

June 22, 2005

Ms. Glenda E. Hood
Secretary of State
Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, House Bill 315, enacted during the 107th Session of the Legislature of Florida since statehood in 1845, during the Regular Session of 2005, and entitled:

An act relating to building assessment and remediation . . .

This bill seeks to provide public protection against the possibility of fraudulent practices in the unregulated fields of home inspection, mold assessment, and mold remediation. It provides education requirements and requires liability insurance for home inspectors, mold assessors, and mold remediators, prohibits certain acts which could lead to fraudulent practices, and provides penalties for those acts.

I support efforts to protect the public from unscrupulous business practices and I believe providing strict standards for home inspectors, mold assessors, and mold remediators is warranted.

However, I am concerned that this bill will have unintended consequences, including putting some legitimate and responsible employees out of business. The bill grandfatheres some home inspectors but does not provide for the grandfathering of responsible and experienced mold assessors and remediators. This will likely put employees and companies that cannot complete the bill's education and training requirements by January 1, 2006 out of business.

Additionally, the bill is somewhat ambiguous and does not provide clear guidance to the industry in some areas. For example, the bill does not establish clear educational and examination requirements. While this bill requires training, it contains no specificity with regard to what kinds of curriculum and/or standards are necessary for home inspectors, mold assessors or mold remediators. Further, the bill appears to arbitrarily require high school and college degrees while presenting no clear reason why.

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Finally, the bill requires mold assessors to maintain a mold-specific insurance policy and in-contracting mold remediators to maintain a general liability insurance policy with a mold insurance pollution rider, both in an amount of not less than \$1 million. There is some question as to whether these policies will be available by the required date of October 1, 2005. There is a further concern that this will have the unintended effect of allowing insurers to deny payments for mold claims under a homeowner policy if work on a home has been performed by a mold assessor or remediator.

Because I agree with the bill's sponsors that additional consumer protection is warranted in these fields, I have directed Secretary Diane Carr of the Department of Business and Professional Regulation to work with various stakeholders during the interim to develop proposed legislation. I encourage legislators to participate in this process and hope that they will work with the department to find a solution that protects the public while providing a constructive business climate in which legitimate and responsible Florida businesses can compete.

For the reasons enunciated, I withhold my support for House Bill 315, and do hereby veto the same.

Sincerely,

Jeb Bush