

By Senator Jones

34-00131B-23

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1 A bill to be entitled
2 An act relating to the Toxic Mold Protection Advisory
3 Council; creating s. 381.00731, F.S.; defining terms;
4 creating the advisory council adjunct to the
5 Department of Health; providing for the purpose,
6 membership, meetings, and duties of the advisory
7 council; requiring the advisory council to submit an
8 annual report to the Governor, State Surgeon General,
9 and Legislature by a specified date; providing an
10 effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 381.00731, Florida Statutes, is created
15 to read:

16 381.00731 Toxic Mold Protection Advisory Council.—

17 (1) As used in this section, the term:

18 (a) "Affected" means affected by a condition caused by the
19 presence of mold in a dwelling unit, a building, an appurtenant
20 structure, a common wall, a heating system, or a ventilating or
21 air-conditioning system which affects the indoor air quality of
22 the dwelling unit or building.

23 (b) "Building code enforcement official" means a licensed
24 building code administrator, building code inspector, or plans
25 examiner.

26 (c) "Department" means the Department of Health.

27 (d) "Indoor environment" means the affected dwelling unit
28 or affected commercial and industrial building.

29 (e) "Industrial hygienist" has the same meaning as in s.

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30 501.937(3)(b).

31 (f) "Mold" means any form of multicellular fungi,
32 including, but not limited to, Cladosporium, Penicillium,
33 Alternaria, Aspergillus, Fusarium, Trichoderma, Memnoniella,
34 Mucor, and Stachybotrys chartarum, which lives on plant or
35 animal matter and in indoor environments and which is often
36 found in water-damaged building materials.

37 (g) "Public health officer" means a local health officer or
38 director of a county health department.

39 (2) The Toxic Mold Protection Advisory Council, an advisory
40 council as defined in s. 20.03(7), is created adjunct to the
41 department for the purpose of making recommendations and
42 advising and assisting the department in the development and
43 adoption of a public health education program and mold
44 identification, assessment, and remediation standards and
45 guidelines.

46 (3) The advisory council is composed of the following
47 members, appointed as follows:

48 (a) The following members appointed by the Secretary of
49 Business and Professional Regulation:

- 50 1. A person who is a building code enforcement official.
- 51 2. A person who is a mold assessment expert.
- 52 3. A person who is a mold abatement expert.
- 53 4. A person who is an industrial hygienist.
- 54 5. A person who represents an organization or association
55 that develops standards or certifications for the mold industry.

56 (b) The following members appointed by the State Surgeon
57 General:

- 58 1. A person who is a public health officer.

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59 2. A person who has medical expertise on the adverse health
60 effects from exposure to molds.

61 (c) A person who represents an organization or association
62 advocating for insurers, appointed by the Chief Financial
63 Officer.

64 (d) A person who represents a school district, appointed by
65 the Commissioner of Education.

66 (e) A person who is an environmental health professional,
67 appointed by the Secretary of Environmental Protection.

68 (f) The following members appointed by the President of the
69 Senate:

70 1. Two persons who represent organizations or associations
71 advocating for affected consumers, including one person who
72 represents commercial and industrial tenants and one person who
73 represents residential tenants and homeowners.

74 2. From recommendations provided by the chair of the
75 standing committee of the Senate with jurisdiction over health
76 policy, a person who represents an organization or association
77 with expertise on the adverse health effects from exposure to
78 molds.

79 (g) A person who represents an organization or association
80 advocating for affected industries, including, but not limited
81 to, commercial and industrial building proprietors, managers,
82 and landlords; residential building proprietors, managers, and
83 landlords; builders; realtors; suppliers of building materials;
84 and suppliers of furnishings, appointed by the Speaker of the
85 House of Representatives.

86 (4) (a) The initial members of the advisory council must be
87 appointed by September 1, 2023. Each member must be appointed to

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88 a 4-year term. However, in order to achieve staggered terms,
89 each of the initial members appointed pursuant to paragraphs
90 (3) (a), (b), and (c) must be appointed to a 2-year term and each
91 of the initial members appointed pursuant to paragraphs (3) (d),
92 (e), (f), and (g) must be appointed to a 4-year term.

93 (b) A vacancy on the advisory council must be filled in the
94 same manner as the original appointment.

95 (c) The advisory council shall elect a chair from among its
96 members.

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

100 (5) (a) The advisory council shall convene its first meeting
101 by October 1, 2023. Thereafter, the advisory council shall meet
102 upon the call of the chair or upon the request of a majority of
103 its members.

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

106 (6) The advisory council shall make recommendations and
107 advise and assist the department regarding the development and
108 adoption of a public health education program for indoor
109 environments and of mold identification, assessment, and
110 remediation standards and guidelines.

111 (7) By February 1, 2024, and each February 1 thereafter,
112 the advisory council shall submit an annual report on its
113 progress in performing its duties under subsection (6) to the
114 Governor, the State Surgeon General, the President of the
115 Senate, and the Speaker of the House of Representatives.

116 Section 2. This act shall take effect July 1, 2023.