

FLORIDA HOME INSPECTORS
LEGISLATIVE ALLIANCE

The Florida Home Inspectors Alliance is made up of representatives from:

Florida Association of Building Inspectors (**FABI**)

American Society of Home Inspectors (**ASHI**)

National Association of Home Inspectors (**NAHI**)

National Association of Certified Home Inspectors (**NACHI**)

PURPOSE:

To unite all home inspector associations and create a bill that protects the home buying consumers from uneducated home inspectors by raising the requirements

COST ANALYSIS:

The bill content was drafted with the rationale that the government will not be burdened for additional expenses, time and the department will make a small profit yearly.

The projected revenue is as follow: 4500+ HI X \$250 for a two year license = \$1,125,000 + penalties + applications.

One staff person & one administrator to oversee department.

The regulatory board will handle complaints, conflicts, resolutions, future changes with in conjunction with the dept.

Training will be handled by approved licensed providers/schools. CEUs will be done by approved providers/schools and approved home inspectors associations.

****Some independent home inspectors and franchise associations will argue that the bill restricts that the requirements are too high and restricts inspectors from working.**

Changes Legend

suggest removal

Legend= suggest adding

Underline= question?

Joey's Comments

AZ= Arizona

PA= Pennsylvania

A bill to be entitled

An act relating to home inspection services; creating s. 501.935, F.S.; providing for licensure of persons providing home inspection services; providing legislative intent and definitions; providing standards of practice; creating the Florida Home Inspection Advisory Council Florida Regulatory Board; providing licensure requirements, including grandfathering provisions; providing exemptions; providing prohibited acts and penalties; providing for complaints and discipline; providing fees; requiring liability insurance; exempting from duty to provide repair cost estimates; providing for reciprocity; providing continuing education requirements; providing limitations; providing for enforcement of violations; providing an appropriation and authorizing positions; providing an effective date.

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

Section 1. Section 501.935, Florida Statutes, is created to read:

501.935 Home inspection services; advisory council Florida Regulatory Board; licensure requirements; exemptions; prohibited acts and penalties; complaints and discipline; fees and insurance; continuing education; reciprocity; limitations and enforcement.--

(1) INTENT.--It is the intent of this section to require the licensing of home inspectors and to ensure that consumers of home inspection services can rely on the competence of home inspectors, as determined by educational and experience requirements and testing.

(2) DEFINITIONS.--As used in this section, the term:

(a) "**Department**" means the Department of Business and Professional Regulation.

(b) "**Home**" means any residential real property/structure/residential dwelling/building, or manufactured or modular home that is a single-family dwelling, duplex, triplex, quadruplex, condominium unit, or cooperative unit. The term does not include the common areas of condominiums or cooperatives. The term includes new homes that have been given a Certificate of Occupancy by the municipality of jurisdiction and light or residential commercial structures.

(c) "**Home inspector**" means any person who provides or offers to provide a home inspection service for a fee or other compensation.

AZ "**Home Inspector**" means an individual who is certified pursuant to this chapter as a home inspector and who engages in the business of performing home inspections and writing home inspection reports.

(d) "**Home inspection**" A visual analysis for the purposes of providing a report of the condition of a building and its carports and garages, any reasonably accessible installed components and the operation of the building systems, including the controls normally operated by the owner, for the following components of a residential building of four units or fewer: heating system, electrical system, cooling system, plumbing system, structural components, foundation, roof covering, exterior and interior components and site aspects as they affect the building.

Joey's:(d) "**Home inspection**" means a noninvasive visual examination/analysis/survey and basic operation of the essential systems and components of a residential real property/structure/residential dwelling/building which can be reached, entered, or view without difficulty, moving obstructions, or requiring any action which may result in damage to the property or personal injury to the inspector for the purposes of providing a report on the results of a home inspection utilizing the Standards of Practice as guideline. The home inspection does not include an examination of a single system or component, one or more of the following: wood destroying organisms, underground tanks and wells, septic systems, swimming pools and spas, alarm and low voltage systems, air and water quality, tennis courts and playground equipment, pollutants, toxic chemicals and environmental hazards, code compliance, manufacture's specifications and installation compliance, remaining life of any system or component.

AZ "**Home Inspection**" means a visual analysis for the purposes of providing a professional opinion of the building, any reasonably accessible installed components and the operation of the building's

systems, including the controls normally operated by the owner, for the following components of a residential building of four units or less:

- a. Heating system.
- b. Cooling system.
- c. Plumbing system.
- d. Electrical system.
- e. Structural components.
- f. Foundation.
- g. Roof covering.
- h. Exterior and interior components.
- i. Site aspects as they affect the building.

- (e) "Home Inspection Report" means a written professional opinion prepared for compensation and issued after a home inspection on the results of a home inspection, utilizing the Standards of Practice as guideline. The report is not intended to be, or to be construed as, a guarantee, warranty or any form of insurance.

PA Report on any system or component inspected that, in the opinion of the licensee, is significantly deficient. The licensee's recommendation to seek further evaluation of an expert in that field or monitor deficiencies as reported. A list of any and all systems or components that were designated for inspection in the standards of practice adopted by the board but that were not inspected. The reason a system or component was not inspected.

AZ "Home inspection report" means a written report that is prepared for compensation, that is issued after a home inspection and that clearly describes and identifies the inspected systems, structures and components of a completed dwelling and any visible major defects found to be in need of immediate major repair and any recommendations for additional evaluation by appropriate persons.

(3) STANDARDS OF PRACTICE and Code of Ethics.--The department, in consultation with the Florida Home Inspection Advisory Council, shall adopt by rule pursuant to ss. 120.536(1) and 120.54 the minimum standards of practice for home inspectors, which shall be based on nationally recognized industry standards of practice for home inspectors.

1. INTRODUCTION

The adopted most current version of North America and Florida oldest recognized Standard of Practice used by the majority of home inspectors practicing in Florida.

2. PURPOSE AND SCOPE

2.1 The purpose of the Standards of Practice is to establish a minimum and uniform standard for

Home Inspectors. Home inspections performed to these Standards of Practice are intended to provide the client with objective information regarding the condition of the systems and components of the home as inspected at the time of the home inspection. Redundancy in the description of the requirements, limitations, and exclusions regarding the scope of the home inspection is provided for emphasis only. 2.2 Inspectors shall: A. adheres to the Code of Ethics. B. Inspect readily accessible, visually observable, Installed systems and components listed in these Standards of Practice.

C. report:

1. those systems and components inspected that, in the professional judgment of the Inspector, are not functioning properly, significantly deficient, unsafe, or are near the end of their service lives. 2. recommendations to correct, or monitor for future correction, the deficiencies reported in 2.2.C.1, or items needing further evaluation. (Per Exclusion 13.2.A.5 Inspectors are NOT required to determine methods, materials, or costs of corrections.) 3. reasoning or explanation as to the nature of the deficiencies reported in 2.2.C.1, that are not self-evident. 4. systems and components designated for inspection in these Standards of Practice that were present at the time of the home inspection but were not inspected and the reason(s) they were not inspected. 2.3 These Standards of Practice are not intended to limit

Inspectors from: A. including other inspection services or systems and components in addition to those required in Section 2.2.B. B. designing or specifying repairs, provided the Inspector is appropriately qualified and willing to do so. C. excluding systems and components from the inspection if requested by the client.

3. STRUCTURAL COMPONENTS

3.1 The Inspector shall:

A. inspect:

1. structural components including the foundation and framing.
2. by probing a representative number of structural components where deterioration is suspected or where clear indications of possible deterioration exist. Probing is NOT required when probing would damage any finished surface or where no deterioration is visible or presumed to exist.

B. describe:

1. the methods used to inspect under-floor crawl spaces and attics.
2. the foundation.
3. the floor structure.
4. the wall structure.
5. the ceiling structure.
6. the roof structure.

3.2 **The Inspector is NOT required to:**

A. provide any engineering or architectural services or analysis.
B. offer an opinion as to the adequacy of any structural system or component.

4. EXTERIOR

4.1 The Inspector shall:

- A. inspect:
 - 1. siding, flashing and trim.
 - 2. all exterior doors.
 - 3. attached or adjacent decks, balconies, stoops, steps, porches, and their associated railings.
 - 4. eaves, soffits, and fascias where accessible from the ground level.
 - 5. vegetation, grading, surface drainage, and retaining walls that are likely to adversely affect the building.
 - 6. adjacent or entryway walkways, patios, and driveways.
 - B. describe:
 - 1. siding.
- 4.2 The Inspector is NOT required to inspect:**
- A. screening, shutters, awnings, and similar seasonal accessories.
 - B. fences.
 - C. geological and/or soil conditions.
 - D. recreational facilities.
 - E. outbuildings other than garages and carports.
 - F. seawalls, break-walls, and docks.
 - G. erosion control and earth stabilization measures.

5. ROOFING

5.1 The Inspector shall:

- A. inspect:
 - 1. roofing materials.
 - 2. roof drainage systems.
 - 3. flashing.
 - 4. skylights, chimneys, and roof penetrations.
- B. describe:
 - 1. roofing materials.
 - 2. methods used to inspect the roofing.

5.2 The Inspector is NOT required to inspect:

- A. antennae.
- B. interiors of flues or chimneys that are not *readily accessible*.
- C. other Installed accessories.

6. PLUMBING

6.1 The Inspector shall:

- A. inspect:
 - 1. interior water supply and distribution systems including all fixtures and faucets.
 - 2. drain, waste, and vent systems including all fixtures.
 - 3. water heating equipment and hot water supply system.
 - 4. vent systems, flues, and chimneys.
 - 5. fuel storage and fuel distribution systems.
 - 6. drainage sumps, sump pumps, and related piping.
- B. describe:
 - 1. water supply, drain, waste, and vent piping materials.
 - 2. water heating equipment including energy source(s).
 - 3. location of main water and fuel shut-off valves.

6.2 The Inspector is NOT required to:

- A. inspect:
 - 1. clothes washing machine connections.
 - 2. interiors of flues or chimneys that are not readily accessible.
 - 3. wells, well pumps, or water storage related equipment.

4. water conditioning systems.
 5. solar water heating systems.
 6. fire and lawn sprinkler systems.
 7. private waste disposal systems.
- B. determine:
1. whether water supply and waste disposal systems are public or private.
 2. water supply quantity or quality.
- C. operate automatic safety controls or manual stop valves.

7. ELECTRICAL

7.1 The Inspector shall:

A. inspect:

1. service drop.
2. service entrance conductors, cables, and raceways.
3. service equipment and main disconnects.
4. service grounding.
5. interior components of service panels and sub panels.
6. conductors.
7. overcurrent protection devices.
8. a Representative number of Installed lighting fixtures, switches, and receptacles.
9. ground fault circuit interrupters.

B. describe:

1. amperage and voltage rating of the service.
2. location of main disconnect(s) and sub panels.
3. presence of solid conductor aluminum branch circuit wiring.
4. presence or absence of smoke detectors.
5. wiring methods.

7.2 **The Inspector is NOT required to:**

A. inspect:

1. remote control devices.
2. alarm systems and components.
3. low voltage wiring systems and components.
4. ancillary wiring systems and components. not a part of the primary electrical power distribution system.

B. measure amperage, voltage, or impedance.

8. HEATING

8.1 The Inspector shall:

A. open readily openable access panels.

B. inspect:

1. Installed heating equipment.
2. vent systems, flues, and chimneys.

C. describe:

1. energy source(s).
2. heating systems.

8.2 **The Inspector is NOT required to:**

A. inspect:

1. interiors of flues or chimneys that are not readily accessible.
2. heat exchangers.
3. humidifiers or dehumidifiers.
4. electronic air filters.
5. solar space heating systems.

B. determine heat supply adequacy or distribution balance.

9. AIR CONDITIONING

9.1 The Inspector shall:

- A. open readily openable access panels.
- B. inspect:
 - 1. central and through-wall equipment.
 - 2. distribution systems.
- C. describe:
 - 1. energy source(s).
 - 2. cooling systems.

9.2 **The Inspector is NOT required to:**

- A. Inspect electronic air filters.
- B. determine cooling supply adequacy or distribution balance.
- C. Inspect window air conditioning units.

10. INTERIORS

10.1 The Inspector shall inspect:

- A. walls, ceilings, and floors.
- B. steps, stairways, and railings.
- C. countertops and a representative number of installed cabinets.
- D. a Representative number of doors and windows.
- E. garage doors and garage door operators.

10.2 The Inspector is NOT required to inspect:

- A. paint, wallpaper, and other finish treatments.
- B. carpeting.
- C. window treatments.
- D. central vacuum systems.
- E. household appliances.
- F. recreational facilities.

11. INSULATION & VENTILATION

11.1 The Inspector shall:

- A. inspect:
 - 1. insulation and vapor retarders in unfinished spaces.
 - 2. ventilation of attics and foundation areas.
 - 3. mechanical ventilation systems.
- B. describe:
 - 1. insulation and vapor retarders in unfinished spaces.
 - 2. absence of insulation in unfinished spaces at conditioned surfaces.

11.2 **The Inspector is NOT required to disturb insulation.**

See 13.2.A.11 and 13.2.A.12.

12. FIREPLACES AND SOLID FUEL BURNING APPLIANCES

12.1 The Inspector shall:

- A. inspect:
 - 1. System components.
 - 2. chimney and vents.
- B. describe:
 - 1. fireplaces and solid fuel burning appliances.
 - 2. chimneys.

12.2 **The Inspector is NOT required to:**

- A. inspect:
 - 1. interiors of flues or chimneys.

2. firescreens and doors.
3. seals and gaskets.
4. automatic fuel feed devices.
5. mantles and fireplace surrounds.
6. combustion make-up air devices.
7. heat distribution assists (gravity fed and fan assisted).
- B. ignite or extinguish fires.
- C. determine draft characteristics.
- D. move fireplace inserts and stoves or firebox contents.

13. GENERAL LIMITATIONS AND EXCLUSIONS

13.1 General limitations:

- A. The Inspector is NOT required to perform any action or make any determination not specifically stated in these Standards of Practice.
- B. Inspections performed in accordance with these Standards of Practice:
 1. are not technically exhaustive.
 2. are not required to identify concealed conditions, latent defects, or consequential damage(s).
 - C. These Standards of Practice are applicable to buildings with four or fewer dwelling units and their garages or carports.

13.2 General exclusions:

- A. Inspectors are NOT required to determine:
 1. conditions of systems or components that are not readily accessible.
 2. remaining life expectancy of any system or component.
 3. strength, adequacy, effectiveness, or efficiency of any System or component.
 4. the causes of any condition or deficiency.
 5. methods, materials, or costs of corrections.
 6. future conditions including but not limited to failure of systems and components.
 7. the suitability of the property for any specialized use.
 8. compliance with regulatory requirements (codes, regulations, laws, ordinances, etc.).
 9. market value of the property or its marketability.
 10. the advisability of purchase of the property.
 11. the presence of potentially hazardous plants or animals including, but not limited to, wood destroying organisms or diseases harmful to humans including molds or mold-like substances.
 12. the presence of any environmental hazards including, but not limited to, toxins, carcinogens, noise, and contaminants in soil, water, and air.
 13. the effectiveness of any system Installed or method utilized to control or remove suspected hazardous substances.
 14. operating costs of systems or components.
 15. acoustical properties of any System or component.
 16. soil conditions relating to geotechnical or hydrologic specialties.
- B. Inspectors are NOT required to offer:
 1. or perform any act or service contrary to law.
 2. or perform engineering services.
 3. or perform any trade or any professional. service other than home inspection.
 4. warranties or guarantees of any kind.
- C. Inspectors are NOT required to operate:
 1. any system or component that is shut down or otherwise inoperable.

2. any system or component that does not respond to normal operating controls.
 3. shut-off valves or manual stop valves.
- D. Inspectors are NOT required to enter:
1. any area that will, in the opinion of the Inspector, likely be dangerous to the Inspector or other persons or damage the property or its systems or components.
 2. under-floor crawl spaces or attics that are not readily accessible.
- E. Inspectors are NOT required to inspect:
1. underground items including but not limited to underground storage tanks or other underground indications of their presence, whether abandoned or active.
 2. items that are not installed.
 3. Installed decorative items.
 4. items in areas that are not entered in accordance with 13.2.D.
 5. detached structures other than garages and carports.
 6. common elements or common areas in multi-unit housing, such as condominium properties or cooperative housing.
- F. Inspectors are NOT required to:
1. perform any procedure or operation that will, in the opinion of the Inspector, likely be dangerous to the Inspector or other persons or damage the property or its systems or components.
 2. describe or report on any system or component that is not included in these Standards and was not inspected.
 3. move personal property, furniture, equipment, plants, soil, snow, ice, or debris.
 4. Dismantle any system or component, except as explicitly required by these Standards of Practice.

GLOSSARY OF ITALICIZED TERMS

Alarm systems Warning devices installed or free-standing including but not limited to smoke detectors, carbon monoxide detectors, flue gas, and other spillage detectors, and security equipment

Automatic safety controls Devices designed and installed to protect systems and components from unsafe conditions

Component A part of a system

Decorative Ornamental; not required for the proper operation of the essential systems and components of a home

Describe To identify (in writing) a System or Component by its type or other distinguishing characteristics

Dismantle To take apart or remove any component, device, or piece of equipment that would not be taken apart or removed by a homeowner in the course of normal maintenance

Engineering The application of scientific knowledge for the design, control, or use of building structures, equipment, or apparatus

Further Evaluation Examination and analysis by a qualified professional, tradesman, or service technician beyond that provided by the home inspection

Home inspection The process by which an Inspector visually examines the Readily accessible systems and components of a home and which describes those systems and components in accordance with these Standards of Practice

Household Appliances Kitchen, laundry, and similar appliances, whether Installed or free-standing

Inspect To examine any System or component of a building in accordance with these Standards of Practice, using normal operating controls and opening readily openable access panels

Inspector A person hired to examine any System or component of a building in accordance with these Standards of Practice

Installed Attached such that removal requires tools

Normal Operating Controls Devices such as thermostats, switches, or valves intended to be operated by the homeowner

Readily accessible Available for visual inspection without requiring moving of personal property, dismantling, destructive measures, or any action that will likely involve risk to persons or property

Readily openable access panel A panel provided for homeowner inspection and maintenance that is readily accessible, within normal reach, can be removed by one person, and is not sealed in place

Recreational facilities Spas, saunas, steam baths, swimming pools, exercise, entertainment, athletic, playground or other similar equipment, and associated accessories

Report Communicate in writing

Representative number One component per room for multiple similar interior components such as windows, and electric receptacles; one component on each side of the building for multiple similar exterior components

Roof drainage systems Components used to carry water off a roof and away from a building

Shut down A state in which a System or component cannot be operated by normal operating controls

Siding Exterior wall covering and cladding; such as: aluminum, asphalt, brick, cement/asbestos, EIFS, stone, stucco, veneer, vinyl, wood, etc.

Solid fuel burning appliances A hearth and fire chamber or similar prepared place in which a fire may be built and that is built in conjunction with a chimney; or a listed assembly of a fire chamber, its chimney, and related factory-made parts designed for unit assembly without requiring field construction

Structural component A component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads)

System A combination of interacting or interdependent components, assembled to carry out one or more functions.

Technically exhaustive An investigation that involves dismantling, the extensive use of advanced techniques, measurements, instruments, testing, calculations, or other means

Under-floor crawl space The area within the confines of the foundation and between the ground and the underside of the floor

Unsafe A condition in a readily accessible, installed system or component that is judged to be a significant risk of bodily injury during normal, day-to-day use; the risk may be due to damage, deterioration, improper installation, or a change in accepted residential construction standards

Wiring methods Identification of electrical conductors or wires by their general type, such as non-metallic sheathed cable, armored cable, or knob and tube, etc.

13 HOUSEHOLD APPLIANCES (optional)

13.1 The inspector and the client may agree to the inspection of optional items. When this agreement is made the following standards shall apply: Household appliances to be inspected are limited to the following - Permanently Installed: mechanical range vents, cook-tops, dishwashers, food waste disposers, ovens, microwave ovens, refrigerators, freezers, clothes washers, clothes dryers, ceiling fans or whole-house fans.

13.2 The *inspector* shall:

A. **Inspect:**

1. household appliances specifically identified to be examined during the inspection.
2. the basic operation of appliances included in the inspection, limited to those items listed above.

B. **Describe:**

1. the type of appliance.
2. the energy source

13.3 **The inspector is not required to:**

- A. Activate any system or appliance that is shut down, disconnected, or otherwise rendered inoperable.
- B. Operate or evaluate any system, component or appliance that does not respond to normal user controls
- C. Operate any gas appliance that requires the manual lighting of a pilot light or burner device.
- D. Operate any system or appliance that requires the use of special codes, keys, combinations, or devices.
- E. Operate any system, component, or appliance where in the opinion of the inspector, damage may occur.

- F. Determine oven or cook top thermostat(s) calibration, adequacy of heating elements, operate or evaluate self cleaning oven cycles, indicator lights, timers, clocks or timed features, defrost cycles or frost free features of refrigerators and freezers, presence or absence of safety devices
- G. Determine leakage from microwaves ovens.
- H. Operate vehicle door safety devices.
- I. Determine the presence or operation of back draft damper devices in exhaust devices.
- J. Examine any wine cooler, sauna, steam-room, still or other water producing or purification device, kiln, toaster, ice maker, coffee-maker, can-opener, bread warmer, blender, instant hot water dispenser, or any other similar small, ancillary or non- built- in appliances, including commercial grade kitchen appliances, central vacuums, and trash compactors.

14 POOLS AND SPAS (optional)

14.1 The inspector and the client may agree to the inspection of optional items. When this agreement is made the following standards shall apply:

14.2 The inspector shall:

A Inspect:

- 1. Pool/spa surface/finish, tiles, coping and decks.
- 2. Ladders, railings, barrier related fences, gates or enclosures.
- 3. Pool/spa lights, electrical panels and wiring, grounding and bonding.
- 4. Pumps, motors, filter tank/housing, heaters, and mechanical/plumbing connections.

B Describe:

- 1. The type of pool/spa construction (concrete/gunite, vinyl lined, fiberglass, aboveground, etc.).
- 2. The type of pool/spa surface/finish (plaster, exposed aggregate, vinyl, fiberglass etc).
- 3. The type of pool/spa heater and energy source (gas, electric).
- 4. The absence of a protective barrier around pool/spa perimeter.
- 5. The absence of non-entrapment drains.

The inspector is not required to:

- 1. Determining compliance with installation guidelines, manufacturers' specifications, building codes, al ordinances, regulations, covenants, zoning or other restrictions, including local interpretations thereof.

2. Obtaining or reviewing information from any third-parties including, but not limited to: government agencies (such as permits), component or system manufacturers (including product defects, recalls or similar notices), contractors, managers, sellers, occupants, neighbors, consultants, homeowner or similar associations, attorneys, real estate agents or brokers.
3. Geotechnical, engineering, structural, architectural, geological, hydrological, land surveying or soils-related examinations.
4. Certain factors relating to any systems, structures, or components of the pool/spa, including, but not limited to adequacy, efficiency, durability or remaining useful life, costs to repair, replace, or operate, fair market value, or advisability of purchase.
5. Environmental hazards or conditions, including, but not limited to, toxic, reactive, combustible, chemicals, corrosive contaminants, wildfire, geologic or flood.
6. Dismantling of any system, structure, or component, or perform any intrusive or destructive examination, testing or analysis.
7. Systems or components of the pool and or spa that are not permanently installed.
8. Systems, structures, or components not specifically identified in the written inspection report and/or Standards Practice.
9. Operating systems or components that have been disconnected shut down or in the opinion of the inspector could result in damage to the pool/spa's components or systems.
10. Inspecting any below grade components or underground systems or portion thereof or pressure testing of any piping.
11. Come into contact with pool/spa water to examine the system, structure, or components.
12. Examine accessories, such as, but not limited to: fountains, water falls, diving or jump boards, ladders, slides, steps or any other recreational components including pool equipment enclosures. (Pool houses/sheds)
13. Operating or evaluating, security systems, alarms, remote controls, radio controls, computer controls, low voltage electrical systems, antennas, electronic controls, key-operated switches, timers, fiber optic lights, photo-

electric, motion sensing, or other such similar non-primary electric devices, components or systems.

14. Operating or evaluating, pool / spa covers, back-flushing systems, automatic water re-fills, anti vortex drains, valves, air switches, jets, pool cleaners, aerators, skimmers, chemical injection systems, water chemistry or other conditioning devices, and related components.

15. Evaluate thermostat(s) or their calibration, heating elements and solar systems.

16. Evaluating child access barrier adequacy of pool enclosures.

17. Determine adequacy of pool or spa jet water force or bubble effect, identify leakage of any kind.

15 Wind Certifications and Hurricane Mitigation Inspections (optional)

15.1 Must be a FLASH Certified Wind Mitigation Surveyor.

15.2 The *inspector* shall: *****Flash to provided input.**

A. **Inspect:**

B. **Describe:**

15.3 The *inspector* is not required to:

16 Insurance Building Wind Storm and shutters Inspections (optional)

16.1 Must be a resident Licensed General, Residential, or Building Contractor, Licensed Building Inspectors, Registered Architect, State of Florida Engineer, Building Code Official or FLASH Certified Wind Mitigation Inspector.

16.2 The *inspector* shall: *****Flash and insurance companies to provided input.**

A. **Inspect:**

B. **Describe:**

16.3. The *inspector* is not required to:

17. Four Point Insurance Inspection (optional)

17.1 The Four Point Insurance Inspection consists of a visual survey of the following four primary components: Roof, Electrical, HVAC, and Plumbing systems. The Four Point Insurance Inspection was created after Hurricane Andrew struck Florida in 1992. It is performed on behalf of the insurance companies and, typically, as a requirement for the insurer offering insurance to the new homeowner predominately for dwellings older than forty years. The scope of the inspection is to determine current operating conditions and expected service life.

15.2 The *inspector* shall: *****Flash and insurance companies to verified/approved information.**

A. Inspect:

1. Roof, Electrical, HVAC and Plumbing systems.

B. Describe:

1. main roof approximate age, covering type, approximate remaining life, overall roof condition, slope type.

2. electrical service amperage size, service conductors type, branch wire type, main panelboard type, main panelboard approximate age, overall system condition.

3. HVAC system type, fuel type, approximate system age, approximate remaining life, overall system condition.

4. plumbing supply pipes type, waste/vent pipes type, approximate system age, approximate remaining life, water heater fuel type, water heater approximate remaining life, overall plumbing system condition.

17.3 **The inspector is not required to:** Performed a full comprehensive and complete home inspection.

18 New Construction in progress-phase inspections (optional)

18.1 Must be a resident Licensed General, Residential, or Building Contractor, Licensed Building Inspectors, Registered Architect, State of Florida Engineer, Building Code Official, ICC certified or Specialty Master Certification course.

18.2 The *inspector* shall:

A. **Inspect:** Inspect newly constructed buildings for the purposes of determining code compliance, completeness of construction or contract compliance.

B. **Describe: ***Help/input in this category.**

18.3. **The inspector is not required to:**

19 Commercial Inspections (optional)

19.1 Must be a resident Licensed General, Residential, or Building Contractor, Licensed Building Inspectors, Registered Architect, State of Florida Engineer, Building Code Official, ICC certified or Specialty Master Certification course.

19.2 The *inspector* shall: *****Help/input in this category.**

A. **Inspect:**

B. **Describe:**

19.3. **The *inspector* is not required to:**

CODE OF ETHICS

For the Home inspection Profession Integrity, honesty, and objectivity are fundamental principles embodied by this Code, which sets forth obligations of ethical conduct for the home inspection profession. The Code provides high ethical standards to safeguard the public and the profession. Inspectors shall comply with this Code, shall avoid association with any enterprise whose practices violate this Code, and shall strive to uphold, maintain, and improve the integrity, reputation, and practice of the home inspection profession.

1. Inspectors shall avoid conflicts of interest or activities that compromise, or appear to compromise, professional independence, objectivity, or inspection integrity.
 - A. Inspectors shall not inspect properties for compensation in which they have, or expect to have, a financial interest.
 - B. Inspectors shall not inspect properties under contingent arrangements whereby any compensation or future referrals are dependent on reported findings or on the sale of a property.
 - C. Inspectors shall not directly or indirectly compensate realty agents, or other parties having a financial interest in closing or settlement of real estate transactions, for the referral of inspections or for inclusion on a list of recommended Inspectors, preferred providers, or similar arrangements.
 - D. Inspectors shall not receive compensation for an inspection from more than one party unless agreed to by the client(s).
 - E. Inspectors shall not accept compensation, directly or indirectly, for recommending contractors, services, or products to inspection clients or other parties having an interest in inspected properties.
 - F. Inspectors shall not repair, replace, or upgrade, for compensation, systems or components covered the Standards of Practice, for one year after the inspection.
2. Inspectors shall act in good faith toward each client and other interested parties.

- A. Inspectors shall perform services and express opinions based on genuine conviction and only within their areas of education, training, or experience.
 - B. Inspectors shall be objective in their reporting and not knowingly understate or overstate the significance of reported conditions.
 - C. Inspectors shall not disclose inspection results or client information without client approval.
- Inspectors, at their discretion, may disclose observed immediate safety hazards to occupants exposed to such hazards, when feasible.
3. Inspectors shall avoid activities that may harm the public, discredit themselves, or reduce public confidence in the profession.
- A. Advertising, marketing, and promotion of Inspectors' services or qualifications shall not be fraudulent, false, deceptive, or misleading.
 - B. Inspectors shall report substantive and willful violations.

(4) FLORIDA HOME INSPECTION ADVISORY COUNCIL. Regulatory Board— *****Regulatory Board language to be copied form an existing Florida regulatory model or develop by us? See below PA Regulatory Board language.**

(a) The department shall appoint a Florida Home Inspection **Advisory Council Regulatory Board** to consisting of eight members who are home Inspectors having a minimum of 5 years experience each **and have performed a minimum of 1000 fee paid inspections.**one consumer member, and one nonvoting member from the staff of the department.

*****You don't want a school trainer with an agenda and token membership on the Board.**

(b) The mission of the advisory council is to provide industry input to the department and advise the department in developing standards of practice and rules pursuant to this section.

(c) The advisory council shall advise the department in the review of complaints filed against home inspectors.

(d) The advisory council shall meet at least three times each year.

(5) **EXEMPTIONS**.--The following persons are not required to comply with this section with regard to any valuation condition, report, survey, evaluation, or estimate rendered within the scope of practice authorized by such license. However, if performing a home inspection as described they must comply with the statue. *****Alaska law had problem with**

this sections as licensed contractors found a loop hole in language so they didn't have to comply with the statue.

except when such persons are operating within the scope of this section:

- (a) A construction contractor licensed under chapter 489.
- (b) An architect licensed under chapter 481.
- (c) An engineer licensed under chapter 471.
- (d) A building code administrator, plans examiner, or building code inspector licensed under part XII of chapter 468.
- (e) A certified real estate appraiser, licensed real estate appraiser, or registered real estate appraiser licensed under part II of chapter 475.
- (f) An inspector whose report is being provided to, and is solely for the benefit of, the Federal Housing Administration or the Veterans Administration.
- (g) An inspector conducting inspections for wood destroying organisms on behalf of a licensee under chapter 482.
- (h) A fire safety inspector certified under s. 633.081.
- (I) An insurance adjuster licensed under part VI of chapter 626.
- (j) An officer appointed by the court.
- (k) A master septic tank contractor licensed under part III of chapter 489.
- (l) A certified energy auditor performing an energy audit of any home or building conducted under chapter 366 or rules adopted by the Public Service Commission.
- (6) **LICENSE CRITERIA.**—
 - (a) A person may not provide or represent himself or herself as able to perform a professional home inspection for compensation unless the person is licensed in accordance with this section.

(b) A business entity may not provide or offer to provide home inspection services unless each of the home inspectors employed by the business entity is licensed in accordance with this section.

(c) A business entity may not use, in connection with the name or signature of the business entity, the title "home inspectors" to describe the business entity's services unless each of the home inspectors employed by the business entity is licensed in accordance with this section.

(7) **ELIGIBILITY**.--To be eligible for a license as a home inspector, an applicant must:

(a) Be of good moral character. *****Is/how this going to be verified?**

(b) Have successfully completed high school or its equivalent. *****Is/how this going to be verified?**

(c) Have completed a department Regulatory Board approved course of study of no less than 150 hours that covers all of the following components of a home: defined in the standards of practice structure, electrical system, HVAC system, roof covering, plumbing system, interior components, exterior components, site conditions that affect the structure and additional specialty courses. *****What proof is going to be required?**

AZ "Home inspector-in-training" means a candidate for certification as a home inspector who has completed a course of study approved by the Board and is participating in a training program that complies with standards recommended by the home inspector rules and standards committee and approved by the Board.

(d) Pass a home inspection competency examination that is developed in accordance with accepted psychometric standards and meets the standards of the Council on Licensure, Enforcement, and Regulation, as determined by the department. *****What proof is going to be required?**

*****Joey's suggestion**

INFO from NHIE:

Must pass an examination designed to test competence in home inspection practice, as determined by recognized role

definition methodology and developed and administered in a manner consistent with the American Educational Research Association's "Standards for Educational and Psychological Testing;" the Equal Employment Opportunity Commission's "Uniform Guidelines for Employee Selection Procedures;" the Civil Rights Act of 1991; the Americans with Disabilities Act of 1990; and similar applicable standards. The Florida advisory committee recommends the National Home Inspector Examination and Florida Home Inspection Associations that meet the above language criteria.

PA Bill FYI (Examination requirement.--To be eligible for a license as a home inspector, an applicant must pass a valid, reliable examination. This examination shall : (1) Test competence in home inspection practice. (2) Be developed pursuant to accepted psychometric standards promulgated by the American Educational Research Association's "Standards for Educational and Psychological Testing"; the Equal Employment Opportunity Commission's "Uniform Guidelines for Employee Selection Procedures"; the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241); the Americans with Disabilities Act of 1990 (Public Law 101- 336, 104 Stat. 327); and similar applicable standards. (3) Be administered and proctored by an approved and recognized testing organization at a physical location to ensure both the security and integrity of the examination.)

(E) Experience - perform 25 training home inspections under a licensed and board approved home inspector, school or training entity. After meeting the above requirements, submitting, and paying the application fee of \$75 the applicant will received a temporary license (learners permit) for two year and then performed 75 or 125 fee paid inspections before being granted the full home inspection license.

(8) **GRANDFATHERING Waiver**.--For the first year after the enactment of this section, to be eligible for a license as a home inspector, an applicant must:

(a) Be of good moral character. *****Is/how this going to be verified?**

(b) Have successfully completed high school or its equivalent. *****Is/how this going to be verified?**

(c) Have been engaged in the practice of home inspection for compensation for not fewer than 3 2 consecutive years immediately prior to the effective date of this section.

***Is/how this going to be verified?

***What if a home inspector performs 500 home inspections in the first/one year?

***What if a home inspector has been doing inspections for over three years but has less than 500 home inspections.

(e) Have performed not fewer than 500 home inspections for compensation. ***Is/how this going to be verified?

(9) **PROHIBITED ACTS; PENALTIES.**--

(a) A home inspector, a company that employs a home inspector, or a company that is controlled by a company that also has a financial interest in a company employing a home inspector may not:

1. Perform or offer to perform, prior to closing, for any additional fee, any repairs to a home on which the inspector or the inspector's company has prepared a home inspection report. This paragraph does not apply to a home warranty company that is affiliated with or retains a home inspector to perform repairs pursuant to a claim made under a home warranty contract.

2. Inspect for a fee any property in which the inspector or the inspector's company has any financial or transfer interest.

3. Offer or deliver any compensation, inducement, or reward to the owner of the inspected property, or any broker or agent therefore, for the referral of any business to the inspector or the inspection company. The purchase and/or use of advertising or marketing services or products are not considered compensation, inducement, or reward.

4. Accept an engagement to make an omission or prepare a report in which the inspection itself, or the fee payable for the inspection, is contingent upon either the conclusions in the report, pre-established findings, or the close of escrow.

(b) Any person who violates any provision of this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

□ There was discussion about whether this was applicable to this law. This is standard Florida statute that defines criminal penalties and fines.

(10) **COMPLAINTS; DISCIPLINE.**—

(a) Complaints concerning a home inspector subject to the provisions of this section shall be referred to the department.

(b) In lieu of investigation, the department may place in a registry a copy of a complaint received by the department against a licensed home inspector, the inspector's response to the complaint, and a copy of any records of the department concerning the complaint.

(c) The department shall provide to the home inspector a copy of the complaint no later than 30 days after the date the complaint is received by the department alleging that the inspector has engaged in conduct that is grounds for discipline.

(d) After receiving a copy of the complaint, the home inspector may place in a registry a statement within 30 days that describes the inspector's view of the correctness or relevance of any of the information contained in the complaint.

(e) The department shall make the complaint and the home inspector's response to the complaint available to the public.

(f) The department shall remove all complaints against and 183 other information concerning a home inspector from the registry if, for a period of 2 years from the date of the most recent complaint filed in the registry, no further complaints have been filed against the inspector.

(g) Unworthy or frivolous complaints shall be discarded and shall not be retained.

(h) The department may make investigations or conduct hearings pursuant to chapter 120 to determine whether a violation of this section has occurred.

(I) The department may refuse to grant a home inspector license or may suspend or revoke a home inspector license upon proof to the satisfaction of the department that the applicant or licensee has participated in an unfair business practice relating to the provision of home inspection services.

(11) **FEES**.--The department shall by rule establish the fees for licensure, renewal of licensure, and other services provided by the department under this section. Fees established under this subsection may not exceed amounts sufficient to defray the administrative costs to the state under this section and shall be comparable to those charged for other similar, regulated professions. [The volunteer legislation alliance recommends \\$125 per year on a two year cycle license.](#)

(12) **INSURANCE**.--A licensed home inspector must maintain a commercial general liability insurance policy in an amount of not less than \$300,000.

(13) **REPAIR COST ESTIMATES**.--Home inspectors are not required to provide estimates related to the cost of repair of an inspected property. *****This is covered on the Standards of Practice?**

(14) **RECIPROCITY/ [Waivers moving from another jurisdiction](#)**.--The department shall issue a home inspector license to any person who holds a valid license, certificate, or registration issued by another state, territory, or possession of the United States or the District of Columbia that has standards and licensing requirements substantially equivalent to or exceeding those of this state, as determined by the Florida Home Inspection Advisory Council, upon payment of the fee imposed and submission of the written application provided by the department.

(15) **CONTINUING EDUCATION REQUIREMENTS**.--A licensed home Inspector must complete at least 20 [30](#) hours of continuing education approved by the department during each [two](#) calendar year in order to maintain his or her license. [The Florida advisory committee recommends Florida Home](#)

Inspection Associations that meet required testing and Standards of Practice and licensed school/entities to offer approved continue education seminars/courses.

(16) **STATUTE OF LIMITATIONS**.--Chapter 95 governs when an action to enforce an obligation, duty, or right arising under this section must be commenced. *****Below information copied from Title XXXII Chapter 482 Pest control 482.183 limitations.**

(1) A person may not be charged with a violation of this chapter or any rule adopted pursuant to this chapter more than 3 years after the date of the violation.

(2) For the purpose of this section, a charge of violation is considered to have been made upon the issuance of a notice or citation by the department charging such violation.

(17) **ENFORCEMENT OF VIOLATIONS**.--Any violation of this section constitutes a deceptive and unfair trade practice, punishable as provided in part II of this chapter. Section 2. For the 2007-2008 fiscal year, the sum of \$642,463 is appropriated from the Professional Regulation Trust Fund, and four positions are authorized, to the Department of Business and Professional Regulation for the purpose of conducting licensing and regulatory activities associated with home inspection services. *****Needs work.**

Section 3. This act shall take effect July 1, 2007.

INFORMATION

PA Board info below modified or use a Florida regulatory board model.

The purpose of the board shall be to administer and enforce the provisions of this chapter, promote initiatives to protect consumers of home inspection services, create guidelines for the development of high-level skills in home inspectors and encourage the presence of a viable home inspection industry.

Composition.--The board shall be composed of seven members who must be full-time residents of the state of Florida appointed by the Governor in accordance with the following requirements :(1) For purposes of the initial appointments, five of the members must:

9 (i) Be actively engaged in performing home
10 inspections in Florida for no less than five
11 years immediately preceding the member's
12 appointment to the board.

13 (ii) Have completed no less than 200
14 fee-paid inspections per year over the five years
15 immediately preceding appointment to the board.

16 (iii) Demonstrate that they have passed
17 a written examination administered by a national
18 organization that complies with the
19 standards established by this chapter.

20 A board member who becomes a home inspector
21 shall obtain the requisite license in accordance with this
22 chapter, before or on the six-month anniversary of the effective
23 date of this section. If a board member does not obtain the
24 requisite license on or before such date, the board member
25 shall be considered to have resigned from the board on
26 the six-month anniversary of the effective date of this
27 section, and the Governor shall fill the vacancy in accordance
28 with this section. Thereafter, the home inspector members
29 must be licensed prior to their appointments.
30 (2) One person shall represent the public
at large and

1 shall not be associated with the home
inspection, home

2 building or real estate business other than as a
consumer.

3 This member shall be appointed by the Governor
but shall not

4 be selected from a submitted list of names.

5 (3) One person shall be the Commissioner of
the Dept

6 DVPR or his designee.

7 (c) Member selection and service.--

8 (1) Appointment of the initial members
comprising the

9 board shall begin on the three-month anniversary
of the

10 effective date of this section, and their
respective terms

11 shall be staggered, as follows:

12 (i) Three members for a term of three
years.

13 (ii) Two members for a term of two
years.

14 (iii) Two members for a term of one
year.

15 (2) Except as provided in paragraph (1),
all board

16 members shall serve a term of three years, and
no member

17 shall serve for more than three consecutive
terms.

18 (3) The Governor may remove a board member
at any time

19 for incompetence, neglect of duty or
unprofessional conduct.

20 (4) If a vacancy occurs in the membership
of the board,

21 the Governor shall appoint an individual to
serve for the

22 remainder of the unexpired term who has like
qualifications

23 required of the member who created the vacancy.

24 (5) Each year the board shall elect a
member as

25 chairperson and vice chairperson. The
chairperson and vice

26 chairperson shall serve in their respective
capacities for no

27 more than one year consecutively and until a
successor is

28 elected. The chairperson shall preside at all
meetings at

29 which the chairperson is present. The vice
chairperson shall

30 preside at meetings in the absence of the
chairperson and

1 shall perform other duties as the chairperson
directs. If the

2 chairperson and vice chairperson are absent from
a meeting of

3 the board when a quorum exists, the members who
are present

4 may elect a presiding officer who shall serve as
acting

5 chairperson until the conclusion of the meeting
or until the

6 arrival of the chairperson or vice chairperson
at the

7 meeting, whichever occurs first.

8 (6) The board shall meet at least quarterly
each

9 calendar year at the call of the chairperson or
the written

10 request of a majority of the members of the
board. The

11 chairperson shall establish the date, time and
place for each

12 meeting. A majority of the current members of
the board shall

13 constitute a quorum. The affirmative vote of a
majority of

14 the members appointed to the board shall be
necessary for the

15 board to take official action.

16 (7) Each member of the board shall serve on
a voluntary

17 basis but shall be entitled to reimbursement for
traveling

18 expenses and other expenses actually incurred in
connection

19 with the member's duties as established under
this chapter.

Licensure of home inspectors by board.

21 (a) Powers of board.--The board, through the
promulgation of

22 administrative rules and regulations, shall:

23 (1) Establish the requirements for and
prescribe the
24 form of licenses, applications and other
documents that are
25 required for home inspectors to be licensed
under this
26 chapter.
27 (2) Grant, deny, suspend and revoke
approval of
28 examinations and courses of study regarding home
inspections;
29 establish standards for continuing home
inspection education,
30 including, without limitation, the subject
matter and content

1 of courses of study and the selection of
instructors; and
2 approve other equivalent educational programs
and establish
3 procedures for the issuance of credit upon
satisfactory proof
4 of the completion of these programs.
5 (3) Issue, deny, suspend and revoke
licenses in
6 accordance with this chapter.
7 (4) Establish and maintain a current list
of home
8 inspectors who are registered or licensed. The
list shall be
9 available for public inspection, including by
electronic
10 means.
11
12 (6) Investigate complaints concerning
licensees or
13 persons the board has reason to believe should
be licensees,
14 including complaints concerning failure to
comply with this
15 chapter or administrative regulations
promulgated under this
16 chapter and, when appropriate, take action in
accordance with
17 this chapter.

27 (7) Bring actions in an appropriate court
in order to enforce compliance with this
29 chapter or the administrative regulations
promulgated under
30 this chapter.

1 (8) Establish licensure fees in an amount
determined by
2 the board that are reasonably necessary and
appropriate for
3 enforcement.

4 (9) Inspect the records of a licensee in
accordance with
5 administrative regulations promulgated by the
board.

18 (13) Establish continuing education
requirements for
19 licensees in accordance with this chapter.
Establish and maintain a current list of home inspectors
associations and entities approved by the board as meeting
the requirements for continue education.

20 (14) Maintain the board's office, files,
records and
21 property in the City of Orlando.

25 (16) Review standards of practice for
licensees yearly.
26

3 (19) Exercise all other powers specifically
conferred on
4 the board under this chapter.

5 (20) Promulgate rules and regulations to
carry out the
6 effective administration and the requirements of
this
7 chapter.

Support of board by DEPT.

24 The bureau shall provide the board with:

25 (1) Clerical or other assistants, including

26 investigators, necessary for the proper
performance of the
27 board's duties.

28 (2) A place to hold board meetings and
hearings.

29 (3) Office equipment and office space for
board records,
30 staff and other effects necessary to carry out
the

1 requirements of this chapter.
Income and expenditures of board.

3 (a) Establishment of revolving fund.--There is
hereby

4 established in the State Treasury a revolving fund
for the use
5 of the board.

6 (b) Deposits in fund.--All fees and other money
received by

7 the board in accordance with this chapter shall be
deposited in

8 the revolving fund. No part of this revolving fund
shall revert

9 to the General Fund.

10 (c) Use of fund.--The reimbursement of the
board's expenses

11 shall be paid from the revolving fund.

Licensure of home inspectors.

13 (a) Home inspector license application.--A
person applying

14 for a license as a home inspector shall apply on a
written,

15 notarized form prescribed and provided by the
board. Supporting

16 and other required documents may be submitted by
other means as

17 prescribed by the board. The applicant shall pay
the applicable

18 licensing fee established by the board.

13 (d) Waivers moving from another jurisdiction.--
The licensing

14 requirements for a home inspector may be waived for
a person who

15 moves to Florida from another jurisdiction, and the

16 person may be granted a license as a home inspector
if the
17 person meets all of the following requirements:

- 21 (2) The person is licensed in the other
jurisdiction.
22 (3) The licensing requirements of the other
jurisdiction
23 are substantially similar to the requirements of
this
24 chapter.
25 (4) The person provides a notarized
statement that the
26 person has studied, is familiar with and will
abide by the
27 provisions of this chapter and the
administrative regulations
28 promulgated by the board.

29 (e) Advertising without license.--An individual
shall not
30 advertise nor claim to be a licensee and shall not
conduct home

1 inspection services for compensation without first
obtaining a
2 license issued by the board.
3 (f) Ownership of licenses.--All licenses issued
by the board
4 shall remain the property of the board.
5 (g) Information change notification.--A
licensee shall
6 notify the board within 30 days of any change of:
7 (1) name;
8 (2) name under which the licensee conducts
business;
9 (3) business address; or
10 (4) lapse, change or cancellation of
insurance coverage.
11 (h) License renewal.--A licensee may renew the
license in
12 accordance with the rules and regulations
promulgated by the
13 board which shall include the following provisions:

14 (1) The home inspector shall furnish
evidence showing
15 successful completion of the continuing
education
16 requirements of this chapter, pay the renewal
fee established
17 by the board and show proof of professional
liability
18 insurance as required.
20 (2) The board shall send a renewal notice
to each
21 licensee at least 60 days prior to the
expiration of the
22 license. The notice shall inform the licensee of
the need to
23 renew and the requirement to submit an
application and to pay
24 the renewal fee. If the board fails to send the
notice of
25 expiration within such time period, the licensee
shall not be
26 subject to a sanction for failure to renew. If
the board
27 later sends the renewal notice to the licensee,
the licensee
28 must submit a complete application and renewal
fee to the
29 board within 45 days of the receipt of the
renewal notice, or
30 be subject to a sanction for failure to renew.

1 (3) Renewal fees shall be paid with a
draft, money
2 order, cashier's check, certified or other
personal check,
3 or, if payment is made in person, the payment
may be made in
4 cash. If the board receives an uncertified
personal check for
5 the renewal fee and if the check does not clear
the bank, the
6 board may refuse to renew the license.
7 (4) Before the end of each license period,
the licensee
8 shall complete the continuing education required
by the

9 board.
10 (i) Inactive licenses.--The board may, through
the
11 promulgation of rules and regulations:
12 (1) Establish an inactive license for
licensees who do
13 not actively perform home inspections but wish
to maintain
14 the license. This inactive status shall not
exceed a term of
15 three years.
16 (2) Reduce license and renewal fees for
inactive
17 licenses.
18 (3) Waive the insurance requirements
established in
19 section 7509 for inactive licenses except that
the inactive
20 licensee must maintain insurance tail coverage
for the first
21 year of inactivity.
Nonresident home inspectors.
23 (a) Nonresident licensing.--A nonresident
individual who the
24 board determines meets the requirements of this
chapter and
25 files a written consent may be licensed as a home
inspector.
26 (b) Nonresident consent form.--A nonresident
applicant shall
27 file with the board a written and notarized consent
stating
28 that, if licensed:
29 (1) The applicant agrees to the
commencement of any
30 action arising out of the conduct of the
applicant's business

-

1 in Florida in the county in which the events
giving
2 rise to the cause of action occurred.
3 (2) The applicant:
4 (i) agrees to provide to the board the
name and
5 address of an agent to receive service of
process in this

6 Commonwealth; or
7 (ii) consents to the board acting as
the applicant's
8 agent for the purpose of receiving service
of process if:
9 (A) an agent's name and address
have not been
10 filed with the board, or the agent's
name and address
11 on file with the board are incorrect;
and
12 (B) the applicant agrees that
service of process
13 in accordance with the Pennsylvania
Rules of Civil
14 Procedure is proper service and subjects
the
15 applicant to the jurisdiction of
Pennsylvania courts.

Continuing education of home inspectors.

17 The board shall promulgate rules and regulations
concerning

18 the continuing education required for the renewal
of a home

19 inspector license and shall:

20 (1) Establish procedures for approving
organizations

21 that provide continuing education.

22 (2) Prescribe the content, duration and
organization of

23 continuing education courses that contribute to
the

24 competence of home inspectors.

Registration or licensing of home inspectors by
26 political subdivisions.

27 No agency or political subdivision, other than
the board, shall impose the following on individuals

29 licensed under this chapter:

30 (1) A registration or licensing requirement
for

1 conducting home inspections.

2 (2) A license fee to obtain any local
license, except

3 that this prohibition shall not prevent any
local government

4 from imposing an occupational license tax on any
person
5 operating as a home inspector within the
jurisdiction of the
6 local government.

Disciplinary proceedings by board.

8 (a) Disciplinary actions.--The board shall take
disciplinary

9 action against or impose sanctions on a licensee
for failing to

10 comply with any provision of this chapter or any
rules and

11 regulations promulgated to carry out this chapter
as follows:

12 (1) The board may summarily suspend a
license for up to
13 90 days before a final adjudication or during an
appeal of
14 the board's determination if the board finds
that the

15 licensee represents a clear and immediate danger
to the

16 public's health, safety, financial interest or
to property if

17 allowed to perform home inspections. The summary
suspension

18 may be renewed at a hearing before the board for
up to 90

19 days.

20 (2) If the board:

21 (i) Determines that an individual is
not licensed

22 under this chapter and is engaged in or
believed to be

23 engaged in activities for which a license is
required

24 under this chapter, then the board shall
issue an order

25 to that individual requiring the individual
to show cause

26 why the individual should not be ordered to
cease and

27 desist from the activities. The show cause
order shall

28 set forth a date, time and place for a
hearing at which

29 the individual shall appear and show cause
why the
30 individual should not be subject to
licensing under this

1 chapter.
2 (ii) After a hearing, determines that
the activities
3 in which the individual is engaged are
subject to
4 licensure under this chapter, the board may
issue a cease
5 and desist order that identifies the
individual and
6 describes activities that are the subject of
the order.

7 (3) A cease and desist order issued under
this section
8 shall be enforceable in Florida Court.

9 (b) Violations of chapter.--An individual is in
violation of
10 this chapter when the individual commits any of the
following:

11 (1) Performs or offers to perform home
inspections for
12 compensation without being licensed as a home
inspector and
13 without being exempt from licensure under this
chapter.

14 (2) Presents as the individual's own
license, the
15 license of another.

16 (3) Intentionally gives false or materially
misleading
17 information to the board or to a board member in
connection
18 with a licensing matter.

19 (4) Impersonates another licensee.

20 (5) Uses an expired, suspended, revoked or
an otherwise
21 restricted license.

22 (c) Fee or compensation.--The board shall add
to any penalty
23 imposed the amount of any fee or other compensation
earned by

24 the individual in the commission of the violation.
Each
25 transaction involving an unauthorized activity as
described in
26 this chapter shall constitute a separate violation.
27 (d) Legal advice.--The Department of State
shall act as the
28 legal adviser for the board and provide any legal
assistance
29 necessary to carry out this chapter.
30 (e) Revocation or suspension of license.--The
board shall
-

1 adopt provisions to revoke or suspend a license
pending
2 investigation for any of the following:
3 (1) A conviction in any jurisdiction of a
misdemeanor
4 involving moral turpitude or of a felony. A plea
of nolo
5 contendere shall be considered a conviction.
6 (2) An action demonstrating
untrustworthiness,
7 incompetence, dishonesty, gross negligence,
material
8 misrepresentation, fraud or unethical conduct in
any dealings
9 subject to the provisions of this chapter or the
rules and
10 regulations promulgated by the board.
11 (3) Use of advertising or solicitation that
is false,
12 misleading or otherwise deemed unprofessional by
the board.
13 All advertisements, contracts, correspondence
and other
14 documents utilized by a home inspector shall
prominently
15 include the home inspector's name and
registration number as
16 a licensee according to this chapter.
17 (4) Habitual or excessive use of
intoxicants or illegal
18 drugs.
19 (5) Failure to supervise adequately and in
accordance

20 with rules governing direct supervision, an
unlicensed
21 inspector performing home inspections under the
supervision
22 of the licensed home inspector.
23 (6) Any other reason deemed necessary by
the board.