

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Goodlette and Turnbull offered the  
12 following:

14 **Amendment (with title amendment)**

15 On page 3, line 16 through page 6, line 15,  
16 remove from the bill: all of said lines

17  
18 and insert in lieu thereof:

19 (3) HOME INSPECTION SERVICES; STANDARDS OF  
20 PRACTICE.--The minimum standards of practice for all home  
21 inspection services shall be developed and adopted by rule by  
22 the Department of Agriculture and Consumer Services. The  
23 minimum requirements for a home inspector to advertise as a  
24 "certified home inspector" shall also be developed and adopted  
25 by rule by the department, which rules may require the  
26 successful passage of an examination and experience  
27 requirements. In promulgating these rules, the department is  
28 directed to consult with representatives of the Florida home  
29 inspection industry, the Florida Building Code Administrators  
30 and Inspectors Board, the Construction Industry Licensing  
31 Board, and the Electrical Contractors' Licensing Board. The

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1 administrative rules required by this subsection are to be  
2 promulgated and adopted by July 1, 2001.

3 (4) EXEMPTIONS.--The following persons are not  
4 required to comply with this section with regard to any  
5 valuation condition, report, survey, evaluation, or estimate  
6 rendered within the scope of practice authorized by such  
7 license:

8 (a) A construction contractor licensed under chapter  
9 489.

10 (b) An architect licensed under chapter 481.

11 (c) An engineer licensed under chapter 471.

12 (d) A building code administrator, plans examiner, or  
13 building code inspector licensed under part XII of chapter  
14 468.

15 (e) A certified real estate appraiser, licensed real  
16 estate appraiser, or registered assistant real estate  
17 appraiser licensed under part II of chapter 475.

18 (f) An inspector whose report is being provided to,  
19 and is solely for the benefit of, the Federal Housing  
20 Administration or the Veterans Administration.

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22 These exemptions shall not apply to a person who holds himself  
23 or herself out as a person providing home inspection services.

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

30 (a) A written list of the home inspector's  
31 credentials.

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1           (b) Whether the home inspector has had a professional  
2 license, issued under part XII of chapter 468, chapter 471, or  
3 chapter 481, suspended or revoked.

4           (c) A caveat in conspicuous type that states:  
5           "AN INSPECTION IS INTENDED TO ASSIST IN EVALUATION OF  
6 THE OVERALL CONDITION OF A HOME. THE INSPECTION IS BASED ON  
7 OBSERVATION OF THE VISIBLE AND APPARENT CONDITION OF THE  
8 BUILDING AND ITS MECHANICAL AND PHYSICAL COMPONENTS ON THE  
9 DATE OF THE INSPECTION. THE RESULTS OF THIS HOME INSPECTION  
10 ARE NOT INTENDED TO MAKE ANY REPRESENTATION REGARDING LATENT  
11 OR CONCEALED DEFECTS THAT MAY EXIST. IT SHOULD BE UNDERSTOOD  
12 THAT A HOME INSPECTION IS A GENERAL OVERVIEW OF THE CONDITION  
13 OF THE BUILDING AND COMPONENTS. THE HOME INSPECTOR IS NOT  
14 NECESSARILY A PROFESSIONAL WITH LICENSES AUTHORIZING THE  
15 RENDERING OF DETAILED OPINIONS REGARDING ANY OR ALL OF THE  
16 ITEMS OR SYSTEMS INCLUDED IN THE INSPECTION. YOU MAY WISH TO  
17 SEEK AN OPINION FROM AN APPROPRIATELY LICENSED PROFESSIONAL AS  
18 TO ANY DEFECTS OR CONCERNS MENTIONED IN THE REPORT."

19           (d) A written disclosure to the client of any conflict  
20 of interest or relationship of the home inspector which may  
21 affect the client.

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

25           (6) REPORT.--A home inspector must provide to the  
26 client, within 3 working days after the date of the home  
27 inspection or at any other time agreed upon by both parties, a  
28 written report of the results of the home inspection. The  
29 relevant part of the report shall be provided by the buyer to  
30 the owner of the home upon request if a home inspection report  
31 is used by the buyer as a reason to void, modify, or refuse to

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1 close on a contract for sale and purchase of the home.

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

3 (a) Accept any commission, allowance, gift, or other  
4 thing of value from another party dealing with a client of the  
5 inspector which relates to the inspection or conditions  
6 reported by the home inspector.

7 (b) Offer any commission, allowance, gift, or other  
8 thing of value to another party dealing with a client of the  
9 inspector which relates to the inspection.

10 (c) Perform, or offer to perform, for a fee, remedial  
11 work on a property which the inspector has inspected in the  
12 preceding 12 months.

13 (d) Disclose, without the client's written consent, a  
14 home inspection report to any person other than the client or  
15 the client's representative.

16 (8) FAILURE TO COMPLY.--The failure of a home  
17 inspector to comply with any provision of this section  
18 constitutes a deceptive and unfair trade practice for which a  
19 cause of action under part II of chapter 501 may be  
20 prosecuted, in addition to any other remedy provided by law. A  
21 court may enjoin any person who has substantially failed to  
22 comply with this section from using the title "certified

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24  
25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 On page 1, lines 6 through 22,  
28 remove from the title of the bill: all of said lines

29  
30 and insert in lieu thereof:

31 providing definitions; requiring rulemaking by

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1 the Department of Agriculture and Consumer  
2 Services; providing exemptions; requiring,  
3 prior to inspection, provision of inspector  
4 credentials, a caveat, a disclosure of  
5 conflicts of interest and certain  
6 relationships, and a statement or agreement of  
7 scope, limitations, terms, and conditions;  
8 requiring a report to the client on the results  
9 of the inspection and requiring provision of  
10 relevant portions thereof to homeowners under  
11 certain circumstances; prohibiting certain  
12 acts, for which there are civil penalties;  
13 providing that failure to comply is a deceptive  
14 and unfair trade practice; providing for  
15 injunction against use of the title "certified  
16 home inspector" under certain

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