

CHAMBER ACTION

1 The Committee on Business Regulation recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to home inspection services; providing
7 definitions; requiring the Department of Business and
8 Professional Regulation to appoint a Home Inspection
9 Services Study Group; providing for membership; providing
10 for a study related to home inspection services; providing
11 for a report of findings; providing for future termination
12 of the study group; providing an effective date.

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

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16 Section 1. Home Inspection Services Study Group.--

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

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

20 (b) "Home" means any residential real property, or
21 manufactured or modular home, that is a single-family dwelling,
22 duplex, triplex, quadruplex, condominium unit, or cooperative

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23 | unit. The term does not include the common areas of condominiums
24 | or cooperatives.

25 | (c) "Home inspector" means any person who provides or
26 | offers to provide a home inspection for a fee or other
27 | compensation.

28 | (d) "Home inspection" means a limited visual examination
29 | of one or more of the readily accessible installed systems and
30 | components of a home, including the structure, electrical
31 | system, HVAC system, roof covering, plumbing system, interior
32 | components, exterior components, and site conditions that affect
33 | the structure, for the purposes of providing a written opinion
34 | of the condition of the home.

35 | (2) HOME INSPECTION SERVICES STUDY GROUP.--

36 | (a) The department shall appoint a Home Inspection
37 | Services Study Group to consist of three members who are
38 | practicing home inspectors having a minimum of 5 years'
39 | experience each, one member of the Construction Industry
40 | Licensing Board, one member of the Florida Building Code
41 | Administrators and Inspectors Board, one member of the Board of
42 | Architecture and Interior Design, one member of the Florida Real
43 | Estate Appraisal Board, one member of the Board of Professional
44 | Engineers, one member who is licensed pursuant to part I of
45 | chapter 475, Florida Statutes, one consumer member, and one
46 | nonvoting member from the staff of the department.

47 | (b) The charge of the Home Inspection Services Study Group
48 | is to conduct a study regarding home inspections and the duties
49 | and responsibilities of home inspectors. The study should
50 | address whether regulation of this occupation may be appropriate

51 or whether there may be better alternatives to regulation. The
52 Home Inspection Services Study Group shall consider the
53 following factors:

54 1. Whether the unregulated practice of home inspection
55 substantially harms or endangers the public health, safety, or
56 welfare and whether the potential for harm is recognizable and
57 not remote.

58 2. Whether the practice of home inspection requires
59 specialized skill or training and whether that skill or training
60 is readily measurable or quantifiable so that examination or
61 training requirements would reasonably ensure initial and
62 continuing professional or occupational ability.

63 3. Whether regulation will have an unreasonable effect on
64 job creation or job retention in the state or will place
65 unreasonable restrictions on the ability of individuals who seek
66 to practice or who are practicing this occupation to find
67 employment.

68 4. Whether the public is or can be effectively protected
69 by other means.

70 5. Whether the overall cost-effectiveness and economic
71 impact of regulation, including the indirect costs to consumers,
72 will be favorable.

73 (c) The study shall be completed and a report prepared by
74 January 1, 2005, and submitted by the Home Inspection Services
75 Study Group to the Speaker of the House of Representatives, the
76 President of the Senate, the Secretary of Business and
77 Professional Regulation, and the Executive Office of the
78 Governor.

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79 (d) The Home Inspection Services Study Group shall cease
80 to exist upon submission of its study report or January 1, 2005,
81 whichever occurs first.

82 Section 2. This act shall take effect upon becoming a law.