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A bill to be entitled  
An act relating to mold remediation; creating chapter 387, F.S., to provide a licensing act for regulation of the mold remediation industry by the Department of Health; providing for the department to adopt rules by a certain date implementing the chapter; providing an effective date.

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

Section 1. Chapter 387, Florida Statutes, consisting of sections 387.001, 387.002, 387.003, 387.051, 387.052, 387.053, 387.054, 387.101, 387.102, 387.103, 387.104, 387.105, 387.106, 387.107, 387.108, 387.109, 387.110, 387.111, 387.112, 387.151, 387.152, 387.201, 387.202, 387.203, 387.204, 387.251, 387.252, 387.253, 387.254, 387.255, 387.256, 387.257, 387.258, 387.301, 387.302, 387.303, 387.304, 387.351, 387.352, 387.353, 387.354, 387.355, and 387.356, is created to read:

MOLD REMEDIATION

387.001 Chapter title.--This chapter may be cited as the "Mold Remediation Licensing Act."

387.002 Scope of chapter.--

(1) This chapter applies to:

(a) Any mold-related activity performed by a third party for compensation.

(b) Any mold-related activity performed in a facility owned or leased by the state or by a county or a city.

(2) An activity described in subsection (1) may be performed only by a person licensed under this chapter.

387.003 Definitions.--In this chapter, the term:



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31 (1) "Certified industrial hygienist" means an individual  
32 certified by the American Department of Industrial Hygiene as a  
33 certified industrial hygienist and whose certification has not  
34 expired or been suspended or revoked.

35 (2) "Department" means the Department of Health.

36 (3) "Indoor air quality factors" means:

37 (a) Physical parameters of an indoor air environment,  
38 including temperature, moisture content, airflow, and pressure.

39 (b) Contaminants of any origin likely to produce adverse  
40 effects in an indoor environment including gases, vapors,  
41 aerosols, or particulates.

42 (c) Major influences, including contaminant sources and  
43 their transport mechanisms, and occupant sensitivities.

44 (4) "Licensee" means an individual licensed to engage in a  
45 business or profession listed under s. 387.101(1) or, if the  
46 licensee is a company, the officers or partners licensed to  
47 engage in a business or profession listed under s. 387.101(1).

48 (5) "Mold" means any fungi or related products or parts,  
49 including spores, hyphae, and mycotoxins.

50 (6) "Mold analysis company" means a person, other than an  
51 individual, that performs mold and mold-related analyses for  
52 compensation.

53 (7) "Mold assessment" means the performance of mold  
54 assessments, investigations, or surveys; the development of mold  
55 management plans or response actions; or the collection or  
56 analysis of mold samples.

57 (8) "Mold assessment company" means a person, other than  
58 an individual, that performs mold assessments for compensation.

59 (9) "Mold assessment consultant" means an individual who  
60 performs mold assessments for compensation.



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61       (10) "Mold assessment technician" means an individual who  
62 performs mold assessments under the supervision of a licensed  
63 mold assessment consultant and who is an employee of a mold  
64 assessment company or a mold assessment consultant.

65       (11) "Mold remediation" means the removal, cleaning, or  
66 other treatment of mold or mold-contaminated matter, live or  
67 dead, that was not intended to be grown, or purposely grown, at  
68 that location.

69       (12) "Mold remediation company" means a person, other than  
70 an individual, that performs mold remediation for compensation.

71       (13) "Mold remediation contractor" means an individual who  
72 performs mold remediation for compensation.

73       (14) "Mold remediation supervisor" means an individual who  
74 performs mold remediation under the supervision of a licensed  
75 mold remediation contractor and who is an employee of a mold  
76 remediation company or a mold remediation contractor.

77       (15) "Mold-related activities" means the performance of  
78 mold assessments or mold remediation or any other activities  
79 conducted to assess or remediate mold.

80       387.051 Adoption of rules; authority to contract.--

81       (1) The department shall adopt rules as necessary to  
82 discharge its powers and duties under this chapter.

83       (2) The department by rule shall establish procedures to  
84 be followed if, in the opinion of the department following a  
85 site inspection, there is a danger or potential danger to the  
86 occupants of a building, workers in a building or facility, or  
87 the general public.

88       (3) The department may adopt rules under this chapter to  
89 effect reciprocity agreements with other states.

90       (4) The department may contract with any qualified person



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91 to perform inspections necessary to enforce the provisions of  
 92 this chapter.

93 387.052 Standards for mold-related activities.--The  
 94 department by rule shall adopt minimum standards for conducting  
 95 mold-related activities.

96 387.053 Mold remediation procedures.--The department shall  
 97 adopt rules to ensure proper and adequate procedures for mold  
 98 remediation, including rules specifying:

99 (1) Any additional procedures beyond those required under  
 100 s. 387.257 that are required to be addressed in the written  
 101 standard operating procedures for mold remediation that must be  
 102 prepared and followed by any licensee conducting mold  
 103 remediation.

104 (2) Any other requirements or procedures that the  
 105 department determines are necessary to be included in the scope  
 106 of work analysis required under s. 387.254(a) and that the  
 107 department determines are necessary to implement the scope of  
 108 work analysis.

109 (3) Any other requirements or procedures that the  
 110 department determines are necessary to be included in the work  
 111 plan required under s. 387.254(b), including the elements of the  
 112 work plan such as safety plans, contractor standard operating  
 113 procedures, specific methods of removal for each type of  
 114 remediation required for the project, estimated start and finish  
 115 dates of the project, and the type of personal protective  
 116 equipment to be used on the job, and any other requirements or  
 117 procedures that the department determines are necessary to  
 118 implement the work plan.

119 (4) Minimum standards for containment procedures to be  
 120 used in mold remediation activities.



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121 (5) Any required safety standards mandated or recommended  
 122 by federal, state, or other jurisdictions or organizations.

123 (6) Any required equipment and equipment maintenance  
 124 standards.

125 (7) Any necessary periodic medical monitoring of  
 126 licensees.

127 (8) Necessary project documentation and records to be  
 128 maintained at the job site and records to be maintained at the  
 129 licensee's place of business.

130 387.054 Public education program.--

131 (1) The department shall conduct a statewide public  
 132 education and outreach program regarding the importance of and  
 133 ways to improve air quality in buildings, including the  
 134 importance of and the ways to recognize, prevent, control, and  
 135 mitigate mold occurrence and other indoor air quality factors  
 136 that have an adverse impact on human health.

137 (2) The program may include the development and  
 138 distribution of information to the public concerning indoor air  
 139 quality and mold, educational programs, informational or  
 140 educational exhibits, and any other methods of education or  
 141 communication that the department deems appropriate.

142 387.101 License required; exemption.--

143 (1) Unless a person holds a license issued by the  
 144 department under s. 387.103, the person may not act as or  
 145 purport to be:

- 146 (a) A mold analysis company;
- 147 (b) A mold assessment company;
- 148 (c) A mold assessment consultant;
- 149 (d) A mold assessment technician;
- 150 (e) A mold remediation company;



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151       (f) A mold remediation contractor;  
 152       (g) A mold remediation supervisor; or  
 153       (h) A person that, by any other title or occupation not  
 154 described in this subsection, engages in mold assessment, mold  
 155 remediation, or mold analysis.

156       (2) A mold training provider must obtain a license in  
 157 accordance with s. 387.103.

158       (3) This section does not apply to an individual licensed  
 159 as a certified industrial hygienist.

160       387.102 Training required for license.--A person may not  
 161 be licensed to engage in a business or profession listed under  
 162 s. 387.101(a) unless the person completes all training required  
 163 by department rule.

164       387.103 Issuance, types of licenses.--Persons that meet  
 165 the requirements for licensing under this chapter, and any  
 166 education, experience, or other requirements established by  
 167 department rule, shall be licensed by the department to perform  
 168 those activities that are authorized under each of the following  
 169 license types:

170       (1) A person, other than an individual, that performs mold  
 171 and mold-related analyses for compensation must be licensed as a  
 172 mold analysis company.

173       (2) A person, other than an individual, that performs mold  
 174 assessments for compensation must be licensed as a mold  
 175 assessment company.

176       (3) An individual who performs mold assessments for  
 177 compensation must be licensed as a mold assessment consultant.

178       (4) An individual who performs mold assessment under the  
 179 supervision of a licensed mold assessment consultant must be  
 180 licensed as a mold assessment technician.



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181 (5) A person, other than an individual, that performs mold  
182 remediation for compensation must be licensed as a mold  
183 remediation company.

184 (6) An individual who performs mold remediation for  
185 compensation must be licensed as a mold remediation contractor.

186 (7) An individual who performs mold remediation under the  
187 supervision of a licensed mold remediation contractor must be  
188 licensed as a mold remediation supervisor.

189 (8) A person that offers and conducts mold assessment,  
190 mold remediation, or mold analysis training for the fulfillment  
191 of specific training requirements that are a prerequisite to  
192 licensing must be licensed as a mold training provider.

193 387.104 Application for license.--

194 (1) An applicant for a license issued under s. 387.103  
195 must apply to the department on the form prescribed by the  
196 department.

197 (2) The application form must be signed by the applicant  
198 and must include, where applicable:

199 (a) The business name and address of the applicant;

200 (b) Personal history information, business records, and  
201 other relevant facts as required by the department and, for an  
202 applicant for a license to engage in a business or profession  
203 listed in s. 387.101, evidence of proof of compliance with the  
204 insurance and incorporation requirements provided under s.  
205 387.107; and

206 (c) A sample of the applicant's fingerprints and a recent  
207 passport color photograph.

208 (3) The completed application must be notarized.

209 (4) An applicant must pay a nonrefundable application fee  
210 set by the department for each application submitted.



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211 (5) The department may, at any time after the filing of  
 212 the application and before the expiration of the license,  
 213 require additional written information and assurances from the  
 214 applicant or licensee and may make any inspections or require  
 215 the production of any documentary or other evidence that the  
 216 department considers necessary to determine whether the license  
 217 should be granted, delayed, or denied or whether the license  
 218 should be modified, suspended, or revoked.

219 387.105 License fees; other fees.--

220 (1) The department by rule shall adopt a schedule of fees  
 221 as set forth in this section and any other fees reasonable and  
 222 necessary to implement the provisions of this chapter. The fees  
 223 shall be collected by the department and shall be deposited with  
 224 the comptroller in the general revenue fund to the credit of an  
 225 account that may be used only by the department for the purposes  
 226 of this chapter.

227 (2) License fees may not exceed the following amounts:

- 228 (a) For a mold analysis company license, \$600.
- 229 (b) For a mold assessment company license, \$600.
- 230 (c) For a mold assessment consultant license, \$500.
- 231 (d) For a mold assessment technician license, \$300.
- 232 (e) For a mold remediation company license, \$600.
- 233 (f) For a mold remediation contractor license, \$500.
- 234 (g) For a mold remediation supervisor license, \$300.
- 235 (h) For a mold training provider license, \$600.

236 387.106 Qualifications for license.--

237 (1) To qualify for a license as a mold assessment  
 238 consultant, mold assessment technician, mold remediation  
 239 contractor, mold remediation supervisor, or mold training  
 240 provider, an applicant must:





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- 241 (a) Be at least 18 years of age.
- 242 (b) Be a citizen of the United States.
- 243 (c) Be a resident of the state.
- 244 (d) Be trustworthy and of a moral character that  
245 reasonably ensures that the applicant will conduct the business  
246 of the mold-related activity for which the applicant is seeking  
247 licensure fairly and in good faith and without detriment to any  
248 member of the public.
- 249 (e) Have never been convicted of a felony or, if convicted  
250 of a felony, must have received a full pardon from that  
251 conviction and otherwise be relieved from any disabilities  
252 connected with the conviction.
- 253 (f) Possess sufficient knowledge and training or  
254 experience to engage in the business of the mold-related  
255 activity for which the applicant is seeking licensure  
256 competently and without detriment to any member of the public.
- 257 (g) Have successfully passed the license examination  
258 adopted or approved under s. 387.151.
- 259 (h) Have successfully completed the training requirements  
260 under s. 387.102.
- 261 (i) Have complied with the insurance and other  
262 requirements under s. 387.107.
- 263 (2) To qualify for a license as a mold assessment company,  
264 mold remediation company, or mold analysis company, the  
265 applicant company must:
- 266 (a) Be a corporation or other business entity organized  
267 under the laws of this state or any other state or territory of  
268 the United States.
- 269 (b) Be admitted to conduct business in this state by the  
270 secretary of state, if so required.



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271 (c) Be organized and operating for the purpose of  
 272 conducting the activity for which the company is seeking a  
 273 license.

274 (d) Have at least one officer of the corporation or one  
 275 active partner of the partnership and all other persons  
 276 performing the activity for which the company is seeking  
 277 licensure on behalf of the company in this state individually  
 278 licensed or applying individually for a license from the  
 279 department separately from the corporation or partnership.

280 (e) Have complied with the insurance and other  
 281 requirements under s. 387.107.

282 387.107 Certificates of incorporation and insurance.--

283 (1) To be issued a license under this chapter, an  
 284 applicant must also provide, as applicable:

285 (a) A certificate of good standing issued by the secretary  
 286 of state, if the applicant is a corporation or other business  
 287 entity.

288 (b) If the applicant is a foreign corporation, a  
 289 certificate from the secretary of state authorizing the  
 290 applicant to conduct business in this state.

291 (c) A State of Florida sales tax number.

292 (d) A certificate of insurance or other proof of insurance  
 293 issued for the purpose of licensing under this chapter that  
 294 demonstrates:

295 1. Occurrence-based commercial general liability pollution  
 296 insurance with mold remediation included with a minimum coverage  
 297 of \$1 million per occurrence and at least \$2 million aggregate  
 298 coverage for any person applying for a license as a mold  
 299 remediation company or a mold remediation contractor, or  
 300 coverage under such policy as an employee of the mold



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301 remediation company or mold remediation contractor for any  
302 person applying as a mold remediation supervisor.

303 2. Professional liability insurance coverage for errors  
304 and omissions, in an amount and with a deductible as required by  
305 the department, for any mold training provider, mold assessment  
306 company, mold assessment consultant, or mold analysis company  
307 applying for a license under this chapter, or coverage under  
308 such policy as an employee of the mold assessment company, mold  
309 assessment consultant, or mold analysis company for any person  
310 applying as a mold assessment technician.

311 3. Workers' compensation insurance issued by a company  
312 authorized and licensed to issue workers' compensation insurance  
313 in the state and written in the state on the Florida form, or  
314 evidence of self-insurance.

315 4. Commercial automobile liability coverage in an amount  
316 required by the department.

317 (2) A licensee must continuously maintain all applicable  
318 insurance required under this section for the license to remain  
319 effective. Failure to maintain the applicable insurance required  
320 under this section will result in immediate forfeiture of the  
321 license.

322 387.108 Licenses subject to rules and orders.--The terms  
323 and conditions of licenses are subject to rules adopted or  
324 orders issued by the department in accordance with this chapter.

325 387.109 License not assignable.--A license issued under  
326 this chapter may not be assigned to another person.

327 387.110 License replacement.--A licensee may request a  
328 replacement license certificate by completing and submitting an  
329 application as prescribed by the department.

330 387.111 Provisional license.--



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331 (1) The department may grant a provisional license to an  
332 applicant currently licensed or registered in another  
333 jurisdiction who is applying for a license in this state to  
334 engage in a business or profession listed under s. 387.101(1)  
335 and who:

336 (a) Has been licensed or registered in good standing to  
337 perform the relevant mold-related activity for at least two  
338 years in the other jurisdiction, including a foreign country, if  
339 the jurisdiction has licensing or registration requirements  
340 substantially equivalent to the requirements of this chapter.

341 (b) Has passed a national or other examination recognized  
342 by the department relating to the relevant mold-related activity  
343 in this state.

344 (c) Is sponsored by a person licensed by the department  
345 under this chapter with whom the provisional license holder will  
346 practice during the time the person holds the provisional  
347 license.

348 (2) The department may waive the requirement of paragraph  
349 (1)(c) for an applicant if the department determines that  
350 compliance with that subsection would be a hardship to the  
351 applicant.

352 (3) A provisional license is valid until the date the  
353 department approves or denies the provisional license holder's  
354 application for licensing. The department shall issue a license  
355 under this chapter to the provisional license holder if the  
356 provisional license holder is eligible to be licensed under s.  
357 387.106 and satisfies any other applicable licensing  
358 requirements under this chapter.

359 (4) The department shall approve or deny a provisional  
360 licensee's application for a license to engage in a business or



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361 profession listed under s. 387.101(1) not later than the 180th  
 362 day after the date the provisional license is issued. The  
 363 department may extend the 180-day period if the results of an  
 364 examination have not been received by the department before the  
 365 end of that period.

366 (5) The department may establish a fee for a provisional  
 367 license in an amount reasonable and necessary to cover the cost  
 368 of issuing the license.

369 387.112 Registration for trainees.--

370 (1) A trainee for mold assessment technician or mold  
 371 remediation supervisor must register with the department for a  
 372 temporary certificate under this section. An applicant for the  
 373 certificate must apply to the department on a form prescribed by  
 374 the department. The form must be accompanied by a nonrefundable  
 375 registration fee set by the department.

376 (2) A temporary certificate may be issued under this  
 377 section only for educational and training purposes. The holder  
 378 of a temporary certificate may train only under the direction  
 379 and sponsorship of a person licensed for the applicable mold-  
 380 assessment or mold-remediation activity.

381 (3) The sponsor must attest, on a form prescribed by the  
 382 department, that the trainee is an employee of and under the  
 383 supervision and control of the sponsor, that the sponsor is in  
 384 compliance with the insurance and other requirements of this  
 385 chapter, and that the trainee as an employee of the sponsor is  
 386 in compliance with the insurance and other requirements of this  
 387 chapter.

388 (4) A temporary certificate expires on the 180th day after  
 389 the date of issuance and may be renewed once on application to  
 390 the department. A person may not hold more than two consecutive



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391 temporary certificates.

392 (5) Each person who holds a temporary certificate under  
 393 this section must comply with the insurance requirements under  
 394 s. 387.107 and must meet the requirements for licensing under s.  
 395 387.106(1)-(5).

396 387.151 Examination requirement.--

397 (1) A person may not receive a license for a business or  
 398 profession licensed under s. 387.101 unless the person passes an  
 399 examination required for the license.

400 (2) The department shall adopt or approve examinations  
 401 that applicants must pass in order to be licensed under this  
 402 chapter.

403 (3) The department may require or authorize the use of  
 404 standardized examinations for licensing under this chapter and  
 405 may set fees for the administration of the examinations.

406 387.152 Notification of examination results.--

407 (1) Not later than the 30th day after the date a person  
 408 takes a licensing examination under this chapter, the department  
 409 shall notify the person of the results of the examination.

410 (2) If the examination is graded or reviewed by a testing  
 411 service:

412 (a) The department shall notify the person of the results  
 413 of the examination not later than the 14th day after the date  
 414 the department receives the results from the testing service.

415 (b) If notice of the examination results will be delayed  
 416 for longer than 90 days after the examination date, the  
 417 department shall notify the person of the reason for the delay  
 418 before the 90th day.

419 (3) The department may require a testing service to notify  
 420 a person of the results of the person's examination under



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421 subsection (2).

422 (4) If requested in writing by a person who fails a  
423 licensing examination, the department shall provide to the  
424 person an analysis of the person's performance on the  
425 examination.

426 387.201 Continuing education requirement.--

427 (1) A licensee must annually complete at least 15 hours of  
428 continuing education courses as prescribed by department rule.

429 (2) The courses under this section shall be offered and  
430 provided by mold training providers licensed under this chapter.

431 (3) The licensee must submit proof of compliance with the  
432 continuing education requirements along with the licensee's  
433 license renewal application.

434 387.202 License renewal.--

435 (1) A license issued under this chapter expires on the  
436 first anniversary of its effective date unless the license is  
437 renewed for a 1-year term as provided by subsection (4).

438 (2) The department by rule may adopt a system under which  
439 licenses expire on various dates during the year. For the year  
440 in which the license expiration date is changed, the department  
441 shall prorate license fees on a monthly basis so that each  
442 licensee pays only the portion of the license fee that is  
443 allocable to the number of months during which the license is  
444 valid. On renewal of the license on the new expiration date, the  
445 total license renewal fee is payable.

446 (3) At least 1 month before the license expires, the  
447 department shall send to the licensee, by first class mail to  
448 the licensee's last known address, a renewal notice that states:

449 (a) The date on which the current license expires.

450 (b) The date by which the renewal application must be



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451 received by the department in order for the renewal to be issued  
452 and mailed before the license expires.

453 (c) The amount of the renewal fee.

454 (4) A licensee may renew a license for a 1-year term if,  
455 before the license expires, the licensee:

456 (a) Is otherwise entitled to be licensed.

457 (b) Pays to the department a nonrefundable renewal fee set  
458 by the department in an amount not greater than the amount set  
459 by the department for an original application under s. 387.105.

460 (c) Submits to the department a renewal application on the  
461 form prescribed by the department and proof of compliance with  
462 the continuing education requirements under s. 387.201.

463 (d) Has successfully completed all requirements for  
464 renewal as provided by this chapter and as required by the  
465 department by rule.

466 (e) Has complied with all final orders resulting from  
467 violations of this chapter.

468 387.203 Expired license.--

469 (1) A person whose license has expired may not engage in  
470 activities that require a license until the license has been  
471 renewed.

472 (2) A person whose license has been expired for 90 days or  
473 less may renew the license by meeting the requirements of s.  
474 387.202(4), except that the renewal fee shall be equal to 1-1/2  
475 times the normally required renewal fee.

476 (3) A person whose license has been expired for more than  
477 90 days but less than 1 year may renew the license by meeting  
478 the requirements of s. 387.202(4), except that the renewal fee  
479 shall be equal to twice the normally required renewal fee.

480 (4) A person whose license has been expired for 1 year or





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481 more may not renew the license. The person may obtain a new  
482 license by complying with the requirements and procedures,  
483 including the examination requirements, for obtaining an  
484 original license.

485 387.204 Renewal of expired license by nonresident  
486 licensees.--

487 (1) A person may renew without examination an expired  
488 license if the person:

489 (a) Was formerly licensed in this state to engage in a  
490 mold-related activity required to be licensed under this  
491 chapter.

492 (b) Moved to another state and is currently licensed in  
493 good standing with the other state to conduct the activity.

494 (c) Has practiced the activity in the other state for the  
495 2 years preceding the date of application.

496 (2) The person must pay to the department a fee that is  
497 equal to twice the normally required renewal fee for the  
498 license.

499 387.251 Duty to ensure employee qualifications and  
500 protection.--A licensee engaged in any mold-related activity  
501 shall ensure that each employee licensee who will be involved in  
502 or responsible for the activity:

503 (1) Is familiar with all relevant federal, state, and  
504 local standards.

505 (2) Has completed the applicable course of instruction  
506 adopted or approved by the department and any continuing  
507 education requirements adopted by the department.

508 (3) Is supplied with approved equipment in good working  
509 order for the employee's protection and for the protection of  
510 the public and the environment.



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511 387.252 Prohibition on multiple services that create  
 512 conflict of interest.--A licensee may perform only one of the  
 513 following activities on the same project:

- 514 (1) Mold assessment;
- 515 (2) Mold remediation; or
- 516 (3) Mold or mold-related analysis.

517 387.253 Required records.--

518 (1) A licensee shall:

519 (a) Keep records, as prescribed by department rule, of  
 520 each mold-related activity that the licensee performs including:

521 1. Documentation and records to be maintained at the job  
 522 site.

523 2. Permanent project records to be maintained at the  
 524 licensee's place of business.

525 (b) Make the records available to the department on  
 526 request.

527 (2) A licensee must keep records required by this section  
 528 for the period prescribed by department rule.

529 387.254 Scope of work analysis; work plan.--

530 (1) A scope of work analysis shall be prepared for each  
 531 mold remediation project by the mold remediation company or mold  
 532 remediation contractor. This scope of work document shall be  
 533 provided to the client or the client's representative either in  
 534 the bidding phase of the project or before the mold remediation  
 535 begins and must include a specification of:

- 536 (a) The rooms or areas where work will be performed.
- 537 (b) The quantities of materials to be removed or cleaned.
- 538 (c) The licensee's proposed methods for each type of  
 539 remediation in each type of area in the project.

540 (d) The clearance criteria proposed for each type of



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541 remediation in each type of area in the project.

542 (2) A work plan providing instructions for the remediation  
543 efforts to be performed shall be developed by the mold  
544 remediation company or mold remediation contractor for each  
545 project. To allow time for review and changes as needed, the  
546 work plan shall be provided to the client and, if applicable, to  
547 the client's third-party consultant before the mold remediation  
548 starts. A copy of the plan must be maintained at the job site  
549 for constant review by the mold remediation company, mold  
550 remediation contractor, and mold remediation supervisor.

551 387.255 Advertising or competitive bidding.--

552 (1) Advertising or competitive bidding by a licensee that  
553 contains false or misleading statements or that results in  
554 deceptive practices is prohibited. The department may adopt  
555 rules to enforce this section.

556 (2) If the department adopts rules under this section, the  
557 department may not:

558 (a) Restrict the use of any medium for advertising;

559 (b) Restrict the use of a licensee's personal appearance  
560 or voice in an advertisement;

561 (c) Mandate the size or duration of an advertisement by  
562 the licensee; or

563 (d) Restrict the use of the licensee's trade name in an  
564 advertisement.

565 387.256 Required notification of mold-related  
566 activities.--

567 (1) A person engaged in mold-related activities in a  
568 public building shall notify the department in writing or  
569 electronically at least 10 days before the date the person  
570 begins the activities.



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571 (2) Notwithstanding subsection (1), a person may give the  
 572 required notification orally if the mold-related activity is of  
 573 an emergency nature.

574 (3) The department shall impose a notification fee to be  
 575 paid to the department for notification under this section. The  
 576 department by rule shall determine the amount of the fee and the  
 577 procedures for payment. The fee is incurred on notification by  
 578 the person under this section.

579 387.257 Standard operating procedures for mold  
 580 remediation.--A person engaged in mold remediation shall develop  
 581 and follow standard operating procedures, including proper use  
 582 of personal protective equipment; employee decontamination  
 583 procedures; employee annual medical monitoring; work area  
 584 preparation; basic remediation techniques; decontamination  
 585 techniques including of contents and interior surfaces not  
 586 directly affected by visible mold; handling of mold remediation  
 587 waste; use of chemicals for mold remediation; and any other  
 588 standard operating procedures required by rule by the  
 589 department.

590 387.258 Code of ethics.--The department by rule shall  
 591 adopt a code of ethics for persons engaging in mold assessment,  
 592 mold remediation, and any other activities performed for the  
 593 purpose of assessing and remediating mold that fosters the  
 594 education of licensees concerning the ethical, legal, and  
 595 business principles that should govern their conduct. The code  
 596 of ethics may address ethical principles and practices common to  
 597 all of the licensees as well as specialized ethical principles  
 598 and practices for each of the professions licensed under this  
 599 article.

600 387.301 Mold training providers.--



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601 (1) A mold training provider may not offer a course of  
602 instruction approved for the purposes of licensure under this  
603 chapter unless the provider is licensed by the department under  
604 s. 387.103(8).

605 (2) A mold training provider may not offer or provide  
606 training in a course unless the course:

607 (a) Is approved by the department as a prerequisite to a  
608 license for a business or profession listed under s. 387.101(1).

609 (b) Is offered or provided according to a course schedule  
610 approved by the department.

611 (3) A mold training provider must furnish records to the  
612 department concerning individuals who have attended a course of  
613 instruction that is a prerequisite to licensing under this  
614 chapter.

615 387.302 Department to adopt rules.--

616 (1) The department shall adopt rules reasonable and  
617 necessary to implement s. 387.301(2) and (3) and s. 387.303.

618 (2) The department shall adopt any other rules necessary  
619 to implement and monitor the mold training program.

620 387.303 Training requirements.--The department by rule  
621 shall adopt a minimum curriculum and other training requirements  
622 for mold training providers licensed under s. 387.103(8) to  
623 train persons who are required to be licensed under this  
624 chapter.

625 387.304 Withdrawal of course approval.--

626 (1) The department may withdraw approval of a course of  
627 instruction that the department has previously approved.

628 (2) The withdrawal of approval is effective immediately,  
629 and on receipt of notice from the department of the withdrawal  
630 of approval, a mold training provider shall cease to offer and



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631 provide the course of instruction.

632 387.351 Reprimand; modification, suspension, or revocation  
633 of license.--

634 (1) After providing notice and an opportunity for hearing  
635 to a licensee, the department shall reprimand a licensee or  
636 modify, suspend, suspend on an emergency basis, or revoke a  
637 license issued under this chapter if an act or omission of the  
638 licensee meets one of the criteria for departmental action under  
639 subsection (3).

640 (2) If the department suspends a license on an emergency  
641 basis, the suspension is effective immediately. The department  
642 shall provide an opportunity for a hearing within 20 days after  
643 the date of the emergency suspension.

644 (3) The department by rule shall adopt the criteria for  
645 departmental action under this section. At a minimum, the  
646 criteria must require disciplinary action against a licensee  
647 who:

648 (a) Commits fraud or deception in obtaining or attempting  
649 to obtain a license or a contract to perform mold-related  
650 activities;

651 (b) Fails at any time to meet the qualifications for a  
652 license;

653 (c) Violates a rule adopted under this chapter;

654 (d) Violates an applicable federal or state standard for  
655 performance of mold-related activities; or

656 (e) Fails to maintain the records required by this chapter  
657 or department rule or fails to provide such records on request  
658 by the department.

659 (4) If a license issued under this chapter has been  
660 revoked, the individuals or organizations named in the



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661 revocation may not reapply for a license for a period of at  
662 least 5 years after the date of revocation.

663 (5) The notice and hearing required by this section shall  
664 be conducted in accordance with s. 387.352.

665 (6) The department may place on probation a person whose  
666 license is suspended. If a suspension is probated, the  
667 department may require the person to do one or more of the  
668 following:

669 (a) Report regularly to the department on matters that are  
670 the basis of the probation.

671 (b) Limit practice to the areas prescribed by the  
672 department.

673 (c) Continue or review professional education until the  
674 person attains a degree of skill satisfactory to the department  
675 in those areas that are the basis of the probation.

676 387.352 Notice; administrative hearing; appeal.--The  
677 notice and hearing provisions under s. 387.351(5) and appeals  
678 for judicial review of final administrative decisions issued  
679 under s. 387.355 shall be conducted in accordance with the  
680 department's rules for contested case hearings and the  
681 applicable provisions of chapter 120.

682 387.353 Compliance with standards not a  
683 defense.--Compliance with any minimum standards adopted by the  
684 department under this chapter does not constitute a defense in a  
685 civil action for damages arising from any work activity  
686 performed in the course of mold-related activities.

687 387.354 Civil penalty; injunction.--

688 (1) If it appears that a person has violated, is  
689 violating, or is threatening to violate a provision of this  
690 chapter or a rule adopted or order issued under this chapter,



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691 the department may request the Attorney General or the district,  
692 county, or city attorney where the violation has occurred, is  
693 occurring, or may occur to institute a civil suit for:

694 (a) Injunctive relief to restrain the person from  
695 continuing the violation or threat of violation;

696 (b) The assessment and recovery of a civil penalty; or

697 (c) Both injunctive relief and a civil penalty.

698 (2) The penalty may be in an amount not to exceed \$10,000  
699 a day for each violation. Each day a violation occurs or  
700 continues to occur is a separate violation for purposes of  
701 imposing a penalty.

702 (3) The owner of a public building or an agent of the  
703 owner who has contracted with or otherwise permitted a person  
704 without a license issued under this chapter to perform in that  
705 building any activity for which a license under this chapter is  
706 required is subject to the imposition of a civil penalty, and  
707 the department may request the institution of a suit for  
708 collection of the civil penalty or for injunctive relief, or for  
709 both the civil penalty and injunctive relief, as provided by  
710 subsections (1) and (2).

711 (4) In determining the amount of a civil penalty, the  
712 court shall consider the person's history of previous  
713 violations, the seriousness of the violation, any hazard to the  
714 health and safety of the public, and the demonstrated good faith  
715 of the person charged.

716 (5) Any civil penalty recovered in a suit instituted by  
717 the attorney general under this chapter shall be deposited with  
718 the comptroller to the credit of the general revenue fund. Any  
719 civil penalty recovered in a suit instituted by a local  
720 government under this chapter shall be paid to the local





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721 government.

722 387.355 Administrative penalty.--

723 (1) If a person violates this chapter or a rule adopted or  
724 order issued under this chapter, the department may assess an  
725 administrative penalty against the person as provided by this  
726 section.

727 (2) The penalty may be in an amount not to exceed \$10,000  
728 for each violation. Each day a violation continues may be  
729 considered a separate violation for purposes of the penalty  
730 assessment.

731 (3) In determining the amount of an administrative  
732 penalty, the department shall consider the person's history of  
733 previous violations, the seriousness of the violation, any  
734 hazard to the health and safety of the public, and any other  
735 matter that justice may require.

736 (4) The administrative penalty may be assessed only after  
737 the person charged with the violation has been given the  
738 opportunity for a hearing.

739 (5) In the event of a hearing, the department shall make  
740 findings of fact and shall issue a written decision about the  
741 occurrence of the violation and the amount of the penalty that  
742 is warranted.

743 (6) The department may consolidate the hearings with other  
744 proceedings.

745 (7) If the person charged with the violation fails to  
746 exercise the opportunity for a hearing, the department may  
747 assess an administrative penalty after determining that a  
748 violation occurred and determining the amount of penalty that is  
749 warranted.

750 (8) After making the determinations under subsection (7),



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751 the department shall issue an order requiring that the penalty  
 752 be paid.

753 (9) Not later than the 30th day after the date of issuance  
 754 of an order finding that a violation has occurred, the  
 755 department shall inform the person charged with the violation of  
 756 the amount of the penalty.

757 (10) Not later than the 30th day after the date the  
 758 department's decision or order is final, the person shall:

759 (a) Pay the penalty in full; or

760 (b) If the person seeks judicial review of either the  
 761 amount of the penalty or the fact of the violation, or both:

762 1. Forward the amount to the department for placement in  
 763 an escrow account; or

764 2. In lieu of payment into escrow, post with the  
 765 department a bond, in a form approved by the department, for the  
 766 amount of the penalty that is to remain effective until all  
 767 judicial review of the order or decision is final.

768 (11) If after judicial review of the decision or order it  
 769 is determined that the violation did not occur, that the penalty  
 770 should not be assessed, or that the amount of the penalty should  
 771 be reduced, the department shall, if the penalty has been paid  
 772 to the department, remit the appropriate amount to the person  
 773 with accrued interest not later than the 30th day after the date  
 774 of the determination. The rate of the interest is the rate  
 775 charged on loans to depository institutions by the New York  
 776 Federal Reserve Bank, and the interest shall be paid for the  
 777 period beginning on the date the penalty was paid and ending on  
 778 the date the penalty is remitted. If a bond has been posted, the  
 779 department shall execute a release of the bond.

780 (12) Failure to forward the amount of the penalty to the



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781 department within the time provided by subsection (10) results  
782 in a waiver of all rights on the part of the person charged with  
783 the violation to contest the determination of a violation or the  
784 amount of the penalty.

785 (13) Judicial review of the order or decision of the  
786 department imposing a penalty under this chapter is instituted  
787 by filing a petition with a district court in Leon County.

788 (14) Administrative penalties owed under this section may  
789 be recovered in a civil action brought by the attorney general  
790 at the request of the department.

791 (15) A penalty collected under this section shall be  
792 deposited with the comptroller to the credit of the general  
793 revenue fund.

794 387.356 Criminal penalty.--

795 (1) A person who is required to be licensed under this  
796 chapter commits an offense if the person:

797 (a) Knowingly or intentionally violates this chapter or a  
798 rule adopted or order issued under this chapter and the  
799 violation results in an endangerment to the public health and  
800 safety;

801 (b) Engages in mold-related activities without a license  
802 issued in accordance with this chapter and has previously been  
803 assessed a civil or administrative penalty for engaging in mold-  
804 related activities without a license; or

805 (c) Fails to keep records as required by s. 387.253 and  
806 previously has been assessed a civil or administrative penalty  
807 for failing to keep records.

808 (2) An offense under this section is a misdemeanor  
809 punishable by:

810 (a) For the first offense, a fine not to exceed \$20,000,



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811 confinement in jail for a period of not more than 6 months, or  
812 both the fine and confinement; or

813 (b) For a second or subsequent offense, a fine not to  
814 exceed \$25,000, confinement in jail for a period of not more  
815 than 2 years, or both the fine and confinement.

816 Section 2. The Department of Health shall adopt rules  
817 implementing chapter 387, Florida Statutes, as created by this  
818 act, not later than January 1, 2004.

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