

Effective: July 01, 2008West's Florida Statutes Annotated [Currentness](#)

Title XXIX. Public Health (Chapters 381-408)

[Chapter 381](#). Public Health: General Provisions ([Refs & Annos](#))**→ 381.983. Definitions**

As used in this act, the term:

(1) "Affected property" means a room or group of rooms within a property constructed before January 1, 1960, or within a property constructed between January 1, 1960, and January 1, 1978, where the owner has actual knowledge of the presence of **lead-based paint**, that form a single independent habitable dwelling unit for occupation by one or more individuals and that has living facilities with permanent provisions for living, sleeping, eating, cooking, and sanitation. Affected property does not include:

(a) An area not used for living, sleeping, eating, cooking, or sanitation, such as an unfinished basement;

(b) A unit within a hotel, motel, or similar seasonal or transient facility, unless such unit is occupied by one or more persons at risk for a period exceeding 30 days;

(c) An area that is secured and inaccessible to occupants; or

(d) A unit that is not offered for rent.

(2) "Dust-lead hazard" means surface dust in a residential dwelling or a facility occupied by a person at risk which contains a mass-per-area concentration of lead equal to or exceeding 40 ug/ft² on floors or 250 ug/ft² on interior windowsills based on wipe samples.

(3) "Elevated blood-lead level" means a quantity of lead in whole venous blood, expressed in micrograms per deciliter (ug/dL), which exceeds 10 ug/dL or such other level as specifically provided in this act.

(4) "**Lead-based paint**" means paint or other surface coatings that contain lead equal to or exceeding 1.0 milligram per square centimeter, 0.5 percent by weight, or 5,000 parts per million (ppm) by weight.

(5) "**Lead-based-paint hazard**" means paint-lead hazards and dust-lead hazards.

(6) "Owner" means a person, firm, corporation, nonprofit organization, partnership, government, guardian, conservator, receiver, trustee, executor, or other judicial officer, or other entity which, alone or with others, owns, holds, or controls the freehold or leasehold title or part of the title to property, with or without actually possessing it. The definition includes a vendee who possesses the title, but does not include a mortgagee or an owner of a reversionary interest under a ground rent lease. The term includes any authorized agent of the owner, including a property manager or leasing agent.

(7) "Paint-lead hazard" means any one of the following:

(a) Any **lead-based paint** on a friction surface that is subject to abrasion and where the dust-lead levels on the nearest horizontal surface underneath the friction surface, such as the windowsill or floor, are equal to or greater than the dust-lead-hazard levels defined in subsection (2);

(b) Any damaged or otherwise deteriorated **lead-based paint** on an impact surface that is caused by impact from a related building material, such as a door knob that knocks into a wall or a door that knocks against its door frame;

(c) Any chewable lead-based painted surface on which there is evidence of teeth marks; or

(d) Any other deteriorated **lead-based paint** in or on the exterior of any residential building or any facility occupied by a person at risk.

(8) "Person at risk" means a child under the age of 6 years or a pregnant woman who resides or regularly spends at least 24 hours per week in an affected property.

(9) "Tenant" means the individual named as the lessee in a lease, rental agreement, or occupancy agreement for a dwelling unit.

CREDIT(S)

[Laws 2006, c. 2006-269, § 3, eff. July 1, 2006.](#) Amended by [Laws 2008, c. 2008-6, § 34, eff. July 1, 2008.](#)

West's F. S. A. § 381.983, FL ST § 381.983

Current through Chapter 243 (End) of the 2009 First Regular Session of the Twenty-first Legislature.

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