

June 8, 2005

Ms. Glenda E. Hood  
Secretary of State  
Florida Department of State  
R. A. Gray Building  
500 South Bronough Street  
Tallahassee, FL 32399

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Committee Substitute for Senate Bill 626, enacted during the 37<sup>th</sup> Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 2005, and entitled:

An act relating to environmental health. . .

Committee Substitute for Committee Substitute for Senate Bill 626 requires the registration of portable restroom contractors. This bill seeks to increase government regulation to protect market interests of select groups. The Sunrise Act establishes specific criteria for evaluating proposals to establish new categories of professional licensure and similar standards are needed to measure the value of proposed additional regulation of existing professions in order to prevent increasing restrictions that limit entry of competition into the marketplace without a corresponding public benefit. The following key standards are particularly relevant in the discussion of this bill, and should guide any proposal which seeks to increase the regulation of an existing profession:

- The regulation should be necessary to protect the public health, safety, or welfare from significant or discernable harm.
- The regulation should not unnecessarily restrict entry into the practice of a profession.

As a result of these standards, I have the following objections to this bill:

First, there is no evidence of any significant or discernable risk to the public under the current regulations. No evidence has been presented that there is widespread improper dumping of portable restroom waste into areas such as lakes and streams. Indeed, current law, which requires a contractor to annually obtain a permit to dispose of the contents of a portable restroom, appears to be operating quite well. According to the department, there have been only 20 valid complaints in the last six years. It is not known how many of these complaints have been related to improper dumping.

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Second, if any significant or discernable risk did exist, this proposal would not add any additional meaningful authority to prevent future harm.

For the reasons provided above, I am withholding my approval of Committee Substitute for Committee Substitute for Senate Bill 626, and do hereby veto the same.

Sincerely,

Jeb Bush