

By Senator Sullivan

22-743A-00

See HB 465

1 A bill to be entitled
 2 An act relating to home inspection services;
 3 creating s. 501.935, F.S.; providing
 4 requirements relating to home inspection
 5 services; providing legislative intent;
 6 providing definitions; prescribing certain
 7 inspector qualifications and practice
 8 standards; providing exemptions; requiring,
 9 before inspection, the disclosure provision of
 10 inspector credentials, a caveat, and conflicts
 11 of interest and certain relationships, and a
 12 statement or agreement of scope, limitations,
 13 terms, and conditions; requiring a report on
 14 the results of the inspection; prohibiting
 15 certain acts, for which there are civil
 16 penalties; providing that failure to comply is
 17 a deceptive and unfair trade practice;
 18 providing penalties; providing an effective
 19 date.

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

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

25 501.935 Home inspection services; qualifications and
 26 standards; required disclosures before inspection; report on
 27 inspection results; prohibited acts; failure to comply.--

28 (1) INTENT.--The Legislature recognizes that the
 29 performance of home inspection requires certain unique skills
 30 and that a home inspection should not be confused with an
 31 engineering analysis, the practice of engineering, the

1 practice of architecture, an evaluation of compliance with
2 construction codes, a code-enforcement inspection, contracting
3 as defined in chapter 489, or an appraisal as defined in
4 chapter 475. Therefore, it is in the public interest to
5 require the disclosure of information useful in helping
6 consumers to choose a qualified home inspector, to inform them
7 of the limitations of a home inspection, and to prohibit
8 actions that conflict with the best interests of a home
9 inspector's client.

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

11 (a) "Home" means any improved residential real
12 property that is a single-family detached dwelling unit, a
13 single-family dwelling unit and appurtenant common elements in
14 a multifamily structure, or a multifamily structure of four
15 units or fewer. Residential dwelling units or structures
16 include any townhouse, duplex, condominium, cooperative, or
17 timeshare property meeting such unit restriction.

18 (b) "Home inspector" means any person who provides or
19 offers to provide a home inspection for a fee or other
20 compensation.

21 (c) "Home inspection" means an examination, done for
22 compensation, of the mechanical and physical components of a
23 home through visual means and operation of normal user
24 controls, without necessarily the use of any mathematical or
25 engineering science. The inspection may include, examination
26 of the readily visible portions of the structural, electrical,
27 heating, central air-conditioning, roofing, plumbing,
28 insulation and ventilation, and cladding systems; doors and
29 windows; interior surfaces; and chimneys and fireplaces.

30 (3) HOME INSPECTION SERVICES; QUALIFICATIONS,
31 STANDARDS.--

1 (a) A person may not offer home inspection services as
2 a board-certified home inspector, or represent himself or
3 herself as a board-certified home inspector, unless such
4 person has passed the National Home Inspector Examination,
5 offered by the Examination Board of Professional Home
6 Inspectors, or any other examination considered to be
7 psychometrically valid by the Secretary of Business and
8 Professional Regulation.

9 (b) The minimum standard of practice for home
10 inspection by a person representing himself or herself as a
11 board-certified home inspector is the version of the Standards
12 of Practice of the American Society of Home Inspectors in
13 effect on January 1, 2000, or any other consensus-based home
14 inspection standard considered equivalent by the Secretary of
15 Business and Professional Regulation.

16 (4) EXEMPTIONS.--A person licensed as a construction
17 contractor under chapter 489, an architect under chapter 481,
18 or an engineer under chapter 471, or a person certified as a
19 building code administrator, plans examiner, or inspector
20 under part XII of chapter 460, is not required to comply with
21 this section with regard to any report, survey, evaluation, or
22 estimate made within the scope of practice authorized by such
23 license.

24 (5) DISCLOSURE.--Before entering into a contract for
25 home inspection and before performing any home inspection, a
26 home inspector must provide the following to any person who
27 will enter into a contract to have a home inspection and who,
28 as a client of the inspector, has requested the inspection:

29 (a) A written list of the home inspector's
30 credentials, including whether or not the inspector is board
31 certified.

1 (b) The following notice in 10-point or larger
2 boldfaced type that states:

3 "AN INSPECTION IS INTENDED TO ASSIST IN EVALUATING THE
4 OVERALL CONDITION OF A BUILDING. THE INSPECTION IS BASED ON
5 OBSERVATION OF THE VISIBLE AND APPARENT CONDITION OF THE
6 BUILDING AND ITS COMPONENTS ON THE DATE OF THE INSPECTION.
7 THE RESULTS OF THIS HOME INSPECTION ARE NOT INTENDED TO MAKE
8 ANY REPRESENTATION REGARDING LATENT OR CONCEALED DEFECTS THAT
9 EXIST, AND NO WARRANTY OR GUARANTEE IS EXPRESSED OR IMPLIED.
10 YOU SHOULD UNDERSTAND THAT A HOME INSPECTION IS A GENERAL
11 OVERVIEW OF THE CONDITION OF THE BUILDING AND ITS COMPONENTS.
12 THE HOME INSPECTOR IS NOT NECESSARILY A PROFESSIONAL WHO IS
13 LICENSED TO MAKE DETAILED OPINIONS REGARDING ALL OF THE ITEMS
14 OR SYSTEMS INCLUDED IN THE INSPECTION. YOU ARE ADVISED TO
15 SEEK AN OPINION FROM AN APPROPRIATELY LICENSED PROFESSIONAL AS
16 TO ANY DEFECTS OR CONCERNS MENTIONED IN THE REPORT."

17 (c) A written disclosure to the client of any conflict
18 of interest or relationship held by the home inspector which
19 could adversely affect the client.

20 (d) A written statement or agreement declaring the
21 home inspector's scope of services and the limitations, terms,
22 and conditions regarding the home inspection.

23 (6) REPORT.--A home inspector must provide to the
24 client, within 3 working days after the date of the home
25 inspection or at any other time agreed upon by both parties, a
26 written report of the results of the home inspection.

27 (7) PROHIBITIONS.--A home inspector may not:

28 (a) Accept any commission, allowance, gift, or other
29 thing of value from another party dealing with a client of the
30 inspector which relates to the inspection or conditions
31 reported by the home inspector.

