

By Representatives Turnbull, Brown, Ogles, Futch and J. Miller

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; providing certain  
7           inspector qualifications and practice  
8           standards; providing exemptions; requiring,  
9           prior to inspection, provision of inspector  
10          credentials, a caveat, a disclosure of  
11          conflicts of interest and certain  
12          relationships, and a statement or agreement of  
13          scope, limitations, terms, and conditions;  
14          requiring a report on the results of the  
15          inspection; prohibiting certain acts, for which  
16          there are civil penalties; providing that  
17          failure to comply is a deceptive and unfair  
18          trade practice; providing an effective date.

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

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22           Section 1. Section 501.935, Florida Statutes, is  
23          created to read:  
24                   501.935 Home inspection services; qualifications and  
25          standards; required disclosures prior to inspection; report on  
26          inspection results; prohibited acts; failure to comply.--

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

1 contracting as defined in chapter 489, or an appraisal as  
2 defined in chapter 475. Therefore, it is in the public  
3 interest to require the disclosure of information useful to  
4 assist consumers in choosing a qualified home inspector, to  
5 inform them of the limitations of a home inspection, and to  
6 prohibit actions that conflict with the best interests of a  
7 home inspector's client.

8 (2) DEFINITIONS.--For the purposes of this section:

9 (a) "Home inspector" means any person who provides or  
10 offers to provide a home inspection on residential real  
11 property for a fee or other compensation.

12 (b) "Home inspection" means an examination, done for  
13 compensation, of the mechanical and physical components of  
14 residential real property through visual means and operation  
15 of normal user controls, without necessarily the use of any  
16 mathematical or engineering science. The inspection may  
17 include, but is not limited to, examination of the readily  
18 visible portions of the structural, electrical, heating,  
19 central air-conditioning, roofing, plumbing, insulation and  
20 ventilation, and cladding systems, doors and windows, interior  
21 surfaces, and chimneys and fireplaces.

22 (3) HOME INSPECTION SERVICES; QUALIFICATIONS,  
23 STANDARDS.--

24 (a) No person shall offer home inspection services as  
25 a board-certified home inspector, or represent himself or  
26 herself as a board-certified home inspector, unless such  
27 person has passed the National Home Inspector Examination  
28 (NHIE), offered by the Examination Board of Professional Home  
29 Inspectors, or any other examination deemed to be  
30 psychometrically valid by the Secretary of Business and  
31 Professional Regulation.

1       (b) The minimum standard of practice for home  
2 inspection by a person representing himself or herself as a  
3 board-certified home inspector shall be the version of the  
4 Standards of Practice of the American Society of Home  
5 Inspectors effective January 1, 2000, or any other  
6 consensus-based home inspection standard deemed equivalent by  
7 the Secretary of Business and Professional Regulation.

8       (4) EXEMPTIONS.--A person licensed as a construction  
9 contractor under chapter 489, an architect under chapter 481,  
10 or an engineer under chapter 471 is not required to comply  
11 with this section with regard to any report, survey,  
12 evaluation, or estimate rendered within the scope of practice  
13 authorized by such license.

14       (5) DISCLOSURE.--Prior to entering into a contract for  
15 home inspection and prior to performing any home inspection, a  
16 home inspector must provide the following to any person who  
17 will enter into a contract to have a home inspection and who,  
18 as a client of the inspector, has requested the inspection:

19       (a) A written list of the home inspector's  
20 credentials, including whether or not the inspector is board  
21 certified.

22       (b) A caveat in 10-point or larger boldfaced type that  
23 states:

24       "AN INSPECTION IS INTENDED TO ASSIST IN EVALUATION OF  
25 THE OVERALL CONDITION OF A BUILDING. THE INSPECTION IS BASED  
26 ON OBSERVATION OF THE VISIBLE AND APPARENT CONDITION OF THE  
27 BUILDING AND ITS COMPONENTS ON THE DATE OF THE INSPECTION.  
28 THE RESULTS OF THIS HOME INSPECTION ARE NOT INTENDED TO MAKE  
29 ANY REPRESENTATION REGARDING LATENT OR CONCEALED DEFECTS THAT  
30 MAY EXIST, AND NO WARRANTY OR GUARANTEE IS EXPRESSED OR  
31 IMPLIED. IT SHOULD BE UNDERSTOOD THAT A HOME INSPECTION IS A

1 GENERAL OVERVIEW OF THE CONDITION OF THE BUILDING AND  
2 COMPONENTS. THE HOME INSPECTOR IS NOT NECESSARILY A  
3 PROFESSIONAL WITH LICENSES AUTHORIZING THE RENDERING OF  
4 DETAILED OPINIONS REGARDING ALL OF THE ITEMS OR SYSTEMS  
5 INCLUDED IN THE INSPECTION. YOU MAY BE ADVISED TO SEEK AN  
6 OPINION FROM AN APPROPRIATELY LICENSED PROFESSIONAL AS TO ANY  
7 DEFECTS OR CONCERNS MENTIONED IN THE REPORT."

8 (c) A written disclosure to the client of any conflict  
9 of interest or relationship of the home inspector which may  
10 affect the client.

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

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

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

19 (a) Accept any commission, allowance, gift, or other  
20 thing of value from another party dealing with a client of the  
21 inspector which relates to the inspection or conditions  
22 reported by the home inspector.

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

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

29 (d) Disclose, without the client's written consent, a  
30 home inspection report to any person other than the client.

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