

HB 117

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CHAMBER ACTION

1 The Business Regulation Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to mold remediation; creating s.
7 489.1134, F.S.; providing educational requirements and
8 procedural requirements for mold remediation certification;
9 providing for discipline; requiring review of mold
10 remediation training programs; requiring a person certified
11 under this section to be present on certain job sites;
12 assigning responsibility for workforce compliance;
13 requiring compliance; providing definitions; providing an
14 effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 489.1134, Florida Statutes, is created
19 to read:

20 489.1134 Mold remediation certification.--

21 (1)(a) In addition to the certification or registration
22 required to engage in business as a contractor under this part,
23 any contractor who wishes to engage in business as a contractor

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24 | with a focus or emphasis on mold or mold remediation that is not
 25 | incidental to the scope of his or her license shall take the
 26 | courses or the number of course hours determined by the board.
 27 | Such courses or course hours may count as part of the
 28 | contractor's continuing education requirement and shall be given
 29 | by an instructional facility or teaching entity that has been
 30 | approved by the board. Upon successful completion of the course,
 31 | courses, or course hours, the instructional facility or teaching
 32 | entity that has been approved by the board shall report such
 33 | completion to the department and issue to the taker of the
 34 | course a certificate of completion, which shall be available for
 35 | inspection by any entity or person seeking to have the
 36 | contractor engage in business as a contractor with a focus or
 37 | emphasis on mold or mold remediation that is not incidental to
 38 | the license of the contractor.

39 | (b) Any other natural person who is employed by a licensed
 40 | contractor to provide work on mold or mold remediation shall, as
 41 | a prerequisite to his or her authorization to provide such
 42 | service, take a course approved by the board.

43 | (c) It is the responsibility of the contractor licensed
 44 | under this part to ensure that members of his or her workforce
 45 | who are engaging in business as a contractor with a focus or
 46 | emphasis on mold or mold remediation that is not incidental to
 47 | the scope of the contractor's license are in compliance with
 48 | this section, and such contractor is subject to discipline under
 49 | s. 489.129 for violation of this section.

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50 (d) Training programs in mold remediation shall be
51 reviewed annually by the board to ensure that programs have been
52 provided equitably across the state.

53 (e) Periodically, the board shall review training programs
54 in mold remediation for quality in content and instruction. The
55 board shall also respond to complaints regarding approved
56 programs.

57 (2)(a) A person qualified under paragraph (1)(a) must be
58 present on any job site at which a person is engaging in
59 business as a contractor with a focus or emphasis on mold or
60 mold remediation that is not incidental to the scope of his or
61 her license.

62 (b) It is the responsibility of the licensed contractor to
63 ensure compliance with paragraph (a), and such contractor is
64 subject to discipline under s. 489.129 for violation of this
65 subsection.

66 (3) No contractor shall hold himself or herself out as
67 emphasizing in mold or mold remediation unless the contractor is
68 in compliance with this section.

69 (4) The term "mold" means an organism of the class fungi
70 that causes disintegration of organic matter and produces spores
71 and includes any spores, hyphae, and mycotoxins produced by
72 mold. The term "mold remediation" means the business as a
73 contractor related to mold or mold-contaminated matter.

74 Section 2. This act shall take effect July 1, 2005.