

By Senator Jones

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1 A bill to be entitled
2 An act relating to toxic mold protections; providing a
3 short title; creating s. 83.252, F.S.; requiring
4 commercial and industrial real property landlords to
5 provide certain written disclosures to tenants under
6 certain circumstances; providing requirements for such
7 disclosure; providing an exception; providing that
8 such landlords are not required to conduct certain
9 tests of dwelling units or buildings; requiring
10 tenants of commercial and industrial real property to
11 provide certain written notice to landlords under
12 certain circumstances; requiring tenants to make the
13 property available to certain persons for assessment
14 or remediation; providing requirements for landlords;
15 providing applicability; creating s. 83.253, F.S.;
16 requiring certain public entities to provide written
17 disclosure to occupants and prospective tenants of
18 buildings owned, leased, or operated by such public
19 entities; providing requirements for such disclosure;
20 providing an exception; creating s. 83.501, F.S.;
21 requiring residential landlords to provide certain
22 written disclosures to prospective and current tenants
23 under certain circumstances; providing requirements
24 for such disclosures; providing an exception;
25 providing that such landlords are not required to
26 conduct certain tests of dwelling units or buildings;
27 providing construction; creating s. 381.0073, F.S.;
28 defining terms; creating s. 381.00731, F.S.; creating
29 the Toxic Mold Protection Advisory Council adjunct to

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30 the Department of Health; providing a purpose;
31 providing for membership, meetings, and duties of the
32 advisory council; requiring the advisory council to
33 submit a report to the State Surgeon General,
34 Governor, and Legislature by a specified date;
35 creating s. 381.00732, F.S.; requiring the department
36 to develop and adopt, in consultation with the
37 advisory council, permissible exposure limits to molds
38 for indoor environments; requiring the department to
39 consider certain criteria when developing and adopting
40 such limits; authorizing the department to develop
41 alternative permissible exposure limits to molds
42 applicable to certain facilities; requiring the
43 department to post a certain notice on its public
44 website; providing requirements for such notice;
45 authorizing the department to review and consider
46 adopting by reference information prepared by or on
47 behalf of certain authoritative bodies for a specified
48 purpose; requiring the department to review the
49 adopted permissible exposure limits to molds
50 periodically and amend such limits under certain
51 circumstances; requiring the department to submit a
52 report to the Governor and Legislature by a specified
53 date; requiring the department to adopt rules;
54 creating s. 381.00733, F.S.; requiring the department
55 to develop and adopt, in consultation with the
56 advisory council, standards for assessing the health
57 threat from exposure to molds in indoor environments;
58 requiring the department to consider certain criteria

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59 when developing and adopting such standards;
60 authorizing the department to develop alternative mold
61 assessment standards applicable to certain facilities;
62 requiring the department to post a certain notice on
63 its public website; providing requirements for such
64 notice; authorizing the department to review and
65 consider adopting by reference information prepared by
66 or on behalf of certain authoritative bodies for a
67 specified purpose; requiring the department to review
68 the adopted mold assessment standards periodically and
69 amend such standards under certain circumstances;
70 requiring the department to submit a report to the
71 Governor and Legislature by a specified date;
72 requiring the department to adopt rules; creating s.
73 381.00734, F.S.; requiring the department to develop
74 and adopt, in consultation with the advisory council,
75 guidelines for identifying molds in indoor
76 environments; providing requirements for such
77 guidelines; requiring the department to consider
78 certain criteria when developing and adopting such
79 guidelines; prohibiting the department from requiring
80 a commercial and industrial real property landlord,
81 residential landlord, or public entity to conduct
82 certain tests of dwelling units or buildings for a
83 specified purpose; requiring the department to post a
84 certain notice on its public website; providing
85 requirements for such notice; authorizing the
86 department to review and consider adopting by
87 reference information prepared by or on behalf of

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88 certain authoritative bodies for a specified purpose;
89 requiring the department to review the adopted mold
90 identification guidelines periodically and amend the
91 guidelines under certain circumstances; requiring the
92 department to submit a report to the Governor and
93 Legislature by a specified date; requiring the
94 department to adopt rules; creating s. 381.00735,
95 F.S.; requiring the department to develop and adopt,
96 in consultation with the advisory council, guidelines
97 for remediating molds in indoor environments;
98 providing requirements for such guidelines; requiring
99 the department to consider certain criteria when
100 developing and adopting such guidelines; prohibiting
101 the department from requiring a commercial and
102 industrial real property landlord, residential
103 landlord, or public entity to conduct certain tests of
104 dwelling units or buildings for a specified purpose;
105 requiring the department, in consultation with the
106 Florida Building Commission, to develop a reporting
107 form for building inspections; requiring the
108 department to post a certain notice on its public
109 website; providing requirements for such notice;
110 authorizing the department to review and consider
111 adopting by reference information prepared by or on
112 behalf of certain authoritative bodies for a specified
113 purpose; requiring the department to review the
114 adopted mold remediation guidelines periodically and
115 amend such guidelines under certain circumstances;
116 requiring the department to make specified information

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117 available to the public upon request and on its public
118 website; requiring the department to develop and
119 disseminate certain educational materials and
120 resources; requiring the department to submit a report
121 to the Governor and Legislature by a specified date;
122 requiring the department to adopt rules; creating s.
123 381.00736, F.S.; providing for enforcement of the
124 permissible exposure limits to molds, the mold
125 assessment standards, and certain disclosure
126 requirements; requiring the department, in
127 consultation with the Department of Business and
128 Professional Regulation, to develop forms for the
129 required disclosures and establish penalties;
130 prohibiting a penalty from being assessed against a
131 residential landlord under certain circumstances;
132 requiring the Department of Health to adopt rules;
133 creating s. 689.302, F.S.; requiring a seller or
134 transferor of commercial and industrial real property
135 to provide a written disclosure to prospective buyers
136 within a specified timeframe under certain
137 circumstances; providing an exception; providing
138 construction; providing that a transferor to a real
139 estate contract or a listing or selling agent is not
140 liable under certain circumstances; providing an
141 effective date.

142
143 Be It Enacted by the Legislature of the State of Florida:

144
145 Section 1. This act may be cited as the "Toxic Mold

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146 Protections Act.”

147 Section 2. Section 83.252, Florida Statutes, is created to
148 read:

149 83.252 Commercial and industrial real properties;
150 disclosure and notice.—

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

161 (a) Prospective tenants as soon as practicable and before
162 entering into a rental agreement.

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

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

170 (b) A commercial and industrial real property landlord is
171 not required to conduct air or surface tests of dwelling units
172 or buildings to determine whether the presence of mold exceeds
173 the permissible exposure limits to molds adopted pursuant to s.
174 381.00732.

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175 (3) A tenant of a commercial and industrial real property
176 who knows or is informed that mold is present in the building,
177 heating system, ventilating or air-conditioning system, or
178 appurtenant structures, or that there is a condition of chronic
179 water intrusion or flood, shall inform the landlord in writing
180 of such knowledge within a reasonable period of time. The tenant
181 shall make the property available to the landlord or his or her
182 agents for appropriate assessment or remedial action as soon as
183 is reasonably practicable if the landlord is responsible for
184 maintenance of the property. This section does not affect any
185 existing duties and obligations of tenants and landlords under
186 this part.

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

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

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204 knowledge as soon as is reasonably practicable and shall remedy
205 the condition in compliance with the terms of the rental
206 agreement.

207 Section 3. Section 83.253, Florida Statutes, is created to
208 read:

209 83.253 Properties owned, leased, or operated by public
210 entities; disclosure.-

211 (1) A public entity that owns, leases, or operates a
212 building shall provide written disclosure to all building
213 occupants and prospective tenants when the public entity knows,
214 or has reasonable cause to believe, that a condition of chronic
215 water intrusion or flood exists, or that mold, both visible and
216 invisible or hidden, is present that affects, as defined in s.
217 381.0073, the building or dwelling unit and the mold either
218 exceeds the permissible exposure limits to molds adopted
219 pursuant to s. 381.00732 or poses a health threat in accordance
220 with the mold assessment standards adopted pursuant to s.
221 381.00733. The written disclosure shall be provided to:

222 (a) Prospective tenants as soon as practicable and before
223 entering into a rental agreement.

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

226 (2) A public entity is exempt from providing written
227 disclosure to prospective tenants as required in subsection (1)
228 if the presence of mold was remediated in accordance with the
229 mold remediation guidelines adopted pursuant to s. 381.00735.

230 Section 4. Section 83.501, Florida Statutes, is created to
231 read:

232 83.501 Residential properties; disclosure.-

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

243 (a) Prospective tenants before entering into a rental or
244 lease agreement.

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

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

252 (b) A residential landlord is not required to conduct air
253 or surface tests of dwelling units or buildings to determine
254 whether the presence of mold exceeds the permissible exposure
255 limits to molds adopted pursuant to s. 381.00732.

256 (3) Residential landlords shall provide written disclosure
257 to prospective tenants of the potential health risks and the
258 health impact that may result from exposure to mold by
259 distributing educational materials and resources developed and
260 disseminated by the Department of Health pursuant to s.
261 381.00735.

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

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

267 Section 5. Section 381.0073, Florida Statutes, is created
268 to read:

269 381.0073 Definitions.—For purposes of this section and ss.
270 381.00731-381.00736, the term:

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

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

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

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

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

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

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291 (7) "Industrial hygienist" has the same meaning as in s.
292 501.937(3) (b) .

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

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

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

305 Section 6. Section 381.00731, Florida Statutes, is created
306 to read:

307 381.00731 Toxic Mold Protection Advisory Council.—

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

315 (2) The advisory council shall consist of 17 members as
316 follows:

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

319 (b) One member who is an environmental health professional,

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320 appointed by the State Surgeon General.

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

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

327 (e) One member who is a mold abatement expert, appointed by
328 the Secretary of Business and Professional Regulation.

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

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

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

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

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

346 (k) Two members who represent an organization or
347 association advocating for affected industries, including, but
348 not limited to, commercial and industrial building proprietors,

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349 managers, and landlords; residential building proprietors,
350 managers, and landlords; builders; realtors; suppliers of
351 building materials; and suppliers of furnishings, appointed by
352 the Speaker of the House of Representatives.

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

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

361 (c) The advisory council shall elect a chair from among its
362 members.

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

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

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

372 (5) The advisory council shall make recommendations and
373 advise and assist the department regarding the development and
374 adoption of permissible exposure limits to molds in indoor
375 environments and other mold identification, assessment, and
376 remediation standards and guidelines pursuant to ss. 381.00732-
377 381.00735.

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

383 Section 7. Section 381.00732, Florida Statutes, is created
384 to read:

385 381.00732 Permissible exposure limits to mold in indoor
386 environments; report.-

387 (1) The department, in consultation with the advisory
388 council, shall:

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

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

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

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

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

403 (a) The adverse health effects from exposure to mold on the
404 general population and the specific adverse health effects from
405 exposure to mold on members of subgroups that comprise a
406 meaningful portion of the general population, including, but not

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407 limited to, infants, children 6 years of age or younger,
408 pregnant women, elderly persons, persons with asthma or
409 allergies, persons who are immune compromised, or other
410 subgroups that are identifiable as being at greater risk of
411 adverse health effects from exposure to mold than the general
412 population.

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

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

420 (d) Any toxicological studies or additional scientific
421 evidence relating to mold.

422 (3) The department may develop and adopt alternative
423 permissible exposure limits to mold that are applicable to
424 facilities, including, but not limited to, hospitals, child care
425 facilities, and nursing homes, whose primary business is to
426 serve members of subgroups, as described in paragraph (2) (a),
427 that comprise a meaningful portion of the general population and
428 are at greater risk of adverse health effects from exposure to
429 molds than the general population.

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

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436 developing and adopting the permissible exposure limits to mold.

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

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

450 (6) (a) After the permissible exposure limits to molds are
451 adopted, the department shall review such limits at least once
452 every 5 years and shall amend such limits if any of the
453 following occur:

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

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

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

464 (7) By July 1, 2023, the department shall submit a report

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465 to the Governor, the President of the Senate, and the Speaker of
466 the House of Representatives regarding its progress in
467 developing and adopting the permissible exposure limits to
468 molds.

469 (8) The department shall adopt rules to implement this
470 section.

471 Section 8. Section 381.00733, Florida Statutes, is created
472 to read:

473 381.00733 Standards for assessing health threat from
474 exposure to molds in indoor environments; report.-

475 (1) The department, in consultation with the advisory
476 council, shall develop and adopt standards for assessing the
477 health threat from exposure to molds, both visible and invisible
478 or hidden, in indoor environments, which must do all of the
479 following:

480 (a) Protect the public health.

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

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

486 (d) Target the general population.

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

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

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

504 (b) Existing mold assessment standards, if any, adopted by
505 authoritative bodies.

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

511 (d) Any toxicological studies or additional scientific
512 evidence relating to mold.

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

521 (4) (a) Upon commencing its duties under this section, the
522 department shall post a notice on its public website informing

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523 interested persons that it is developing and adopting mold
524 assessment standards and including a brief description or a
525 bibliography of the technical documents or other information the
526 department has identified as relevant to developing and adopting
527 the mold assessment standards.

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

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

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

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

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

550 (7) By July 1, 2023, the department shall submit a report
551 to the Governor, the President of the Senate, and the Speaker of

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552 the House of Representatives regarding its progress in
553 developing and adopting the mold assessment standards.

554 (8) The department shall adopt rules to implement this
555 section.

556 Section 9. Section 381.00734, Florida Statutes, is created
557 to read:

558 381.00734 Guidelines for identifying molds in indoor
559 environments; report.-

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

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

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

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

577 2. Notwithstanding subparagraph 1., balance the protection
578 of public health with technological and economic feasibility.

579 3. Use and include the latest scientific data or existing
580 mold identification guidelines adopted by authoritative bodies.

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581 (c) The department shall consider all of the following
582 criteria when it develops and adopts mold identification
583 guidelines:

584 1. The permissible exposure limits to molds adopted
585 pursuant to s. 381.00732 or what constitutes a health threat
586 from exposure to mold, both visible and invisible or hidden, in
587 an indoor environment pursuant to the mold assessment standards
588 adopted pursuant to s. 381.00733.

589 2. Existing mold identification guidelines, if any, adopted
590 by authoritative bodies.

591 3. Professional judgment and practicality.

592 4. Any toxicological studies or additional scientific
593 evidence relating to mold.

594 (3) The department may not require a commercial and
595 industrial real property landlord, a residential landlord, or a
596 public entity that rents or leases a dwelling unit or building
597 to conduct air or surface tests of dwelling units or buildings
598 to determine whether the presence of mold exceeds the
599 permissible exposure limits to molds adopted pursuant to s.
600 381.00732. However, the department shall develop a reporting
601 form for building inspections which may be used to document the
602 presence of mold within dwelling units or buildings.

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

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

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

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

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

632 (8) The department shall adopt rules to implement this
633 section.

634 Section 10. Section 381.00735, Florida Statutes, is created
635 to read:

636 381.00735 Guidelines for remediating mold in indoor
637 environments; report.-

638 (1) (a) The department, in consultation with the advisory

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639 council, shall develop, adopt, and disseminate guidelines for
640 remediating molds in indoor environments which must do all of
641 the following:

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

645 2. Protect public health.

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

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

651 5. Provide practical guidance for the removal or cleaning
652 of contaminated materials in a manner that protects the health
653 of the person performing the abatement.

654 6. Include criteria for personal protective equipment.

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

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

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

667 (b) Existing mold remediation standards and guidelines, if

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668 any, adopted by authoritative bodies.

669 (c) Professional judgment and practicality.

670 (3) The department may not require a commercial and
671 industrial real property landlord, a residential landlord, or a
672 public entity that rents or leases a dwelling unit or building
673 to conduct air or surface tests of dwelling units or buildings
674 to determine whether the presence of mold exceeds the
675 permissible exposure limits to molds adopted pursuant to s.
676 381.00732. However, the department, in consultation with the
677 Florida Building Commission, shall develop a reporting form for
678 building inspections which may be used to document the presence
679 of mold within dwelling units or buildings.

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

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

695 (5) The department may review and consider adopting by
696 reference any information prepared by or on behalf of the United

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697 States Environmental Protection Agency, or other authoritative
698 bodies, for the purpose of adopting national mold remediation
699 guidelines.

700 (6) After the mold remediation guidelines are adopted, the
701 department shall review such guidelines at least once every 5
702 years and shall amend such guidelines, as necessary, based upon
703 the availability of new scientific data or information on
704 effective mold remediation.

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

709 1. Recommended steps to take when contracting with a
710 company to remove mold.

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

714 3. Basic health information as contained in existing mold
715 publications.

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

723 2. The department shall make its educational materials and
724 resources available to public health officers, environmental
725 health officers, commercial and residential landlord

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726 organizations, homeowners' organizations, and tenants'
727 organizations. The educational materials and resources must be
728 made readily available to the general public.

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

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

737 (9) The department shall adopt rules to implement this
738 section.

739 Section 11. Section 381.00736, Florida Statutes, is created
740 to read:

741 381.00736 Enforcement.—

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

750 (2) The department, in consultation with the Department of
751 Business and Professional Regulation, shall develop forms for
752 the disclosures required in ss. 83.252, 83.253, 83.501, and
753 689.302 and establish any penalties that may be imposed for
754 failure to comply with the disclosure requirements. A penalty

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755 may not be assessed against a residential landlord for failure
756 to disclose under s. 83.501 when the residential landlord
757 provides disclosure to the tenants in a form that substantially
758 conforms to the disclosure form developed by the department and
759 adopted in rule.

760 (3) The department shall adopt rules to implement this
761 section.

762 Section 12. Section 689.302, Florida Statutes, is created
763 to read:

764 689.302 Sale or transfer of commercial and industrial real
765 property; disclosures.-

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

776 (b) A seller or transferor of commercial and industrial
777 real property is exempt from providing written disclosure under
778 paragraph (a) if the presence of mold was remediated according
779 to the mold remediation guidelines adopted pursuant to s.
780 381.00735.

781 (2) (a) This section does not affect the existing
782 obligations of the parties or transferors to a real estate
783 contract, or their listing or selling agents, to disclose any

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784 facts materially affecting the value and desirability of the
785 property, including, but not limited to, the physical conditions
786 of the property and previously received reports of physical
787 inspections.

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

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

802 Section 13. This act shall take effect upon becoming a law.