

The Florida Mold Remediation Registration Act

PURPOSE:

The Legislature finds that, if mold remediation fails to be carried out in a complete and professional manner, physical and economic injury to the citizens of the state would result and, therefore, deems it necessary in the interest of the public health and safety to regulate the practice of mold remediation in this state.

SCOPE OF THE ACT:

This chapter applies to any mold-related activity, as defined by the act, performed by a third party for compensation. This act does not apply to individuals licensed by other portions of chapter 489 and 471 when acting with the scope of their license.

DEFINITIONS:

- (1) "Board" means the Construction Industry Licensing Board.
- (2) "Certified industrial hygienist" means an individual certified by the American Board of Industrial Hygiene as a certified industrial hygienist and whose certification has not expired or been suspended or revoked.
- (3) "Department" means the Department of Business and Professional Regulation.
- (4) "Indoor air quality factors" means:
 - (a) Physical parameters of an indoor air environment, including temperature, moisture content, airflow, and pressure;
 - (b) Contaminants of any origin likely to produce adverse effects in an indoor environment including gases, vapors, aerosols, or particulates; and
 - (c) Major influences, including contaminant sources and their transport mechanisms, and occupant sensitivities.
- (5) "Licensee" means an individual licensed to engage in a business or profession listed under this act or, if the licensee is a company, the officers or partners licensed to engage in a business or profession listed under this act.
- (6) "Mold" means any fungi or related products or parts, including spores, hyphae, and mycotoxins.
- (7) "Mold Analysis Company" means a person, other than an individual, that performs mold and mold-related analyses for compensation.
- (8) "Mold assessment" means the performance of mold assessments, investigations, or surveys; the development of mold management plans or response actions; or the collection or analysis of mold samples.
- (9) "Mold Assessment Company" means a person, other than an individual, that performs mold assessments for compensation.
- (10) "Mold assessment consultant" means an individual who performs mold assessments for compensation.
- (11) "Mold remediation" means the removal, cleaning, or other treatment of mold or mold-contaminated matter, live or dead, that was not intended to be grown, or purposely grown, at that location.
- (12) "Mold Remediation Company" means a person, other than an individual, that performs mold remediation for compensation.

(13) “Mold remediation contractor” means an individual who performs mold remediation for compensation.

(14) “Mold-related activities” means the performance of mold assessments or mold remediation or any other activities conducted to assess or remediate mold.

ADOPTION OF RULES

The department shall adopt rules necessary to administer and enforce this part.

REGISTRATION REQUIRED; EXEMPTION

(a) Unless a person holds a registration issued by the department under this act, the person may not act as or purport to be:

- (1) A mold analysis company;
- (2) A mold assessment company;
- (3) A mold assessment consultant;
- (4) A mold remediation company;
- (5) A mold remediation contractor; or
- (6) A person that, by title or occupation not described in this subsection engages in mold assessment, mold remediation, or mold analysis.

(b) A mold training provider must obtain a registration in accordance with this act.

TRAINING REQUIRED FOR REGISTRATION

A person may not be registered to engage in a business or profession listed under this act unless the person completes all training required by board rule.

ISSUANCE, TYPES OF REGISTRATIONS

Persons that meet the requirements for registration under the chapter, and any education, experience, or other requirements established by board rule, shall be registered by the department to perform those activities that are authorized under each of the following registration types:

- (1) A person, other than an individual, that performs mold assessments for compensation must be registered as a mold analysis company.
- (2) A person, other than an individual, that performs mold assessments for compensation must be registered as a mold assessment company.
- (3) An individual who performs mold assessments for compensation must be registered as a mold assessment consultant.
- (4) A person, other than an individual, that performs mold remediation for compensation must be registered as a mold remediation company.
- (5) An individual who performs mold remediation for compensation must be registered as a mold remediation contractor.
- (7) A person that offers and conducts mold assessment, mold remediation, or mold analysis training for the fulfillment of specific training requirements that are a prerequisite to registration must be registered as a mold training provider.

APPLICATION FOR REGISTRATION

(a) An applicant for a license issued under this act must apply to the department on the form prescribed by the department.

(b) The application form must be signed by the applicant and must include, where applicable:

- (1) The business name and address of the applicant;
- (2) Personal history information, business records, and other relevant facts as required by the department and, for an applicant for a registration to engage in a business for profession listed in this act evidence of proof of compliance with the insurance and incorporation requirements provided under this act.

(c) The completed application must be notarized.

(d) An applicant must pay a nonrefundable application fee set by the board for each application submitted.

(e) The department may, at any time after the filing of the application and before the expiration of the registration, require additional written information and assurances from the applicant. The department may make any inspections or require the production of any documentary or other evidence that the department considers necessary to determine whether the registration should be granted, delayed, or denied or whether the registration should be modified, suspended, or revoked.

REGISTRATION FEES; OTHER FEES

(a) The board by rule shall adopt a schedule of fees as set forth in this section and any other fees reasonable and necessary to implement the provisions of this chapter. The fees shall be collected by the department and shall be deposited with the comptroller in the general revenue fund to the credit of an account that may be used only by the department for the purposes of this chapter.

(b) Registration fees may not exceed \$600 for each of the required registrations.

QUALIFICATIONS FOR REGISTRATION

To qualify for a registration as a mold assessment consultant, mold assessment technician, mold remediation contractor, mold remediation supervisor, or mold training provider, and applicant must:

- (1) Be at least 18 years of age;
- (2) Be of good moral character;
- (3) Have successfully passed the registration approved under this act;
- (4) Meets the eligibility requirements according to one of the following criteria:
 - a) Holds a certification for the American Hygiene Association,
 - b) The Indoor Air Quality Association, or
 - c) An equivalent educational program as determined by the board.
- (5) Mold Analysis Company must demonstrate accreditation from a nationally recognized accrediting body or authority, such as the American Industrial Hygiene Association Laboratory Accreditation Program or equivalent program recognized by the National Cooperation on Laboratory Accreditation as meeting the international standard for competence.

REGISTRATIONS SUBJECT TO RULES AND ORDERS

The terms and conditions of registrations are subject to rules adopted or orders issued by the board in accordance with this chapter.

REGISTRATION NOT ASSIGNABLE

A registration issued under the chapter may not be assigned to another person.

REGISTRATION REPLACEMENT

A registree request may request a replacement registration certificate by completing and submitting an application as prescribed by the board.

CONTINUING EDUCATION REQUIREMENTS

(a) A registree must annually complete at least 15 hours of continuing education courses as prescribed by board rule.

(b) The courses under this section shall be offered and provided by mold training providers registered under this chapter.

(c) The registree must submit proof of compliance with the continuing education requirements along with the registree's registration renewal application.

PROHIBITION ON MULTIPLE SERVICES THAT CREATE CONFLICT OF INTEREST

A registree may perform only one of the following activities on the same project:

- (1) Mold assessment;
- (2) Mold remediation; or
- (3) Mold or mold-related analysis.

SCOPE OF WORK ANALYSIS; WORK PLAN

(a) A scope of work analysis shall be prepared for each mold remediation project by the mold remediation company or mold remediation contractor. This scope of work document shall be provided to the client or the client's representative either in the bidding phase of the project or before the mold remediation begins and must include a specification of:

- (1) The rooms or areas where work will be performed;
- (2) The quantities of materials to be removed or cleaned;
- (3) The registree's proposed methods for each type of remediation in each type of area in the project; and
- (4) The clearance criteria proposed for each type of remediation in each type of area in the project.

(b) A work plan providing instructions for the remediation efforts to be performed shall be developed by the mold remediation company or mold remediation contractor for each project. To allow time for review and changes as needed, the work plan shall be provided to the client and, if applicable, to the client's third-party consultant before the mold remediation starts. A copy of the plan must be maintained at the job site for constant review by the mold Remediation Company, mold remediation contractor, and mold remediation supervisor.

STANDARD OPERATING PROCEDURES FOR MOLD REMEDIATION

A person engaged in mold remediation shall develop and follow standard operating procedures, including proper use of personal protective equipment; employee decontamination procedures; employee annual medical monitoring; work area preparation; basic remediation techniques; decontamination techniques including of contents and interior surfaces not directly affected by visible mold; handling of mold remediation waste; use of chemicals for mold remediation; and any other standard operating procedures required by rule by the board.

REPRIMAND; MODIFICATION, SUSPENSION, OR REVOCATION OF REGISTRATION

(a) After providing notice and an opportunity for hearing to a registree, the department shall reprimand a registree or modify, suspend, suspend on an emergency basis, or revoke a registration issued under this chapter if an act or omission of the registree meets one of the criteria for departmental action under Subsection (c).

(b) If the department suspends a registration on an emergency basis, the suspension is effective immediately. The department shall provide an opportunity for a hearing within 20 days after the date of the emergency suspension.

(c) The board by rule shall adopt the criteria for departmental action under this section.

At a minimum, the criteria must require disciplinary action against a registree who:

- (1) Commits fraud or deception in obtaining or attempting to obtain a registration or a contract to perform mold-related activities;
- (2) Fails at any time to meet the qualifications for a registration;
- (3) Violates a rule adopted under this chapter;
- (4) Violates an applicable federal or state standard for performance of mold-related activities; or
- (5) Fails to maintain the records required by this chapter or board rule or fails to provide such records on request by the department.

(d) If a registrations issued under this chapter has been revoked, the individuals or organizations named in the revocation may not reapply for a registration for a period of at least five years after the date of revocation.

(e) The department may place on probation a person whose registration is suspended. If a suspension is probated, the department may require the person to do one or more of the following:

- (1) Report regularly to the department on matters that are the basis of the probation;
- (2) Limit practice to the areas prescribed by the board; and
- (3) Continue or review professional education until the person attains a degree of skill satisfactory to the board in those areas that are the basis of the probation.