



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 mold remediation; providing a popular name; providing legislative purpose; providing the scope of the act; defining terms; providing registration requirements for mold assessment companies, mold assessment consultants, mold remediation companies, mold remediation contractors, and mold training providers; requiring training; providing application procedures; providing for fees; providing qualifications for registration; providing for rules and orders of the Construction Industry Licensing Board; prohibiting the assignment of a registration; providing for replacement certificates; prohibiting performing more than one specified activity on a given project; providing for the Department of Business and Professional Regulation to issue reprimands and to modify, suspend, or revoke a registration; providing guidelines for disciplinary action; providing for rulemaking by the board and by the department; providing an effective date.



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

Section 1. Sections 1-7 of this act shall be known by the popular name of the "Mold Remediation Registration Act."

Section 2. Legislative purpose.--The Legislature finds it necessary in the interest of the public safety and welfare, in order to prevent damage to the real and personal property of the residents of this state and to avert economic injury to the residents of this state, to regulate individuals and companies that hold themselves out to the public as qualified to perform mold-related activities.

Section 3. Scope of act.--This act applies to any individual or company that engages or offers to engage in the business or profession of performing any mold-related activity for compensation. This act does not apply to individuals or companies licensed under chapter 471 or chapter 489, Florida Statutes, when acting within the scope of their respective licenses.

Section 4. Definitions.--As used in this act, the term:

(1) "Board" means the Construction Industry Licensing Board.

(2) "Company" means any partnership, corporation, business trust, joint venture, or other legal entity.

(3) "Department" means the Department of Business and Professional Regulation.

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



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57        (5) "Mold assessment" means the performance of mold  
58 assessments or mold-related assessments, investigations, or  
59 surveys; the development of mold management plans or response  
60 actions; or the collection or analysis of mold samples.

61        (6) "Mold assessment company" means a company that  
62 performs mold assessments for compensation.

63        (7) "Mold assessment consultant" means an individual who  
64 performs mold assessments for compensation.

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

69        (9) "Mold remediation company" means a company that  
70 performs mold remediation for compensation.

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

73        (11) "Mold-related activities" means the performance of  
74 mold assessments or mold remediation or any other activities  
75 conducted to assess or remediate mold.

76        (12) "Mold training provider" means an individual or  
77 company that offers and conducts mold assessment or mold  
78 remediation training for the fulfillment of specific training  
79 requirements that are a prerequisite to registration under this  
80 act.

81        (13) "Registrant" means an individual registered to engage  
82 in a business or profession listed under this act or, if the  
83 registrant is a company, the officers, partners, or other



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84 individuals of a company registered to engage in a business or  
85 profession listed under this act.

86 Section 5. Registration required; training; types;  
87 application; fees; qualifications; rules and orders;  
88 assignability; replacement; continuing education; multiple  
89 services.--

90 (1) REGISTRATION REQUIRED.--An individual or a company  
91 must hold a registration issued by the department under this act  
92 before the individual or the company may act as or purport to  
93 be:

- 94 (a) A mold assessment company;
- 95 (b) A mold assessment consultant;
- 96 (c) A mold remediation company;
- 97 (d) A mold remediation contractor; or
- 98 (e) A mold training provider.

99 (2) TRAINING REQUIRED FOR REGISTRATION.--An individual or  
100 company may be registered to engage in a business or profession  
101 listed under this act only if the individual or, if a company,  
102 the officers or partners of the company, or other individuals  
103 employed by the company, who will perform mold-related  
104 activities for the company, complete all training required by  
105 board rule.

106 (3) TYPES OF REGISTRATION; ISSUANCE.--An individual or a  
107 company that meets the requirements for registration under this  
108 act, and any education, experience, or other requirements  
109 established by the board by rule, must be registered by the  
110 department to perform the activities that are authorized under  
111 each of the following types of registration:



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112 (a) A company that performs mold assessments for  
113 compensation must be registered as a mold assessment company.

114 (b) An individual who performs mold assessments for  
115 compensation must be registered as a mold assessment consultant.

116 (c) A company that performs mold remediation for  
117 compensation must be registered as a mold remediation company.

118 (d) An individual who performs mold remediation for  
119 compensation must be registered as a mold remediation  
120 contractor.

121 (e) A person that offers and conducts mold assessment or  
122 mold remediation training for the fulfillment of specific  
123 training requirements that are a prerequisite to registration  
124 must be registered as a mold training provider.

125 (4) APPLICATION FOR REGISTRATION.--

126 (a) An applicant for a registration issued under this act  
127 must apply to the department on the form prescribed by the  
128 department.

129 (b) The application form must be completed, signed by the  
130 applicant, and notarized and must include, if applicable:

131 1. The business name and address of the applicant.

132 2. Personal history information, business records, and  
133 other relevant facts required by the department and, for an  
134 applicant for a registration to engage in a business or  
135 profession listed in this act, evidence of proof of compliance  
136 with the insurance and incorporation requirements provided under  
137 this act.

138 (c) For each application that an applicant submits, he or  
139 she must pay a nonrefundable application fee set by the board.



140        (d) The department may, at any time after the application  
 141 is filed and before the registration expires, require the  
 142 applicant to provide additional written information and  
 143 assurances. The department may conduct any inspections or  
 144 require the production of any documentary or other evidence that  
 145 the department considers necessary to determine whether a  
 146 registration should be granted, delayed, or denied or whether an  
 147 existing registration should be modified, suspended, or revoked.

148        (5) REGISTRATION FEES; OTHER FEES.--

149        (a) The board by rule shall adopt a schedule of fees as  
 150 set forth in this section and may adopt any other fees that are  
 151 reasonable and necessary to administer this act. The department  
 152 shall collect the fees and deposit the proceeds in the General  
 153 Revenue Fund to the credit of an account that may be used only  
 154 by the department for the purposes of this act.

155        (b) Registration fees may not exceed \$600 for each of the  
 156 required registrations.

157        (6) QUALIFICATIONS FOR REGISTRATION.--To qualify for  
 158 registration under this act, an individual must:

159        (a) Be at least 18 years of age.

160        (b) Be of good moral character.

161        (c) Have successfully met the requirements for  
 162 registration established under this act.

163        (d) Meet the eligibility requirements set by:

164        1. The American Hygiene Association;

165        2. The Indoor Air Quality Association;

166        3. The American Society of Safety Engineers; or



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167        4. An equivalent educational program as determined by the  
168 board.

169        (e) If the applicant is a mold assessment company, a mold  
170 assessment consultant, or an individual performing mold  
171 assessments for a mold assessment company, demonstrate  
172 accreditation from a nationally recognized accrediting body or  
173 authority, such as the American Industrial Hygiene Association  
174 Laboratory Accreditation Program or an equivalent program  
175 recognized by the National Cooperation on Laboratory  
176 Accreditation as meeting the international standard for  
177 competence.

178        (7) RULES AND ORDERS.--The terms and conditions of a  
179 registration under this act are subject to rules adopted or  
180 orders issued by the board in accordance with this act.

181        (8) ASSIGNABILITY.--A registration issued under this act  
182 may not be assigned to another individual or company.

183        (9) REPLACEMENT CERTIFICATE.--A registrant may request a  
184 replacement registration certificate by completing and  
185 submitting an application as prescribed by the board.

186        (10) CONTINUING EDUCATION.--A registrant must annually  
187 complete at least 15 hours of continuing education courses as  
188 prescribed by the board by rule. The courses required under this  
189 section must be provided by mold training providers registered  
190 under this act. The registrant must submit proof of compliance  
191 with the continuing education requirements along with the  
192 application for renewal of registration.



193           (11) MULTIPLE SERVICES PROHIBITED.--A registrant may  
 194 perform only one of the following activities on the same  
 195 project:

- 196           (a) Mold or mold-related analysis or assessment; or
- 197           (b) Mold remediation.

198           Section 6. Reprimand; modification, suspension, or  
 199 revocation of registration.--

200           (1) After providing notice and an opportunity for hearing  
 201 to a registrant, the department shall reprimand the registrant  
 202 or modify, suspend, suspend on an emergency basis, or revoke a  
 203 registration issued under this act, if the registrant meets one  
 204 of the criteria for departmental action under subsection (3).

205           (2) If the department suspends a registration on an  
 206 emergency basis, the suspension is effective immediately. The  
 207 department shall provide an opportunity for a hearing within 20  
 208 days after the date of the emergency suspension.

209           (3) The board by rule shall adopt the criteria for  
 210 departmental action under this section. At a minimum, the  
 211 criteria must require disciplinary action against a registrant  
 212 who:

- 213           (a) Commits fraud or deception in obtaining or attempting  
 214 to obtain a registration or a contract to perform mold-related  
 215 activities;

- 216           (b) Fails at any time to meet the qualifications for a  
 217 registration;

- 218           (c) Violates a rule adopted under this act;

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





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221 (e) Fails to maintain the records required by this act or  
222 rule of the board or fails to provide such records on request by  
223 the department.

224 (4) If a registration issued under this act has been  
225 revoked, the individuals or companies named in the revocation  
226 may not reapply for a registration for at least 5 years after  
227 the date of revocation.

228 (5) The department may place on probation a company or an  
229 individual whose registration is suspended. If an individual or  
230 a company is placed on probation, the department may require the  
231 individual or company to do one or more of the following:

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

234 (b) Limit practice to the areas prescribed by the board.

235 (c) Continue or review professional education until the  
236 individual or company attains a degree of skill satisfactory to  
237 the board in those areas that are the basis of the probation.

238 Section 7. Rules.--The department shall adopt rules  
239 necessary to administer this act.

240 Section 8. This act shall take effect July 1, 2003.