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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.

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

Section 1. Sections 1-7 of this act may be known by the popular name 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

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30 that hold themselves out to the public as qualified to perform
 31 mold-related activities.

32 Section 3. Scope of act.--This act applies to any
 33 individual or company that engages or offers to engage in the
 34 business or profession of performing any mold-related activity
 35 for compensation. This act does not apply to individuals or
 36 companies licensed under chapter 471, chapter 482, or chapter
 37 489, Florida Statutes, when acting within the scope of their
 38 respective licenses.

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

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

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

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

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

48 (5) "Mold assessment" means the performance of mold
 49 assessments or mold-related assessments, investigations, or
 50 surveys; the development of mold management plans or response
 51 actions; or the collection or analysis of mold samples.

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

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

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

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58 dead, which was not intended to be grown, or purposely grown, at
 59 that location.

60 (9) "Mold remediation company" means a company that
 61 performs mold remediation for compensation.

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

64 (11) "Mold-related activities" means the performance of
 65 mold assessments or mold remediation or any other activities
 66 conducted to assess or remediate mold.

67 (12) "Mold training provider" means an individual or
 68 company that offers and conducts mold assessment or mold
 69 remediation training for the fulfillment of specific training
 70 requirements that are a prerequisite to registration under this
 71 act.

72 (13) "Registrant" means an individual registered to engage
 73 in a business or profession listed under this act or, if the
 74 registrant is a company, the officers, partners, or other
 75 individuals of a company registered to engage in a business or
 76 profession listed under this act.

77 Section 5. Registration required; training; types;
 78 application; fees; qualifications; rules and orders;
 79 assignability; replacement; continuing education; multiple
 80 services.--

81 (1) REGISTRATION REQUIRED.--An individual or a company
 82 must hold a registration issued by the department under this act
 83 before the individual or the company may act as or purport to
 84 be:

85 (a) A mold assessment company;

86 (b) A mold assessment consultant;

87 (c) A mold remediation company;

88 (d) A mold remediation contractor; or

89 (e) A mold training provider.

90 (2) TRAINING REQUIRED FOR REGISTRATION.--An individual or
 91 company may be registered to engage in a business or profession
 92 listed under this act only if the individual or, if a company,
 93 the officers or partners of the company, or other individuals
 94 employed by the company, who will perform mold-related
 95 activities for the company, complete all training required by
 96 board rule.

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

103 (a) A company that performs mold assessments for
 104 compensation must be registered as a mold analysis company.

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

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

109 (d) An individual who performs mold remediation for
 110 compensation must be registered as a mold remediation
 111 contractor.

112 (e) A person that offers and conducts mold assessment or
 113 mold remediation training for the fulfillment of specific
 114 training requirements that are a prerequisite to registration
 115 must be registered as a mold training provider.

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116 (4) APPLICATION FOR REGISTRATION.--

117 (a) An applicant for a registration issued under this act
 118 must apply to the department on the form prescribed by the
 119 department.

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

- 122 1. The business name and address of the applicant.
 123 2. Personal history information, business records, and
 124 other relevant facts required by the department and, for an
 125 applicant for a registration to engage in a business or
 126 profession listed in this act, evidence of proof of compliance
 127 with the insurance and incorporation requirements provided under
 128 this act.

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

131 (d) The department may, at any time after the application
 132 is filed and before the registration expires, require the
 133 applicant to provide additional written information and
 134 assurances. The department may conduct any inspections or
 135 require the production of any documentary or other evidence that
 136 the department considers necessary to determine whether a
 137 registration should be granted, delayed, or denied or whether an
 138 existing registration should be modified, suspended, or revoked.

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

140 (a) The board by rule shall adopt a schedule of fees as
 141 set forth in this section and may adopt any other fees that are
 142 reasonable and necessary to administer this act. The department
 143 shall collect the fees and deposit the proceeds in the
 144 Professional Regulation Trust Fund. Funds deposited pursuant to

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145 this act may be used only by the department for the purposes of
 146 this act.

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

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

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

152 (b) Be of good moral character.

153 (c) Have successfully met the requirements for
 154 registration established under this act.

155 (d) Meet the eligibility requirements set by:

156 1. The American Industrial Hygiene Association;

157 2. The Indoor Air Quality Association;

158 3. The American Society of Safety Engineers; or

159 4. An equivalent educational program as determined by the
 160 board.

161 (e) If the applicant is a mold assessment company, a mold
 162 assessment consultant, or an individual performing mold
 163 assessments for a mold assessment company, demonstrate
 164 accreditation from a nationally recognized accrediting body or
 165 authority, such as the American Industrial Hygiene Association
 166 Laboratory Accreditation Program or an equivalent program
 167 recognized by the National Cooperation on Laboratory
 168 Accreditation as meeting the international standard for
 169 competence.

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

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

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

178 (10) CONTINUING EDUCATION.--A registrant must annually
 179 complete at least 15 hours of continuing education courses as
 180 prescribed by the board by rule. The courses required under this
 181 section must be provided by mold training providers registered
 182 under this act. The registrant must submit proof of compliance
 183 with the continuing education requirements along with the
 184 application for renewal of registration.

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

- 188 (a) Mold or mold-related analysis or assessment; or
- 189 (b) Mold remediation.

190 Section 6. Reprimand; modification, suspension, or
 191 revocation of registration.--

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

197 (2) If the department suspends a registration on an
 198 emergency basis, the suspension is effective immediately. The
 199 department shall provide an opportunity for a hearing within 20
 200 days after the date of the emergency suspension.

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201 (3) The board by rule shall adopt the criteria for
 202 departmental action under this section. At a minimum, the
 203 criteria must require disciplinary action against a registrant
 204 who:

205 (a) Commits fraud or deception in obtaining or attempting
 206 to obtain a registration or a contract to perform mold-related
 207 activities;

208 (b) Fails at any time to meet the qualifications for a
 209 registration;

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

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

213 (e) Fails to maintain the records required by this act or
 214 rule of the board or fails to provide such records on request by
 215 the department.

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

220 (5) The department may place on probation a company or an
 221 individual whose registration is suspended. If an individual or
 222 a company is placed on probation, the department may require the
 223 individual or company to do one or more of the following:

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

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

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

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230 Section 7. Rules.--The department shall adopt rules
231 pursuant to ss. 120.536(1) and 120.54 necessary to administer
232 this act.

233 Section 8. This act shall take effect July 1, 2004.