



958770

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2009	.	
	.	
	.	
	.	

The Committee on Community Affairs (Bennett) recommended the following:

1 **Senate Amendment to Amendment (771682) (with title**
2 **amendment)**

3
4 Between lines 38 and 39
5 insert:

6 Section 3. Effective July 1, 2010, Section 468.8311,
7 Florida Statutes, is amended to read:

8 468.8311 Definitions.—As used in this part, the term:

9 (1) "Department" means the Department of Business and
10 Professional Regulation.

11 (2) "Home" means any residential real property, or



958770

12 manufactured or modular home, which is a single-family dwelling,
13 duplex, triplex, quadruplex, condominium unit, or cooperative
14 unit. The term does not include the common areas of condominiums
15 or cooperatives.

16 (3) "Home inspector" means any person who provides or
17 offers to provide home inspection services for a fee or other
18 compensation.

19 (4) "Home inspection services" means a limited visual
20 examination of one or more of the following readily accessible
21 installed systems and components of a home: the structure,
22 electrical system, HVAC system, roof covering, plumbing system,
23 interior components, windows, doors, walls, floors, ceilings,
24 exterior components, and site conditions that affect the
25 structure, for the purposes of providing a written professional
26 opinion of the condition of the home.

27 Section 4. Effective July 1, 2010, Section 468.8312,
28 Florida Statutes, is amended to read:

29 468.8312 Fees.—

30 (1) The department, by rule, may establish fees to be paid
31 for applications, examination, reexamination, licensing and
32 renewal, inactive status application and reactivation of
33 inactive licenses, recordkeeping, and applications for providers
34 of continuing education. The department may also establish by
35 rule a delinquency fee. Fees shall be based on department
36 estimates of the revenue required to implement the provisions of
37 this part. All fees shall be remitted with the appropriate
38 application, examination, or license.

39 (2) The initial application and examination fee shall not
40 exceed \$250 ~~\$125~~ plus the actual per applicant cost to the



958770

41 department to purchase an examination, if the department chooses
42 to purchase the examination. The examination fee shall be in an
43 amount that covers the cost of obtaining and administering the
44 examination and shall be refunded if the applicant is found
45 ineligible to sit for the examination. The application fee shall
46 be nonrefundable.

47 (3) The initial license fee shall not exceed \$400 ~~\$200~~.

48 (4) The fee for a certificate of authorization shall not
49 exceed \$250 ~~\$125~~.

50 (5) The biennial renewal fee shall not exceed \$400 ~~\$200~~.

51 (6) The fee for licensure by endorsement shall not exceed
52 \$400 ~~\$200~~.

53 (7) The fee for application for inactive status or for
54 reactivation of an inactive license shall not exceed \$400 ~~\$200~~.

55 (8) The fee for applications from providers of continuing
56 education may not exceed \$500.

57 Section 5. Effective July 1, 2010, section 468.8319,
58 Florida Statutes, is amended to read:

59 468.8319 Prohibitions; penalties.-

60 (1) No person may ~~A home inspector, a company that employs~~
61 ~~a home inspector, or a company that is controlled by a company~~
62 ~~that also has a financial interest in a company employing a home~~
63 ~~inspector may not:~~

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

66 (b) Use the name or title "certified home inspector,"
67 "registered home inspector," "licensed home inspector," "home
68 inspector," "professional home inspector," or any combination
69 thereof unless the person has complied with the provisions of



958770

70 this part;

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

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

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

76 (f) Perform or offer to perform, prior to closing, for any
77 additional fee, any repairs to a home on which the inspector or
78 the inspector's company has prepared a home inspection report.
79 This paragraph does not apply to a home warranty company that is
80 affiliated with or retains a home inspector to perform repairs
81 pursuant to a claim made under a home warranty contract;

82 (g) Inspect for a fee any property in which the inspector
83 or the inspector's company has any financial or transfer
84 interest;

85 (h) Offer or deliver any compensation, inducement, or
86 reward to any broker or agent therefor for the referral of the
87 owner of the inspected property to the inspector or the
88 inspection company; or

89 (i) Accept an engagement to make an omission or prepare a
90 report in which the inspection itself, or the fee payable for
91 the inspection, is contingent upon either the conclusions in the
92 report, preestablished findings, or the close of escrow.

93 (2) Any person who is found to be in violation of any
94 provision of this section commits a misdemeanor of the first
95 degree, punishable as provided in s. 775.082 or s. 775.083.

96 Section 6. Effective July 1, 2010, section 468.832, Florida
97 Statutes, is amended to read:

98 468.832 Disciplinary proceedings.-



958770

99 (1) The following acts constitute grounds for which the
100 disciplinary actions in subsection (2) may be taken:

101 (a) Violation of any provision of this part or s.
102 455.227(1);

103 (b) Attempting to procure a license to practice home
104 inspection services by bribery or fraudulent misrepresentation;

105 (c) Having a license to practice home inspection services
106 revoked, suspended, or otherwise acted against, including the
107 denial of licensure, by the licensing authority of another
108 state, territory, or country;

109 (d) Being convicted or found guilty of, or entering a plea
110 of nolo contendere to, regardless of adjudication, a crime in
111 any jurisdiction that directly relates to the practice of home
112 inspection services or the ability to practice home inspection
113 services;

114 (e) Making or filing a report or record that the licensee
115 knows to be false, willfully failing to file a report or record
116 required by state or federal law, willfully impeding or
117 obstructing such filing, or inducing another person to impede or
118 obstruct such filing. Such reports or records shall include only
119 those that are signed in the capacity of a licensed home
120 inspector;

121 (f) Advertising goods or services in a manner that is
122 fraudulent, false, deceptive, or misleading in form or content;

123 (g) Engaging in fraud or deceit, or negligence,
124 incompetency, or misconduct, in the practice of home inspection
125 services;

126 (h) Failing to perform any statutory or legal obligation
127 placed upon a licensed home inspector; violating any provision



958770

128 of this chapter, a rule of the department, or a lawful order of
129 the department previously entered in a disciplinary hearing; or
130 failing to comply with a lawfully issued subpoena of the
131 department; or

132 (i) Practicing on a revoked, suspended, inactive, or
133 delinquent license.

134 (2) When the department finds any licensee ~~home inspector~~
135 guilty of any of the grounds set forth in subsection (1), it may
136 enter an order imposing one or more of the following penalties:

137 (a) Denial of an application for licensure.

138 (b) Revocation or suspension of a license.

139 (c) Imposition of an administrative fine not to exceed
140 \$5,000 for each count or separate offense.

141 (d) Issuance of a reprimand.

142 (e) Placement of the home inspector on probation for a
143 period of time and subject to such conditions as the department
144 may specify.

145 (f) Restriction of the authorized scope of practice by the
146 home inspector.

147 (3) In addition to any other sanction imposed under this
148 part, in any final order that imposes sanctions, the department
149 may assess costs related to the investigation and prosecution of
150 the case.

151 Section 7. Effective July 1, 2010, section 468.8324,
152 Florida Statutes, is amended to read:

153 468.8324 Grandfather clause.—A person who performs home
154 inspection services as defined in this part may qualify to be
155 licensed by the department as a home inspector if the person
156 meets the licensure requirements of this part by July 1, 2010,



958770

157 and if the person:

158 (1) Is of good moral character,

159 (2) Has successfully completed high school or its
160 equivalent, or has been in the home inspection business for at
161 least three years,

162 (3) Has received compensation as a home inspector for not
163 less than two years prior to July 1, 2010, and

164 (4) Has performed not fewer than 100 home inspections and
165 received compensation for such inspections.

166 Section 8. Effective July 1, 2010, subsection (1) of
167 section 215.5586, Florida Statutes, is amended to read:

168 215.5586 My Safe Florida Home Program.—There is established
169 within the Department of Financial Services the My Safe Florida
170 Home Program. The department shall provide fiscal
171 accountability, contract management, and strategic leadership
172 for the program, consistent with this section. This section does
173 not create an entitlement for property owners or obligate the
174 state in any way to fund the inspection or retrofitting of
175 residential property in this state. Implementation of this
176 program is subject to annual legislative appropriations. It is
177 the intent of the Legislature that the My Safe Florida Home
178 Program provide inspections for at least 400,000 site-built,
179 single-family, residential properties and provide grants to at
180 least 35,000 applicants before June 30, 2009. The program shall
181 develop and implement a comprehensive and coordinated approach
182 for hurricane damage mitigation that shall include the
183 following:

184 (1) HURRICANE MITIGATION INSPECTIONS.—

185 (a) Free home-retrofit inspections of site-built, single-



958770

186 family, residential property shall be offered throughout the
187 state to determine what mitigation measures are needed, what
188 insurance premium discounts may be available, and what
189 improvements to existing residential properties are needed to
190 reduce the property's vulnerability to hurricane damage. The
191 Department of Financial Services shall contract with wind
192 certification entities to provide free hurricane mitigation
193 inspections. The inspections provided to homeowners, at a
194 minimum, must include:

195 1. A home inspection and report that summarizes the results
196 and identifies recommended improvements a homeowner may take to
197 mitigate hurricane damage.

198 2. A range of cost estimates regarding the recommended
199 mitigation improvements.

200 3. Insurer-specific information regarding premium discounts
201 correlated to the current mitigation features and the
202 recommended mitigation improvements identified by the
203 inspection.

204 4. A hurricane resistance rating scale specifying the
205 home's current as well as projected wind resistance
206 capabilities. As soon as practical, the rating scale must be the
207 uniform home grading scale adopted by the Financial Services
208 Commission pursuant to s. 215.55865.

209 (b) To qualify for selection by the department as a wind
210 certification entity to provide hurricane mitigation
211 inspections, the entity shall, at a minimum, meet the following
212 requirements:

213 1. Use hurricane mitigation inspectors who:

214 a. Are certified as a building inspector under s. 468.607;



958770

- 215 b. Are licensed as a general or residential contractor
216 under s. 489.111;
- 217 c. Are licensed as a professional engineer under s. 471.015
218 and who have passed the appropriate equivalency test of the
219 Building Code Training Program as required by s. 553.841;
- 220 d. Are licensed as a professional architect under s.
221 481.213;
- 222 e. A licensed home inspector under s. 468.83; or
- 223 e. Have at least 2 years of experience in residential
224 construction or residential building inspection and have
225 received specialized training in hurricane mitigation
226 procedures. Such training may be provided by a class offered
227 online or in person.
- 228 2. Use hurricane mitigation inspectors who also:
- 229 a. Have undergone drug testing and level 2 background
230 checks pursuant to s. 435.04. The department may conduct
231 criminal record checks of inspectors used by wind certification
232 entities. Inspectors must submit a set of the fingerprints to
233 the department for state and national criminal history checks
234 and must pay the fingerprint processing fee set forth in s.
235 624.501. The fingerprints shall be sent by the department to the
236 Department of Law Enforcement and forwarded to the Federal
237 Bureau of Investigation for processing. The results shall be
238 returned to the department for screening. The fingerprints shall
239 be taken by a law enforcement agency, designated examination
240 center, or other department-approved entity; and
- 241 b. Have been certified, in a manner satisfactory to the
242 department, to conduct the inspections.
- 243 3. Provide a quality assurance program including a



958770

244 reinspection component.

245 (c) The department shall implement a quality assurance
246 program that includes a statistically valid number of
247 reinspections.

248 (d) An application for an inspection must contain a signed
249 or electronically verified statement made under penalty of
250 perjury that the applicant has submitted only a single
251 application for that home.

252 (e) The owner of a site-built, single-family, residential
253 property may apply for and receive an inspection without also
254 applying for a grant pursuant to subsection (2) and without
255 meeting the requirements of paragraph (2)(a).

256
257 ===== T I T L E A M E N D M E N T =====

258 And the title is amended as follows:

259 Between lines 986 and 987

260 insert:

261 s. 468.8311, F.S., effective July 1, 2010, to revise definitions
262 for home inspection services; amending s. 468.8312, F.S.,
263 effective July 1, 2010, providing for fee increases for home
264 inspection licenses; amending s. 468.8319, F.S.; effective July
265 1, 2010, revising a prohibition on providers of home inspection
266 services; amending s. 468.832, F.S.; effective July 1, 2010,
267 authorizing the Department of Business and Professional
268 Regulation to impose penalties on licensees found guilty of
269 violations; amending s. 468.8324, effective July 1, 2010,
270 providing additional home inspection licensure requirements;
271 amending s. 215.5586, F.S.; effective July 1, 2010, adding home
272 inspectors licensed under s. 468.83, F.S., to the list of wind



958770

273 certification entities which may be selected by the Department
274 of Financial Services to provide hurricane mitigation
275 inspections; amending