

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4171 Mold-Related Services
SPONSOR(S): Grant
TIED BILLS: **IDEN./SIM. BILLS:** SB 1244

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Consumer Affairs Subcommittee	12 Y, 3 N	Livingston	Creamer
2) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill repeals regulatory provisions relating to mold assessors and mold remediators. Part XVI of chapter 468, F.S., is repealed and ss. 20.165 and 455.2123, F.S., are amended to remove reference to this part of chapter 468, F.S. These changes remove the regulatory requirements concerning the operation of mold assessors and mold remediators effective July 1, 2011.

The bill is anticipated to have a negative fiscal impact on state trust funds from the reduction in fees associated with applications for licensure. The Department of Business and Professional Regulation (DBPR) indicates that the actual reduction is unknown at this time as program requirements are only enforceable beginning on July 1, 2011.

A positive fiscal impact on state trust funds may be anticipated to occur from the reduction in cost associated with processing applications. The DBPR indicates that the actual positive impact is unknown at this time as program requirements are not enforceable until July 1, 2011.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present situation

Currently, s. chapter 468, Part XVI, F.S., relates to the licensure and regulation of mold assessors and mold remediators.

“Mold assessment” means a process performed by a mold assessor that includes the physical sampling and detailed evaluation of data obtained from a building history and inspection to formulate an initial hypothesis about the origin, identity, location, and extent of amplification of mold growth of greater than 10 square feet.

“Mold remediation” means the removal, cleaning, sanitizing, demolition, or other treatment, including preventive activities, of mold or mold-contaminated matter of greater than 10 square feet that was not purposely grown at that location; however, such removal, cleaning, sanitizing, demolition, or other treatment, including preventive activities, may not be work that requires a license under chapter 489 unless performed by a person who is licensed under that chapter or the work complies with that chapter.

“Mold assessor” means any person who performs or directly supervises a mold assessment. “Mold remediator” means any person who performs mold remediation. A mold remediator may not perform any work that requires a license under chapter 489, F.S., (construction contracting) unless the mold remediator is also licensed under that chapter or complies with that chapter.

Applicants must submit to a criminal background check, are required to attest that they have obtained general liability and errors and omissions insurance for both preliminary and post remediation mold assessment in the amount of no less than \$1 million dollars, as determined by statute, and disclose contact and background information.

Mold Assessor

- Examination – Applicants must pass a department-approved proctored examination on mold assessment; and either hold at least an Associate of Arts degree, with 30 credit hours in microbiology, engineering, architecture, industrial hygiene or occupational safety or related field of science, or have a high school diploma and 4 years experience under the supervision of a licensed mold assessor or remediators.
- To be “grandfathered” into licensure – Applicants must either submit proof of certification as a mold assessor by a state or national association that requires successful completion of a relevant proctored exam and completion of at least 60 hours of relevant verifiable education; or submit proof of 3 years experience as a mold assessor, demonstrable by at least 40 invoices. Applications must be submitted before March 1, 2011.

Mold Remediator

- Examination – Applicants must pass a department-approved proctored examination on mold remediation; and either hold at least an Associate of Arts degree in microbiology, engineering, architecture, industrial hygiene or occupational safety or related field of science and demonstrate a minimum of 1 year of documented field experience in microbial sampling or investigations, or applicants may submit proof of a high school diploma and 4 years experience under the supervision of a licensed mold assessor or remediators.
- To be “grandfathered” into licensure – Applicants must hold certification as a mold remediator by a state or national association that requires successful completion of a relevant proctored exam and completion of at least 30 hours of relevant verifiable education; or have at least 3 years of experience as a mold remediator, established by at least 40 invoices. Applications must be made before March 1, 2011.

In the 2010 legislative session, HB 713 was passed into law as chapter 2010-176, LOF. The bill delayed unlicensed activity enforcement relating to mold assessors and mold remediators until July 1, 2011. This deferred enforcement, as a result, effectively delayed license requirements one year to allow applicants to have time to apply and be processed and approved or rejected and begin operations without the fear of being prosecuted for unlicensed activity. The responsibility of issuing licenses by DBPR has still existed during this interim period.

Effect of proposed changes

The bill repeals licensure and regulatory requirements for mold assessors and mold remediators effective July 1, 2011.

B. SECTION DIRECTORY:

Section 1. Repeals part XVI, F.S., relating to the regulation of mold assessors and mold remediators.

Section 2. Amends section 20.165, F.S., to remove reference to part XVI of chapter 468, F.S.

Section 3. Amends s. 455.2123, F.S., to remove reference to part XVI of chapter 468, F.S.

Section 4. Effective date – July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill is anticipated to have a negative fiscal impact on state trust funds from the reduction in fees associated with applications for licensure. The DBPR indicates that the actual reduction is unknown at this time as program requirements are not enforceable until July 1, 2011.

2. Expenditures:

A positive fiscal impact on state trust funds may be anticipated to occur from the reduction in cost associated with processing applications. The DBPR indicates that the actual positive impact is unknown at this time as program requirements are not enforceable until July 1, 2011.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Not anticipated to be significant.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that the counties or municipalities have to raise revenue in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.