



1 provide a written report to homeowners upon  
2 completion of each home inspection; providing  
3 content requirements for home inspection  
4 reports; authorizing certain persons to qualify  
5 for home inspection licensure notwithstanding  
6 the requirements of this part; creating pt. XVI  
7 of ch. 468, F.S., relating to regulation of  
8 mold remediators and mold assessors; providing  
9 a purpose; providing exemptions; providing  
10 definitions; authorizing the department to  
11 establish fees; limiting fee amounts; providing  
12 for a mold assessor and mold mediator  
13 licensure examination; providing qualifications  
14 to take the licensure examinations; providing  
15 requirements for the department to certify and  
16 license home inspectors; providing for  
17 licensure by endorsement; requiring continuing  
18 education for license renewal; providing  
19 criteria for continuing education; providing  
20 for inactivation of licenses; requiring the  
21 department to establish fees for the  
22 reactivation and renewal of inactive licenses;  
23 providing for certification of partnerships and  
24 corporations offering mold assessment or mold  
25 remediation services; requiring a certificate  
26 of authorization for certain persons and  
27 entities practicing home inspection services;  
28 providing for prohibitions and penalties;  
29 providing grounds for disciplinary proceedings;  
30 authorizing the department to impose specified  
31 penalties; requiring mold assessors and mold

1 remediators to maintain specified insurance  
2 policies; providing requirements for contracts  
3 to perform mold assessment or mold remediation;  
4 authorizing certain persons to qualify for mold  
5 assessment and mold remediation licensure  
6 notwithstanding the requirements of this part;  
7 authorizing additional positions and providing  
8 appropriations; providing an effective date.  
9

10 Be It Enacted by the Legislature of the State of Florida:  
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12 Section 1. Part XV of chapter 468, Florida Statutes,  
13 consisting of sections 468.83, 468.831, 468.8311, 468.8312,  
14 468.8313, 468.8314, 468.8315, 468.8316, 468.8317, 468.8318,  
15 468.8319, 468.832, 468.8321, 468.8322, 468.8323, and 468.8324,  
16 is created to read:

17 468.83 Purpose.--The Legislature recognizes that there  
18 is a need to require the licensing of home inspectors and to  
19 ensure that consumers of home inspection services can rely on  
20 the competence of home inspectors, as determined by  
21 educational and experience requirements and testing.  
22 Therefore, the Legislature deems it necessary in the interest  
23 of the public welfare to regulate home inspectors in this  
24 state.

25 468.831 Exemptions.--The following persons are not  
26 required to comply with any provision of this part:

27 (1) An authorized government employee of the United  
28 states, this state, or any municipality, county, or other  
29 political subdivision who is conducting home inspection  
30 services within the scope of that employment, as long as the  
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1 employee does not hold out for hire to the general public or  
2 otherwise engage in home inspection services.

3 (2) A person acting within his or her authorized scope  
4 of practice as licensed under federal, state, or local codes  
5 or statutes, except when such person holds himself or herself  
6 out for hire to the public as a "certified home inspector,"  
7 "registered home inspector," "licensed home inspector," "home  
8 inspector," "professional home inspector," or any combination  
9 thereof stating or implying licensure under this part.

10 (3) An officer appointed by the court.

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

15 (5) A certified energy auditor performing an energy  
16 audit of any home or building or other duties conducted by or  
17 for a utility under chapter 366 or rules adopted by the Public  
18 Service Commission.

19 468.8311 Definitions.--As used in this part, the term:

20 (1) "Department" means the Department of Business and  
21 Professional Regulation.

22 (2) "Home" means any residential real property, or  
23 manufactured or modular home, which is a single-family  
24 dwelling, duplex, triplex, quadruplex, condominium unit, or  
25 cooperative unit. The term does not include the common areas  
26 of condominiums or cooperatives.

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

30 (4) "Home inspection services" means a limited visual  
31 examination of one or more of the following readily accessible

1 installed systems and components of a home: the structure,  
2 electrical system, HVAC system, roof covering, plumbing  
3 system, interior components, exterior components, and site  
4 conditions that affect the structure, for the purposes of  
5 providing a written professional opinion of the condition of  
6 the home.

7 468.8312 Fees.--

8 (1) The department, by rule, may establish fees to be  
9 paid for applications, examination, reexamination, licensing  
10 and renewal, inactive status application and reactivation of  
11 inactive licenses, recordkeeping, and applications for  
12 providers of continuing education. The department may also  
13 establish by rule a delinquency fee. Fees shall be based on  
14 department estimates of the revenue required to implement the  
15 provisions of this part. All fees shall be remitted with the  
16 appropriate application, examination, or license.

17 (2) The initial application and examination fee shall  
18 not exceed \$125 plus the actual per applicant cost to the  
19 department to purchase an examination, if the department  
20 chooses to purchase the examination. The examination fee shall  
21 be in an amount that covers the cost of obtaining and  
22 administering the examination and shall be refunded if the  
23 applicant is found ineligible to sit for the examination. The  
24 application fee shall be nonrefundable.

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

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

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

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

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

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

5           468.8313 Examinations.--

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

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

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

16           (b) Has completed a course of study of no less than  
17 120 hours that covers all of the following components of a  
18 home: structure, electrical system, HVAC system, roof  
19 covering, plumbing system, interior components, exterior  
20 components, and site conditions that affect the structure.

21           (3) The department shall review and approve courses of  
22 study in home inspection.

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

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

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

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

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

6           (c) When an applicant is found to be unqualified for a  
7 license because of lack of good moral character, the  
8 department shall furnish the applicant a statement containing  
9 the findings of the department, a complete record of the  
10 evidence upon which the determination was based, and a notice  
11 of the rights of the applicant to a rehearing and appeal.

12           (6) The department may adopt rules pursuant to ss.  
13 120.536(1) and 120.54 to implement the provisions of this  
14 section.

15           468.8314 Licensure.--

16           (1) The department shall license any applicant who the  
17 department certifies is qualified to practice home inspection  
18 services.

19           (2) The department shall certify for licensure any  
20 applicant who satisfies the requirements of s. 468.8313 and  
21 who has passed the licensing examination. The department may  
22 refuse to certify any applicant who has violated any of the  
23 provisions of s. 468.832.

24           (3) The department shall certify as qualified for a  
25 license by endorsement an applicant who is of good moral  
26 character as determined in s. 468.8313; holds a valid license  
27 to practice home inspection services in another state or  
28 territory of the United States, whose educational requirements  
29 are substantially equivalent to those required by this part;  
30 and has passed a national, regional, state, or territorial  
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1 licensing examination that is substantially equivalent to the  
2 examination required by this part.

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

8 468.8315 Renewal of license.--

9 (1) The department shall renew a license upon receipt  
10 of the renewal application and upon certification by the  
11 department that the licensee has satisfactorily completed the  
12 continuing education requirements of s. 468.8316.

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

15 468.8316 Continuing education.--

16 (1) The department may not renew a license until the  
17 licensee submits proof satisfactory to the department that  
18 during the 2 years prior to his or her application for renewal  
19 the licensee has completed at least 14 hours of continuing  
20 education. Criteria and course content shall be approved by  
21 the department by rule.

22 (2) The department may prescribe by rule additional  
23 continuing professional education hours, not to exceed 25  
24 percent of the total hours required, for failure to complete  
25 the hours required for renewal by the end of the  
26 reestablishment period.

27 468.8317 Inactive license.--

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

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1           (2) A license that has become inactive may be  
2 reactivated upon application to the department. The department  
3 may prescribe by rule continuing education requirements as a  
4 condition of reactivating a license. The continuing education  
5 requirements for reactivating a license may not exceed 14  
6 hours for each year the license was inactive.

7           (3) The department shall adopt rules relating to  
8 licenses which have become inactive and for the renewal of  
9 inactive licenses. The department shall prescribe by rule a  
10 fee not to exceed \$200 for the reactivation of an inactive  
11 license and a fee not to exceed \$200 for the renewal of an  
12 inactive license.

13           468.8318 Certification of corporations and  
14 partnerships.--

15           (1) The department shall issue a certificate of  
16 authorization to a corporation or partnership offering home  
17 inspection services to the public if the corporation or  
18 partnership satisfies all of the requirements of this part.

19           (2) The practice of or the offer to practice home  
20 inspection services by licensees through a corporation or  
21 partnership offering home inspection services to the public,  
22 or by a corporation or partnership offering such services to  
23 the public through licensees under this part as agents,  
24 employees, officers, or partners, is permitted subject to the  
25 provisions of this part, provided that all personnel of the  
26 corporation or partnership who act in its behalf as home  
27 inspectors in this state are licensed as provided by this  
28 part; and further provided that the corporation or partnership  
29 has been issued a certificate of authorization by the  
30 department as provided in this section. Nothing in this  
31 section shall be construed to allow a corporation to hold a

1 license to practice home inspection services. No corporation  
2 or partnership shall be relieved of responsibility for the  
3 conduct or acts of its agents, employees, or officers by  
4 reason of its compliance with this section, nor shall any  
5 individual practicing home inspection services be relieved of  
6 responsibility for professional services performed by reason  
7 of his or her employment or relationship with a corporation or  
8 partnership.

9 (3) For the purposes of this section, a certificate of  
10 authorization shall be required for a corporation,  
11 partnership, association, or person practicing under a  
12 fictitious name and offering home inspection services to the  
13 public; however, when an individual is practicing home  
14 inspection services in his or her own given name, he or she  
15 shall not be required to register under this section.

16 (4) Each certificate of authorization shall be renewed  
17 every 2 years. Each partnership and corporation certified  
18 under this section shall notify the department within 1 month  
19 of any change in the information contained in the application  
20 upon which the certification is based.

21 (5) Disciplinary action against a corporation or  
22 partnership shall be administered in the same manner and on  
23 the same grounds as disciplinary action against a licensed  
24 home inspector.

25 468.8319 Prohibitions; penalties.--

26 (1) A home inspector, a company that employs a home  
27 inspector, or a company that is controlled by a company that  
28 also has a financial interest in a company employing a home  
29 inspector may not:

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- 1           (a) Practice or offer to practice home inspection  
2 services unless the person has complied with the provisions of  
3 this part;
- 4           (b) Use the name or title "certified home inspector,"  
5 "registered home inspector," "licensed home inspector," "home  
6 inspector," "professional home inspector," or any combination  
7 thereof unless the person has complied with the provisions of  
8 this part;
- 9           (c) Present as his or her own the license of another;
- 10           (d) Knowingly give false or forged evidence to the  
11 department or an employee thereof;
- 12           (e) Use or attempt to use a license that has been  
13 suspended or revoked;
- 14           (f) Perform or offer to perform, prior to closing, for  
15 any additional fee, any repairs to a home on which the  
16 inspector or the inspector's company has prepared a home  
17 inspection report. This paragraph does not apply to a home  
18 warranty company that is affiliated with or retains a home  
19 inspector to perform repairs pursuant to a claim made under a  
20 home warranty contract;
- 21           (g) Inspect for a fee any property in which the  
22 inspector or the inspector's company has any financial or  
23 transfer interest;
- 24           (h) Offer or deliver any compensation, inducement, or  
25 reward to any broker or agent therefor for the referral of the  
26 owner of the inspected property to the inspector or the  
27 inspection company; or
- 28           (i) Accept an engagement to make an omission or  
29 prepare a report in which the inspection itself, or the fee  
30 payable for the inspection, is contingent upon either the  
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1 conclusions in the report, preestablished findings, or the  
2 close of escrow.

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

6 468.832 Disciplinary proceedings.--

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

9 (a) Violation of any provision of this part or s.  
10 455.227(1);

11 (b) Attempting to procure a license to practice home  
12 inspection services by bribery or fraudulent  
13 misrepresentation;

14 (c) Having a license to practice home inspection  
15 services revoked, suspended, or otherwise acted against,  
16 including the denial of licensure, by the licensing authority  
17 of another state, territory, or country;

18 (d) Being convicted or found guilty of, or entering a  
19 plea of nolo contendere to, regardless of adjudication, a  
20 crime in any jurisdiction that directly relates to the  
21 practice of home inspection services or the ability to  
22 practice home inspection services;

23 (e) Making or filing a report or record that the  
24 licensee knows to be false, willfully failing to file a report  
25 or record required by state or federal law, willfully impeding  
26 or obstructing such filing, or inducing another person to  
27 impede or obstruct such filing. Such reports or records shall  
28 include only those that are signed in the capacity of a  
29 licensed home inspector;

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

4       (g) Engaging in fraud or deceit, or of negligence,  
5 incompetency, or misconduct, in the practice of home  
6 inspection services;

7       (h) Failing to perform any statutory or legal  
8 obligation placed upon a licensed home inspector; violating  
9 any provision of this chapter, a rule of the department, or a  
10 lawful order of the department previously entered in a  
11 disciplinary hearing; or failing to comply with a lawfully  
12 issued subpoena of the department; or

13       (i) Practicing on a revoked, suspended, inactive, or  
14 delinquent license.

15       (2) When the department finds any home inspector  
16 guilty of any of the grounds set forth in subsection (1), it  
17 may enter an order imposing one or more of the following  
18 penalties:

19           (a) Denial of an application for licensure.

20           (b) Revocation or suspension of a license.

21           (c) Imposition of an administrative fine not to exceed  
22 \$5,000 for each count or separate offense.

23           (d) Issuance of a reprimand.

24           (e) Placement of the home inspector on probation for a  
25 period of time and subject to such conditions as the  
26 department may specify.

27           (f) Restriction of the authorized scope of practice by  
28 the home inspector.

29       (3) In addition to any other sanction imposed under  
30 this part, in any final order that imposes sanctions, the  
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1 department may assess costs related to the investigation and  
2 prosecution of the case.

3 468.8321 Disclosures.--Prior to contracting for or  
4 commencing a home inspection, a home inspector shall provide  
5 to the consumer a copy of his or her license to practice home  
6 inspection services in this state and a written disclosure  
7 that contains the scope and any exclusions of the home  
8 inspection.

9 468.8322 Insurance.--A home inspector shall maintain a  
10 commercial general liability insurance policy in an amount of  
11 not less than \$300,000.

12 468.8323 Home inspection report.--Upon completion of  
13 each home inspection for compensation, the home inspector  
14 shall provide a written report prepared for the client.

15 (1) The home inspector shall report:

16 (a) On those systems and components inspected that, in  
17 the professional opinion of the inspector, are significantly  
18 deficient or are near the end of their service lives.

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

22 (c) Any systems and components that were present at  
23 the time of the inspection but were not inspected, and a  
24 reason they were not inspected.

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

28 468.8324 Grandfather clause.--A person who performs  
29 home inspection services as defined in this part may qualify  
30 to be licensed by the department as a home inspector if the  
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1 person meets the licensure requirements of this part by July  
2 1, 2010.

3       Section 2. Part XVI of chapter 468, Florida Statutes,  
4 consisting of sections 468.84, 468.841, 468.8411, 468.8412,  
5 468.8413, 468.8414, 468.8415, 468.8416, 468.8417, 468.8418,  
6 468.8419, 468.842, 468.8421, 468.8422, and 468.8423, is  
7 created to read:

8       468.84 Legislative purpose.--The Legislature finds it  
9 necessary in the interest of the public safety and welfare, to  
10 prevent damage to the real and personal property, to avert  
11 economic injury to the residents of this state, and to  
12 regulate persons and companies that hold themselves out to the  
13 public as qualified to perform mold-related services.

14       468.841 Exemptions.--

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

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

19       (b) A person who performs mold assessment on property  
20 owned or leased by the person, the person's employer, or an  
21 entity affiliated with the person's employer through common  
22 ownership, or on property operated or managed by the person's  
23 employer or an entity affiliated with the person's employer  
24 through common ownership. This exemption does not apply if the  
25 person, employer, or affiliated entity engages in the business  
26 of performing mold assessment for the public.

27       (c) An employee of a mold assessor while directly  
28 supervised by the mold assessor.

29       (d) Persons or business organizations acting within  
30 the scope of the respective licenses required under chapter  
31 471, part I of chapter 481, chapter 482, or chapter 489, are

1 acting on behalf of an insurer under part VI of chapter 626,  
2 or are persons in the manufactured housing industry who are  
3 licensed under chapter 320, except when any such persons or  
4 business organizations hold themselves out for hire to the  
5 public as a "certified mold remediator," "registered mold  
6 remediator," "licensed mold remediator," "mold remediator,"  
7 "professional mold remediator," or any combination thereof  
8 stating or implying licensure under this part.

9 (e) An authorized employee of the United States, this  
10 state, or any municipality, county, or other political  
11 subdivision, or public or private school and who is conducting  
12 mold assessment within the scope of that employment, as long  
13 as the employee does not hold out for hire to the general  
14 public or otherwise engage in mold assessment.

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

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

19 (b) A person who performs mold remediation on property  
20 owned or leased by the person, the person's employer, or an  
21 entity affiliated with the person's employer through common  
22 ownership, or on property operated or managed by the person's  
23 employer or an entity affiliated with the person's employer  
24 through common ownership. This exemption does not apply if the  
25 person, employer, or affiliated entity engages in the business  
26 of performing mold remediation for the public.

27 (c) An employee of a mold remediator while directly  
28 supervised by the mold remediator.

29 (d) Persons or business organizations that are acting  
30 within the scope of the respective licenses required under  
31 chapter 471, part I of chapter 481, chapter 482, or chapter



1 489, are acting on behalf of an insurer under part VI of  
2 chapter 626, or are persons in the manufactured housing  
3 industry who are licensed under chapter 320, except when any  
4 such persons or business organizations hold themselves out for  
5 hire to the public as a "certified mold assessor," "registered  
6 mold assessor," "licensed mold assessor," "mold assessor,"  
7 "professional mold assessor," or any combination thereof  
8 stating or implying licensure under this part.

9 (e) An authorized employee of the United States, this  
10 state, or any municipality, county, or other political  
11 subdivision, or public or private school and who is conducting  
12 mold remediation within the scope of that employment, as long  
13 as the employee does not hold out for hire to the general  
14 public or otherwise engage in mold remediation.

15 468.8411 Definitions.--As used in this part, the term:

16 (1) "Department" means the Department of Business and  
17 Professional Regulation.

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

22 (3) "Mold assessment" means a process performed by a  
23 mold assessor that includes the physical sampling and detailed  
24 evaluation of data obtained from a building history and  
25 inspection to formulate an initial hypothesis about the  
26 origin, identity, location, and extent of amplification of  
27 mold growth of greater than ten square feet.

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

30 (5) "Mold remediation" means the removal, cleaning,  
31 sanitizing, demolition, or other treatment, including

1 preventive activities, of mold or mold-contaminated matter of  
2 greater than ten square feet that was not purposely grown at  
3 that location; however, such removal, cleaning, sanitizing,  
4 demolition, or other treatment, including preventive  
5 activities, may not be work that requires a license under  
6 chapter 489 unless performed by a person who is licensed under  
7 that chapter or the work complies with that chapter.

8 (6) "Mold remediator" means any person who performs  
9 mold remediation. A mold remediator may not perform any work  
10 that requires a license under chapter 489 unless the mold  
11 remediator is also licensed under that chapter or complies  
12 with that chapter.

13 468.8412 Fees.--

14 (1) The department, by rule, may establish fees to be  
15 paid for application, examination, reexamination, licensing  
16 and renewal, inactive status application and reactivation of  
17 inactive licenses, and application for providers of continuing  
18 education. The department may also establish by rule a  
19 delinquency fee. Fees shall be based on department estimates  
20 of the revenue required to implement the provisions of this  
21 part. All fees shall be remitted with the application,  
22 examination, reexamination, licensing and renewal, inactive  
23 status application and reactivation of inactive licenses, and  
24 application for providers of continuing education.

25 (2) The application fee shall not exceed \$125 and is  
26 nonrefundable. The examination fee shall not exceed \$125 plus  
27 the actual per applicant cost to the department to purchase  
28 the examination, if the department chooses to purchase the  
29 examination. The examination fee shall be in an amount that  
30 covers the cost of obtaining and administering the examination  
31

1 and shall be refunded if the applicant is found ineligible to  
2 sit for the examination.

3 (3) The fee for an initial license shall not exceed  
4 \$200.

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

7 (5) The fee for a biennial license renewal shall not  
8 exceed \$400.

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

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

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

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

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

19 468.8413 Examinations.--

20 (1) A person desiring to be licensed as a mold  
21 assessor or mold remediator shall apply to the department to  
22 take a licensure examination.

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

27 (a)1. For a mold remediator, at least a 2-year degree  
28 in microbiology, engineering, architecture, industrial  
29 hygiene, occupational safety, or a related field of science  
30 from an accredited institution and a minimum of 1 year of  
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1 documented field experience in a field related to mold  
2 remediation; or  
3       2. A high school diploma or the equivalent with a  
4 minimum of 4 years of documented field experience in a field  
5 related to mold remediation.  
6       (b)1. For a mold assessor, at least a 2-year degree in  
7 microbiology, engineering, architecture, industrial hygiene,  
8 occupational safety, or a related field of science from an  
9 accredited institution and a minimum of 1 year of documented  
10 field experience in conducting microbial sampling or  
11 investigations; or  
12       2. A high school diploma or the equivalent with a  
13 minimum of 4 years of documented field experience in  
14 conducting microbial sampling or investigations.  
15       (3) The department shall review and approve courses of  
16 study in mold assessment and mold remediation.  
17       (4)(a) Good moral character means a personal history  
18 of honesty, fairness, and respect for the rights of others and  
19 for the laws of this state and nation.  
20       (b) The department may refuse to certify an applicant  
21 for failure to satisfy this requirement only if:  
22       1. There is a substantial connection between the lack  
23 of good moral character of the applicant and the professional  
24 responsibilities of a licensed mold assessor or mold  
25 remediator; and  
26       2. The finding by the department of lack of good moral  
27 character is supported by clear and convincing evidence.  
28       (c) When an applicant is found to be unqualified for a  
29 license because of a lack of good moral character, the  
30 department shall furnish the applicant a statement containing  
31 the findings of the department, a complete record of the

1 evidence upon which the determination was based, and a notice  
2 of the rights of the applicant to a rehearing and appeal.

3 (5) The department may adopt rules pursuant to ss.  
4 120.536(1) and 120.54 to implement the provisions of this  
5 section.

6 468.8414 Licensure.--

7 (1) The department shall license any applicant who the  
8 department certifies is qualified to practice mold assessment  
9 or mold remediation.

10 (2) The department shall certify for licensure any  
11 applicant who satisfies the requirements of s. 468.8413, who  
12 has passed the licensing examination, and who has documented  
13 training in water, mold, and respiratory protection. The  
14 department may refuse to certify any applicant who has  
15 violated any of the provisions of this part.

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

19 (a) Is qualified to take the examination as set forth  
20 in s. 468.8413 and has passed a certification examination  
21 offered by a nationally recognized organization that certifies  
22 persons in the specialty of mold assessment or mold  
23 remediation that has been approved by the department as  
24 substantially equivalent to the requirements of this part and  
25 s. 455.217; or

26 (b) Holds a valid license to practice mold assessment  
27 or mold remediation issued by another state or territory of  
28 the United States if the criteria for issuance of the license  
29 were substantially the same as the licensure criteria that is  
30 established by this part as determined by the department.

31

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

6       468.8415 Renewal of license.--

7       (1) The department shall renew a license upon receipt  
8 of the renewal application and fee and upon certification by  
9 the department that the licensee has satisfactorily completed  
10 the continuing education requirements of s. 468.8416.

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

13       468.8416 Continuing education.--

14       (1) The department may not renew a license until the  
15 licensee submits proof satisfactory to it that during the 2  
16 years prior to his or her application for renewal the licensee  
17 has completed at least 14 hours of continuing education.

18 Criteria and course content shall be approved by the  
19 department by rule.

20       (2) The department may prescribe by rule additional  
21 continuing professional education hours, not to exceed 25  
22 percent of the total hours required, for failure to complete  
23 the hours required for renewal by the end of the renewal  
24 period.

25       468.8417 Inactive license.--

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

29       (2) A license that has become inactive may be  
30 reactivated upon application to the department. The department  
31 may prescribe by rule continuing education requirements as a

1 condition of reactivating a license. The continuing education  
2 requirements for reactivating a license may not exceed 14  
3 hours for each year the license was inactive.

4 (3) The department shall adopt rules relating to  
5 licenses that have become inactive and for the renewal of  
6 inactive licenses. The department shall prescribe by rule a  
7 fee not to exceed \$200 for the reactivation of an inactive  
8 license and a fee not to exceed \$200 for the renewal of an  
9 inactive license.

10 468.8418 Certification of partnerships and  
11 corporations.--

12 (1) The department shall issue a certificate of  
13 authorization to a corporation or partnership offering mold  
14 assessment or mold remediation services to the public if the  
15 corporation or partnership satisfies all of the requirements  
16 of this part.

17 (2) The practice of or the offer to practice mold  
18 assessment or mold remediation by licensees through a  
19 corporation or partnership offering mold assessment or mold  
20 remediation to the public, or by a corporation or partnership  
21 offering such services to the public through licensees under  
22 this part as agents, employees, officers, or partners, is  
23 permitted subject to the provisions of this part, provided  
24 that the corporation or partnership has been issued a  
25 certificate of authorization by the department as provided in  
26 this section. Nothing in this section shall be construed to  
27 allow a corporation to hold a license to practice mold  
28 assessment or mold remediation. No corporation or partnership  
29 shall be relieved of responsibility for the conduct or acts of  
30 its agents, employees, or officers by reason of its compliance  
31 with this section, nor shall any individual practicing mold

1 assessment or mold remediation be relieved of responsibility  
2 for professional services performed by reason of his or her  
3 employment or relationship with a corporation or partnership.

4 (3) For the purposes of this section, a certificate of  
5 authorization shall be required for a corporation,  
6 partnership, association, or person practicing under a  
7 fictitious name, offering mold assessment or mold remediation;  
8 however, when an individual is practicing mold assessment or  
9 mold remediation under his or her own given name, he or she  
10 shall not be required to register under this section.

11 (4) Each certificate of authorization shall be renewed  
12 every 2 years. Each partnership and corporation certified  
13 under this section shall notify the department within 1 month  
14 of any change in the information contained in the application  
15 upon which the certification is based.

16 (5) Disciplinary action against a corporation or  
17 partnership shall be administered in the same manner and on  
18 the same grounds as disciplinary action against a licensed  
19 mold assessor or mold remediator.

20 468.8419 Prohibitions; penalties.--

21 (1) A mold assessor, a company that employs a mold  
22 assessor, or a company that is controlled by a company that  
23 also has a financial interest in a company employing a mold  
24 assessor may not:

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

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

31



1           (c) Use the name or title "certified mold assessor,"  
2 "registered mold assessor," "licensed mold assessor," "mold  
3 assessor," "professional mold assessor," or any combination  
4 thereof unless the person has complied with the provisions  
5 this part.

6           (d) Perform or offer to perform any mold remediation  
7 to a structure on which the mold assessor or the mold  
8 assessor's company provided a mold assessment within the last  
9 12 months.

10           (e) Inspect for a fee any property in which the  
11 assessor or the assessor's company has any financial or  
12 transfer interest.

13           (f) Accept any compensation, inducement, or reward  
14 from a mold remediator or mold remediator's company for the  
15 referral of any business to the mold remediator or the mold  
16 remediator's company.

17           (g) Offer any compensation, inducement, or reward to a  
18 mold remediator or mold remediator's company for the referral  
19 of any business from the mold remediator or the mold  
20 remediator's company.

21           (h) Accept an engagement to make an omission of the  
22 assessment or conduct an assessment in which the assessment  
23 itself, or the fee payable for the assessment, is contingent  
24 upon the conclusions of the assessment.

25           (2) A mold remediator, a company that employs a mold  
26 remediator, or a company that is controlled by a company that  
27 also has a financial interest in a company employing a mold  
28 remediator may not:

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

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

4           (c) Use the name or title "certified mold remediator,"  
5 "registered mold remediator," "licensed mold remediator,"  
6 "mold remediator," "professional mold remediator," or any  
7 combination thereof unless the person has complied with the  
8 provisions of this part.

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

13           (e) Remediate for a fee any property in which the mold  
14 remediator or the mold remediator's company has any financial  
15 or transfer interest.

16           (f) Accept any compensation, inducement, or reward  
17 from a mold assessor or mold assessor's company for the  
18 referral of any business from the mold assessor or the mold  
19 assessor's company.

20           (g) Offer any compensation, inducement, or reward to a  
21 mold assessor or mold assessor's company for the referral of  
22 any business from the mold assessor or the mold assessor's  
23 company.

24           (3) Any person who violates any provision of this  
25 section commits:

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

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

30  
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1           (c) A felony of the third degree for a third or  
2 subsequent violation, punishable as provided in s. 775.082, s.  
3 775.083, or s. 775.084.

4           468.842 Disciplinary proceedings.--

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

7           (a) Violation of any provision of this part or s.  
8 455.227(1);

9           (b) Attempting to procure a license to practice mold  
10 assessment or mold remediation by bribery or fraudulent  
11 misrepresentations;

12           (c) Having a license to practice mold assessment or  
13 mold remediation revoked, suspended, or otherwise acted  
14 against, including the denial of licensure, by the licensing  
15 authority of another state, territory, or country;

16           (d) Being convicted or found guilty of, or entering a  
17 plea of nolo contendere to, regardless of adjudication, a  
18 crime in any jurisdiction that directly relates to the  
19 practice of mold assessment or mold remediation or the ability  
20 to practice mold assessment or mold remediation;

21           (e) Making or filing a report or record that the  
22 licensee knows to be false, willfully failing to file a report  
23 or record required by state or federal law, willfully impeding  
24 or obstructing such filing, or inducing another person to  
25 impede or obstruct such filing. Such reports or records shall  
26 include only those that are signed in the capacity of a  
27 registered mold assessor or mold remediator;

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

31

1           (g) Engaging in fraud or deceit, or of negligence,  
2 incompetency, or misconduct, in the practice of mold  
3 assessment or mold remediation;

4           (h) Failing to perform any statutory or legal  
5 obligation placed upon a licensed mold assessor or mold  
6 remediator; violating any provision of this chapter, a rule of  
7 the department, or a lawful order of the department previously  
8 entered in a disciplinary hearing; or failing to comply with a  
9 lawfully issued subpoena of the department; or

10           (i) Practicing on a revoked, suspended, inactive, or  
11 delinquent license.

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

16           (a) Denial of an application for licensure.

17           (b) Revocation or suspension of a license.

18           (c) Imposition of an administrative fine not to exceed  
19 \$5,000 for each count or separate offense.

20           (d) Issuance of a reprimand.

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

24           (f) Restriction of the authorized scope of practice by  
25 the mold assessor or mold remediator.

26           (3) In addition to any other sanction imposed under  
27 this part, in any final order that imposes sanctions, the  
28 department may assess costs related to the investigation and  
29 prosecution of the case.

30           468.8421 Insurance.--  
31

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

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

7           468.8422 Contracts.--A contract to perform mold  
8 assessment or mold remediation shall be in a document or  
9 electronic record, signed or otherwise authenticated by the  
10 parties. A mold assessment contract is not required to provide  
11 estimates related to the cost of repair of an assessed  
12 property. A mold assessment contract is not required to  
13 provide estimates.

14           468.8423 Grandfather clause.--A person who performs  
15 mold assessment or mold remediation as defined in this part  
16 may qualify to be licensed by the department as a mold  
17 assessor or mold remediator if the person meets the licensure  
18 requirements of this part by July 1, 2010.

19           Section 3. For the 2007-2008 fiscal year, two  
20 full-time equivalent positions and 65,044 in associated salary  
21 rate are authorized, and the sums of \$100,371 in recurring  
22 funds and \$8,959 in nonrecurring funds from the Professional  
23 Regulation Trust Fund of the Department of Business and  
24 Professional Regulation are appropriated for the purpose of  
25 carrying out professional board activities related to this  
26 act. In addition, for the 2007-2008 fiscal year, one full-time  
27 equivalent position and 25,479 in associated salary rate are  
28 authorized, and the sums of \$57,105 in recurring funds and  
29 \$29,726 in nonrecurring funds from the Administrative Trust  
30 Fund of the Department of Business and Professional Regulation  
31

1 are appropriated for the purpose of carrying out the central  
2 administrative functions provided in this act.

3 Section 4. This act shall take effect October 1, 2007.  
4

5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
6 COMMITTEE SUBSTITUTE FOR  
7 CS/CS/SB 2234

8 Extends the grandfather clause that allows a person who  
9 performs home inspection services to be licensed by the  
10 Department of Business and Professional Regulation as a Home  
Inspector if the person meets the licensure requirements, from  
July 1, 2007, to July 1, 2010.

11 Extends the grandfather clause that allows persons who  
12 perform mold assessment or remediation services to be licensed  
13 by the department as mold assessors or mold remediators if  
they meet licensure requirements from July 1, 2007, to July 1,  
2010.  
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