

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 the Florida Building Code
29 Administrators and Inspectors Board, the Construction Industry
30 Licensing Board, and the Electrical Contractors' Licensing
31 Board. The administrative rules required by this subsection

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1 are to be promulgated and adopted by July 1, 2001.
2 (4) EXEMPTIONS.--The following persons are not
3 required to comply with this section with regard to any
4 valuation condition, report, survey, evaluation, or estimate
5 rendered within the scope of practice authorized by such
6 license:
7 (a) A construction contractor licensed under chapter
8 489.
9 (b) An architect licensed under chapter 481.
10 (c) An engineer licensed under chapter 471.
11 (d) A building code administrator, plans examiner, or
12 building code inspector licensed under part XII of chapter
13 468.
14 (e) A certified real estate appraiser, licensed real
15 estate appraiser, or registered assistant real estate
16 appraiser licensed under part II of chapter 475.
17 (f) An inspector whose report is being provided to,
18 and is solely for the benefit of, the Federal Housing
19 Administration or the Veterans Administration.
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21 These exemptions shall not apply to a person who holds himself
22 or herself out as a person providing home inspection services.
23 (5) DISCLOSURE.--Prior to entering into a contract for
24 home inspection and prior to performing any home inspection, a
25 home inspector must provide the following to any person, or
26 the person's representative, who will enter into a contract to
27 have a home inspection and who, as a client of the inspector,
28 has requested the inspection:
29 (a) A written list of the home inspector's
30 credentials.
31 (b) Whether the home inspector has had a professional

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1 license, issued under part XII of chapter 468, chapter 471, or
2 chapter 481, suspended or revoked.

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

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

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

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

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

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

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

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

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

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

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23
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 On page 1, lines 6 through 22,
27 remove from the title of the bill: all of said lines
28
29 and insert in lieu thereof:

30 providing definitions; requiring rulemaking by
31 the Department of Agriculture and Consumer

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

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