

Florida Statutes – Home Inspector
Prepared by National Center for Healthy Housing

468.83 Purpose.--The Legislature recognizes that there is a need to require the licensing of home inspectors and to ensure that consumers of home inspection services can rely on the competence of home inspectors, as determined by educational and experience requirements and testing. Therefore, the Legislature deems it necessary in the interest of the public welfare to regulate home inspectors in this state.

History.--s. 2, ch. 2007-235.

¹**Note.**--Effective July 1, 2010

468.831 Exemptions.--The following persons are not required to comply with any provision of this part:

(1) An authorized government employee of the United States, this state, or any municipality, county, or other political subdivision who is conducting home inspection services within the scope of that employment, as long as the employee does not hold out for hire to the general public or otherwise engage in home inspection services.

(2) A person acting within his or her authorized scope of practice as licensed under federal, state, or local codes or statutes, except when such person holds himself or herself out for hire to the public as a "certified home inspector," "registered home inspector," "licensed home inspector," "home inspector," "professional home inspector," or any combination thereof stating or implying licensure under this part.

(3) An officer appointed by the court.

(4) A person performing safety inspections of utility equipment in or on a home or building or other duties conducted by or for a utility under chapter 366 or rules adopted by the Public Service Commission.

(5) A certified energy auditor performing an energy audit of any home or building or other duties conducted by or for a utility under chapter 366 or rules adopted by the Public Service Commission.

History.--s. 2, ch. 2007-235.

¹**Note.**--Effective July 1, 2010.

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

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

(2) "Home" means any residential real property, or manufactured or modular home, which is a single-family dwelling, duplex, triplex, quadruplex, condominium unit, or cooperative unit. The term does not include the common areas of condominiums or cooperatives.

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

(4) "Home inspection services" means a limited visual examination of one or more of the following readily accessible installed systems and components of a home: the structure, electrical system, HVAC system, roof covering, plumbing system, interior components, exterior components, and site conditions that affect the structure, for the purposes of providing a written professional opinion of the condition of the home.

History.--s. 2, ch. 2007-235.

¹**Note.**--Effective July 1, 2010.

¹**468.8312 Fees.**--

Florida Statutes – Home Inspector
Prepared by National Center for Healthy Housing

- (1) The department, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, recordkeeping, and applications for providers of continuing education. The department may also establish by rule a delinquency fee. Fees shall be based on department estimates of the revenue required to implement the provisions of this part. All fees shall be remitted with the appropriate application, examination, or license.
- (2) The initial application and examination fee shall not exceed \$125 plus the actual per applicant cost to the department to purchase an examination, if the department chooses to purchase the examination. The examination fee shall be in an amount that covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee shall be nonrefundable.
- (3) The initial license fee shall not exceed \$200.
- (4) The fee for a certificate of authorization shall not exceed \$125.
- (5) The biennial renewal fee shall not exceed \$200.
- (6) The fee for licensure by endorsement shall not exceed \$200.
- (7) The fee for application for inactive status or for reactivation of an inactive license shall not exceed \$200.
- (8) The fee for applications from providers of continuing education may not exceed \$500.

History.--s. 2, ch. 2007-235.

¹**Note.**--Effective July 1, 2010.

¹**468.8313 Examinations.**--

- (1) A person desiring to be licensed as a home inspector shall apply to the department to take a licensure examination.
- (2) An applicant shall be entitled to take the licensure examination for the purpose of determining whether he or she is qualified to practice in this state as a home inspector if the applicant is of good moral character and has completed a course of study of no less than 120 hours that covers all of the following components of a home: structure, electrical system, HVAC system, roof covering, plumbing system, interior components, exterior components, and site conditions that affect the structure.
- (3) The department shall review and approve courses of study in home inspection.
- (4) The department may review and approve examinations by a nationally recognized entity that offers programs or sets standards that ensure competence as a home inspector.
- (5)
 - (a) "Good moral character" means a personal history of honesty, fairness, and respect for the rights of others and for the laws of this state and nation.
 - (b) The department may refuse to certify an applicant for failure to satisfy this requirement only if:
 1. There is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a licensed home inspector; and
 2. The finding by the department of lack of good moral character is supported by clear and convincing evidence.
 - (c) When an applicant is found to be unqualified for a license because of lack of good moral character, the department shall furnish the applicant a statement containing the findings of the department, a complete record of the evidence upon which the

Florida Statutes – Home Inspector
Prepared by National Center for Healthy Housing

determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

(6) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

History.--s. 2, ch. 2007-235.

¹**Note.**--Effective July 1, 2010.

¹**468.8314 Licensure.**--

(1) The department shall license any applicant who the department certifies is qualified to practice home inspection services.

(2) The department shall certify for licensure any applicant who satisfies the requirements of s. 468.8313 and who has passed the licensing examination. The department may refuse to certify any applicant who has violated any of the provisions of s. 468.832.

(3) The department shall certify as qualified for a license by endorsement an applicant who is of good moral character as determined in s. 468.8313; holds a valid license to practice home inspection services in another state or territory of the United States, whose educational requirements are substantially equivalent to those required by this part; and has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by this part.

(4) The department shall not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of this part or chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

History.--s. 2, ch. 2007-235.

¹**Note.**--Effective July 1, 2010.

¹**468.8315 Renewal of license.**--

(1) The department shall renew a license upon receipt of the renewal application and upon certification by the department that the licensee has satisfactorily completed the continuing education requirements of s. 468.8316.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

History.--s. 2, ch. 2007-235.

¹**Note.**--Effective July 1, 2010.

¹**468.8316 Continuing education.**--

(1) The department may not renew a license until the licensee submits proof satisfactory to the department that during the 2 years prior to his or her application for renewal the licensee has completed at least 14 hours of continuing education. Criteria and course content shall be approved by the department by rule.

(2) The department may prescribe by rule additional continuing professional education hours, not to exceed 25 percent of the total hours required, for failure to complete the hours required for renewal by the end of the reestablishment period.

History.--s. 2, ch. 2007-235.

¹**Note.**--Effective July 1, 2010.

Florida Statutes – Home Inspector
Prepared by National Center for Healthy Housing

¹468.8317 Inactive license.--

- (1) A licensee may request that his or her license be placed in an inactive status by making application to the department.
- (2) A license that has become inactive may be reactivated upon application to the department. The department may prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license may not exceed 14 hours for each year the license was inactive.
- (3) The department shall adopt rules relating to licenses which have become inactive and for the renewal of inactive licenses. The department shall prescribe by rule a fee not to exceed \$200 for the reactivation of an inactive license and a fee not to exceed \$200 for the renewal of an inactive license.

History.--s. 2, ch. 2007-235.

¹Note.--Effective July 1, 2010.

¹468.8318 Certification of corporations and partnerships.--

- (1) The department shall issue a certificate of authorization to a corporation or partnership offering home inspection services to the public if the corporation or partnership satisfies all of the requirements of this part.
- (2) The practice of or the offer to practice home inspection services by licensees through a corporation or partnership offering home inspection services to the public, or by a corporation or partnership offering such services to the public through licensees under this part as agents, employees, officers, or partners, is permitted subject to the provisions of this part, provided that all personnel of the corporation or partnership who act in its behalf as home inspectors in this state are licensed as provided by this part; and further provided that the corporation or partnership has been issued a certificate of authorization by the department as provided in this section. Nothing in this section shall be construed to allow a corporation to hold a license to practice home inspection services. No corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing home inspection services be relieved of responsibility for professional services performed by reason of his or her employment or relationship with a corporation or partnership.
- (3) For the purposes of this section, a certificate of authorization shall be required for a corporation, partnership, association, or person practicing under a fictitious name and offering home inspection services to the public; however, when an individual is practicing home inspection services in his or her own given name, he or she shall not be required to register under this section.
- (4) Each certificate of authorization shall be renewed every 2 years. Each partnership and corporation certified under this section shall notify the department within 1 month of any change in the information contained in the application upon which the certification is based.
- (5) Disciplinary action against a corporation or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a licensed home inspector.

History.--s. 2, ch. 2007-235.

¹Note.--Effective July 1, 2010.

Florida Statutes – Home Inspector
Prepared by National Center for Healthy Housing

¹468.8319 Prohibitions; penalties.--

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

- (a) Practice or offer to practice home inspection services unless the person has complied with the provisions of this part;
- (b) Use the name or title "certified home inspector," "registered home inspector," "licensed home inspector," "home inspector," "professional home inspector," or any combination thereof unless the person has complied with the provisions of this part;
- (c) Present as his or her own the license of another;
- (d) Knowingly give false or forged evidence to the department or an employee thereof;
- (e) Use or attempt to use a license that has been suspended or revoked;
- (f) Perform or offer to perform, prior to closing, for any additional fee, any repairs to a home on which the inspector or the inspector's company has prepared a home inspection report. This paragraph does not apply to a home warranty company that is affiliated with or retains a home inspector to perform repairs pursuant to a claim made under a home warranty contract;
- (g) Inspect for a fee any property in which the inspector or the inspector's company has any financial or transfer interest;
- (h) Offer or deliver any compensation, inducement, or reward to any broker or agent therefor for the referral of the owner of the inspected property to the inspector or the inspection company; or
- (i) Accept an engagement to make an omission or prepare a report in which the inspection itself, or the fee payable for the inspection, is contingent upon either the conclusions in the report, preestablished findings, or the close of escrow.

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

History.--s. 2, ch. 2007-235.

¹Note.--Effective July 1, 2010.

¹468.832 Disciplinary proceedings.--

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

- (a) Violation of any provision of this part or s. 455.227(1);
- (b) Attempting to procure a license to practice home inspection services by bribery or fraudulent misrepresentation;
- (c) Having a license to practice home inspection services revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country;
- (d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the practice of home inspection services or the ability to practice home inspection services;
- (e) Making or filing a report or record that the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing.

Florida Statutes – Home Inspector
Prepared by National Center for Healthy Housing

Such reports or records shall include only those that are signed in the capacity of a licensed home inspector;

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

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

(h) Failing to perform any statutory or legal obligation placed upon a licensed home inspector; violating any provision of this chapter, a rule of the department, or a lawful order of the department previously entered in a disciplinary hearing; or failing to comply with a lawfully issued subpoena of the department; or

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

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

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

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

(d) Issuance of a reprimand.

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

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

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

History.--s. 2, ch. 2007-235; s. 123, ch. 2008-4; s. 51, ch. 2009-195.

¹**Note.**--Effective July 1, 2010.

¹**468.8321 Disclosures.**--Prior to contracting for or commencing a home inspection, a home inspector shall provide to the consumer a copy of his or her license to practice home inspection services in this state and a written disclosure that contains the scope and any exclusions of the home inspection.

History.--s. 2, ch. 2007-235.

¹**Note.**--Effective July 1, 2010.

¹**468.8322 Insurance.**--A home inspector shall maintain a commercial general liability insurance policy in an amount of not less than \$300,000.

History.--s. 2, ch. 2007-235.

¹**Note.**--Effective July 1, 2010.

¹**468.8323 Home inspection report.**--Upon completion of each home inspection for compensation, the home inspector shall provide a written report prepared for the client.

(1) The home inspector shall report:

(a) On those systems and components inspected that, in the professional opinion of the inspector, are significantly deficient or are near the end of their service lives.

(b) If self-evident, a reason why the system or component reported under paragraph (a) is significantly deficient or near the end of its service life.

Florida Statutes – Home Inspector
Prepared by National Center for Healthy Housing

(c) Any systems and components that were present at the time of the inspection but were not inspected, and a reason they were not inspected.

(2) A home inspector is not required to provide estimates related to the cost of repair of an inspected property.

History.--s. 2, ch. 2007-235.

¹**Note.**--Effective July 1, 2010.

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

History.--s. 2, ch. 2007-235.

¹**Note.**--Effective July 1, 2010.