

By Senator Forman

32-482A-98

1                                   A bill to be entitled  
2           An act relating to indoor air quality; amending  
3           s. 381.0101, F.S., relating to environmental  
4           health professionals; defining the term "indoor  
5           environmental evaluation"; providing duties of  
6           the environmental health professionals advisory  
7           board; amending standards for certification;  
8           amending fees for certification; requiring the  
9           administrators of certain health care  
10          institutions and educational institutions, and  
11          the operators of child care facilities,  
12          annually to complete coursework in the  
13          identification of indoor-air-quality problems  
14          and measures for eliminating or reducing such  
15          problems; requiring architects who submit  
16          proposals for building or renovating health  
17          care facilities and child care facilities to  
18          complete such instruction; requiring the  
19          Department of Health to provide the instruction  
20          to certain administrators and architects;  
21          requiring the Department of Education to  
22          provide such instruction to heads of schools  
23          and to presidents of colleges and universities,  
24          or their designees, to risk managers and  
25          maintenance supervisors in those educational  
26          institutions, and to architects who submit  
27          proposals for building or renovating  
28          educational facilities; providing an effective  
29          date.

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

1 Section 1. Section 381.0101, Florida Statutes, is  
2 amended to read:

3 381.0101 Environmental health professionals.--

4 (1) LEGISLATIVE INTENT.--Persons responsible for  
5 providing technical and scientific evaluations of  
6 environmental health and sanitary conditions in business  
7 establishments and communities throughout the state may create  
8 a danger to the public health if they are not skilled or  
9 competent to perform such evaluations. The public relies on  
10 the judgment of environmental health professionals employed by  
11 both government agencies and industries to assure them that  
12 environmental hazards are identified and removed before they  
13 endanger the health or safety of the public. The purpose of  
14 this section is to assure the public that persons specifically  
15 responsible for performing environmental health and sanitary  
16 evaluations have been certified by examination as competent to  
17 perform such work.

18 (2) DEFINITIONS.--As used in this section, the term:

19 (a) "Board" means the Environmental Health  
20 Professionals Advisory Board.

21 (b) "Department" means the Department of Health.

22 (c) "Environmental health" means that segment of  
23 public health work which deals with the examination of those  
24 factors in the human environment which may compromise ~~impact~~  
25 ~~adversely on~~ the health ~~status~~ of an individual or the public.

26 (d) "Environmental health professional" means a person  
27 who is employed to assess or is assigned the responsibility  
28 for assessing the environmental health or sanitary conditions  
29 within a building, on an individual's property, or within the  
30 community at large, and who has the knowledge, skills, and  
31 abilities to carry out these tasks.

1 (e) "Certified" means a person who has displayed  
2 competency to perform evaluations of environmental or sanitary  
3 conditions through examination.

4 (f) "Registered sanitarian" or "R.S." means a person  
5 who has been certified by either the National Environmental  
6 Health Association or the Florida Environmental Health  
7 Association as knowledgeable in the environmental health  
8 profession.

9 (g) "Primary environmental health programs program"  
10 means those programs determined by the department to be  
11 essential for providing basic environmental and sanitary  
12 protection to the public. At a minimum, these programs must  
13 ~~shall~~ include food hygiene evaluations, indoor environmental  
14 evaluations, and onsite sewage treatment and disposal system  
15 evaluations.

16 (h) "Indoor environmental evaluation" means any  
17 assessment or evaluation of the environmental conditions,  
18 pollutants, and exposure mechanisms that may have, or are  
19 suspected to have, acute or chronic adverse health effects on  
20 the building occupants, except measurements for radon, lead,  
21 or asbestos. Measurement, evaluation, or interpretation of  
22 environmental conditions, pollutants, or exposure mechanisms  
23 constitutes an indoor environmental evaluation.

24 (3) CERTIFICATION REQUIRED.--~~A~~ ~~No~~ person may not shall  
25 perform environmental health, indoor environmental, or  
26 sanitary evaluations in any primary program area of  
27 environmental health without being certified by the department  
28 as competent to perform such evaluations. ~~The requirements of~~  
29 ~~this section shall not be mandatory for persons performing~~  
30 ~~inspections of public food service establishments licensed~~  
31 ~~under chapter 509.~~

1           (4) ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY  
2 BOARD.--The State Health Officer shall appoint an advisory  
3 board to assist the department in the adoption ~~promulgation~~ of  
4 rules for certification, testing, establishing standards,  
5 including establishing requirements for field standardizing of  
6 environmental health professionals,and seeking enforcement  
7 actions against certified professionals and uncertified  
8 individuals who are performing environmental health or  
9 sanitary evaluations without certification.

10           (a) The board shall consist ~~be comprised~~ of the  
11 Division Director for Environmental Health or his or her  
12 designee, one individual for each primary area who will be  
13 certified under this section, three individuals who are one  
14 ~~individual~~ not employed in a governmental capacity who ~~will or~~  
15 ~~does~~ employ a certified environmental health professionals in  
16 each primary area professional, three individuals one  
17 ~~individual~~ whose businesses are ~~business is~~ or will be  
18 evaluated by a certified environmental health professional,  
19 and a resident citizen of the state who neither employs nor is  
20 routinely evaluated by a person certified under this section.

21           (b) The board shall advise the department as to the  
22 minimum standards of competency and proficiency which are  
23 necessary for obtaining ~~to obtain~~ certification in a primary  
24 area of environmental health practice.

25           1. The board shall recommend primary areas of  
26 environmental health practice in which environmental health  
27 professionals should be required to obtain certification.

28           2. The board shall recommend minimum standards of  
29 practice which the department shall incorporate into rule.

30           3. The board shall evaluate and recommend to the  
31 department existing registrations and certifications which

1 meet or exceed minimum department standards and should,  
2 therefore, exempt holders of such certificates or  
3 registrations from compliance with this section.

4           4. The board shall hear appeals of certificate  
5 denials, revocation, or suspension and shall advise the  
6 department as to the disposition of such an appeal.

7           5. The board shall meet as often as necessary, but no  
8 less than semiannually, handle appeals to the department, and  
9 conduct other duties of the board.

10           6. Members of the board shall receive no compensation  
11 but shall be reimbursed for per diem and travel expenses in  
12 accordance with s. 112.061.

13           (5) STANDARDS FOR CERTIFICATION.--The department shall  
14 adopt rules that establish minimum standards of education,  
15 training, or experience for those persons subject to this  
16 section. The rules shall also address ethical standards of  
17 practice for the profession.

18           (a) Persons employed as environmental health  
19 professionals shall exhibit a knowledge of rules and  
20 principles of environmental and public health law in Florida  
21 through examination. No person shall conduct environmental  
22 health evaluations in a primary program area unless he or she  
23 is currently certified in that program area or works under the  
24 direct supervision of a certified environmental health  
25 professional.

26           1. All persons who begin employment in a primary  
27 environmental health program on or after September 21, 1994,  
28 must be certified in that program within 6 months after  
29 employment.

30           2. Persons employed in a primary environmental health  
31 program prior to September 21, 1994, shall be considered

1 certified while employed in that position and shall be  
2 required to adhere to any professional standards established  
3 by the department pursuant to paragraph (b), complete any  
4 continuing education requirements imposed under paragraph (d),  
5 and pay the certificate renewal fee imposed under subsection  
6 (7).

7           3. Persons employed in a primary environmental health  
8 program prior to September 21, 1994, who change positions or  
9 program areas and transfer into another primary environmental  
10 health program area on or after September 21, 1994, must be  
11 certified in that program within 6 months after employment  
12 ~~such transfer~~, except that they will not be required to  
13 possess the college degree required under paragraph (e).

14           4. Registered sanitarians shall be considered  
15 certified in the primary areas of food hygiene and onsite  
16 sewage treatment and disposal and shall be required to adhere  
17 to any professional standards established by the department  
18 pursuant to paragraph (b).

19           (b) At a minimum, the department shall establish  
20 standards for professionals in the areas of food hygiene,  
21 indoor environmental evaluation, and onsite sewage treatment  
22 and disposal.

23           (c) Those persons conducting primary environmental  
24 health evaluations shall be certified by examination to be  
25 knowledgeable in any primary area of environmental health in  
26 which they are routinely assigned duties.

27           (d) Persons who are certified shall renew their  
28 certification biennially by completing not less than 24  
29 contact hours of continuing education in courses approved by  
30 the advisory board for each program area in which they  
31 maintain certification.

1           (e) Applicants for certification shall have graduated  
2 from an accredited 4-year college or university with major  
3 coursework in environmental health, environmental science,  
4 engineering, industrial hygiene, or a physical or biological  
5 science.

6           (f) Public sector employees who perform indoor  
7 environmental evaluations as part of their assigned duties are  
8 subject to all provisions of this section except examination  
9 costs. Employees of county health department environmental  
10 health sections, as part of the indoor air assistance program,  
11 are exempt from examination fees. Public employees of state  
12 agencies, counties, or municipalities who perform indoor  
13 environmental evaluations as a service to the public shall be  
14 certified and are subject to all applicable fees.

15           (6)(a) EXEMPTIONS.--A person who conducts primary  
16 environmental evaluations in food hygiene and onsite sewage  
17 treatment and disposal ~~evaluation~~ activities and maintains a  
18 current registration or certification from another state  
19 agency that has ~~which~~ examined the person's knowledge of the  
20 primary program areas of food hygiene and onsite sewage  
21 treatment and disposal ~~area~~ and requires comparable continuing  
22 education to maintain the certificate shall not be required to  
23 be certified by this section. ~~Examples of Persons who are not~~  
24 subject to certification in the primary areas of food hygiene  
25 and onsite sewage treatment and disposal include ~~are~~  
26 physicians, registered dietitians, certified laboratory  
27 personnel, and registered nurses.

28           (b) All individuals who perform indoor environmental  
29 evaluations must be certified. The advisory board may adopt  
30 rules that exempt specific groups of professionals on a  
31 case-by-case basis.

1           (7) FEES.--The department shall charge fees in amounts  
2 necessary to meet the cost of providing each certification.  
3 Fees for certification in the primary food program areas of  
4 food hygiene and onsite sewage treatment and disposal must  
5 ~~shall~~ be no less than \$25 nor more than \$300 and must ~~shall~~ be  
6 set by rule. Fees for certification in the primary program  
7 area of indoor environmental evaluation must be no less than  
8 \$100 nor more than \$600.Application, examination, and  
9 certification costs must ~~shall~~ be included in this fee. Fees  
10 for renewal of a certificate must ~~shall~~ be no less than \$25  
11 nor more than ~~\$500~~\$150 per biennium.

12           (8) PENALTIES.--The department may deny, suspend, or  
13 revoke a certificate or impose an administrative fine of up to  
14 \$500 for each violation of this section or a rule adopted  
15 under this section or may pursue any other enforcement action  
16 authorized by law. Any person who has had a certificate  
17 revoked may not conduct environmental health evaluations in a  
18 primary program area for a minimum of 5 years after ~~from~~ the  
19 date of revocation.

20           Section 2. Instruction in indoor-air-quality problems  
21 required.--

22           (1) The chief administrator of each health care  
23 institution and of each educational institution specified in  
24 this section shall annually complete 8 contact hours of  
25 instruction in the identification of indoor-air-quality  
26 problems and measures for eliminating or reducing such  
27 problems.

28           (2) The Department of Health shall provide the  
29 instruction required under subsection (1) to:

30           (a) The administrator of each hospital licensed in  
31 this state or his or her designee.



1       (b) The administrator of each nursing home licensed in  
2 this state or his or her designee.

3       (c) The administrator of an assisted living facility  
4 or his or her designee.

5       (d) The administrator of an ambulatory surgical center  
6 or an outpatient clinic or his or her designee.

7       (e) The operator of a child care facility or his or  
8 her designee.

9       (f) Architects who submit proposals for building or  
10 renovating hospitals, nursing homes, assisted living  
11 facilities, ambulatory surgical centers, outpatient clinics,  
12 or child care facilities in this state. Beginning July 1,  
13 1999, an architect must have completed 8 hours of such  
14 instruction during the 12 months before he or she is awarded a  
15 contract for building or renovating any structure described in  
16 this paragraph.

17       (3) The Department of Education shall provide the  
18 instruction described in subsection (1) to the principal or  
19 headmaster or headmistress of each public or private school in  
20 this state or to his or her designee, to the president of each  
21 public or private college or university in this state or to  
22 his or her designee, and to the risk manager and the person  
23 responsible for supervising maintenance personnel in each of  
24 those schools, colleges, and universities. The Department of  
25 Education shall also provide such instruction to architects  
26 who submit proposals for building or renovating facilities for  
27 a school, college, or university in this state, and, beginning  
28 July 1, 1999, an architect must have completed 8 hours of such  
29 courses, or of the similar courses offered by the Department  
30 of Health, in the 12 months before he or she is awarded a  
31 contract to build or renovate any such school facility.

1           Section 3. This act shall take effect October 1, 1998.

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SENATE SUMMARY

Amends standards and fees charged for the certification of environmental health professionals. Adds provisions relating to indoor environmental evaluations, as defined in this act. Requires administrators of certain health care, child care, and educational facilities, and risk managers and maintenance supervisors for educational facilities, to complete 8 hours per year of coursework in identifying and eliminating or reducing indoor-air-quality problems. Requires the Department of Health to offer such coursework to health care administrators and architects who bid on health care or child care facilities. Requires the Department of Education to offer the coursework to specified educators, to architects who bid on educational facilities, and to risk managers and maintenance supervisors for those facilities.