

The Fundamental Carrier Cheat/Fraud/Scam Drying After a Hurricane



Florida Department of
Business &
Professional
Regulation

Florida DBPR Definition of Mold Assessment

The 2021 Florida Statutes. 468.8411

(3) “Mold assessment” means a process performed by a mold assessor that includes the **physical sampling** and detailed evaluation of data obtained from a building history and inspection to formulate an initial hypothesis about the **origin, identity, location, and extent** of amplification of mold growth of **greater than 10 square feet**.

- If the Carrier inspection did not determine the **origin, identity, location and extent** of mold > 10 sq ft, its not a DBPR defined mold assessment.
- **The law does not limit assessments to visible/ non-intrusive inspections.**

Florida DBPR Definition of Mold Remediation

The 2021 Florida Statutes. 468.8411

(5) “Mold remediation” means the removal, cleaning, **sanitizing, demolition**, or other treatment, **including preventive activities (such as drying)**, of mold or mold-contaminated matter of **greater than 10 square feet ...**

When performing water damage restoration, the key words here ... when > 10 sq ft of mold:

- Preventive activities: Includes both the application of biocides as well as drying are illegal mold remediation

Mold starts to grow in 24-48 hours per
EPA/FEMA/OSHA/CDC.

Water damage from wind driven rain from a hurricane can NEVER be properly and fully restored by drying.

Response can NEVER be fast enough. And/or no power.

Dry-out contractors ALWAYS cover up/hide failed drying after a storm with ALWAYS illegally applied biocides.

Leaves a toxic residue. Hurts homes. Hurts babies

FEDERAL & FLORIDA PESTICIDE LAWS



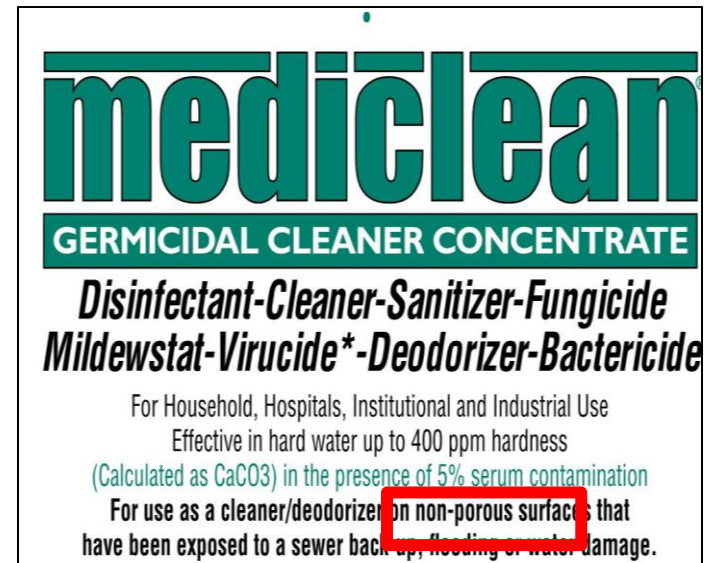
FIFRA

S500 and Illegal Antimicrobial (Biocide) Use

Antimicrobial (biocide) Risk Management

Restorers should obtain a **written informed consent** from the customer **before** they are applied, and occupants should be evacuated prior to application.

Restorers shall follow label directions and comply with federal, state, provincial, and local regulations. (S500-2021 12.3.10.1)



- Obtain written **informed** consent **before** applying biocides.
- This is not a line in the work order that says that Contractor may use biocides/ antifungals and by signing, contractors hereby agree.
- “Shall” (means required by law) follow label directions.

Even though widely sprayed on drywall to cover up mold and bacterial growth/odors, there are NO EPA Registered Biocides that can legally be used on any porous or semi-porous materials (such as drywall).

Use on drywall is contrary to Federal Law (FIFRA).

Illegal application of biocides = Invoice not enforceable.

Plant Based Biocides Such as BotaniClean. Not Exempt

When used as directed, BotaniClean effectively cleans and disinfects **hard, non-porous environmental surfaces** such as: ambulance patient care surfaces, anesthesia equipment surfaces, baby/infant care surfaces, backboards, bathing units, bathrooms, bed railings, blood pressure devices, cabinets, chairs, changing tables, computer surfaces, countertops, CT equipment/surfaces, curing lights, dental equipment surfaces/devices, doorknobs, floors, garbage



- Plant based biocides are not exempt. They are EPA regulated/ EPA RESTRICTED USE.
- Hard surfaces only. Not on drywall.
- If there is a line item in the Contractor invoice for anti-microbial application (plant based or otherwise)...
- Illegal contracting. Invoice is not enforceable.
- It may be that everyone is doing it, that does not mean it is okay. Does not mean it is legal.

UNDER NEW FLORIDA SUPREME COURT RULING

- Under new Florida Supreme Court ruling (1-1-25) 1.510 (c) ...
- Find > 10 sq ft of mold after dry-out. Have judge issue Summary Judgement against Carrier FOR PAYING FOR ILLEGAL DRYING that did not restore.
- Sue dry-out contractor for Fraud. Used illegal biocides to cover up failed drying.
- Sue for personal injury. Drying when mold spreads contaminants. Damages homes.
- Results in sick kids.
- Spraying with biocides to cover up failed drying. Leaves a toxic biocide residue. Hurts kids.
- Horrible. Paid for by Florida approved Carriers.

HOW CAN THIS BE HAPPENING?

- In Florida: Water damage training classes sponsored by IICRC do not in any way teach Florida Mold Assessment /Mold Remediation Laws where if mold > 10 sq ft, drying is illegal mold remediation.
- In Florida: Xactimate has no procedures for compliance with Florida Mold Laws.
- SB 2-A allows Florida Carriers to cheat homeowners and leave sick homes / sick babies without recourse.
- With SB 2-A, only the rich that can hire their own lawyers have coverage. Everyone else pays for insurance but from a practical manner, have none.
- What a horrible disgrace for our great state.