

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Regulated Industries Committee

BILL: SB 1452

INTRODUCER: Senator Wise

SUBJECT: Building Inspection Professionals

DATE: March 11, 2008

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Aubuchon</u>	<u>Imhof</u>	<u>RI</u>	<u>Favorable</u>
2.	_____	_____	<u>CM</u>	_____
3.	_____	_____	<u>GA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill requires a corporation or partnership offering home inspection services to have on file with the Department of Business and Professional Regulation (department) the name and license number of the home inspector on record for the corporation or partnership. The home inspector may be any principal officer or employee. In the event of any change in the relationship or identity of the inspector, the department must be notified within 30 days of the change.

The bill excludes a home inspector, a company that employs a home inspector, or a company that is either a subsidiary or parent organization that has a financial interest in a company employing a home inspector from performing or offering to perform any repairs on a house within 12 months of completing home inspection services. They are also prohibited from delivering any compensation to any broker for referring a buyer or seller of inspected property.

The bill amends the grandfather clause found at s. 468.8324, F.S., and allows for a person to be licensed as a home inspector until January 1, 2011, if the person has performed home inspection services for compensation for at least two years, has performed 150 or more home inspections for compensation, is of good moral character and has not committed any act that would be grounds for disciplinary actions if the person had been licensed as a home inspector.

It provides that home inspectors do not need to be licensed as mold assessors or remediators when acting within the scope of their license.

This bill clarifies the exemption relating to mold assessment and remediation in part XV of chapter 468, F.S. The bill provides for the department to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S. to administer parts XV and XVI of ch. 468, F.S., that are effective July 1, 2010.

This bill amends sections 468.8318, 468.8319, 468.8324, and 468.841, Florida Statutes.

II. Present Situation:

A corporation or partnership is authorized to conduct home inspection services under s. 468.8318, F.S. Currently the corporation or partnership does not need to file information with the department concerning the licensed home inspector of record, nor does the law require any sort of notification to the department concerning changes in personnel.

Section 468.8319, F.S., provides a limitation on inspectors concerning offers to perform, for additional fees, any repair upon which the inspector's company has prepared a report. It also places a limitation on brokers or agents from gaining any compensation for the referral of an inspector to the owner of an inspected property.

The current grandfather clause concerning mold-related services is found at s. 468.8423, F.S. It provides that a person who performs mold assessment or mold remediation as defined in the statute may be qualified to be licensed by the department if the licensure requirements are met by July 1, 2010.

The Legislature passed a set of exemptions under s. 468.841, F.S., with the intent of allowing certain individuals to be removed from requirements of mold assessment or mold remediation. A scrivener's error currently exists in s. 468.841, F.S., which places mold remediators under the category of mold assessment and mold assessors under the category of mold remediation.

III. Effect of Proposed Changes:

The bill provides that corporations and partnerships offering home inspection services must have on file with the department the name and license number of an individual holding an active license as a home inspector who serves as the inspector on record for the corporation or partnership. It also requires the corporation or partnership to notify the department within 30 days of any change in the relationship or identity of the inspector of record. It requires that at all times the corporation or partnership offers home inspection services, the personnel conducting the inspections be licensed and have a certificate of authorization from the department.

Following an inspection, the corporation or partnership that conducted the inspection or any subsidiaries or ownership entities may not perform or offer to perform repairs for an additional fee within 12 months of completing home inspection services. A corporation or partnership may not offer or deliver compensation to any broker or agent for the referral of the buyer or seller of the inspected property.

The bill modifies the grandfather clause found at s. 468.8324, F.S., and allows the department to license until, January 1, 2011, a person as a home inspector if the person has been engaged in the practice for compensation for at least two years prior to the effective date of the bill, has performed 150 or more home inspections for compensation, is of good moral character, and has not committed any grounds for disciplinary action under part XV of chapter 468, F.S.

It provides that home inspectors do not need to be licensed as mold assessors or remediators when acting within the scope of their license.

The bill clarifies the exemption relating to mold assessment and remediation in pt. XVI, ch. 468, F.S. The bill also grants appropriate rule making authority to the department to administer parts XV and XVI, ch. 468, F.S.

This act shall take effect July 1, 2010.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
