

26 | conduct certain tests of dwelling units or buildings;
27 | providing construction; creating s. 381.0073, F.S.;
28 | providing definitions; creating s. 381.00731, F.S.;
29 | creating the Toxic Mold Protection Advisory Council
30 | adjunct to the Department of Health; providing a
31 | purpose; providing for membership, meetings, and
32 | duties of the advisory council; requiring the advisory
33 | council to submit a report to the State Surgeon
34 | General, Governor, and Legislature by a specified
35 | date; creating s. 381.00732, F.S.; requiring the
36 | department to develop and adopt, in consultation with
37 | the advisory council, permissible exposure limits to
38 | molds for indoor environments; requiring the
39 | department to consider certain criteria when
40 | developing and adopting such limits; authorizing the
41 | department to develop alternative permissible exposure
42 | limits to molds applicable to certain facilities;
43 | requiring the department to post a certain notice on
44 | its public website; providing requirements for such
45 | notice; authorizing the department to review and
46 | consider adopting by reference information prepared by
47 | or on behalf of certain authoritative bodies for a
48 | specified purpose; requiring the department to review
49 | the adopted permissible exposure limits to molds
50 | periodically and amend under certain circumstances;

51 requiring the department to submit a report to the
52 Governor and Legislature by a specified date;
53 requiring the department to adopt rules; creating s.
54 381.00733, F.S.; requiring the department to develop
55 and adopt, in consultation with the advisory council,
56 standards for assessing the health threat from
57 exposure to molds in indoor environments; requiring
58 the department to consider certain criteria when
59 developing and adopting such standards; authorizing
60 the department to develop alternative mold assessment
61 standards applicable to certain facilities; requiring
62 the department to post a certain notice on its public
63 website; providing requirements for such notice;
64 authorizing the department to review and consider
65 adopting by reference information prepared by or on
66 behalf of certain authoritative bodies for a specified
67 purpose; requiring the department to review the
68 adopted mold assessment standards periodically and
69 amend under certain circumstances; requiring the
70 department to submit a report to the Governor and
71 Legislature by a specified date; requiring the
72 department to adopt rules; creating s. 381.00734,
73 F.S.; requiring the department to develop and adopt,
74 in consultation with the advisory council, guidelines
75 for identifying molds in indoor environments;

76 providing requirements for such guidelines; requiring
77 the department to consider certain criteria when
78 developing and adopting such guidelines; prohibiting
79 the department from requiring a commercial and
80 industrial real property landlord, residential
81 landlord, or public entity to conduct certain tests of
82 dwelling units or buildings for a specified purpose;
83 requiring the department to post a certain notice on
84 its public website; providing requirements for such
85 notice; authorizing the department to review and
86 consider adopting by reference information prepared by
87 or on behalf of certain authoritative bodies for a
88 specified purpose; requiring the department to review
89 the adopted mold identification guidelines
90 periodically and amend under certain circumstances;
91 requiring the department to submit a report to the
92 Governor and Legislature by a specified date;
93 requiring the department to adopt rules; creating s.
94 381.00735, F.S.; requiring the department to develop
95 and adopt, in consultation with the advisory council,
96 guidelines for remediating molds in indoor
97 environments; providing requirements for such
98 guidelines; requiring the department to consider
99 certain criteria when developing and adopting such
100 guidelines; prohibiting the department from requiring

101 a commercial and industrial real property landlord,
102 residential landlord, or public entity to conduct
103 certain tests of dwelling units or buildings for a
104 specified purpose; requiring the department, in
105 consultation with the Florida Building Commission, to
106 develop a reporting form for building inspections;
107 requiring the department to post a certain notice on
108 its public website; providing requirements for such
109 notice; authorizing the department to review and
110 consider adopting by reference information prepared by
111 or on behalf of certain authoritative bodies for a
112 specified purpose; requiring the department to review
113 the adopted mold remediation guidelines periodically
114 and amend under certain circumstances; requiring the
115 department to make specified information available to
116 the public upon request and on its public website;
117 requiring the department to develop and disseminate
118 certain educational materials and resources; requiring
119 the department to submit a report to the Governor and
120 Legislature by a specified date; requiring the
121 department to adopt rules; creating s. 381.00736,
122 F.S.; providing for enforcement of the permissible
123 exposure limits to molds, the mold assessment
124 standards, and certain disclosure requirements;
125 requiring the department, in consultation with the

126 Department of Business and Professional Regulation, to
 127 develop forms for the required disclosures and
 128 establish penalties; prohibiting a penalty from being
 129 assessed against a residential landlord under certain
 130 circumstances; requiring the Department of Health to
 131 adopt rules; creating s. 689.302, F.S.; requiring a
 132 seller or transferor of commercial and industrial real
 133 property to provide a written disclosure to
 134 prospective buyers within a specified timeframe under
 135 certain circumstances; providing an exception;
 136 providing construction; providing that a transferor to
 137 a real estate contract or a listing or selling agent
 138 is not liable under certain circumstances; providing
 139 an effective date.

140

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

142

143 Section 1. This act may be cited as the "Toxic Mold
 144 Protections Act."

145 Section 2. Section 83.252, Florida Statutes, is created to
 146 read:

147 83.252 Commercial and industrial real properties;
 148 disclosure and notice.-

149 (1) Except as otherwise provided in this section, a
 150 commercial and industrial real property landlord shall provide

151 written disclosure to prospective and current tenants when the
152 landlord knows that mold, both visible and invisible or hidden,
153 is present that affects, as defined in s. 381.0073, the dwelling
154 unit or the building and the mold either exceeds the permissible
155 exposure limits to molds adopted pursuant to s. 381.00732 or
156 poses a health threat in accordance with the mold assessment
157 standards adopted pursuant to s. 381.00733. The written
158 disclosure must be provided to:

159 (a) Prospective tenants as soon as practicable and before
160 entering into a rental agreement.

161 (b) Current tenants in affected dwelling units and
162 buildings as soon as is reasonably practicable.

163 (2)(a) A commercial and industrial real property landlord
164 is exempt from providing written disclosure to prospective
165 tenants as required in subsection (1) if the presence of mold
166 was remediated in accordance with the mold remediation
167 guidelines adopted pursuant to s. 381.00735.

168 (b) A commercial and industrial real property landlord is
169 not required to conduct air or surface tests of dwelling units
170 or buildings to determine whether the presence of mold exceeds
171 the permissible exposure limits to molds adopted pursuant to s.
172 381.00732.

173 (3) A tenant of a commercial and industrial real property
174 who knows or is informed that mold is present in the building,
175 heating system, ventilating or air-conditioning system, or

176 appurtenant structures, or that there is a condition of chronic
177 water intrusion or flood, shall inform the landlord in writing
178 of such knowledge within a reasonable period of time. The tenant
179 shall make the property available to the landlord or his or her
180 agents for appropriate assessment or remedial action as soon as
181 is reasonably practicable if the landlord is responsible for
182 maintenance of the property. This section does not affect any
183 existing duties and obligations of tenants and landlords under
184 this part.

185 (4) Commercial and industrial real property landlords who
186 know or have received notice that mold is present in the
187 building, heating system, ventilating or air-conditioning
188 system, or appurtenant structures, or that there is a condition
189 of chronic water intrusion or flood, have an affirmative duty,
190 within a reasonable period of time, to assess the presence of
191 mold or condition likely to result in the presence of mold and
192 conduct any necessary remediation.

193 (5) The requirements of this section do not apply to
194 properties where the tenant is contractually responsible for
195 maintenance of the property, including any remediation. However,
196 any tenant of a commercial and industrial real property who
197 knows or is informed that mold is present in the building,
198 heating system, ventilating or air-conditioning system, or
199 appurtenant structures, or that there is a condition of chronic
200 water intrusion or flood, and is responsible for maintenance of

HB 933

2022

201 the property, shall inform the landlord in writing of such
202 knowledge as soon as is reasonably practicable and shall remedy
203 the condition in compliance with the terms of the rental
204 agreement.

205 Section 3. Section 83.253, Florida Statutes, is created to
206 read:

207 83.253 Properties owned, leased, or operated by public
208 entities; disclosure.-

209 (1) A public entity that owns, leases, or operates a
210 building shall provide written disclosure to all building
211 occupants and prospective tenants when the public entity knows,
212 or has reasonable cause to believe, that a condition of chronic
213 water intrusion or flood exists, or that mold, both visible and
214 invisible or hidden, is present that affects, as defined in s.
215 381.0073, the building or dwelling unit and the mold either
216 exceeds the permissible exposure limits to molds adopted
217 pursuant to s. 381.00732 or poses a health threat in accordance
218 with the mold assessment standards adopted pursuant to s.
219 381.00733. The written disclosure shall be provided to:

220 (a) Prospective tenants as soon as practicable and before
221 entering into a rental agreement.

222 (b) Current building occupants in affected dwelling units
223 or buildings as soon as is reasonably practicable.

224 (2) A public entity is exempt from providing written
225 disclosure to prospective tenants as required in subsection (1)

226 if the presence of mold was remediated in accordance with the
 227 mold remediation guidelines adopted pursuant to s. 381.00735.

228 Section 4. Section 83.501, Florida Statutes, is created to
 229 read:

230 83.501 Residential properties; disclosure.—

231 (1) Except as otherwise provided in this section, a
 232 residential landlord shall provide written disclosure to
 233 prospective and current tenants when the residential landlord
 234 knows, or has reasonable cause to believe, that mold, both
 235 visible and invisible or hidden, is present that affects, as
 236 defined in s. 381.0073, the dwelling unit or the building and
 237 the mold either exceeds the permissible exposure limits to molds
 238 adopted pursuant to s. 381.00732 or poses a health threat in
 239 accordance with the mold assessment standards adopted pursuant
 240 to s. 381.00733. The written disclosure must be provided to:

241 (a) Prospective tenants before entering into a rental or
 242 lease agreement.

243 (b) Current tenants in affected dwelling units and
 244 buildings as soon as is reasonably practicable.

245 (2) (a) A residential landlord is exempt from providing
 246 written disclosure to prospective tenants as required in
 247 subsection (1) if the presence of mold was remediated in
 248 accordance with the mold remediation guidelines adopted pursuant
 249 to s. 381.00735.

250 (b) A residential landlord is not required to conduct air

251 or surface tests of dwelling units or buildings to determine
 252 whether the presence of mold exceeds the permissible exposure
 253 limits to molds adopted pursuant to s. 381.00732.

254 (3) Residential landlords shall provide written disclosure
 255 to prospective tenants of the potential health risks and the
 256 health impact that may result from exposure to mold by
 257 distributing educational materials and resources developed and
 258 disseminated by the Department of Health pursuant to s.
 259 381.00735.

260 (4) (a) This section does not relieve a seller, transferor,
 261 lessor, agent, landlord, or tenant from any responsibility for
 262 compliance with other requirements under state law.

263 (b) This section does not alter or modify any right,
 264 remedy, or defense otherwise available under state law.

265 Section 5. Section 381.0073, Florida Statutes, is created
 266 to read:

267 381.0073 Definitions.—For purposes of this section and ss.
 268 381.00731-381.00736, the term:

269 (1) "Advisory council" means the Toxic Mold Protection
 270 Advisory Council created pursuant to s. 381.00731.

271 (2) "Affect" means to cause a condition by the presence of
 272 mold in a dwelling unit, building, appurtenant structures,
 273 common wall, heating system, or ventilating or air-conditioning
 274 system that affects the indoor air quality of the dwelling unit
 275 or building.

276 (3) "Authoritative bodies" means any recognized national
 277 or international entities with expertise in public health, mold
 278 identification and remediation, or environmental health,
 279 including, but not limited to, other states, the United States
 280 Environmental Protection Agency, the World Health Organization,
 281 the American Conference of Governmental Industrial Hygienists,
 282 the Centers for Disease Control and Prevention, and the American
 283 Industrial Hygiene Association.

284 (4) "Building code enforcement official" has the same
 285 meaning as in s. 468.603(3).

286 (5) "Department" means the Department of Health.

287 (6) "Indoor environment" means the affected dwelling unit
 288 or affected commercial and industrial building.

289 (7) "Industrial hygienist" has the same meaning as in s.
 290 501.937(3)(b).

291 (8) "Mold" means any form of multicellular fungi that
 292 lives on plant or animal matter and in indoor environments,
 293 including, but not limited to, Cladosporium, Penicillium,
 294 Alternaria, Aspergillus, Fusarium, Trichoderma, Memnoniella,
 295 Mucor, and Stachybotrys Chartarum, and is often found in water-
 296 damaged building materials.

297 (9) "Person" means an individual, corporation, company,
 298 association, partnership, limited liability company,
 299 municipality, public utility, or other public body or
 300 institution.

301 (10) "Public health officer" means a local health officer
 302 or director of a county health department.

303 Section 6. Section 381.00731, Florida Statutes, is amended
 304 to read:

305 381.00731 Toxic Mold Protection Advisory Council.—

306 (1) The Toxic Mold Protection Advisory Council, an
 307 advisory council as defined in s. 20.03(7), is created adjunct
 308 to the department for the purpose of making recommendations and
 309 advising and assisting the department in the development and
 310 adoption of permissible exposure limits to molds in indoor
 311 environments and other mold identification, assessment, and
 312 remediation standards and guidelines.

313 (2) The advisory council shall consist of 17 members as
 314 follows:

315 (a) Two members who are public health officers, appointed
 316 by the State Surgeon General.

317 (b) One member who is an environmental health
 318 professional, appointed by the State Surgeon General.

319 (c) One member who has expertise on the adverse health
 320 effects from exposure to molds, appointed by the State Surgeon
 321 General.

322 (d) One member who is a building code enforcement
 323 official, appointed by the Secretary of Business and
 324 Professional Regulation.

325 (e) One member who is a mold abatement expert, appointed

326 by the Secretary of Business and Professional Regulation.

327 (f) Two members who are industrial hygienists, appointed
328 by the Secretary of Agriculture.

329 (g) One member who represents a large school district and
330 one member who represents a rural school district, appointed by
331 the Commissioner of Education.

332 (h) One member who represents an organization or
333 association advocating for insurers, appointed by the Chief
334 Financial Officer.

335 (i) One member who represents an organization or
336 association advocating for employees and one member who
337 represents an organization or association advocating for
338 employers, appointed by the Governor.

339 (j) Two members who represent an organization or
340 association advocating for affected consumers, including, but
341 not limited to, commercial and industrial tenants; residential
342 tenants; homeowners; environmental groups; and attorneys,
343 appointed by the President of the Senate.

344 (k) Two members who represent an organization or
345 association advocating for affected industries, including, but
346 not limited to, commercial and industrial building proprietors,
347 managers, and landlords; residential building proprietors,
348 managers, and landlords; builders; realtors; suppliers of
349 building materials; and suppliers of furnishings, appointed by
350 the Speaker of the House of Representatives.

351 (3) (a) The initial members of the advisory council must be
352 appointed by September 1, 2022. Each member must be appointed to
353 a 4-year term. However, in order to achieve staggered terms,
354 eight of the initial members must be appointed to a 2-year term
355 and nine of the initial members must be appointed to a 4-year
356 term.

357 (b) A vacancy on the advisory council shall be filled in
358 the same manner as the original appointment.

359 (c) The advisory council shall elect a chair from among
360 its members.

361 (d) Members of the advisory council shall serve without
362 compensation and are not entitled to reimbursement for per diem
363 and travel expenses pursuant to s. 112.061.

364 (4) (a) The advisory council shall convene its first
365 meeting by October 1, 2022. Thereafter, the advisory council may
366 meet upon the call of the chair or upon the request of a
367 majority of its members.

368 (b) Meetings may be conducted in person or by
369 teleconference or other electronic means.

370 (5) The advisory council shall make recommendations and
371 advise and assist the department regarding the development and
372 adoption of permissible exposure limits to molds in indoor
373 environments and other mold identification, assessment, and
374 remediation standards and guidelines pursuant to ss. 381.00732-
375 381.00735.

HB 933

2022

376 (6) By February 1, 2023, the advisory council shall submit
377 a report regarding its progress in performing its duties under
378 subsection (5) to the State Surgeon General, the Governor, the
379 President of the Senate, and the Speaker of the House of
380 Representatives.

381 Section 7. Section 381.00732, Florida Statutes, is created
382 to read:

383 381.00732 Permissible exposure limits to mold in indoor
384 environments; report.—

385 (1) The department, in consultation with the advisory
386 council, shall:

387 (a) Develop and adopt permissible exposure limits to mold
388 in indoor environments that avoid adverse effects on public
389 health, with an adequate margin of safety, and avoid any
390 significant risk to public health.

391 (b) Balance the protection of public health with
392 technological and economic feasibility when it develops and
393 adopts permissible exposure limits to mold.

394 (c) Use and include the latest scientific data or existing
395 mold standards adopted by authoritative bodies.

396 (d) Develop and adopt permissible exposure limits to mold
397 that target the general population.

398 (2) The department shall consider all of the following
399 criteria when it develops and adopts the permissible exposure
400 limits to mold:

401 (a) The adverse health effects from exposure to mold on
402 the general population and the specific adverse health effects
403 from exposure to mold on members of subgroups that comprise a
404 meaningful portion of the general population, including, but not
405 limited to, infants, children 6 years of age or younger,
406 pregnant women, elderly persons, persons with asthma or
407 allergies, persons who are immune compromised, or other
408 subgroups that are identifiable as being at greater risk of
409 adverse health effects from exposure to mold than the general
410 population.

411 (b) Existing permissible exposure limits to molds, if any,
412 adopted by authoritative bodies.

413 (c) The technological and economic feasibility of
414 compliance with the proposed permissible exposure limits to
415 mold. For the purpose of determining economic feasibility, the
416 department shall consider the costs of compliance to tenants,
417 landlords, homeowners, and other affected parties.

418 (d) Any toxicological studies or additional scientific
419 evidence relating to mold.

420 (3) The department may develop and adopt alternative
421 permissible exposure limits to mold that are applicable to
422 facilities, including, but not limited to, hospitals, child care
423 facilities, and nursing homes, whose primary business is to
424 serve members of subgroups, as described in paragraph (2)(a),
425 that comprise a meaningful portion of the general population and

426 are at greater risk of adverse health effects from exposure to
427 molds than the general population.

428 (4) (a) Upon commencing its duties under this section, the
429 department shall post a notice on its public website informing
430 interested persons that it is developing and adopting
431 permissible exposure limits to molds and including a brief
432 description or a bibliography of the technical documents or
433 other information the department has identified as relevant to
434 developing and adopting the permissible exposure limits to mold.

435 (b) The notice shall also inform persons who wish to
436 submit information regarding mold exposure of the contact
437 information of the person within the department to whom the
438 information may be sent, the date by which the information must
439 be received in order for the department to consider it in the
440 development and adoption of the permissible exposure limits to
441 molds, and a statement that all information submitted to the
442 department will be made available to any person upon request.

443 (5) The department may review and consider adopting by
444 reference any information prepared by or on behalf of the United
445 States Environmental Protection Agency, or other authoritative
446 bodies, for the purpose of adopting national permissible
447 exposure limits to molds.

448 (6) (a) After the permissible exposure limits to molds are
449 adopted, the department shall review such limits at least once
450 every 5 years and shall amend such limits if any of the

451 following occur:

452 1. Changes in technology or mold treatment techniques that
453 permit a materially greater protection of public health.

454 2. New scientific evidence that indicates that molds may
455 present a materially different risk to public health than was
456 previously determined.

457 (b) The department may amend the permissible exposure
458 limits to molds to make the limits less stringent if the
459 department shows clear and convincing evidence that the
460 permissible exposure limits to molds should be made less
461 stringent.

462 (7) By July 1, 2023, the department shall submit a report
463 to the Governor, the President of the Senate, and the Speaker of
464 the House of Representatives regarding its progress in
465 developing and adopting the permissible exposure limits to
466 molds.

467 (8) The department shall adopt rules to implement this
468 section.

469 Section 8. Section 381.00733, Florida Statutes, is created
470 to read:

471 381.00733 Standards for assessing health threat from
472 exposure to molds in indoor environments; report.—

473 (1) The department, in consultation with the advisory
474 council, shall develop and adopt standards for assessing the
475 health threat from exposure to molds, both visible and invisible

476 or hidden, in indoor environments, which must do all of the
477 following:

478 (a) Protect the public health.

479 (b) Notwithstanding paragraph (a), balance the protection
480 of public health with technological and economic feasibility
481 when it adopts mold assessment standards.

482 (c) Use and include the latest scientific data or existing
483 mold assessment standards adopted by authoritative bodies.

484 (d) Target the general population.

485 (e) Ensure that air or surface testing is not required to
486 determine whether the presence of mold, both visible and
487 invisible or hidden, in indoor environments constitutes a health
488 threat.

489 (2) The department shall consider all of the following
490 criteria when it develops and adopts the mold assessment
491 standards:

492 (a) The adverse health effects from exposure to molds on
493 the general population and the specific adverse health effects
494 from exposure to mold on members of subgroups that comprise a
495 meaningful portion of the general population, including, but not
496 limited to, infants, children age 6 years of age or younger,
497 pregnant women, elderly persons, persons with asthma or
498 allergies, persons who are immune compromised, or other
499 subgroups that are identifiable as being at greater risk of
500 adverse health effects from exposure to molds than the general

501 population.

502 (b) Existing mold assessment standards, if any, adopted by
503 authoritative bodies.

504 (c) The technological and economic feasibility of
505 compliance with the proposed mold assessment standards. For the
506 purposes of determining economic feasibility, the department
507 shall consider the costs of compliance to tenants, landlords,
508 homeowners, and other affected parties.

509 (d) Any toxicological studies or additional scientific
510 evidence relating to mold.

511 (3) The department may develop and adopt alternative mold
512 assessment standards which are applicable to facilities,
513 including, but not limited to, hospitals, child care facilities,
514 and nursing homes, whose primary business is to serve members of
515 subgroups, as described in paragraph (2) (a), that comprise a
516 meaningful portion of the general population and are at greater
517 risk of adverse health effects from exposure to molds than the
518 general population.

519 (4) (a) Upon commencing its duties under this section, the
520 department shall post a notice on its public website informing
521 interested persons that it is developing and adopting mold
522 assessment standards and including a brief description or a
523 bibliography of the technical documents or other information the
524 department has identified as relevant to developing and adopting
525 the mold assessment standards.

526 (b) The notice shall also inform persons who wish to
527 submit information regarding mold assessment of the contact
528 information of the person within the department to whom the
529 information may be sent, the date by which the information must
530 be received in order for the department to consider it in the
531 development and adoption of the mold assessment standards, and a
532 statement that all information submitted to the department will
533 be made available to any person upon request.

534 (5) The department may review and consider adopting by
535 reference any information prepared by or on behalf of the United
536 States Environmental Protection Agency, or other authoritative
537 bodies, for the purpose of adopting national mold assessment
538 standards.

539 (6) After the mold assessment standards are adopted, the
540 department shall review such standards at least once every 5
541 years and shall amend such standards if any of the following
542 occurs:

543 (a) Changes in technology or mold treatment techniques
544 that permit a materially greater protection of public health.

545 (b) New scientific evidence that indicates that exposure
546 to molds may present a materially different risk to public
547 health than was previously determined.

548 (7) By July 1, 2023, the department shall submit a report
549 to the Governor, the President of the Senate, and the Speaker of
550 the House of Representatives regarding its progress in

551 developing and adopting the mold assessment standards.

552 (8) The department shall adopt rules to implement this
 553 section.

554 Section 9. Section 381.00734, Florida Statutes, is created
 555 to read:

556 381.00734 Guidelines for identifying molds in indoor
 557 environments; report.-

558 (1) The department, in consultation with the advisory
 559 council, shall develop and adopt guidelines for identifying
 560 molds, water damage, or microbial volatile organic compounds in
 561 indoor environments.

562 (2)(a) The mold identification guidelines must include
 563 scientifically valid methods for identifying molds, including,
 564 but not limited to, methods for collecting air, surface, and
 565 bulk samples; visual identification; olfactory identification;
 566 laboratory analysis; measurements for the amount of moisture and
 567 molds present; and other recognized analytical methods used for
 568 identifying molds.

569 (b) The department, in consultation with the advisory
 570 council, shall develop and adopt mold identification guidelines
 571 that must do all of the following:

572 1. Avoid adverse effects on the health of the general
 573 population, with an adequate margin of safety, and avoid any
 574 significant risk to public health.

575 2. Notwithstanding subparagraph 1., balance the protection

576 of public health with technological and economic feasibility.
 577 3. Use and include the latest scientific data or existing
 578 mold identification guidelines adopted by authoritative bodies.
 579 (c) The department shall consider all of the following
 580 criteria when it develops and adopts mold identification
 581 guidelines:
 582 1. The permissible exposure limits to molds adopted
 583 pursuant to s. 381.00732 or what constitutes a health threat
 584 from exposure to mold, both visible and invisible or hidden, in
 585 an indoor environment pursuant to the mold assessment standards
 586 adopted pursuant to s. 381.00733.
 587 2. Existing mold identification guidelines, if any,
 588 adopted by authoritative bodies.
 589 3. Professional judgment and practicality.
 590 4. Any toxicological studies or additional scientific
 591 evidence relating to mold.
 592 (3) The department may not require a commercial and
 593 industrial real property landlord, a residential landlord, or a
 594 public entity that rents or leases a dwelling unit or building
 595 to conduct air or surface tests of dwelling units or buildings
 596 to determine whether the presence of mold exceeds the
 597 permissible exposure limits to molds adopted pursuant to s.
 598 381.00732. However, the department shall develop a reporting
 599 form for building inspections which may be used to document the
 600 presence of mold within dwelling units or buildings.

HB 933

2022

601 (4) (a) Upon commencing its duties under this section, the
602 department shall post a notice on its public website informing
603 interested persons that it is developing and adopting mold
604 identification guidelines and including a brief description or a
605 bibliography of the technical documents or other information the
606 department has identified as relevant to developing and adopting
607 the mold identification guidelines.

608 (b) The notice shall also inform persons who wish to
609 submit information relating to mold identification of the
610 contact information of the person within the department to whom
611 the information may be sent, the date by which the information
612 must be received for the department to consider it in the
613 development and adoption of the mold identification guidelines,
614 and a statement that all information submitted to the department
615 will be made available to any person upon request.

616 (5) The department may review and consider adopting by
617 reference any information prepared by or on behalf of the United
618 States Environmental Protection Agency, or other authoritative
619 bodies, for the purpose of adopting national mold identification
620 guidelines.

621 (6) After the mold identification guidelines are adopted,
622 the department shall review such guidelines at least once every
623 5 years and shall amend such guidelines, as necessary, based
624 upon the availability of new scientific data or information
625 regarding effective mold identification.

626 (7) By July 1, 2023, the department shall submit a report
 627 to the Governor, the President of the Senate, and the Speaker of
 628 the House of Representatives regarding its progress in
 629 developing and adopting the mold identification guidelines.

630 (8) The department shall adopt rules to implement this
 631 section.

632 Section 10. Section 381.00735, Florida Statutes, is
 633 created to read:

634 381.00735 Guidelines for remediating mold in indoor
 635 environments; report.-

636 (1)(a) The department, in consultation with the advisory
 637 council, shall develop, adopt, and disseminate guidelines for
 638 remediating molds in indoor environments which must do all of
 639 the following:

640 1. Provide practical guidance for the removal of mold and
 641 abatement of the underlying cause of mold and associated water
 642 intrusion and water damage in indoor environments.

643 2. Protect public health.

644 3. Notwithstanding subparagraph 2., balance the protection
 645 of public health with technological and economic feasibility.

646 4. Use and include toxicological reports, the latest
 647 scientific data, or existing mold remediation standards and
 648 guidelines adopted by authoritative bodies.

649 5. Provide practical guidance for the removal or cleaning
 650 of contaminated materials in a manner that protects the health

HB 933

2022

651 of the person performing the abatement.

652 6. Include criteria for personal protective equipment.

653 (b) The mold remediation guidelines may not require a
654 landlord, owner, seller, or transferor to be specially trained
655 or certified or use the services of a qualified licensed
656 professional to conduct the mold remediation.

657 (2) The department shall consider all of the following
658 criteria when it develops and adopts the mold remediation
659 guidelines:

660 (a) The permissible exposure limits to molds adopted
661 pursuant to s. 381.00732 or what constitutes a health threat
662 from exposure to mold, both visible and invisible or hidden, in
663 an indoor environment pursuant to the mold assessment standards
664 adopted pursuant to s. 381.00733.

665 (b) Existing mold remediation standards and guidelines, if
666 any, adopted by authoritative bodies.

667 (c) Professional judgment and practicality.

668 (3) The department may not require a commercial and
669 industrial real property landlord, a residential landlord, or a
670 public entity that rents or leases a dwelling unit or building
671 to conduct air or surface tests of dwelling units or buildings
672 to determine whether the presence of mold exceeds the
673 permissible exposure limits to molds adopted pursuant to s.
674 381.00732. However, the department, in consultation with the
675 Florida Building Commission, shall develop a reporting form for

676 building inspections which may be used to document the presence
677 of mold within dwelling units or buildings.

678 (4) (a) Upon commencing its duties under this section, the
679 department shall post a notice on its public website informing
680 interested persons that it is developing and adopting mold
681 remediation guidelines and including a brief description or a
682 bibliography of the technical documents or other information the
683 department has identified as relevant to developing and adopting
684 the mold remediation guidelines.

685 (b) The notice shall also inform persons who wish to
686 submit information relating to mold remediation of the contact
687 information of the person within the department to whom the
688 information may be sent, the date by which the information must
689 be received for the department to consider it in the development
690 and adoption of the mold remediation guidelines, and a statement
691 that all information submitted to the department will be made
692 available to any person upon request.

693 (5) The department may review and consider adopting by
694 reference any information prepared by or on behalf of the United
695 States Environmental Protection Agency, or other authoritative
696 bodies, for the purpose of adopting national mold remediation
697 guidelines.

698 (6) After the mold remediation guidelines are adopted, the
699 department shall review such guidelines at least once every 5
700 years and shall amend such guidelines, as necessary, based upon

701 the availability of new scientific data or information on
702 effective mold remediation.

703 (7)(a) The department shall make available to the public
704 upon request information about contracting for the removal of
705 mold in a building or the surrounding environment, including,
706 but not limited to, all of the following:

707 1. Recommended steps to take when contracting with a
708 company to remove mold.

709 2. Existing laws, regulations, and guidelines developed by
710 the department relating to permissible exposure limits to molds
711 and mold infestation, identification, and remediation.

712 3. Basic health information as contained in existing mold
713 publications.

714 (b)1. The department shall develop and disseminate
715 educational materials and resources to inform the public about
716 the adverse health effects of molds; methods to prevent,
717 identify, and remediate mold growth; resources to obtain
718 information about molds; and contact information for persons,
719 organizations, or governmental entities to assist with public
720 concerns about molds.

721 2. The department shall make its educational materials and
722 resources available to public health officers, environmental
723 health officers, commercial and residential landlord
724 organizations, homeowners' organizations, and tenants'
725 organizations. The educational materials and resources must be

726 made readily available to the general public.

727 3. The educational materials and resources must be
728 comprehensible by the general public, published in appropriate
729 languages that reflect the diversity of the state, and made
730 available on the department's public website.

731 (8) By July 1, 2023, the department shall submit a report
732 to the Governor, the President of the Senate, and the Speaker of
733 the House of Representatives regarding its progress in
734 developing and adopting the mold remediation guidelines.

735 (9) The department shall adopt rules to implement this
736 section.

737 Section 11. Section 381.00736, Florida Statutes, is
738 created to read:

739 381.00736 Enforcement.—

740 (1) Public health officers, code enforcement officers,
741 environmental health officers, city attorneys, and any other
742 appropriate government entities or officials may respond to
743 complaints about mold and may enforce the permissible exposure
744 limits to molds adopted by the department pursuant to s.
745 381.00732, the mold assessment standards adopted by the
746 department pursuant to s. 381.00733, and the disclosure
747 requirements in ss. 83.252, 83.253, 83.501, and 689.302.

748 (2) The department, in consultation with the Department of
749 Business and Professional Regulation, shall develop forms for
750 the disclosures required in ss. 83.252, 83.253, 83.501, and

HB 933

2022

751 689.302 and establish any penalties that may be imposed for
752 failure to comply with the disclosure requirements. A penalty
753 may not be assessed against a residential landlord for failure
754 to disclose under s. 83.501 when the residential landlord
755 provides disclosure to the tenants in a form that substantially
756 conforms to the disclosure form developed by the department and
757 adopted in rule.

758 (3) The department shall adopt rules to implement this
759 section.

760 Section 12. Section 689.302, Florida Statutes, is created
761 to read:

762 689.302 Sale or transfer of commercial and industrial real
763 property; disclosures.-

764 (1)(a) Except as otherwise provided in this section, a
765 seller or transferor of commercial and industrial real property
766 shall provide written disclosure to prospective buyers as soon
767 as practicable before the transfer of title when the seller or
768 transferor knows of the presence of mold, both visible and
769 invisible or hidden, that affects the dwelling unit or building
770 and the mold either exceeds permissible exposure limits to molds
771 adopted pursuant to s. 381.00732 or poses a health threat in
772 accordance with the mold assessment standards adopted pursuant
773 to s. 381.00733.

774 (b) A seller or transferor of commercial and industrial
775 real property is exempt from providing written disclosure under

776 paragraph (a) if the presence of mold was remediated according
777 to the mold remediation guidelines adopted pursuant to s.
778 381.00735.

779 (2) (a) This section does not affect the existing
780 obligations of the parties or transferors to a real estate
781 contract, or their listing or selling agents, to disclose any
782 facts materially affecting the value and desirability of the
783 property, including, but not limited to, the physical conditions
784 of the property and previously received reports of physical
785 inspections.

786 (b) This section does not alter or modify the existing
787 inspection and disclosure duties of a real estate broker
788 licensed under chapter 475.

789 (3) A transferor to a real estate contract, or a listing
790 or selling agent, is not liable for any error, inaccuracy, or
791 omission of any information delivered pursuant to this section
792 if the error, inaccuracy, or omission was not within the
793 personal knowledge of the transferor, or the listing or selling
794 agent, or was based on information timely provided by public
795 agencies, or by other persons providing relevant information by
796 delivery of a report or opinion prepared by an expert dealing
797 with matters within the relevant scope of the professional's
798 license or expertise, and ordinary care was exercised in
799 obtaining and transmitting such report or opinion.

800 Section 13. This act shall take effect upon becoming a

HB 933

2022

801 | law.