

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

---

1 Representative(s) Zapata offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 73-369 and insert:

5 occupational safety, or a related field of science from an  
6 accredited institution, along with a minimum of 1 year of  
7 documented field experience in a field related to mold  
8 remediation, or a high school diploma, a GED, or the equivalent  
9 with a minimum of 2 years of documented field experience in a  
10 field related to mold remediation.

11 2. For a mold assessor, at least a 2-year degree in  
12 microbiology, engineering, architecture, industrial hygiene,  
13 occupational safety, or a related field of science from an  
14 accredited institution, along with a minimum of 1 year of  
15 documented field experience in conducting microbial sampling or  
16 investigations, or a high school diploma, a GED, or the

539439

4/28/2006 8:20:11 AM

Amendment No. (for drafter's use only)

17 equivalent with a minimum of 2 years of documented field  
18 experience in conducting microbial sampling or investigations.

19 (b) A certification related to performing mold assessment  
20 or mold remediation, respectively. Such certification may be  
21 issued by a not-for-profit industry association, society, or  
22 certification body or by a college or university that offers  
23 mold assessment or mold remediation training or education,  
24 respectively. Qualified certification programs shall be  
25 accredited by a nationally recognized independent accrediting  
26 entity that sets programs and standards that comply with  
27 American Society for Testing and Materials Standard E1929-98,  
28 Standard Practice for Assessment of Certification Programs for  
29 Environmental Professionals: Accreditation Criteria, or the  
30 equivalent.

31 (2) A business entity may not provide or offer to provide  
32 mold assessment or mold remediation services unless the business  
33 entity satisfies all of the requirements of this part.

34 468.833 Exemptions.--

35 (1) The following persons are not required to comply with  
36 this part with regard to any mold assessment:

37 (a) A residential property owner who performs mold  
38 assessment on his or her own property.

39 (b) A person who performs mold assessment on property  
40 owned or leased by the person, the person's employer, or an  
41 entity affiliated with the person's employer through common  
42 ownership, or on property operated or managed by the person's  
43 employer or an entity affiliated with the person's employer  
44 through common ownership. This exemption does not apply if the

539439

4/28/2006 8:20:11 AM

Amendment No. (for drafter's use only)

45 person, employer, or affiliated entity engages in the business  
46 of performing mold assessment for the public.

47 (c) An employee of a mold assessor while directly  
48 supervised by the mold assessor.

49 (d) Individuals or business organizations that are not  
50 specifically engaged in mold assessment but are acting within  
51 the scope of the respective licenses required under chapter 471,  
52 part I of chapter 481, chapter 482, or chapter 489, are acting  
53 on behalf of an insurer under part VI of chapter 626, or are  
54 individuals in the manufactured housing industry who are  
55 licensed under chapter 320.

56 (e) An authorized employee of the United States, this  
57 state, or any municipality, county, or other political  
58 subdivision, or public or private school, who meets the  
59 requirements of s. 468.832 and who is conducting mold assessment  
60 within the scope of that employment, as long as the employee  
61 does not hold out for hire or otherwise engage in mold  
62 assessment.

63 (2) The following persons are not required to comply with  
64 this part with regard to any mold remediation:

65 (a) A residential property owner who performs mold  
66 remediation on his or her own property.

67 (b) A person who performs mold remediation on property  
68 owned or leased by the person, the person's employer, or an  
69 entity affiliated with the person's employer through common  
70 ownership, or on property operated or managed by the person's  
71 employer or an entity affiliated with the person's employer  
72 through common ownership. This exemption does not apply if the

539439

4/28/2006 8:20:11 AM

Amendment No. (for drafter's use only)

73 person, employer, or affiliated entity engages in the business  
74 of performing mold remediation for the public.

75 (c) An employee of a mold remediator while directly  
76 supervised by the mold remediator.

77 (d) Individuals or business organizations that are not  
78 specifically engaged in mold remediation but that are acting  
79 within the scope of the respective licenses required under  
80 chapter 471, part I of chapter 481, chapter 482, or chapter 489,  
81 are acting on behalf of an insurer under part VI of chapter 626,  
82 or are individuals in the manufactured housing industry who are  
83 licensed under chapter 320.

84 (e) An authorized employee of the United States, this  
85 state, or any municipality, county, or other political  
86 subdivision, or public or private school, who meets the  
87 requirements of s. 468.832 and who is conducting mold  
88 remediation within the scope of that employment, as long as the  
89 employee does not hold out for hire or otherwise engage in mold  
90 remediation.

91 468.834 Prohibited acts; penalties.--

92 (1) A mold assessor, a company that employs a mold  
93 assessor, or a company that is controlled by a company that also  
94 has a financial interest in a company employing a mold assessor  
95 may not:

96 (a) Perform or offer to perform any mold assessment  
97 without complying with the requirements of this part.

98 (b) Perform or offer to perform any mold remediation to a  
99 structure on which the mold assessor or the mold assessor's  
100 company provided a mold assessment within the last 12 months.

539439

4/28/2006 8:20:11 AM

Amendment No. (for drafter's use only)

101 (c) Inspect for a fee any property in which the assessor  
102 or the assessor's company has any financial or transfer  
103 interest.

104 (d) Accept any compensation, inducement, or reward from a  
105 mold remediator or mold remediator's company for the referral of  
106 any business to the mold remediator or the mold remediator's  
107 company.

108 (e) Offer any compensation, inducement, or reward to a  
109 mold remediator or mold remediator's company for the referral of  
110 any business from the mold remediator or the mold remediator's  
111 company.

112 (f) Accept an engagement to make an omission of the  
113 assessment or conduct an assessment in which the assessment  
114 itself, or the fee payable for the assessment, is contingent  
115 upon the conclusions of the assessment.

116 (2) A mold remediator, a company that employs a mold  
117 remediator, or a company that is controlled by a company that  
118 also has a financial interest in a company employing a mold  
119 remediator may not:

120 (a) Perform or offer to perform any mold remediation  
121 without complying with the requirements of this part.

122 (b) Perform or offer to perform any mold assessment as  
123 defined in s. 468.831.

124 (c) Remediate for a fee any property in which the mold  
125 remediator or the mold remediator's company has any financial or  
126 transfer interest.

127 (d) Accept any compensation, inducement, or reward from a  
128 mold assessor or mold assessor's company for the referral of any  
129 business from the mold assessor or the mold assessor's company.

539439

4/28/2006 8:20:11 AM

Amendment No. (for drafter's use only)

130 (e) Offer any compensation, inducement, or reward to a  
131 mold assessor or mold assessor's company for the referral of any  
132 business from the mold assessor or the mold assessor's company.

133 (3) Any person who violates any provision of this section  
134 commits:

135 (a) A misdemeanor of the second degree for a first  
136 violation, punishable as provided in s. 775.082 or s. 775.083.

137 (b) A misdemeanor of the first degree for a second  
138 violation, punishable as provided in s. 775.082 or s. 775.083.

139 (c) A felony of the third degree for a third or subsequent  
140 violation, punishable as provided in s. 775.082, s. 775.083, or  
141 s. 775.084.

142 468.835 Insurance.--

143 (1) Effective January 1, 2007, a mold assessor must  
144 maintain general liability and errors and omissions insurance  
145 coverage in an amount of not less than \$250,000.

146 (2) Effective January 1, 2007, a mold remediator must  
147 maintain general liability insurance policy in an amount of not  
148 less than \$500,000 that includes specific coverage for mold  
149 related claims.

150 468.836 Contracts.--A contract to perform mold assessment  
151 or mold remediation must be in a document or electronic record,  
152 signed or otherwise authenticated by the parties. A mold  
153 assessment contract is not required to provide estimates related  
154 to the cost of repair of an assessed property. A mold assessment  
155 contract is not required to provide estimates.

156 468.837 Statute of limitations.--Chapter 95 governs the  
157 time at which an action to enforce an obligation, a duty, or a  
158 right arising under this part must be commenced.

539439

4/28/2006 8:20:11 AM

Amendment No. (for drafter's use only)

159        468.838 Grandfather clause.--The provisions of this part  
160 shall become effective upon becoming law and shall allow for a  
161 period of 2 years after enactment in which persons currently  
162 performing mold assessment or mold remediation as described  
163 under this part have to complete the requirements of this part.

164

165 ===== T I T L E   A M E N D M E N T =====

166        Remove lines 15-22 and insert:  
167        limitations; providing a grandfather clause; providing an  
168        effective

169