

By Senator Wise

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1 A bill to be entitled

2 An act relating to building inspection professionals;
3 amending s. 468.8318, F.S.; requiring a corporation or
4 partnership that offers home inspection services to have a
5 home inspector of record for the corporation or
6 partnership; requiring that the Department of Business and
7 Professional Regulation be notified of any change in the
8 home inspector of record; amending s. 468.8319, F.S.;
9 revising provisions restricting a home inspector from
10 performing repairs on a home following an inspection;
11 prohibiting certain inducements; amending s. 468.8324,
12 F.S.; revising provisions authorizing certain exemptions
13 from licensure; amending s. 468.841, F.S.; clarifying
14 provisions exempting home inspectors from certain
15 provisions governing mold-related services; providing for
16 rules; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Section 468.8318, Florida Statutes, is amended
21 to read:

22 468.8318 Certification of corporations and partnerships.--

23 (1) The department shall issue a certificate of
24 authorization to a corporation or partnership offering home
25 inspection services to the public if the corporation or
26 partnership satisfies all of the requirements of this part.

27 (2) The practice of or the offer to practice home
28 inspection services by licensees through a corporation or
29 partnership offering home inspection services to the public, or

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30 | by a corporation or partnership offering such services to the
31 | public through licensees under this part as agents, employees,
32 | officers, or partners, is permitted subject to the provisions of
33 | this part.

34 | (a) At all times that it offers home inspection services to
35 | the public, a corporation or partnership must have on file with
36 | the department the name and license number of an individual who
37 | holds an active license as a home inspector in this state and is
38 | serving as a home inspector of record for the corporation or
39 | partnership. A home inspector of record may be any principal
40 | officer or employee of the corporation or any partner or employee
41 | of the partnership who holds an active license as a home
42 | inspector in this state.

43 | (b) The corporation or partnership and the home inspector
44 | of record must notify the department of any change in the
45 | relationship or identity of the home inspector of record within
46 | 30 days after the change. ~~provided that~~

47 | (c) At all times that a corporation or partnership offers
48 | home inspection services to the public, all personnel of the
49 | corporation or partnership who act in its behalf as home
50 | inspectors in this state must be ~~are~~ licensed as provided by this
51 | part, ~~and further provided that~~ the corporation or partnership
52 | must have ~~has been issued~~ a certificate of authorization by the
53 | department as provided in this section to conduct home
54 | inspections in this state.

55 | (d) Nothing in this section shall be construed to allow a
56 | corporation to hold a license to practice home inspection
57 | services. No corporation or partnership shall be relieved of
58 | responsibility for the conduct or acts of its agents, employees,

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59 or officers by reason of its compliance with this section, nor
60 shall any individual practicing home inspection services be
61 relieved of responsibility for professional services performed by
62 reason of his or her employment or relationship with a
63 corporation or partnership.

64 (3) For the purposes of this section, a certificate of
65 authorization shall be required for a corporation, partnership,
66 association, or person practicing under a fictitious name and
67 offering home inspection services to the public; however, when an
68 individual is practicing home inspection services in his or her
69 own given name, he or she shall not be required to register under
70 this section.

71 (4) Each certificate of authorization shall be renewed
72 every 2 years. Each partnership and corporation certified under
73 this section shall notify the department within 1 month of any
74 change in the information contained in the application upon which
75 the certification is based.

76 (5) Disciplinary action against a corporation or
77 partnership shall be administered in the same manner and on the
78 same grounds as disciplinary action against a licensed home
79 inspector.

80 Section 2. Subsection (1) of section 468.8319, Florida
81 Statutes, is amended to read:

82 468.8319 Prohibitions; penalties.--

83 (1) A home inspector, a company that employs a home
84 inspector, or a company that is controlled by a company that also
85 has a financial interest in a company employing a home inspector
86 may not:

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87 (a) Practice or offer to practice home inspection services
88 unless the person has complied with the provisions of this part;

89 (b) Use the name or title "certified home inspector,"
90 "registered home inspector," "licensed home inspector," "home
91 inspector," "professional home inspector," or any combination
92 thereof unless the person has complied with the provisions of
93 this part;

94 (c) Present as his or her own the license of another;

95 (d) Knowingly give false or forged evidence to the
96 department or an employee thereof;

97 (e) Use or attempt to use a license that has been suspended
98 or revoked;

99 (f) Perform or offer to perform, within 12 months after
100 completing home inspection services ~~prior to closing~~, for any
101 additional fee, any repairs to a home on which the inspector or
102 the inspector's company has prepared a home inspection report.
103 This paragraph does not apply to a home warranty company that is
104 affiliated with or retains a home inspector to perform repairs
105 pursuant to a claim made under a home warranty contract;

106 (g) Inspect for a fee any property in which the inspector
107 or the inspector's company has any financial or transfer
108 interest;

109 (h) Offer or deliver any compensation, inducement, or
110 reward to any broker or agent ~~therefor~~ for the referral of the
111 buyer or seller ~~owner~~ of the inspected property to the inspector
112 or the inspection company; or

113 (i) Accept an engagement to make an omission or prepare a
114 report in which the inspection itself, or the fee payable for the

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115 inspection, is contingent upon either the conclusions in the
116 report, preestablished findings, or the close of escrow.

117 Section 3. Section 468.8324, Florida Statutes, is amended
118 to read:

119 468.8324 Grandfather clause.--Until January 1, 2011,
120 notwithstanding any other provision of this part, the department
121 may license a person as a home inspector if the person:

122 (1) Has been engaged in the practice of home inspection
123 services for a fee or other compensation for at least 2 years
124 prior to the effective date of this part;

125 (2) Has performed 150 or more home inspections for a fee or
126 other compensation;

127 (3) Is of good moral character as defined in s. 468.8313;
128 and

129 (4) Has not committed any act that would be grounds for
130 disciplinary actions if the person had been licensed under this
131 part. A person who performs home inspection services as defined
132 in this part may qualify to be licensed by the department as a
133 home inspector if the person meets the licensure requirements of
134 this part by July 1, 2010.

135 Section 4. Paragraph (d) of subsection (1) and paragraph
136 (d) of subsection (2) of section 468.841, Florida Statutes, are
137 amended to read:

138 468.841 Exemptions.--

139 (1) The following persons are not required to comply with
140 any provisions of this part relating to mold assessment:

141 (d) Persons or business organizations acting within the
142 scope of the respective licenses required under chapter 471, part
143 I of chapter 481, chapter 482, ~~or~~ chapter 489, or part XV of this

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144 chapter, are acting on behalf of an insurer under part VI of
145 chapter 626, or are persons in the manufactured housing industry
146 who are licensed under chapter 320, except when any such persons
147 or business organizations hold themselves out for hire to the
148 public as a "certified mold assessor ~~remediator~~," "registered
149 mold assessor ~~remediator~~," "licensed mold assessor ~~remediator~~,"
150 "mold assessor ~~remediator~~," "professional mold assessor
151 ~~remediator~~," or any combination thereof stating or implying
152 licensure under this part.

153 (2) The following persons are not required to comply with
154 any provisions of this part relating to mold remediation:

155 (d) Persons or business organizations that are acting
156 within the scope of the respective licenses required under
157 chapter 471, part I of chapter 481, chapter 482, ~~or~~ chapter 489,
158 or part XV of this chapter, are acting on behalf of an insurer
159 under part VI of chapter 626, or are persons in the manufactured
160 housing industry who are licensed under chapter 320, except when
161 any such persons or business organizations hold themselves out
162 for hire to the public as a "certified mold remediator ~~assessor~~,"
163 "registered mold remediator ~~assessor~~," "licensed mold remediator
164 ~~assessor~~," "mold remediator ~~assessor~~," "professional mold
165 remediator ~~assessor~~," or any combination thereof stating or
166 implying licensure under this part.

167 Section 5. The Department of Business and Professional
168 Regulation may adopt rules pursuant to ss. 120.536(1) and 120.54,
169 Florida Statutes, to administer part XV and part XVI of chapter
170 468, Florida Statutes. The rules shall take effect July 1, 2010.

171 Section 6. This act shall take effect July 1, 2010.