

By Senator Bennett

21-1287B-03

1 A bill to be entitled
 2 An act relating to mold remediation; providing
 3 a short title; providing legislative purpose;
 4 providing the scope of the act; defining terms;
 5 providing registration requirements for mold
 6 assessment companies, mold assessment
 7 consultants, mold remediation companies, mold
 8 remediation contractors, and mold training
 9 providers; requiring training; providing
 10 application procedures; providing for fees;
 11 providing qualifications for registration;
 12 providing for rules and orders of the
 13 Construction Industry Licensing Board;
 14 prohibiting the assignment of a registration;
 15 providing for replacement certificates;
 16 prohibiting performing more than one specified
 17 activity on a given project; providing for the
 18 Department of Business and Professional
 19 Regulation to issue reprimands and to modify,
 20 suspend, or revoke a registration; providing
 21 guidelines for disciplinary action; providing
 22 for rulemaking by the board and by the
 23 department; providing an effective date.

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

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 27 Section 1. Sections 1-7 of this act may be cited as
 28 the "Mold Remediation Registration Act."

29 Section 2. Legislative purpose.--The Legislature finds
 30 it necessary in the interest of the public safety and welfare,
 31 in order to prevent damage to the real and personal property

1 of the residents of this state and to avert economic injury to
2 the residents of this state, to regulate individuals and
3 companies that hold themselves out to the public as qualified
4 to perform mold-related activities.

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

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

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

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

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

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

22 (5) "Mold assessment" means the performance of mold
23 assessments or mold-related assessments, investigations, or
24 surveys; the development of mold management plans or response
25 actions; or the collection or analysis of mold samples.

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

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

30 (8) "Mold remediation" means the removal, cleaning, or
31 other treatment of mold or mold-contaminated matter, live or

1 dead, which was not intended to be grown, or purposely grown,
2 at that location.

3 (9) "Mold remediation company" means a company that
4 performs mold remediation for compensation.

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

7 (11) "Mold-related activities" means the performance
8 of mold assessments or mold remediation or any other
9 activities conducted to assess or remediate mold.

10 (12) "Mold training provider" means an individual or
11 company that offers and conducts mold assessment or mold
12 remediation training for the fulfillment of specific training
13 requirements that are a prerequisite to registration under
14 this act.

15 (13) "Registrant" means an individual registered to
16 engage in a business or profession listed under this act or,
17 if the registrant is a company, the officers, partners, or
18 other individuals of a company registered to engage in a
19 business or profession listed under this act.

20 Section 5. Registration required; training; types;
21 application; fees; qualifications; rules and orders;
22 assignability; replacement; continuing education; multiple
23 services.--

24 (1) REGISTRATION REQUIRED.--An individual or a company
25 must hold a registration issued by the department under this
26 act before the individual or the company may act as or purport
27 to be:

28 (a) A mold assessment company;

29 (b) A mold assessment consultant;

30 (c) A mold remediation company;

31 (d) A mold remediation contractor; or

- 1 (e) A mold training provider.
- 2 (2) TRAINING REQUIRED FOR REGISTRATION.--An individual
3 or company may be registered to engage in a business or
4 profession listed under this act only if the individual or, if
5 a company, the officers or partners of the company, or other
6 individuals employed by the company, who will perform
7 mold-related activities for the company, complete all training
8 required by board rule.
- 9 (3) TYPES OF REGISTRATION; ISSUANCE.--An individual or
10 a company that meets the requirements for registration under
11 this act, and any education, experience, or other requirements
12 established by the board by rule, must be registered by the
13 department to perform the activities that are authorized under
14 each of the following types of registration:
- 15 (a) A company that performs mold assessments for
16 compensation must be registered as a mold analysis company.
- 17 (b) An individual who performs mold assessments for
18 compensation must be registered as a mold assessment
19 consultant.
- 20 (c) A company that performs mold remediation for
21 compensation must be registered as a mold remediation company.
- 22 (d) An individual who performs mold remediation for
23 compensation must be registered as a mold remediation
24 contractor.
- 25 (e) A person that offers and conducts mold assessment
26 or mold remediation training for the fulfillment of specific
27 training requirements that are a prerequisite to registration
28 must be registered as a mold training provider.
- 29 (4) APPLICATION FOR REGISTRATION.--
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1 (a) An applicant for a registration issued under this
2 act must apply to the department on the form prescribed by the
3 department.

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

6 1. The business name and address of the applicant; and

7 2. Personal history information, business records, and
8 other relevant facts required by the department and, for an
9 applicant for a registration to engage in a business or
10 profession listed in this act, evidence of proof of compliance
11 with the insurance and incorporation requirements provided
12 under this act.

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

16 (d) The department may, at any time after the
17 application is filed and before the registration expires,
18 require the applicant to provide additional written
19 information and assurances. The department may conduct any
20 inspections or require the production of any documentary or
21 other evidence that the department considers necessary to
22 determine whether a registration should be granted, delayed,
23 or denied or whether an existing registration should be
24 modified, suspended, or revoked.

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

26 (a) The board by rule shall adopt a schedule of fees
27 as set forth in this section and may adopt any other fees that
28 are reasonable and necessary to administer this act. The
29 department shall collect the fees and deposit the proceeds in
30 the General Revenue Fund to the credit of an account that may
31 be used only by the department for the purposes of this act.

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

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

5 (a) Be at least 18 years of age;

6 (b) Be of good moral character;

7 (c) Have successfully met the requirements for
8 registration established under this act;

9 (d) Meet the eligibility requirements set by:

10 1. The American Hygiene Association;

11 2. The Indoor Air Quality Association; or

12 3. An equivalent educational program as determined by
13 the board; and

14 (e) If the applicant is a mold assessment company, a
15 mold assessment consultant, or an individual performing mold
16 assessments for a mold assessment company, demonstrate
17 accreditation from a nationally recognized accrediting body or
18 authority, such as the American Industrial Hygiene Association
19 Laboratory Accreditation Program or an equivalent program
20 recognized by the National Cooperation on Laboratory
21 Accreditation as meeting the international standard for
22 competence.

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

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

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

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1 (10) CONTINUING EDUCATION.--A registrant must annually
2 complete at least 15 hours of continuing education courses as
3 prescribed by the board by rule. The courses required under
4 this section must be provided by mold training providers
5 registered under this act. The registrant must submit proof of
6 compliance with the continuing education requirements along
7 with the application for renewal of registration.

8 (11) MULTIPLE SERVICES PROHIBITED.--A registrant may
9 perform only one of the following activities on the same
10 project:

- 11 (a) Mold or mold-related analysis or assessment; or
- 12 (b) Mold remediation.

13 Section 6. Reprimand; modification, suspension, or
14 revocation of registration.--

15 (1) After providing notice and an opportunity for
16 hearing to a registrant, the department shall reprimand the
17 registrant or modify, suspend, suspend on an emergency basis,
18 or revoke a registration issued under this act, if the
19 registrant meets one of the criteria for departmental action
20 under subsection (3).

21 (2) If the department suspends a registration on an
22 emergency basis, the suspension is effective immediately. The
23 department shall provide an opportunity for a hearing within
24 20 days after the date of the emergency suspension.

25 (3) The board by rule shall adopt the criteria for
26 departmental action under this section. At a minimum, the
27 criteria must require disciplinary action against a registrant
28 who:

29 (a) Commits fraud or deception in obtaining or
30 attempting to obtain a registration or a contract to perform
31 mold-related activities;

1 (b) Fails at any time to meet the qualifications for a
2 registration;

3 (c) Violates a rule adopted under this act;

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

6 (e) Fails to maintain the records required by this act
7 or rule of the board or fails to provide such records on
8 request by the department.

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

13 (5) The department may place on probation a company or
14 an individual whose registration is suspended. If an
15 individual or a company is placed on probation, the department
16 may require the individual or company to do one or more of the
17 following:

18 (a) Report regularly to the department on matters that
19 are the basis of the probation;

20 (b) Limit practice to the areas prescribed by the
21 board; and

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

26 Section 7. Rules.--The department shall adopt rules
27 necessary to administer this act.

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

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SENATE SUMMARY

Creates the "Mold Remediation Registration Act." Provides the scope of the act. Defines terms. Provides registration requirements for mold assessment companies, mold assessment consultants, mold remediation companies, mold remediation contractors, and mold training providers. Requires training. Provides application procedures. Provides for fees. Provides qualifications for registration. Provides for rules and orders of the Construction Industry Licensing Board. Prohibits the assignment of a registration. Provides for obtaining replacement certificates. Prohibits performing more than one specified activity on a given project. Provides for the Department of Business and Professional Regulation to issue reprimands and to modify, suspend, or revoke a registration. Provides guidelines for disciplinary action. Provides for rulemaking by the board and by the department.