

1 A bill to be entitled
2 An act relating to regulation of building inspection
3 professionals; creating pt. XV of ch. 468, F.S., relating
4 to regulation of home inspectors; providing a purpose;
5 providing exemptions; providing definitions; authorizing
6 the Department of Business and Professional Regulation to
7 establish fees; limiting fee amounts; providing for a home
8 inspector licensure examination; providing qualifications
9 to take the licensure examination; providing requirements
10 for the department to certify and license home inspectors;
11 providing for licensure by endorsement; requiring
12 continuing education for license renewal; providing
13 criteria for continuing education; providing for
14 inactivation of licenses; requiring the department to
15 establish fees for the reactivation and renewal of
16 inactive licenses; providing for certification of
17 partnerships and corporations offering home inspection
18 services; requiring a certificate of authorization for
19 certain persons and entities practicing home inspection
20 services; providing for prohibitions and penalties;
21 providing grounds for disciplinary proceedings;
22 authorizing the department to impose specified penalties;
23 requiring home inspectors to provide a specified
24 disclosure to consumers; requiring home inspectors to
25 maintain a specified insurance policy; requiring home
26 inspectors to provide a written report to homeowners upon
27 completion of each home inspection; providing content
28 requirements for home inspection reports; authorizing

29 | certain persons to qualify for home inspection licensure
30 | notwithstanding the requirements of this part; creating
31 | pt. XVI of ch. 468, F.S., relating to regulation of mold
32 | remediators and mold assessors; providing a purpose;
33 | providing exemptions; providing definitions; authorizing
34 | the department to establish fees; limiting fee amounts;
35 | providing for a mold assessor and mold remediator
36 | licensure examination; providing qualifications to take
37 | the licensure examinations; providing requirements for the
38 | department to certify and license home inspectors;
39 | providing for licensure by endorsement; requiring
40 | continuing education for license renewal; providing
41 | criteria for continuing education; providing for
42 | inactivation of licenses; requiring the department to
43 | establish fees for the reactivation and renewal of
44 | inactive licenses; providing for certification of
45 | partnerships and corporations offering mold assessment or
46 | mold remediation services; requiring a certificate of
47 | authorization for certain persons and entities practicing
48 | home inspection services; providing for prohibitions and
49 | penalties; providing grounds for disciplinary proceedings;
50 | authorizing the department to impose specified penalties;
51 | requiring mold assessors and mold remediators to maintain
52 | specified insurance policies; providing requirements for
53 | contracts to perform mold assessment or mold remediation;
54 | authorizing certain persons to qualify for mold assessment
55 | and mold remediation licensure notwithstanding the
56 | requirements of this part; providing an effective date.

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

Section 1. Part XV of chapter 468, Florida Statutes, consisting of sections 468.83, 468.831, 468.8311, 468.8312, 468.8313, 468.8314, 468.8315, 468.8316, 468.8317, 468.8318, 468.8319, 468.832, 468.8321, 468.8322, 468.8323, and 468.8324, is created to read:

468.83 Purpose.--The Legislature recognizes that there is a need to require the licensing of home inspectors and to ensure that consumers of home inspection services can rely on the competence of home inspectors, as determined by educational and experience requirements and testing. Therefore, the Legislature deems it necessary in the interest of the public welfare to regulate home inspectors in this state.

468.831 Exemptions.--A person is not required to comply with this part when acting within his or her authorized scope of practice, except when such person holds himself or herself out for hire to the public as a "certified home inspector," "registered home inspector," "licensed home inspector," "home inspector," "professional home inspector," or any combination thereof stating or implying licensure under this part if he or she is one or more of the following:

- (1) A contractor licensed under chapter 489.
- (2) An architect licensed under chapter 481.
- (3) An engineer licensed under chapter 471.
- (4) A building code administrator, plans examiner, or building code inspector licensed under part XII of chapter 468.

85 (5) A certified real estate appraiser, licensed real
 86 estate appraiser, or registered real estate appraiser licensed
 87 under part II of chapter 475.

88 (6) A home inspector whose report is being provided to,
 89 and is solely for the benefit of, the Federal Housing
 90 Administration or the Veterans Administration.

91 (7) A home inspector conducting inspections for wood-
 92 destroying organisms on behalf of a licensee under chapter 482.

93 (8) A home inspector conducting inspections for quality
 94 control and on behalf of a general contractor licensed under
 95 chapter 489.

96 (9) A firesafety inspector certified under s. 633.081.

97 (10) An insurance adjuster licensed under part VI of
 98 chapter 626.

99 (11) An officer appointed by the court.

100 (12) A person performing safety inspections of utility
 101 equipment in or on a home or building or other duties conducted
 102 by or for a utility under chapter 366 or rules adopted by the
 103 Public Service Commission.

104 (13) A certified energy auditor performing an energy audit
 105 of any home or building or other duties conducted by or for a
 106 utility under chapter 366 or rules adopted by the Public Service
 107 Commission.

108 468.8311 Definitions.--As used in this part, the term:

109 (1) "Department" means the Department of Business and
 110 Professional Regulation.

111 (2) "Home" means any residential real property, or
 112 manufactured or modular home, which is a single-family dwelling,

113 duplex, triplex, quadruplex, condominium unit, or cooperative
114 unit. The term does not include the common areas of condominiums
115 or cooperatives.

116 (3) "Home inspector" means any person who provides or
117 offers to provide home inspection services for a fee or other
118 compensation.

119 (4) "Home inspection services" means a limited visual
120 examination of one or more of the following readily accessible
121 installed systems and components of a home: the structure,
122 electrical system, HVAC system, roof covering, plumbing system,
123 interior components, exterior components, and site conditions
124 that affect the structure, for the purposes of providing a
125 written professional opinion of the condition of the home.

126 468.8312 Fees.--

127 (1) The department, by rule, may establish fees to be paid
128 for applications, examination, reexamination, licensing and
129 renewal, inactive status application and reactivation of
130 inactive licenses, recordkeeping, and applications for providers
131 of continuing education. The department may also establish by
132 rule a delinquency fee. Fees shall be based on department
133 estimates of the revenue required to implement the provisions of
134 this part. All fees shall be remitted with the appropriate
135 application, examination, or license.

136 (2) The initial application and examination fee shall not
137 exceed \$125 plus the actual per applicant cost to the department
138 to purchase an examination, if the department chooses to
139 purchase the examination. The examination fee shall be in an
140 amount that covers the cost of obtaining and administering the

141 examination and shall be refunded if the applicant is found
 142 ineligible to sit for the examination. The application fee shall
 143 be nonrefundable.

144 (3) The initial license fee shall not exceed \$200.

145 (4) The fee for a certificate of authorization shall not
 146 exceed \$125.

147 (5) The biennial renewal fee shall not exceed \$200.

148 (6) The fee for licensure by endorsement shall not exceed
 149 \$200.

150 (7) The fee for application for inactive status or for
 151 reactivation of an inactive license shall not exceed \$200.

152 (8) The fee for applications from providers of continuing
 153 education may not exceed \$500.

154 468.8313 Examinations.--

155 (1) A person desiring to be licensed as a home inspector
 156 shall apply to the department to take a licensure examination.

157 (2) An applicant shall be entitled to take the licensure
 158 examination for the purpose of determining whether he or she is
 159 qualified to practice in this state as a home inspector if the
 160 applicant is of good moral character and has satisfied the
 161 following requirements:

162 (a) Has received a high school diploma or its equivalent.

163 (b) Has completed a course of study of no less than 120
 164 hours that covers all of the following components of a home:
 165 structure, electrical system, HVAC system, roof covering,
 166 plumbing system, interior components, exterior components, and
 167 site conditions that affect the structure.

168 (3) The department shall review and approve courses of

169 study in home inspection.

170 (4) The department may review and approve examinations by
 171 a nationally recognized entity that offers programs or sets
 172 standards that ensure competence as a home inspector.

173 (5) (a) "Good moral character" means a personal history of
 174 honesty, fairness, and respect for the rights of others and for
 175 the laws of this state and nation.

176 (b) The department may refuse to certify an applicant for
 177 failure to satisfy this requirement only if:

178 1. There is a substantial connection between the lack of
 179 good moral character of the applicant and the professional
 180 responsibilities of a licensed home inspector; and

181 2. The finding by the department of lack of good moral
 182 character is supported by clear and convincing evidence.

183 (c) When an applicant is found to be unqualified for a
 184 license because of lack of good moral character, the department
 185 shall furnish the applicant a statement containing the findings
 186 of the department, a complete record of the evidence upon which
 187 the determination was based, and a notice of the rights of the
 188 applicant to a rehearing and appeal.

189 (6) The department may adopt rules pursuant to ss.
 190 120.536(1) and 120.54 to implement the provisions of this
 191 section.

192 468.8314 Licensure.--

193 (1) The department shall license any applicant who the
 194 department certifies is qualified to practice home inspection
 195 services.

196 (2) The department shall certify for licensure any

197 applicant who satisfies the requirements of s. 468.8313 and who
 198 has passed the licensing examination. The department may refuse
 199 to certify any applicant who has violated any of the provisions
 200 of s. 468.832.

201 (3) The department shall certify as qualified for a
 202 license by endorsement an applicant who is of good moral
 203 character as determined in s. 468.8313; holds a valid license to
 204 practice home inspection services in another state or territory
 205 of the United States, whose educational requirements are
 206 substantially equivalent to those required by this part; and has
 207 passed a national, regional, state, or territorial licensing
 208 examination that is substantially equivalent to the examination
 209 required by this part.

210 (4) The department shall not issue a license by
 211 endorsement to any applicant who is under investigation in
 212 another state for any act that would constitute a violation of
 213 this part or chapter 455 until such time as the investigation is
 214 complete and disciplinary proceedings have been terminated.

215 468.8315 Renewal of license.--

216 (1) The department shall renew a license upon receipt of
 217 the renewal application and upon certification by the department
 218 that the licensee has satisfactorily completed the continuing
 219 education requirements of s. 468.8316.

220 (2) The department shall adopt rules establishing a
 221 procedure for the biennial renewal of licenses.

222 468.8316 Continuing education.--

223 (1) The department may not renew a license until the
 224 licensee submits proof satisfactory to the department that

225 during the 2 years prior to his or her application for renewal
 226 the licensee has completed at least 14 hours of continuing
 227 education. Criteria and course content shall be approved by the
 228 department by rule.

229 (2) The department may prescribe by rule additional
 230 continuing professional education hours, not to exceed 25
 231 percent of the total hours required, for failure to complete the
 232 hours required for renewal by the end of the reestablishment
 233 period.

234 468.8317 Inactive license.--

235 (1) A licensee may request that his or her license be
 236 placed in an inactive status by making application to the
 237 department.

238 (2) A license that has become inactive may be reactivated
 239 upon application to the department. The department may prescribe
 240 by rule continuing education requirements as a condition of
 241 reactivating a license. The continuing education requirements
 242 for reactivating a license may not exceed 14 hours for each year
 243 the license was inactive.

244 (3) The department shall adopt rules relating to licenses
 245 which have become inactive and for the renewal of inactive
 246 licenses. The department shall prescribe by rule a fee not to
 247 exceed \$200 for the reactivation of an inactive license and a
 248 fee not to exceed \$200 for the renewal of an inactive license.

249 468.8318 Certification of corporations and partnerships.--

250 (1) The department shall issue a certificate of
 251 authorization to a corporation or partnership offering home
 252 inspection services to the public if the corporation or

253 partnership satisfies all of the requirements of this part.

254 (2) The practice of or the offer to practice home
255 inspection services by licensees through a corporation or
256 partnership offering home inspection services to the public, or
257 by a corporation or partnership offering such services to the
258 public through licensees under this part as agents, employees,
259 officers, or partners, is permitted subject to the provisions of
260 this part, provided that all personnel of the corporation or
261 partnership who act in its behalf as home inspectors in this
262 state are licensed as provided by this part; and further
263 provided that the corporation or partnership has been issued a
264 certificate of authorization by the department as provided in
265 this section. Nothing in this section shall be construed to
266 allow a corporation to hold a license to practice home
267 inspection services. No corporation or partnership shall be
268 relieved of responsibility for the conduct or acts of its
269 agents, employees, or officers by reason of its compliance with
270 this section, nor shall any individual practicing home
271 inspection services be relieved of responsibility for
272 professional services performed by reason of his or her
273 employment or relationship with a corporation or partnership.

274 (3) For the purposes of this section, a certificate of
275 authorization shall be required for a corporation, partnership,
276 association, or person practicing under a fictitious name and
277 offering home inspection services to the public; however, when
278 an individual is practicing home inspection services in his or
279 her own given name, he or she shall not be required to register
280 under this section.

281 (4) Each certificate of authorization shall be renewed
282 every 2 years. Each partnership and corporation certified under
283 this section shall notify the department within 1 month of any
284 change in the information contained in the application upon
285 which the certification is based.

286 (5) Disciplinary action against a corporation or
287 partnership shall be administered in the same manner and on the
288 same grounds as disciplinary action against a licensed home
289 inspector.

290 468.8319 Prohibitions; penalties.--

291 (1) A home inspector, a company that employs a home
292 inspector, or a company that is controlled by a company that
293 also has a financial interest in a company employing a home
294 inspector may not:

295 (a) Practice or offer to practice home inspection services
296 unless the person has complied with the provisions of this part;

297 (b) Use the name or title "certified home inspector,"
298 "registered home inspector," "licensed home inspector," "home
299 inspector," "professional home inspector," or any combination
300 thereof unless the person has complied with the provisions of
301 this part;

302 (c) Present as his or her own the license of another;

303 (d) Knowingly give false or forged evidence to the
304 department or an employee thereof;

305 (e) Use or attempt to use a license that has been
306 suspended or revoked;

307 (f) Perform or offer to perform, prior to closing, for any
308 additional fee, any repairs to a home on which the inspector or

309 the inspector's company has prepared a home inspection report.
 310 This paragraph does not apply to a home warranty company that is
 311 affiliated with or retains a home inspector to perform repairs
 312 pursuant to a claim made under a home warranty contract;

313 (g) Inspect for a fee any property in which the inspector
 314 or the inspector's company has any financial or transfer
 315 interest;

316 (h) Offer or deliver any compensation, inducement, or
 317 reward to any broker or agent therefor for the referral of the
 318 owner of the inspected property to the inspector or the
 319 inspection company; or

320 (i) Accept an engagement to make an omission or prepare a
 321 report in which the inspection itself, or the fee payable for
 322 the inspection, is contingent upon either the conclusions in the
 323 report, preestablished findings, or the close of escrow.

324 (2) Any person who is found to be in violation of any
 325 provision of this section commits a misdemeanor of the first
 326 degree, punishable as provided in s. 775.082 or s. 775.083.

327 468.832 Disciplinary proceedings.--

328 (1) The following acts constitute grounds for which the
 329 disciplinary actions in subsection (2) may be taken:

330 (a) Violation of any provision of this part or s.
 331 455.227(1);

332 (b) Attempting to procure a license to practice home
 333 inspection services by bribery or fraudulent misrepresentation;

334 (c) Having a license to practice home inspection services
 335 revoked, suspended, or otherwise acted against, including the
 336 denial of licensure, by the licensing authority of another

337 state, territory, or country;

338 (d) Being convicted or found guilty of, or entering a plea
339 of nolo contendere to, regardless of adjudication, a crime in
340 any jurisdiction that directly relates to the practice of home
341 inspection services or the ability to practice home inspection
342 services;

343 (e) Making or filing a report or record that the licensee
344 knows to be false, willfully failing to file a report or record
345 required by state or federal law, willfully impeding or
346 obstructing such filing, or inducing another person to impede or
347 obstruct such filing. Such reports or records shall include only
348 those that are signed in the capacity of a licensed home
349 inspector;

350 (f) Advertising goods or services in a manner that is
351 fraudulent, false, deceptive, or misleading in form or content;

352 (g) Engaging in fraud or deceit, or of negligence,
353 incompetency, or misconduct, in the practice of home inspection
354 services;

355 (h) Failing to perform any statutory or legal obligation
356 placed upon a licensed home inspector; violating any provision
357 of this chapter, a rule of the department, or a lawful order of
358 the department previously entered in a disciplinary hearing; or
359 failing to comply with a lawfully issued subpoena of the
360 department; or

361 (i) Practicing on a revoked, suspended, inactive, or
362 delinquent license.

363 (2) When the department finds any home inspector guilty of
364 any of the grounds set forth in subsection (1), it may enter an

365 order imposing one or more of the following penalties:
 366 (a) Denial of an application for licensure.
 367 (b) Revocation or suspension of a license.
 368 (c) Imposition of an administrative fine not to exceed
 369 \$5,000 for each count or separate offense.
 370 (d) Issuance of a reprimand.
 371 (e) Placement of the home inspector on probation for a
 372 period of time and subject to such conditions as the department
 373 may specify.
 374 (f) Restriction of the authorized scope of practice by the
 375 home inspector.
 376 (3) In addition to any other sanction imposed under this
 377 part, in any final order that imposes sanctions, the department
 378 may assess costs related to the investigation and prosecution of
 379 the case.
 380 468.8321 Disclosures.--Prior to contracting for or
 381 commencing a home inspection, a home inspector shall provide to
 382 the consumer a copy of his or her license to practice home
 383 inspection services in this state and a written disclosure that
 384 contains the scope and any exclusions of the home inspection.
 385 468.8322 Insurance.--A home inspector shall maintain a
 386 commercial general liability insurance policy in an amount of
 387 not less than \$300,000.
 388 468.8323 Home inspection report.--Upon completion of each
 389 home inspection for compensation, the home inspector shall
 390 provide a written report prepared for the client.
 391 (1) The home inspector shall report:
 392 (a) On those systems and components inspected that, in the

393 professional opinion of the inspector, are significantly
 394 deficient or are near the end of their service lives.

395 (b) If self-evident, a reason why the system or component
 396 reported under paragraph (a) is significantly deficient or near
 397 the end of its service life.

398 (c) Any systems and components that were present at the
 399 time of the inspection but were not inspected, and a reason they
 400 were not inspected.

401 (2) A home inspector is not required to provide estimates
 402 related to the cost of repair of an inspected property.

403 468.8324 Grandfather clause.--A person who performs home
 404 inspection services as defined in this part may qualify to be
 405 licensed by the department as a home inspector if the person
 406 meets the licensure requirements of this part by July 1, 2010.

407 Section 2. Part XVI of chapter 468, Florida Statutes,
 408 consisting of sections 468.84, 468.841, 468.8411, 468.8412,
 409 468.8413, 468.8414, 468.8415, 468.8416, 468.8417, 468.8418,
 410 468.8419, 468.842, 468.8421, 468.8422, and 468.8423, is created
 411 to read:

412 468.84 Legislative purpose.--The Legislature finds it
 413 necessary in the interest of the public safety and welfare, to
 414 prevent damage to the real and personal property, to avert
 415 economic injury to the residents of this state, and to regulate
 416 persons and companies that hold themselves out to the public as
 417 qualified to perform mold-related services.

418 468.841 Exemptions.--

419 (1) The following persons are not required to comply with
 420 any provisions of this part relating to mold assessment:

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

423 (b) A person who performs mold assessment on property
424 owned or leased by the person, the person's employer, or an
425 entity affiliated with the person's employer through common
426 ownership, or on property operated or managed by the person's
427 employer or an entity affiliated with the person's employer
428 through common ownership. This exemption does not apply if the
429 person, employer, or affiliated entity engages in the business
430 of performing mold assessment for the public.

431 (c) An employee of a mold assessor while directly
432 supervised by the mold assessor.

433 (d) Persons or business organizations acting within the
434 scope of the respective licenses required under chapter 471,
435 part I of chapter 481, chapter 482, or chapter 489, are acting
436 on behalf of an insurer under part VI of chapter 626, or are
437 persons in the manufactured housing industry who are licensed
438 under chapter 320, except when any such persons or business
439 organizations hold themselves out for hire to the public as a
440 "certified mold assessor," "registered mold assessor," "licensed
441 mold assessor," "mold assessor," "professional mold assessor,"
442 or any combination thereof stating or implying licensure under
443 this part.

444 (e) An authorized employee of the United States, this
445 state, or any municipality, county, or other political
446 subdivision, or public or private school and who is conducting
447 mold assessment within the scope of that employment, as long as
448 the employee does not hold out for hire to the general public or

449 otherwise engage in mold assessment.

450 (2) The following persons are not required to comply with
451 any provisions of this part relating to mold remediation:

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

454 (b) A person who performs mold remediation on property
455 owned or leased by the person, the person's employer, or an
456 entity affiliated with the person's employer through common
457 ownership, or on property operated or managed by the person's
458 employer or an entity affiliated with the person's employer
459 through common ownership. This exemption does not apply if the
460 person, employer, or affiliated entity engages in the business
461 of performing mold remediation for the public.

462 (c) An employee of a mold remediator while directly
463 supervised by the mold remediator.

464 (d) Persons or business organizations that are acting
465 within the scope of the respective licenses required under
466 chapter 471, part I of chapter 481, chapter 482, or chapter 489,
467 are acting on behalf of an insurer under part VI of chapter 626,
468 or are persons in the manufactured housing industry who are
469 licensed under chapter 320, except when any such persons or
470 business organizations hold themselves out for hire to the
471 public as a "certified mold remediator," "registered mold
472 remediator," "licensed mold remediator," "mold remediator,"
473 "professional mold remediator," or any combination thereof
474 stating or implying licensure under this part.

475 (e) An authorized employee of the United States, this
476 state, or any municipality, county, or other political

477 subdivision, or public or private school and who is conducting
478 mold remediation within the scope of that employment, as long as
479 the employee does not hold out for hire to the general public or
480 otherwise engage in mold remediation.

481 468.8411 Definitions.--As used in this part, the term:

482 (1) "Department" means the Department of Business and
483 Professional Regulation.

484 (2) "Mold" means an organism of the class fungi that
485 causes disintegration of organic matter and produces spores, and
486 includes any spores, hyphae, and mycotoxins produced by mold.

487 (3) "Mold assessment" means a process performed by a mold
488 assessor that includes the physical sampling and detailed
489 evaluation of data obtained from a building history and
490 inspection to formulate an initial hypothesis about the origin,
491 identity, location, and extent of amplification of mold growth
492 of greater than 10 square feet.

493 (4) "Mold assessor" means any person who performs or
494 directly supervises a mold assessment.

495 (5) "Mold remediation" means the removal, cleaning,
496 sanitizing, demolition, or other treatment, including preventive
497 activities, of mold or mold-contaminated matter of greater than
498 10 square feet that was not purposely grown at that location;
499 however, such removal, cleaning, sanitizing, demolition, or
500 other treatment, including preventive activities, may not be
501 work that requires a license under chapter 489 unless performed
502 by a person who is licensed under that chapter or the work
503 complies with that chapter.

504 (6) "Mold remediator" means any person who performs mold

505 remediation. A mold remediator may not perform any work that
506 requires a license under chapter 489 unless the mold remediator
507 is also licensed under that chapter or complies with that
508 chapter.

509 468.8412 Fees.--

510 (1) The department, by rule, may establish fees to be paid
511 for application, examination, reexamination, licensing and
512 renewal, inactive status application and reactivation of
513 inactive licenses, and application for providers of continuing
514 education. The department may also establish by rule a
515 delinquency fee. Fees shall be based on department estimates of
516 the revenue required to implement the provisions of this part.
517 All fees shall be remitted with the application, examination,
518 reexamination, licensing and renewal, inactive status
519 application and reactivation of inactive licenses, and
520 application for providers of continuing education.

521 (2) The application fee shall not exceed \$125 and is
522 nonrefundable. The examination fee shall not exceed \$125 plus
523 the actual per applicant cost to the department to purchase the
524 examination, if the department chooses to purchase the
525 examination. The examination fee shall be in an amount that
526 covers the cost of obtaining and administering the examination
527 and shall be refunded if the applicant is found ineligible to
528 sit for the examination.

529 (3) The fee for an initial license shall not exceed \$200.

530 (4) The fee for an initial certificate of authorization
531 shall not exceed \$200.

532 (5) The fee for a biennial license renewal shall not

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533 exceed \$400.

534 (6) The fee for a biennial certificate of authorization
535 renewal shall not exceed \$400.

536 (7) The fee for licensure by endorsement shall not exceed
537 \$200.

538 (8) The fee for application for inactive status shall not
539 exceed \$100.

540 (9) The fee for reactivation of an inactive license shall
541 not exceed \$200.

542 (10) The fee for applications from providers of continuing
543 education may not exceed \$500.

544 468.8413 Examinations.--

545 (1) A person desiring to be licensed as a mold assessor or
546 mold remediator shall apply to the department to take a
547 licensure examination.

548 (2) An applicant shall be entitled to take the licensure
549 examination to practice in this state as a mold assessor or mold
550 remediator if the applicant is of good moral character and has
551 satisfied one of the following requirements:

552 (a)1. For a mold remediator, at least a 2-year degree in
553 microbiology, engineering, architecture, industrial hygiene,
554 occupational safety, or a related field of science from an
555 accredited institution and a minimum of 1 year of documented
556 field experience in a field related to mold remediation; or

557 2. A high school diploma or the equivalent with a minimum
558 of 4 years of documented field experience in a field related to
559 mold remediation.

560 (b)1. For a mold assessor, at least a 2-year degree in

561 microbiology, engineering, architecture, industrial hygiene,
562 occupational safety, or a related field of science from an
563 accredited institution and a minimum of 1 year of documented
564 field experience in conducting microbial sampling or
565 investigations; or

566 2. A high school diploma or the equivalent with a minimum
567 of 4 years of documented field experience in conducting
568 microbial sampling or investigations.

569 (3) The department shall review and approve courses of
570 study in mold assessment and mold remediation.

571 (4) (a) Good moral character means a personal history of
572 honesty, fairness, and respect for the rights of others and for
573 the laws of this state and nation.

574 (b) The department may refuse to certify an applicant for
575 failure to satisfy this requirement only if:

576 1. There is a substantial connection between the lack of
577 good moral character of the applicant and the professional
578 responsibilities of a licensed mold assessor or mold remediator;
579 and

580 2. The finding by the department of lack of good moral
581 character is supported by clear and convincing evidence.

582 (c) When an applicant is found to be unqualified for a
583 license because of a lack of good moral character, the
584 department shall furnish the applicant a statement containing
585 the findings of the department, a complete record of the
586 evidence upon which the determination was based, and a notice of
587 the rights of the applicant to a rehearing and appeal.

588 (5) The department may adopt rules pursuant to ss.

589 120.536(1) and 120.54 to implement the provisions of this
 590 section.

591 468.8414 Licensure.--

592 (1) The department shall license any applicant who the
 593 department certifies is qualified to practice mold assessment or
 594 mold remediation.

595 (2) The department shall certify for licensure any
 596 applicant who satisfies the requirements of s. 468.8413, who has
 597 passed the licensing examination, and who has documented
 598 training in water, mold, and respiratory protection. The
 599 department may refuse to certify any applicant who has violated
 600 any of the provisions of this part.

601 (3) The department shall certify as qualified for a
 602 license by endorsement an applicant who is of good moral
 603 character and:

604 (a) Is qualified to take the examination as set forth in
 605 s. 468.8413 and has passed a certification examination offered
 606 by a nationally recognized organization that certifies persons
 607 in the specialty of mold assessment or mold remediation that has
 608 been approved by the department as substantially equivalent to
 609 the requirements of this part and s. 455.217; or

610 (b) Holds a valid license to practice mold assessment or
 611 mold remediation issued by another state or territory of the
 612 United States if the criteria for issuance of the license were
 613 substantially the same as the licensure criteria that is
 614 established by this part as determined by the department.

615 (4) The department shall not issue a license by
 616 endorsement to any applicant who is under investigation in

617 another state for any act that would constitute a violation of
 618 this part or chapter 455 until such time as the investigation is
 619 complete and disciplinary proceedings have been terminated.

620 468.8415 Renewal of license.--

621 (1) The department shall renew a license upon receipt of
 622 the renewal application and fee and upon certification by the
 623 department that the licensee has satisfactorily completed the
 624 continuing education requirements of s. 468.8416.

625 (2) The department shall adopt rules establishing a
 626 procedure for the biennial renewal of licenses.

627 468.8416 Continuing education.--

628 (1) The department may not renew a license until the
 629 licensee submits proof satisfactory to it that during the 2
 630 years prior to his or her application for renewal the licensee
 631 has completed at least 14 hours of continuing education.
 632 Criteria and course content shall be approved by the department
 633 by rule.

634 (2) The department may prescribe by rule additional
 635 continuing professional education hours, not to exceed 25
 636 percent of the total hours required, for failure to complete the
 637 hours required for renewal by the end of the renewal period.

638 468.8417 Inactive license.--

639 (1) A licensee may request that his or her license be
 640 placed in an inactive status by making application to the
 641 department.

642 (2) A license that has become inactive may be reactivated
 643 upon application to the department. The department may prescribe
 644 by rule continuing education requirements as a condition of

645 reactivating a license. The continuing education requirements
 646 for reactivating a license may not exceed 14 hours for each year
 647 the license was inactive.

648 (3) The department shall adopt rules relating to licenses
 649 that have become inactive and for the renewal of inactive
 650 licenses. The department shall prescribe by rule a fee not to
 651 exceed \$200 for the reactivation of an inactive license and a
 652 fee not to exceed \$200 for the renewal of an inactive license.

653 468.8418 Certification of partnerships and corporations.--

654 (1) The department shall issue a certificate of
 655 authorization to a corporation or partnership offering mold
 656 assessment or mold remediation services to the public if the
 657 corporation or partnership satisfies all of the requirements of
 658 this part.

659 (2) The practice of or the offer to practice mold
 660 assessment or mold remediation by licensees through a
 661 corporation or partnership offering mold assessment or mold
 662 remediation to the public, or by a corporation or partnership
 663 offering such services to the public through licensees under
 664 this part as agents, employees, officers, or partners, is
 665 permitted subject to the provisions of this part, provided that
 666 the corporation or partnership has been issued a certificate of
 667 authorization by the department as provided in this section.
 668 Nothing in this section shall be construed to allow a
 669 corporation to hold a license to practice mold assessment or
 670 mold remediation. No corporation or partnership shall be
 671 relieved of responsibility for the conduct or acts of its
 672 agents, employees, or officers by reason of its compliance with

673 this section, nor shall any individual practicing mold
674 assessment or mold remediation be relieved of responsibility for
675 professional services performed by reason of his or her
676 employment or relationship with a corporation or partnership.

677 (3) For the purposes of this section, a certificate of
678 authorization shall be required for a corporation, partnership,
679 association, or person practicing under a fictitious name,
680 offering mold assessment or mold remediation; however, when an
681 individual is practicing mold assessment or mold remediation
682 under his or her own given name, he or she shall not be required
683 to register under this section.

684 (4) Each certificate of authorization shall be renewed
685 every 2 years. Each partnership and corporation certified under
686 this section shall notify the department within 1 month of any
687 change in the information contained in the application upon
688 which the certification is based.

689 (5) Disciplinary action against a corporation or
690 partnership shall be administered in the same manner and on the
691 same grounds as disciplinary action against a licensed mold
692 assessor or mold remediator.

693 468.8419 Prohibitions; penalties.--

694 (1) A mold assessor, a company that employs a mold
695 assessor, or a company that is controlled by a company that also
696 has a financial interest in a company employing a mold assessor
697 may not:

698 (a) Perform or offer to perform any mold assessment unless
699 the mold assessor has documented training in water, mold, and
700 respiratory protection under s. 468.8414(2).

701 (b) Perform or offer to perform any mold assessment unless
 702 the person has complied with the provisions of this part.

703 (c) Use the name or title "certified mold assessor,"
 704 "registered mold assessor," "licensed mold assessor," "mold
 705 assessor," "professional mold assessor," or any combination
 706 thereof unless the person has complied with the provisions this
 707 part;

708 (d) Perform or offer to perform any mold remediation to a
 709 structure on which the mold assessor or the mold assessor's
 710 company provided a mold assessment within the last 12 months.

711 (e) Inspect for a fee any property in which the assessor
 712 or the assessor's company has any financial or transfer
 713 interest.

714 (f) Accept any compensation, inducement, or reward from a
 715 mold remediator or mold remediator's company for the referral of
 716 any business to the mold remediator or the mold remediator's
 717 company.

718 (g) Offer any compensation, inducement, or reward to a
 719 mold remediator or mold remediator's company for the referral of
 720 any business from the mold remediator or the mold remediator's
 721 company.

722 (h) Accept an engagement to make an omission of the
 723 assessment or conduct an assessment in which the assessment
 724 itself, or the fee payable for the assessment, is contingent
 725 upon the conclusions of the assessment.

726 (2) A mold remediator, a company that employs a mold
 727 remediator, or a company that is controlled by a company that
 728 also has a financial interest in a company employing a mold

729 remediator may not:

730 (a) Perform or offer to perform any mold remediation
731 unless the remediator has documented training in water, mold,
732 and respiratory protection under s. 468.8414(2).

733 (b) Perform or offer to perform any mold remediation
734 unless the person has complied with the provisions of this part.

735 (c) Use the name or title "certified mold remediator,"
736 "registered mold remediator," "licensed mold remediator," "mold
737 remediator," "professional mold remediator," or any combination
738 thereof unless the person has complied with the provisions of
739 this part;

740 (d) Perform or offer to perform any mold assessment to a
741 structure on which the mold remediator or the mold remediator's
742 company provided a mold remediation within the last 12 months.

743 (e) Remediate for a fee any property in which the mold
744 remediator or the mold remediator's company has any financial or
745 transfer interest.

746 (f) Accept any compensation, inducement, or reward from a
747 mold assessor or mold assessor's company for the referral of any
748 business from the mold assessor or the mold assessor's company.

749 (g) Offer any compensation, inducement, or reward to a
750 mold assessor or mold assessor's company for the referral of any
751 business from the mold assessor or the mold assessor's company.

752 (3) Any person who violates any provision of this section
753 commits:

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

756 (b) A misdemeanor of the first degree for a second

757 violation, punishable as provided in s. 775.082 or s. 775.083.

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

761 468.842 Disciplinary proceedings.--

762 (1) The following acts constitute grounds for which the
763 disciplinary actions in subsection (2) may be taken:

764 (a) Violation of any provision of this part or s.
765 455.227(1);

766 (b) Attempting to procure a license to practice mold
767 assessment or mold remediation by bribery or fraudulent
768 misrepresentations;

769 (c) Having a license to practice mold assessment or mold
770 remediation revoked, suspended, or otherwise acted against,
771 including the denial of licensure, by the licensing authority of
772 another state, territory, or country;

773 (d) Being convicted or found guilty of, or entering a plea
774 of nolo contendere to, regardless of adjudication, a crime in
775 any jurisdiction that directly relates to the practice of mold
776 assessment or mold remediation or the ability to practice mold
777 assessment or mold remediation;

778 (e) Making or filing a report or record that the licensee
779 knows to be false, willfully failing to file a report or record
780 required by state or federal law, willfully impeding or
781 obstructing such filing, or inducing another person to impede or
782 obstruct such filing. Such reports or records shall include only
783 those that are signed in the capacity of a registered mold
784 assessor or mold remediator;

785 (f) Advertising goods or services in a manner that is
 786 fraudulent, false, deceptive, or misleading in form or content;

787 (g) Engaging in fraud or deceit, or of negligence,
 788 incompetency, or misconduct, in the practice of mold assessment
 789 or mold remediation;

790 (h) Failing to perform any statutory or legal obligation
 791 placed upon a licensed mold assessor or mold remediator;
 792 violating any provision of this chapter, a rule of the
 793 department, or a lawful order of the department previously
 794 entered in a disciplinary hearing; or failing to comply with a
 795 lawfully issued subpoena of the department; or

796 (i) Practicing on a revoked, suspended, inactive, or
 797 delinquent license.

798 (2) When the department finds any mold assessor or mold
 799 remediator guilty of any of the grounds set forth in subsection
 800 (1), it may enter an order imposing one or more of the following
 801 penalties:

802 (a) Denial of an application for licensure.

803 (b) Revocation or suspension of a license.

804 (c) Imposition of an administrative fine not to exceed
 805 \$5,000 for each count or separate offense.

806 (d) Issuance of a reprimand.

807 (e) Placement of the mold assessor or mold remediator on
 808 probation for a period of time and subject to such conditions as
 809 the department may specify.

810 (f) Restriction of the authorized scope of practice by the
 811 mold assessor or mold remediator.

812 (3) In addition to any other sanction imposed under this

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813 part, in any final order that imposes sanctions, the department
814 may assess costs related to the investigation and prosecution of
815 the case.

816 468.8421 Insurance.--

817 (1) A mold assessor shall maintain general liability and
818 errors and omissions insurance coverage in an amount of not less
819 than \$1,000,000.

820 (2) A mold remediator shall maintain general liability
821 insurance policy in an amount of not less than \$1,000,000 that
822 includes specific coverage for mold related claims.

823 468.8422 Contracts.--A contract to perform mold assessment
824 or mold remediation shall be in a document or electronic record,
825 signed or otherwise authenticated by the parties. A mold
826 assessment contract is not required to provide estimates related
827 to the cost of repair of an assessed property. A mold assessment
828 contract is not required to provide estimates.

829 468.8423 Grandfather clause.--A person who performs mold
830 assessment or mold remediation as defined in this part may
831 qualify to be licensed by the department as a mold assessor or
832 mold remediator if the person meets the licensure requirements
833 of this part by July 1, 2010.

834 Section 3. This act shall take effect July 1, 2010.