had a registration revoked the effective date  
119 of which was less than 5 years before the application.

120 (e) The department shall provide each applicant for  
121 registration pursuant to this section with a copy of this  
122 section and any rules adopted under this section. The department  
123 may also prepare and disseminate such other material and  
124 questionnaires as it deems necessary to effectuate the  
125 registration provisions of this section.

126 (f) Any person who was employed 1 or more years in this  
127 state by a portable restroom service holding a permit issued by  
128 the department on or before October 1, 2003, has until October  
129 1, 2004, to be registered by the department in accordance with  
130 this section and may continue to perform portable restroom  
131 contracting services until that time. Such persons are exempt  
132 until October 1, 2004, from the 3 years' active work experience  
133 requirement of subparagraph (d)4.

134 (4) REGISTRATION RENEWAL.--

135 (a) The department shall prescribe by rule the method for  
136 approval of continuing education courses and for renewal of  
137 annual registration, for inactive status for late filing of  
138 renewal applications, for allowing contractors to hold their  
139 registration in inactive status for a specified period, and for  
140 reactivating registrations. At a minimum, annual renewal shall



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141 include continuing education requirements of not less than 6  
142 classroom hours annually for portable restroom contractors.

143 (b) Certificates of registration shall become inactive  
144 when a renewal application is not filed in a timely manner. A  
145 certificate that has become inactive may be reactivated under  
146 this section by application to the department. A registered  
147 contractor may apply to the department for voluntary inactive  
148 status at any time during the period of registration.

149 (5) CERTIFICATION OF PARTNERSHIPS AND CORPORATIONS.--

150 (a) 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 section as agents,  
155 employers, officers, or partners is permitted if one or more of  
156 the principal officers of the corporation or one or more  
157 partners of the partnership and all personnel of the corporation  
158 or partnership who act on its behalf as portable restroom  
159 contractors in this state are registered as provided by this  
160 section and if the corporation or partnership has been issued a  
161 certificate of authorization by the department as provided in  
162 this subsection. A registered contractor may not be the sole  
163 qualifying contractor for more than one business that requests a  
164 certificate of authorization. A business organization that loses  
165 its qualifying contractor has 60 days following the date the  
166 qualifier terminates his or her affiliation within which to  
167 obtain another qualifying contractor. During this period, the  
168 business organization may complete any existing contract or



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169 continuing contract, but may not undertake any new contract.  
170 This period may be extended once by the department for an  
171 additional 60 days upon a showing of good cause. This subsection  
172 may not be construed to mean that a certificate of registration  
173 to practice portable restroom contracting must be held by a  
174 corporation. A corporation or partnership is not relieved of  
175 responsibility for the conduct or acts of its agents, employees,  
176 or officers by reason of its compliance with this subsection,  
177 and an individual practicing portable restroom contracting is  
178 not relieved of responsibility for professional services  
179 performed by reason of his or her employment or relationship  
180 with a corporation or partnership.

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

189 (c) Each certification of authorization shall be renewed  
190 every 2 years. Each partnership and corporation certified under  
191 this subsection 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 (d) Disciplinary action against a corporation or  
195 partnership shall be administered in the same manner and on the



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196 same grounds as disciplinary action against a registered  
197 portable restroom contractor.

198 (e) 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 (6) SUSPENSION OR REVOCATION OF REGISTRATION.--A  
205 certificate of registration may be suspended or revoked upon a  
206 showing that the registrant has:

207 (a) Violated any provision of this section.

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

210 (c) 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 (d) Been found guilty of gross misconduct in the pursuit  
214 of his or her profession.

215 (7) FEES; ESTABLISHMENT.--

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

218 1. For registration as a portable restroom contractor:

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

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





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

225 2. For certification of a partnership or corporation: not  
226 less than \$100 nor more than \$250.

227 (b) Fees established pursuant to paragraph (a) 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 section.

231 (8) PENALTIES AND PROHIBITIONS.--

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

235 (b) The department may deny a registration, authorization,  
236 or registration renewal if it determines that an applicant does  
237 not meet all requirements of this section or has violated any  
238 provision of this section or if there is any outstanding  
239 administrative penalty with the department in which the penalty  
240 is final agency action and all judicial reviews are exhausted.  
241 Any applicant aggrieved by such denial is entitled to a hearing,  
242 after reasonable notice thereof, upon filing a written request  
243 for such hearing in accordance with chapter 120.

244 Section 2. Paragraph (k) of subsection (2) of section  
245 381.0066, Florida Statutes, is amended to read:

246 381.0066 Onsite sewage treatment and disposal systems;  
247 fees.--

248 (2) The minimum fees in the following fee schedule apply  
249 until changed by rule by the department within the following  
250 limits:



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251 (k) Research: An additional \$5 fee shall be added to each  
252 new system construction permit issued ~~during fiscal years 1996-~~  
253 ~~2003~~ to be used for onsite sewage treatment and disposal system  
254 research, demonstration, and training projects. Five dollars  
255 from any repair permit fee collected under this section shall be  
256 used for funding the hands-on training centers described in s.  
257 381.0065(3)(j).

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259 The funds collected pursuant to this subsection must be  
260 deposited in a trust fund administered by the department, to be  
261 used for the purposes stated in this section and ss. 381.0065  
262 and 381.00655.

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