

By the Committee on Regulated Industries; and Senator Bennett

315-2415-03

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, chapter 482, or chapter  
10 489, Florida Statutes, when acting within the scope of their  
11 respective 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 Professional Regulation Trust Fund. Funds deposited  
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1 pursuant to this act may be used only by the department for  
2 the purposes of this act.

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

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

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

8 (b) Be of good moral character;

9 (c) Have successfully met the requirements for  
10 registration established under this act;

11 (d) Meet the eligibility requirements set by:

12 1. The American Industrial Hygiene Association;

13 2. The Indoor Air Quality Association;

14 3. The American Society of Safety Engineers; or

15 4. An equivalent educational program as determined by  
16 the board; and

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

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

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

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

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

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

14           (a) Mold or mold-related analysis or assessment; or

15           (b) Mold remediation.

16           Section 6. Reprimand; modification, suspension, or  
17 revocation of registration.--

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

24           (2) If the department suspends a registration on an  
25 emergency basis, the suspension is effective immediately. The  
26 department shall provide an opportunity for a hearing within  
27 20 days after the date of the emergency suspension.

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

1           (a) Commits fraud or deception in obtaining or  
2 attempting to obtain a registration or a contract to perform  
3 mold-related activities;

4           (b) Fails at any time to meet the qualifications for a  
5 registration;

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

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

9           (e) Fails to maintain the records required by this act  
10 or rule of the board or fails to provide such records on  
11 request by the department.

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

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

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

23           (b) Limit practice to the areas prescribed by the  
24 board; and

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

29           Section 7. Rules.--The department shall adopt rules  
30 necessary to administer this act.

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



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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
SB 2746

Adds persons licensed under ch. 482, F.S., (persons engaging in the business of pest control) to the list of engineers and contractors who are exempt from the provisions of the act when acting within the scope of their respective licenses.

Changes the deposit location for the fees collected by the department from the General Revenue Fund to the Professional Regulation Trust Fund.

Corrects the name of an association from "The American Hygiene Association" to "The American Industrial Hygiene Association."

Adds "The American Society of Safety Engineers" to the list of associations that set eligibility requirements for registrants under this act.