

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1 Representative(s) Domino and Zapata offered the following:

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

5 Remove lines 73-369 and insert:

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

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

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

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

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

35 468.833 Exemptions.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

92 468.834 Prohibited acts; penalties.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

143 468.835 Insurance.--

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

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

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

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

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

165

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

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

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