

*The following are proposed rules for Home Inspectors to be adopted.*

THE FULL TEXT OF THE PROPOSED RULES ARE:

**61-30.101 Definitions**

As used in this chapter, the following terms have the following meanings:

(1) Alarm Systems: Warning devices, *installed* or free standing, including but not limited to: carbon monoxide detectors, flue gas and other spillage detectors, security equipment, ejector pumps and smoke alarms.

(2) Architectural Service: Any practice involving the art and science of building design for construction of any structure or groupings of structures and the use of space within and surrounding the structures or the design for construction, including but not specifically limited to, schematic design, design development, preparation of construction contract documents, and administration of the construction contract.

(3) Automatic Safety Controls: Devices designed and *installed* to protect *systems* and *components* from *unsafe* conditions.

(4) Component: A part of a *system*.

(5) Decorative: Ornamental; not required for the operation of the essential *systems* and *components* of a home.

(6) Describe: To distinguish a *system* or *component* by its type or other observed significant characteristics to distinguish it from other *systems* or *components*.

(7) Dismantle: To take apart or remove any *component*, device or piece of equipment that would not be taken apart or removed by a homeowner in the course of normal and routine homeowner maintenance.

(8) Engineering Services: Any professional service or creative work requiring engineering education, training and experience and the application of special knowledge of the mathematical, material and engineering services to such professional service or creative work as consultation, investigation, evaluation, planning, design and supervision of construction for the purpose of assuring compliance with the specifications and design, in conjunction with structures, buildings, machines, equipment, works or processes.

(9) Additional evaluation: Examination and analysis by a qualified professional engineer, contractor, tradesman or service technician beyond that provided by the *home inspection*.

(10) Home inspection: The process by which a *home inspector* visually examines the *readily accessible systems* and *Components* of a home which describes those *systems* and *Components* in accordance with these Standards of Practice.

(11) Household Appliances: Ranges, cook-tops, built-in dishwashers, food waste disposers, garage door openers, built-in ovens, built-in microwave ovens, refrigerators, freezers, clothes washers, clothes dryers, built-in trash compactors, ceiling fans or whole-house fans.)

(12) Inspect: To examine *readily accessible systems* and *Components* of a building in accordance with these Standards of Practice, using *normal operating controls* and opening *readily openable access panels*

(13) Home Inspector: A person hired to examine any *system* or *component* of a building in accordance with these Standards of Practice.

(14) Installed: Attached such that removal requires tools.

(15) Normal operating controls:

Devices such as thermostats, switches or valves intended to be operated by the homeowner.

(16) Readily accessible: Available for visual inspection without requiring dismantling or destructive means to gain access, moving of items including but not limited to, furniture, personal property, stored items, clothing, wall or floor covering, or debris dismantling, or any action which will likely involve risk to persons or property.

(17) Readily Openable Access Panel: A panel provided for homeowner inspection and maintenance that is within normal reach, can be removed by one person and is not sealed in place.

(18) Recreational Facilities: Spas, saunas, steam baths, swimming pools, exercise, entertainment, athletic, playground or other similar equipment and associated accessories.

(19) Report: To communicate in writing.

(20) Representative Number: One *component* per room for multiple similar interior *components* such as window and electric outlets; one *component* on each side of the building for multiple similar exterior *components*.

(21) Roof Drainage Systems: *Components* used to carry water off a roof and away from a building.

(22) Service Life: Service life is the expected lifetime, or the acceptable period of use in service of a particular system or component. It is the time that any manufactured item can be expected to be 'serviceable', providing proper maintenance has taken place over the period concerned. Service life may vary from region to region, and inspection to inspection based on the home being inspected and the professional opinion and findings of the inspector.

(23) Significantly deficient: Not operating in the manner in which the *system* or component was designed to operate or not capable of performing its intended function.

(24) Shut Down: A state in which a *system* or *component* cannot be operated by normal operating controls.

(25) Solid Fuel Burning Appliances: A hearth and fire chamber or similar prepared place in which a fire may be built and which is built in conjunction with a chimney; or a listed assembly of a fire chamber, its chimney and related factory-made parts designed for unit assembly without requiring field construction.

(26) Structural Component: A *component* that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).

(27) System: A combination of interacting or interdependent *components*, assembled to carry out one or more functions.

(28) Technically Exhaustive: An investigation that involves dismantling; the extensive use of advanced techniques, measurements, instruments, testing, calculations, or other means.

(29) Under-floor Crawl Space: The area within the confines of the foundation and between the ground and the underside of the floor.

(30) Unsafe: A condition in a readily accessible, installed *system* or *component* which is judged to be a significant risk of personal injury during normal, day-to-day use. The risk

may be due to damage, deterioration, improper installation or a change in accepted residential construction standards.

(31) Wiring Methods: Identification of electrical conductors or wires by their general type, such as “non-metallic sheathed cable” (“Romex”), “armored cable” (“bx”) or “knob and tube”, etc.

(32) Training Day: The equivalent of 8 hours (an hour being no less than 50 minutes of instruction) including breaks and lunch.

(33) Prelicensure Education Course: An initial course of study approved by the department which provides the educational experience required to certify an individual for licensure as a home inspector pursuant to Rule 61-30.102, F.A.C. and Section 468.8313, F.S. Each course of study must be offered as a single course by a single course provider.

(34) Continuing Education Course: A course related to the practice of home inspection. Sales presentations of home inspection products shall not qualify as continuing education courses.

(35) Prelicensure Education Provider: An entity and any of its agents approved by the department to engage in providing prelicensure education courses as required by this chapter.

(36) Continuing Education Provider: An entity and any of its agents approved by the department to engage in providing continuing education courses as required by this chapter.

(37) Course Instructor: Any person approved by the department to conduct training for a department approved course. The instructor’s curriculum vitae must demonstrate particular education, knowledge, experience or skill which sets the applicant apart from those he or she will instruct.

(38) Directly Supervise: To direct and exercise control over the activities of a person by being physically present at the job site.

*Rulemaking Authority 455.2035, 455.2178(5), 468.8325, FS. Law Implemented 455.2178, 455.2179, 468.8311, 468.8313(3), FS. History– New \_\_\_\_\_.*

### **61-30.102 License Requirements**

(1) Any person desiring to be licensed as a home inspector must apply to the department in writing using form DBPR HI 0401, effective 07/01/2010, incorporated herein by reference. The form may be obtained by contacting the department at the following address: Home Inspection Licensing Program, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or on line at the department’s web site.

(2) For the purposes of department evaluation of applications:

(a) Provide proof of completion of a course of study approved by the department in home inspection services of not less than 120 hours that covers at a minimum, the following subject contents as referenced in the National Home Inspector Examination content outline, adopted May 14, 2010;

- |                       |          |
|-----------------------|----------|
| 1. Inspection Methods | 24-hours |
| 2. Building Systems   | 42-hours |

- 3. Reporting 24-hours
- 4. Professional Practice 10-hours

In addition, the course must provide 20 hours of field-based practical demonstrations of the inspection process by the student under the direct supervision of a licensed Florida home inspector.

(b) Pass the examination described in Rule 61-30.103, F.A.C.

*Rulemaking Authority 455.2035, 455.217(1), 468.8313(7), 468.8325, FS. Law Implemented 455.213, 468.8313, 468.8314, FS. History–New \_\_\_\_\_*

**61-30.103 Examination**

Any person desiring an initial license by examination as a home inspector must pass one of the written examinations approved by the department. The department approves the following written examinations:

(1) The National Home Inspector Examination (NHIE) approved by the department and given by the Examination Board of Professional Home Inspectors (EBPHI). Applicants must achieve a passing grade pursuant to the requirements of the NHIE, Sections 455.217 and 468.8313(4), F.S.

(2) Any other examination approved of by the Department to meet the licensure requirements of 468.8313.

*Rulemaking Authority 455.2035, 455.217(1)(d), 468.8325, FS. Law Implemented 455.217, 468.8313, FS. History–New \_\_\_\_\_.*

**61-30.201 Fees**

(1) The following fee schedule is adopted by the department:

(a) Application fee	\$125.00
(b) Licensure fee	\$200.00
(c) Licensure by Endorsement fee	\$200.00
(d) Biennial license renewal fee	\$200.00
(e) Biennial inactive license renewal fee	\$100.00
(f) Change of status fee (active to inactive, inactive to active, )	\$200.00
(g) Reactivation	\$200.00
(h) Continuing Education Provider license fee	\$500.00
(i) Prelicensure Education Provider license fee	\$500.00
(j) Delinquent fee	\$100.00
(k) Unlicensed activity fee	\$5.00
(l) Continuing Education Provider renewal fee	\$500.00
(m) Prelicensure Education Provider renewal fee	\$500.00

(2) The fees shall be made payable to the Department of Business and Professional Regulation. Any fees due to the testing vendor shall be made payable directly to the vendor.

(3) The fees for examination and re-examination shall be determined by the vender and paid by the applicant directly to the vender providing the examination for licensure.

(4) Licensure fees are refundable, upon request, if no license has been issued.

*Rulemaking Authority 455.2035, 455.219(1), 468.8312(1), 468.8325, FS. Law Implemented 455.213(2), 455.219, 455.2281, 455.271, 468.8312, 468,8315, 468.8317,*

*FS. History–New \_\_\_\_\_.*

**61-30.301 Delinquent License**

(1) Any license status not renewed prior to the end of each biennial renewal period will automatically convert to a delinquent status.

(2) A licensee may convert a delinquent status license to current status by making a request in writing, remitting the applicable fee(s) to the department, and complying with the continuing education requirements of Section 468.8316, F.S. and Rule 61-30.402, F.A.C.

(3) The failure of a delinquent status licensee to change the status of the license to current before the expiration of the current licensure period shall render the license null and void without any further action by the department.

(4) A revoked or null and void license may not be renewed. Anyone with a revoked or null and void license who wishes to provide professional home inspection related services shall apply as though never before licensed or apply for discretionary hardship reinstatement pursuant to Section 455.271(6)(b), F.S and Rule 61-30.403, F.A.C.

*Rulemaking Authority 455.2035, 468.8315, 468.8325, FS. Law Implemented 455.271, 468.8312, 468.8315, 468.8317, FS. History–New \_\_\_\_\_ .*

**61-30.302 Inactive, Active status**

(1) A licensee may request during the renewal period to place his or her license in an inactive status by making a request in writing and remitting the applicable fee(s) to the department. The department shall then change the status of the license to inactive.

(2) An inactive license may be maintained during each subsequent biennium period upon the payment of the applicable fee(s) to the department and complying with the continuing education requirements of Section 468.8316, F.S. and Rule 61-30.402, F.A.C.

(3) A licensee may apply to the department at a time other than during the renewal period, to change the status of their license by submitting form # DBPR HI 0401, remitting the applicable fee(s) to the department and complying with the continuing education requirements of Section 468.8316, F.S. and Rule 61-30.4026, F.A.C.

*Rulemaking Authority 455.2035, 468.8317, 468.8325, FS. Law Implemented 455.271, 468.8312, 468.8315, 468.8317, FS. History – New \_\_\_\_\_.*

**61-30.401 License Renewal**

(1) A license shall be renewed biennially on or before July 31 of even numbered years.

(2) A licensee will renew a license, whether active or inactive, by paying an unlicensed activity fee and a biennial license renewal fee as described in Rule 61-30.201, F.A.C., and completing the continuing education as described in Section 468.8316, F.S. & Rule 61-30.402, F.A.C.

(3) A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the armed forces shall be exempt from all licensure renewal provisions during such absence. The licensee must show proof to the department of the absence and the spouse's military status.

(4) Failure to renew a license, unless exempt as a military spouse, renders the license delinquent. Delinquent status may last one full renewal cycle. A delinquent license can be

returned to current status by completing the required continuing education and paying the appropriate fees as described in Rule 61-30.201, F.A.C. If, at the end of the delinquent biennium, the license is not brought current it becomes null and void.

(5) A revoked or null and void license may not be renewed. Anyone with a revoked or null and void license who wishes to provide professional home inspection related services shall apply as though never before licensed or apply for discretionary hardship reinstatement pursuant to Section 455.271(6)(b), F.S and Rule 61-30.403, F.A.C.

*Rulemaking Authority 455.02(2), 455.2035, 468.8315(2), 468.8325, FS. Law Implemented 455.02(2), 455.271, 468.8315, 468.8316 FS. History–New \_\_\_\_\_.*

### **1-30.402 Continuing Education Requirements for Biennial Renewal**

(1) Prior to the expiration of each biennial licensure period, and as a condition for renewal of the home inspector license, each person licensed pursuant to Chapter 468, Part XV, Florida Statutes, shall complete a minimum of fourteen (14) hours of continuing education which shall include, at a minimum, all of the following subjects as they relate to the practice of home inspection:

- (a) A minimum of two (2) hours of instruction regarding building systems,
- (b) A minimum of two (2) hours of instruction regarding inspection methods,
- (c) A minimum of one (1) hour of instruction regarding reporting,
- (d) A minimum of one (1) hour of instruction regarding professional practice (standards of practice),

(e) A Minimum of six (6) hours of general instruction in home inspection techniques, which may include Department approved continuing education courses approved by the Construction Industry License Board, the Board of Professional Engineering, the Board of Architecture, the Building Code Administrators and Inspectors Board, or the Electrical Contractors' Licensing Board.

(f) A minimum of two (2) hours of instruction regarding hurricane mitigation training, which shall include training on completion of the Uniform Mitigation Verification Form and instruction regarding:

- 1. Roof deck attachment,
- 2. Secondary roof water barrier,
- 3. Roof covering, gable end bracing,
- 4. Reinforce roof-to-wall connection,
- 5. Opening protection,
- 6. Exterior doors or,
- 7. Other hurricane mitigation methods.

(2) Continuing education credits may only be obtained for the completion of courses or seminars offered by education providers approved by the department, the Construction Industry License Board, the Board of Professional Engineering, the Board of Architecture, the Building Code Administrators and Inspectors Board, or the Electrical Contractors' Licensing Board.

(a) A licensee who is an instructor may obtain continuing education credits in the amount of the credits allowed for that course or seminar for his/her first presentation of such course or seminar presentation.

(b) No licensee may claim credit until after the credit has been earned by that licensee.

(3) Licensees need not comply with continuing education requirements prior to the licensee's first full renewal cycle.

*Rulemaking Authority 455.2035, 468.8315, 468.8316, 468.8325, FS. Law Implemented 455.2124, 468.8315, 468.8316, FS. History– New \_\_\_\_\_.*

#### **61-30.403 Discretionary Hardship Reinstatement of Null or Void Licenses**

(1) A former licensee may apply to seek Department approval for reinstatement and activation of the previous license if the individual made a good faith effort to comply with renewal but failed because of illness or unusual hardship by fulfilling the requirements in section (2) and (3) of this rule.

(2) Complete the application DBPR HI 0401, effective 07/01/2010, incorporated herein by reference. The form may be obtained by contacting the department at the following address: Home Inspection Licensing Program, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or on line at the department's web site. The application may include a letter requesting reinstatement under this rule, documentation to establish hardship including the nature and duration, and an explanation and documentation of the "good faith effort" made to comply with the renewal requirement.

(3) The applicant shall complete of 28 hours of approved continuing education and pay an application fee, licensure fee, and a delinquent fee as listed in rule 61-30.201.

*Specific Authority 455.2035, 455.219, 468.8315, 468.8325, F.S. Law Implemented 455.271 (6)(b), (9), 455.219, 468.8314, 468.8315, F.S. History □ New \_\_\_\_\_.*

#### **61-30.501 Provider Approval, Prelicensure and Continuing Education**

(1) Each prelicensure education provider and continuing education provider must be approved by the department.

(2) Applications for initial course provider must be submitted with the fees as described in Rule 61-30.201, F.A.C., using the Home Inspector Provider Application, form number DBPR HI 0403, effective 07/01/2010, incorporated herein by reference. The form may be obtained by contacting the department at the following address: Home Inspection Licensing Program, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or at the department's web site.

(3) Provider approval is valid until May 31 of odd numbered years and must be renewed prior to expiration.

(4) Any applicant who submits the Home Inspection Provider Application, form number DBPR HI 0403, effective 07/01/2010, incorporated herein by reference, with the fees as described in Rule 61-30.201, F.A.C., will be approved as a course provider upon meeting applicable requirements. The form may be obtained by contacting the department at the following address: Home Inspector Licensing Program, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or at the department's web site.

*Rulemaking Authority 455.2035, 468.8313, 468.8316, 468.8325, FS. Law Implemented 455.2122, 455.2178, 455.2179, 468.8313, 468.8316, FS. History– New \_\_\_\_\_.*

#### **61-30.502 Provider Requirements, Prelicensure and Continuing Education**

(1) The course provider shall not offer any courses if the provider status is expired or under discipline.

(2) The department retains the right and authority to audit and/or monitor programs

and review records and course materials given by any provider approved pursuant to this rule. The department shall reject individual programs given by a provider if the provider disseminates any false or misleading information in connection with the educational programs, or if the provider fails to conform to and abide by the rules of the department.

(3) If the provider status is revoked by the department, the provider cannot reapply to be registered as a provider for two years from the date of the Final Order revoking the registration.

(4) To maintain status as a prelicensure or continuing education provider, the provider must:

(a) Require each licensee to complete the entire course or seminar in order to receive credit for the course.

(b) Provide the Florida Department of Business and Professional Regulation (DBPR) provider number on all course advertisements.

(c) Furnish each licensee with an individual certificate of attendance that contains the licensee's name, the licensee's license number, provider name, provider number, course name, course number, date of the course completion and the total number of hours successfully complete in each subject.

(d) Maintain all records for four (4) years, available for inspection by the department or the department's designee.

(e) Report one education credit for each hour of classroom or interactive distance learning instruction. An "hour of classroom or interactive distance learning instruction" requires no less than fifty (50) minutes of instruction or participation.

(f) Any changes in the course provider name, address or telephone number must be submitted in writing to the department within 30 days of such change.

(5) Additional Requirements for Continuing Education Providers

(a) To maintain status as a continuing education provider, the provider must also:

1. Electronically report continuing education course attendance records in compliance with Section 455.2178, F.S. The provider is required to resolve reporting conflicts with the licensee by the expiration date of the training course.

2. Allow the department's designee to have access to information concerning courses or seminars conducted by the provider for continuing education credit in order to audit or monitor the information.

*Rulemaking Authority, 455.2035, 468.8313, 468.8316, 468.8325, FS. Law Implemented, 455.2178, 455.2179, 468.8313, 468.8316, FS. History– New \_\_\_\_\_.*

### **61-30.503 Course Approval, Prelicensure and Continuing Education**

(1) Prelicensure and continuing education courses shall be valid for purposes of the licensure and continuing education requirement only if such courses have received approval from the department before the course is offered.

(2) The department shall approve education courses for two years from the date approved when the following requirements are met:

(a) Application for courses must be submitted using the Home Inspector Course Application, form number DBPR HI 0404, effective 07/01/2010, incorporated herein by reference. The form may be obtained by contacting the department at the following address: Home Inspection Licensing Program, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or at the department's web site.



(b) The course provider shall submit to the department the following for course approval before the course is offered: an application, a detailed course outline describing the course's content and subject matter, and a written statement that explains in detail how the course relates to the practice of home inspection.

(c) The application shall include the total number of classroom or interactive distance learning hours, the course syllabus, and the name and qualifications of all instructors.

(3) A course provider making application to offer interactive distance learning must submit documents indicating the following:

(a) The means by which the course will demonstrate interactivity between the student and course provider within 24 hours, which promotes student involvement, and demonstrates that the course measures learning and addresses comprehension of content at regular intervals.

(b) The means by which the course provider is able to monitor student enrollment, participation and course completion.

(c) The means by which the course provider will be able to satisfactorily demonstrate that stated course hours are consistent with the actual hours spent by each student to complete the course.

(d) The means by which the provider will assure qualified instructor(s) will be available to answer questions and provide students with necessary support during the course.

(e) That the student will be required to complete a statement at the beginning and end of the course that indicates that he/she personally completed each module/session of instruction.

(f) The means by which the course provider will verify student identification.

(4) Continuing Education courses must address home inspection subjects and shall not involve the promotion or sale of any products.

(5) Any substantive changes made to approved courses, which shall include instructor changes, must be approved by the department before the changed course can be offered. Course approval shall be rescinded by the department if such notification is not made or the changes fail to otherwise conform to this rule.

(6) Course approvals shall be automatically rescinded if the provider status expires or is rescinded by disciplinary action or otherwise.

(7) Instructors

(a) To demonstrate the education and/or experience necessary to instruct home inspectors for continuing education credit, instructors must submit a resume and be approved by the department to teach the course, or parts of a course, to which the instructor is assigned.

(b) No home inspector or provider who is under disciplinary restrictions pursuant to any order of the department may conduct continuing education. Upon receipt of notice that an instructor is under discipline, the provider shall, within seven (7) days, write to the Home Inspection Licensing Program and confirm that the instructor is no longer instructing any course or seminar offered by the provider.

(c) Upon a change of instructors, the provider shall submit the credentials of the new instructor to the department for approval.

*Rulemaking Authority 455.2035, 455.213(6) 468.8313(3) 468.8316, 468.8325, FS. Law Implemented 455.213(6), 455.2177(4), 455.2178, 455.2179 , 468.8313, 468.8316, FS.*

History– New \_\_\_\_\_.

**61-30.602 Disciplinary Guidelines**

(1) Whenever the department finds a licensee guilty of violating a provision of Chapter 468, Part XV, F.S., the following Disciplinary Guidelines shall be followed:

<b>Statutory Violation</b>	<b>Description of Violation</b>	<b>Penalty Range for First Violation.</b>	<b>Penalty Range for Subsequent Violation.</b>
468.832 (1)(a)	Violation of any provision of Chapter 468, Part XV or 455.227(1)F.S. (Use only if no statutory specific provision in this rule.)	Fine up to \$1000, plus reprimand, probation, or suspension.	Fine up to \$5000, plus probation, suspension, revocation.
468.832 (1)(b)	Attempting to procure a license by bribery or fraudulent misrepresentations.	Fine up to \$1000, plus reprimand, probation, suspension, revocation, or denial of license.	Fine up to \$5000, plus probation, suspension, revocation, denial of license.
468.832 (1)(c)	Having a home inspector’s license revoked, suspended, denied or acted against in another state, territory or country.	Fine up to \$1000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000 plus reprimand, probation, suspension, or revocation.
468.832 (1)(d)	Being convicted, found guilty, pleading nolo contendere to a crime, in any jurisdiction, that directly relates to the practice or ability to practice.	Fine up to \$1000, plus reprimand, suspension, or revocation.	Fine up to \$5000, plus revocation.
468.832 (1)(e)	Making or filing a known false report, willfully failing to file a required record or report, willfully impeding or obstructing such filing.	Fine up to \$1000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000, plus revocation.
468.832 (1)(f)	Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content.	Fine up to \$1000 plus reprimand, probation, or suspension.	Fine up to \$5000 ; Plus Reprimand, Probation, Suspension, Revocation.
468.832 (1)(g)	Engaging in fraud, deceit, negligence, incompetence or misconduct in the practice of home inspection services.	Fine up to \$5000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000, plus reprimand, probation, suspension, revocation.
468.832 (1)(h)	Failing to perform any statutory or legal obligation placed upon a licenced home	Fine up to \$1000, plus reprimand, probation, or suspension.	Fine up to \$5000, plus probation, suspension, revocation.

	inspector; violating any provision of this chapter; violating an order of the department previously entered.		
468.832 (1)(i)	Practicing on a revoked, suspended, inactive or delinquent license.	Fine up to \$1000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000, plus probation, suspension, revocation.

(2) Whenever the department finds a licensee guilty of violating a provision of Chapter 455, F.S., the following Disciplinary Guidelines shall be followed:

(a) Violation of: 455.227(1)(a)	Making false, fraudulent, deceptive or misleading representations in or related to the practice of the licensee's profession.	Fine up to \$1000, plus reprimand, probation, or suspension.	Fine up to \$5000, plus reprimand, probation, suspension, revocation.
(b) Violation of: 455.227(1)(b)	Intentional violation of any administrative rule.	Fine up to \$1000, plus reprimand, probation, or suspension.	Fine up to \$5000, plus suspension, revocation.
(c) Violation of: 455.227(1)(c)	Being convicted, found guilty, pleading nolo contendere to a crime, in any jurisdiction, that relates to the practice or ability to practice the licensee's profession.	Fine up to \$1000, plus reprimand, suspension, or revocation.	Fine up to \$5000, plus revocation.
(d) Violation of: 455.227(1)(f)	Having a home inspector's license revoked, suspended, denied or acted against in another state, territory or country.	Fine up to \$1000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000, plus reprimand, probation, suspension, revocation.
(e) Violation of: 455.227(1)(g)	Having been found civilly liable for knowingly filing a false report or complaint with DBPR against another licensee.	Fine up to \$1000, plus reprimand, or probation.	Fine up to \$5000, plus suspension, revocation.
(f) Violation of: 455.227(1)(h)	Attempting or succeeding to procure or renew a license by bribery or fraudulent misrepresentation or through an error of the department.	Fine up to \$1000 ; Plus Reprimand, Probation, Suspension, or Revocation.	Fine up to \$5000 ; Plus Probation, Suspension, Revocation.
(g) Violation of: 455.227(1)(i)	Knowingly conceal information regarding violation of Chapter 468, Part XV, or rules of the department.	Fine up to \$1000, plus reprimand.	Fine up to \$5000, plus probation, suspension, revocation.
(h) Violation of:	Aid, assist, procure, employ or advise unlicensed person or	Fine up to \$1000, plus reprimand, probation,	Fine up to \$5000, plus suspension, revocation.

455.227(1)(j)	entity to practice profession contrary to Chapter 468, Part XV, or 455, or rules of the department.	suspension, or revocation.	
(i) Violation of: 455.227(1)(k)	Failing to perform any statutory or legal obligation of license.	Fine up to \$5000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000, plus suspension, revocation.
(j) Violation of: 455.227(1)(l)	Making or filing a known false report, willfully failing to file a required record or report, willfully impeding or obstructing such filing. Includes only those records or reports signed in capacity as a professional home inspector.	Fine up to \$1000, plus reprimand, probation, suspension, revocation, or denial of license.	Fine up to \$5000, plus revocation, denial of license.
(k) Violation of: 455.227(1)(m)	Making deceptive, untrue or fraudulent representations in or related to practice of the licensee's profession.	Fine up to \$1000, plus reprimand, suspension, or revocation.	Fine up to \$5000, plus revocation, denial of license.
(l) Violation of: 455.227(1)(n)	Exercise influence on client for improper financial gain of licensee or third party.	Fine up to \$1000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000, plus reprimand, probation, suspension, revocation.
(m) Violation of: 455.227(1)(o)	Practicing beyond the scope of license.	Fine up to \$1000, plus Reprimand, probation.	Fine up to \$5000 ; plus Suspension.
(n) Violation of: 455.227(1)(p)	Accepting and performing or delegating responsibilities licensee knows or should know he or the delegee is not competent to perform.	Fine up to \$1000 ; plus reprimand, probation.	Fine up to \$5000, plus suspension, revocation.
(o) Violation of: 455.227(1)(q)	Violating any provision of Chapter 468, Part XV, or 455, rules of the department or any lawful order of the department.	Fine up to \$1000, plus reprimand, probation.	Fine up to \$2500, plus probation, suspension.
(p) Violation of: 455.227(1)(r)	Interfering with an investigation, inspection or disciplinary proceeding.	Fine up to \$1000, plus reprimand, probation suspension, or denial of licensure.	Fine up to \$1000, plus suspension, revocation, denial of licensure.

(3) Conditions, all or any of which may be imposed with Probation are:

(a) Licensee is placed on probation for a period of time as determined by the department.

(b) Failure to comply with any provision of an order shall result in the filing of a new complaint and if the licensee is found to be in violation, the license will be suspended until the licensee is compliant.

(c) The licensee shall demonstrate compliance with all the conditions of the Probationary Order, prior to the lifting of probation.

(4) Aggravating/Mitigating Circumstances: The existence of aggravating or mitigating circumstances, as set forth below, will permit deviation from the guidelines upon clear and convincing evidence. When considering a Recommended Order, the fact that a Hearing Officer may or may not have been aware of aggravating or mitigating circumstances prior to recommending a penalty, shall not obviate the duty of the department to consider them when brought to its attention prior to the issuance of a Final Order.

(a) Aggravating circumstances; circumstances which may justify deviating from the disciplinary guidelines include, but are not limited to:

1. History of previous violation of the practice act or the rules promulgated thereunder.

2. The magnitude and scope of the project and the damage inflicted upon the public.

3. Evidence of violation of professional practice acts in other jurisdictions which resulted in discipline by the regulatory authority.

4. A pattern of behavior evidencing repeated violation of the practice act or rules.

(b) Mitigating circumstances; circumstances which may justify deviating from the disciplinary guidelines include, but are not limited to:

1. In cases of negligence, the minor nature of the project in question and the lack of danger to the public health, safety or welfare which resulted.

2. Lack of previous disciplinary history in this or any other jurisdiction wherein the licensee practices or has practiced.

3. Restitution of any damages suffered by the licensee's client.

4. Remedial steps taken by the licensee to avoid similar violations in the future.

*Rulemaking Authority 455.2035, 455.227(3), 455.2273, 468.8325, FS. Law Implemented 455.227, 455.2273, 468.832, 468.8319, FS. History– New \_\_\_\_\_.*

### **61-30.603 Notice of Noncompliance**

(1) As an alternative to the provisions of Section 455.225(3)(a), F.S., the department may provide a licensee with a notice of noncompliance for an initial offense of a minor violation.

(2) Minor violations that do not endanger the public health, safety and welfare, and which do not demonstrate a serious inability to practice the profession are:

(a) Failure to provide a copy of the home inspector's license and disclosure of the scope and exclusions of a home inspection prior to contracting for or commencing a home inspection, in violation of 486.8321.

(3) This designation of violations as minor for the purposes of Section 455.225(3), F.S., is limited to initial violations in which corrective action is commenced within 15 days of the department's issuance of a notice of noncompliance. The violation must be corrected within 15 days. If it cannot be corrected within 15 days, then corrective action must be commenced within 15 days and the licensee must move with due diligence to complete the corrective action. A violation which continues past that period shall no longer be deemed a minor violation and shall be treated as a citation offense, pursuant to Rule 61-30.604, F.A.C. Violations of this section, except as provided herein, shall be handled in accordance with the standard disciplinary guidelines. Nothing provided in this

section shall restrict the department from seeking full prosecution in such instances where aggravating circumstances are present, which would preclude a minor violation dismissal. *Rulemaking Authority 455.225(3), FS. Law Implemented 455.225, 468.832, 468.8319, 120, 695(1), FS. History– New \_\_\_\_\_.*

**61-30.604 Citations**

(1)The following violations may be resolved by the issuance of a citation pursuant to Section 455.224, F.S., and Chapter 61-30, F.A.C.

Violation	Fine
(a) Practice by an individual with an inactive or delinquent license in violation of Section 468.832(1)(i), F.S.	\$1,000.00
(b) Failure to commence corrective action within 15 days of the department’s issuance of a notice of noncompliance or where the offense is other than the initial one in violation of Rule 61-30.603, F.A.C.	\$500.00
(c) Failure to provide a copy of the disclosure of the scope and exclusions of a home inspection prior to contracting for or commencing a home inspection in violation of Section 468.8321, F.S.	\$1,000.00
(d) Failure to maintain at least \$300,000 general liability insurance coverage in violation of Section 468.8322, F.S.	\$1,000.00

(2) In addition to the penalties specified above, the department may recover the costs of investigation associated with the citation.

(3) Citations shall be issued pursuant to this rule where no harm to consumers results from the violation.

*Rulemaking Authority 455.2035, 455.224(2), 468.8325, FS. Law Implemented 455.224, 468.832, 468.8321, 468.8322, FS. History– New \_\_\_\_\_.*

**61-30.605 Mediation**

The following alleged violations may be resolved by mediation using the procedure adopted by the department pursuant to Section 455.2235, F.S.:

(1) Section 468.832(1)(g), F.S., Committing fraud, deceit, negligence, incompetency

or misconduct in the practice of home inspection related services.

(2) Section 468.832(1)(h), F.S., Failing to perform any statutory or legal obligation placed upon a licensed home inspector .

*Rulemaking Authority 455.2035, 455.2235(1), FS. Law Implemented 455.2235, FS., History – New \_\_\_\_\_.*

### **61-30.801 Standards of Practice, General**

(1) The purpose of these Standards of Practice is to establish a standard for home inspectors licensed under Chapter 468 Section XV of the Florida Statutes.

(2) Home inspections performed to these Standards of Practice are intended to provide the client with information regarding the overall condition of installed systems and components of the home based on observation of the visible and apparent condition of the structure and components at the time of the home inspection and to report on the presence of any material defects. A home inspection does not include the prediction of future conditions.

(3) These standards shall not be construed as limiting the scope of the inspection process in those areas where the inspector is qualified and/or has special knowledge.

(4) The inspector shall inspect readily accessible, installed systems and components of homes listed in these Standards of Practice by using normal operating controls and opening readily openable access panels. Where multiple instances of the same Component exist, a representative number shall be inspected.

(5) The inspector shall describe, when required by these standards, systems or components by their type and/or significant characteristics.

(6) The Inspector shall report on those systems and components inspected which, in the professional opinion of the inspector:

(a) are not functioning properly, or

(b) are unsafe, i.e., create a significant risk of personal injury during normal, day-to-day use, or

(c) are significantly deficient, or

(d) are near the end of their service lives.

(7) If not self-evident to the client at the time of inspection, the inspector shall give a reason why, in his or her opinion, the system or component was reported as significantly deficient or near the end of its service life.

(8) Inspector shall make recommendations for correction and/or monitoring, or further evaluation of the deficiencies that the inspector observed.

(9) Inspector shall document any systems or components designated for inspection in these Standards of Practice which were present at the time of the home inspection but were not inspected and any reasons why they were not inspected.

(10) These Standards of Practice are not intended to limit inspectors from:

(a) Including other inspection services, in addition to those required by these Standards of Practice.

(b) Specifying repairs, provided the inspector is appropriately qualified and willing to do so.

(c) Excluding systems and components from the inspection if agreed upon by the inspector and client.

*Rulemaking Authority 468.8325, FS. Law Implemented 468.8323, 468.832(1)(j),FS.*

*History– New \_\_\_\_\_.*

### **61-30.802 Standards of Practice, Structure**

(1) The inspector shall inspect all of the visible structural components as described in 61-30.801(26), F.A.C., including visible portions of the foundation, walls, posts, beams, columns, joists, rafters, trusses, other framing and the ventilation of attics and foundation areas. The inspector shall inspect by probing of structural components where deterioration is visible or suspected or where clear indications of possible deterioration exist. Probing is not required when, in the opinion of the inspector, probing would only further damage any area already identified as defective or where no deterioration is visible or presumed to exist.

(2) The inspector shall describe:

- (a) the foundation;
- (b) floor structure;
- (c) wall structure;
- (d) ceiling structure;
- (e) roof structure.

(f) the methods used to inspect the attic space and under floor crawl space, if present.

(3) The inspector is not required to enter or traverse any under-floor crawl space or attic, if in the opinion of the inspector:

- (a) An unsafe or unsanitary condition exists;
- (b) Enter areas in which inadequate clearance exists to allow the inspector safe entering or traversing;
- (c) The potential exists to cause damage to insulation, ductwork, other components or stored items.

(4) The inspector is not required to provide any engineering or architectural services or offer an opinion as to the adequacy of any structural system or component.

*Rulemaking Authority 468.8325,FS. Law Implemented 468.8323, 468.832(1)(j),FS.  
History– New \_\_\_\_\_.*

### **61-30.803 Standards of Practice, Electrical Systems**

(1) The inspector shall inspect:

- (a) The service entrance conductors, drip loop, cables, and raceways;
- (b) The main service equipment and main disconnects;
- (c) The service grounding;
- (d) The interior components of main service panels and sub panels;
- (e) The conductors;
- (f) The over current protection devices;
- (g) A representative number of readily accessible installed lighting fixtures, switches, and receptacles;
- (h) The ground fault circuit interrupters;
- (i) The arc fault circuit interrupters.

(2) The inspector shall describe:



- (a) The amperage and voltage rating of the service;
- (b) The location of main disconnect(s) and sub panels;
- (c) The wiring methods or type;
- (d) On the presence or absence of smoke detectors;
- (e) On the presence or absence of Carbon Monoxide detectors.
- (3) The inspector is not required to inspect:
  - (a) Remote control devices;
  - (b) Security alarm systems and components;
  - (c) Low voltage wiring, systems and components, ancillary wiring and systems and components not a part of the primary electrical power distribution system;
  - (d) Generators, photovoltaic solar collectors or battery or electrical storage devices and associated equipment.
- (4) The inspector is not required to:
  - (a) Measure amperage, voltage or impedance;
  - (b) Perform a load calculation;
  - (c) Insert any tool, probe, or device into any electrical component;
  - (d) Determine the accuracy of circuit labeling.

*Rulemaking Authority 468.8325, FS. Law Implemented 468.8323, 468.832(1)(j), FS. History– New \_\_\_\_\_.*

#### **61-30.804 Standards of Practice, HVAC Systems**

- (1) Heating and air conditioning components:
  - (a) The inspector shall inspect the following readily accessible heating and air conditioning components:
    1. Installed heating equipment;
    2. Fuel storage and fuel distribution systems;
    3. Vent systems, flues, and chimneys;
    4. Ductwork and air distribution components;.
    5. The mechanical ventilation systems.
  - (b) The inspector shall describe within the heating and air conditioning component:
    1. The heating system energy source(s);
    2. The heating method by its distinguishing characteristics;
    3. The heating system capacity in BTUs or kilowatts;
    4. The location and condition of the air handler unit / furnace.
  - (c) With regards to heating and air conditioning components, the inspector is not required to inspect:
    1. The interiors of flues or chimneys which are not readily accessible;
    2. Heat exchangers;
    3. Humidifiers or dehumidifiers;
    4. Electronic air filters, sanitizers, or UV lights;
    5. Solar space heating systems.
- (2) HVAC distribution systems
  - (a) The inspector shall inspect readily accessible HVAC distribution systems.

- (b) The inspector shall describe within the HVAC distribution systems:
  - 1. The energy source;
  - 2. The cooling method by its distinguishing characteristics;
  - 3. The presence of condensate over flow warning/shutoff devices.
- (c) With regards to HVAC distribution systems, the inspector is not required to inspect:
  - 1. Electronic air filters, sanitizers, or UV lights;
  - 2. Humidistats;
  - 3. Automatic HVAC zoned systems, dampers, controls, that are not readily accessible;
  - 4. Inspect removable window air conditioning systems.
- (3) The inspector is not required to:
  - (a) Determine heat supply adequacy or distribution balance;
  - (b) Operate heat pump systems when ambient temperatures pose the potential for damage to the air conditioning system;
  - (c) Determine cooling supply adequacy, distribution balance or indoor air quality;
  - (d) Operate the air conditioning system when ambient temperatures pose the potential for damage to the air conditioning system.

*Rulemaking Authority 468.8325,FS. Law Implemented 468.8323, 468.832(1)(j),FS. History– New \_\_\_\_\_.*

**61-30.805 Standards of Practice, Roof Covering**

- (1) The inspector shall inspect:
  - (a) The roofing materials;
  - (b) The flashings;
  - (c) The skylights, chimneys, and roof penetrations;
  - (d) The roof drainage systems;
  - (e) The ventilation of attics and foundation areas;
- (2) The inspector shall describe:
  - (a) The roofing materials;
  - (b) The methods used to inspect the roof;
  - (c) The absence of insulation in unfinished spaces at conditioned surfaces.
- (3) The inspector is not required to inspect:
  - (a) Components or systems that are not readily accessible;
  - (b) Antenna or other installed accessories;
  - (c) Interiors of flues or chimneys which are not readily accessible.
- (4) The inspector is not required to walk on the roof surface when, in the opinion of the inspector, the following conditions exist:
  - (a) The roof slope is excessive to safely walk on;
  - (b) There is no safe access to the roof;
  - (c) The climatic conditions render the roof unsafe to walk on;
  - (d) The condition of the roofing material or roof decking renders the roof unsafe to walk on;
  - (e) Walking on the roof may cause damage to the roof covering materials;

(f) Walking will place any liability or danger to the homeowner or other representatives involved in the home inspection process.

(5) The inspector is not required to disturb insulation.

*Rulemaking Authority 468.8325,FS. Law Implemented 468.8323, 468.832(1)(j),FS. History– New \_\_\_\_\_.*

#### **61-30.806 Standards of Practice, Plumbing System**

(1) The inspector shall inspect:

(a) The interior water supply piping and distribution systems including all fixtures, faucets, and components;

(b) The drain, waste and vent systems, including all plumbing fixtures;

(c) The water heating equipment;

(d) The vent systems, flues, and chimneys;

(e) The drainage sumps, sump pumps, and related piping.

(2) The inspector shall describe:

(a) The materials used for water supply, drain, waste, and vent piping;

(b) The water heating equipment including the energy source;

(c) The location of main water and main fuel shut-off valves.

(3) The inspector is not required to inspect:

(a) The wells or water storage related equipment;

(b) The water conditioning systems;

(c) The solar water heating systems;

(d) The fire sprinkler systems;

(e) The private waste disposal systems;

(f) The test shower pans, tub and shower surround for leakage;

(g) The irrigation system(s).

(4) The inspector is not required to determine:

(a) Whether water supply and waste disposal systems are public or private;

(b) The quantity or quality of the water supply, including the quantity or quality of the irrigation system supply, of if the function flow at the time of the inspection or thereafter will meet the client's needs;

(c) Operate safety valves or shut-off valves.

*Rulemaking Authority 468.8325,FS. Law Implemented 468.8323, 468.832(1)(j),FS. History– New \_\_\_\_\_.*

#### **61-30.807 Standards of Practice, Interior Components**

(1) The inspector shall inspect:

(a) Interior walls, ceilings, and floors;

(b) Steps, stairways, and railings;

(c) Countertops and representative number of installed cabinets;

(d) Garage doors and garage door operators;

(e) A representative number of doors and windows and their operating locks and latches or other opening mechanisms;

(f) The interior doors and windows, and their operating mechanisms, locks and latches;

- (g) The insulation and vapor retarders in unfinished spaces.
- (2) The inspector shall describe:
  - (a) The insulation and vapor retarders in unfinished spaces;
  - (b) The absence of insulation in unfinished spaces at conditioned surfaces;
- (3) The inspector is not required to disturb insulation.
- (4) The inspector is not required to inspect:
  - (a) Paint, wallpaper, window treatments, and other specialty finish treatments;
  - (b) Carpeting;
  - (c) Window treatments;
  - (d) Central vacuum systems;
  - (e) Household appliances;
  - (f) Recreational facilities.
- (5) The inspector is not required to open or operate any windows or doors and access covers that are permanently or temporarily secured by mechanical means, are painted shut, or are blocked by stored items or furniture.

*Rulemaking Authority 468.8325,FS. Law Implemented 468.8323, 468.832(1)(j),FS. History– New \_\_\_\_\_.*

**61-30.808 Standards of Practice, Fireplaces And Solid Fuel Burning Appliances**

- (1) The inspector shall inspect:
  - (a) System components;
  - (b) Vent systems, flues, and chimneys.
- (2) The inspector shall describe:
  - (a) Fireplaces and solid fuel burning appliances;
  - (b) Chimneys.
- (3) The inspector is not required to inspect:
  - (a) The fire screens and doors, if not permanently attached;
  - (b) The seals and gaskets;
  - (c) The automatic fuel feed devices;
  - (d) The mantles and fireplace surrounds;
  - (e) The combustion make-up air devices;
  - (f) The heat distribution assists whether gravity controlled or fan assisted.
- (4) The inspector is not required to:
  - (a) Ignite or extinguish fires
  - (b) Light gas fireplaces or heaters, or other unlit pilot light device;
  - (c) Determine draft characteristics;
  - (d) Move fireplace inserts or stoves or firebox contents.

*Rulemaking Authority 468.8325,FS. Law Implemented 468.8323, 468.832(1)(j),FS. History– New \_\_\_\_\_.*

**61-30.809 Standards of Practice, Household Appliances**

- (1) The inspector shall inspect household appliances for normal operation – using normal operating controls to activate a primary function.
- (2) The inspector shall describe the type of household appliance.
- (3) The inspector is not required to:
  - (a) Activate any system or appliance that is shut down, disconnected, or otherwise rendered inoperable;
  - (b) Operate or evaluate any system, component or appliance that does not respond to normal user controls;
  - (c) Operate any gas appliance that requires the manual lighting of a pilot light or burner device;
  - (d) Operate any system, appliance or feature that requires the use of special codes, keys, combinations, or devices or where user manual reference is required;
  - (e) Operate any system, component, or appliance where in the opinion of the inspector, damage may occur;
  - (f) Determine thermostat(s) calibration, adequacy of heating elements, operate or evaluate self cleaning cycles, door seals, indicator lights, timers, clocks or timed features, defrost cycles or frost free features, or other specialist feature as it applies to the appliance device;
  - (g) Determine leakage from microwaves ovens;
  - (h) Determine the presence or operation of back draft damper devices in exhaust devices;
  - (i) Move any appliance;
  - (j) Confirm operation of every control or feature of a system or appliance.

*Rulemaking Authority 468.8325,FS. Law Implemented 468.8323, 468.832(1)(j),FS. History– New \_\_\_\_\_.*

### **61-30.810 Standards of Practice, Exterior Components**

- (1) The inspector shall inspect:
  - (a) The exterior wall cladding, flashing and trim;
  - (b) All exterior doors;
  - (c) The attached decks, balconies, stoops, steps, porches, and their associated railings;
  - (d) The eaves, soffits and fascias where accessible from the ground level;
  - (e) The walkways, patios, and driveways leading to the dwelling entrances;
  - (f) The ventilation of attics and foundation areas.
- (2) The inspector shall describe the exterior siding/cladding.
- (3) The inspector is not required to inspect:
  - (a) Window and door screening, shutters, awnings, and similar seasonal or protective accessories and devices;
  - (b) Fences;
  - (c) Geological, geotechnical or hydrological;
  - (d) Recreational facilities;
  - (e) Outbuildings;
  - (f) Swimming pools, seawalls, break-walls, boat lifts and / or docks;
  - (g) Erosion control and earth stabilization measures.

(4) The inspector is not required to move furniture, appliances, lawn and garden equipment, tools, stored items, wall decorations, floor covering, clothing or any items that block the view and access to components or structure.

*Rulemaking Authority 468.8325,FS. Law Implemented 468.8323, 468.832(1)(j),FS. History– New \_\_\_\_\_.*

**61-30.811 Standards of Practice, Site Conditions that Affect the Structure**

(1) The inspector shall inspect the vegetation, grading, surface drainage, and retaining walls on the property when any of these are likely to adversely affect the structure.

(2) The inspector is not required to inspect:

- (a) Geological, geotechnical or hydrological site conditions;
- (b) Erosion control and earth stabilization measures.

*Rulemaking Authority 468.8325,FS. Law Implemented 468.8323, 468.832(1)(j),FS. History– New \_\_\_\_\_.*

**61-30.812 Standards of Practice, General Limitations And Exclusions**

(1) General limitations for inspections:

- (a) Inspections are visual non-invasive only and are not technically exhaustive.
- (b) Inspections may not identify concealed conditions or latent defects.
- (c) Inspections are subjective and rely upon the inspector's opinion, judgment, training, and experience.

(2) Generally, the inspector is not required to perform any action or make any determination unless specifically stated in these Standards of Practice.

(3) Inspectors are not required to determine:

- (a) The condition of systems or components which are not readily accessible;
- (b) The remaining life of any system or component;
- (c) The strength, adequacy, effectiveness, or efficiency of any system or component;
- (d) The causes of any condition or deficiency;
- (e) The methods, materials, or costs of corrections;
- (f) Future conditions including, but not limited to, failure of systems and components;
- (g) The suitability of the property for any specialized use;
- (h) Compliance with regulatory requirements (codes, regulations, laws, ordinances, etc.), manufacturer specifications, installation procedures or instructions;
- (i) The market value of the property or its marketability;
- (j) The advisability of the purchase of the property;
- (k) The presence of potentially hazardous plants or animals including, but not limited to wood destroying organisms or diseases harmful to humans;
- (l) The presence of any environmental hazards including, but not limited to fungi, molds, toxins, carcinogens, noise, and contaminants in soil, water, and air;
- (m) The effectiveness of any system installed or methods utilized to control or remove suspected hazardous substances;

- (n) The operating costs of systems or components;
- (o) The acoustical properties of any system or component;
- (p) Conditions that might affect the ability to obtain insurance and/or the price of insurance;
- (4) Inspectors are not required to offer to:
  - (a) Perform any act or service contrary to law;
  - (b) Perform engineering/architectural services;
  - (c) Perform work in any trade or any professional service other than home inspection;
  - (d) Give warranties or guarantees of any kind.
- (5) Inspectors are not required to operate:
  - (a) Any system or component which is shut down or otherwise inoperable or could cause damage;
  - (b) Any system or component which does not respond to normal operating controls;
  - (c) Shut-off valves of any type;
  - (d) Automatic safety controls, valves or devices of any type.
- (6) Inspectors are not required to enter:
  - (a) Any area which will, in the opinion of the inspector, likely be dangerous to the inspector or other persons or damage the property or its systems or components. This situation will be noted in the home inspection report;
  - (b) The under-floor crawl space or attics which are not readily accessible. This situation will be noted in the home inspection report.
- (7) Inspectors are not required to inspect:
  - (a) Underground items including, but not limited to underground storage tanks or other indications of their presence, whether abandoned or active;
  - (b) Systems or components which are not installed or readily accessible;
  - (c) Installed decorative items;
  - (d) Systems or components located in areas that are not entered in accordance with these Standards of Practice;
  - (e) Detached structures other than garages and carports;
  - (f) Common elements or common areas in multi-unit housing, such as condominium properties or cooperative housing.
- (8) Inspectors are not required to:
  - (a) Perform any procedure or operation which will, in the opinion of the inspector, likely to be dangerous to the inspector or other persons or damage the property or its systems or components. This situation will be noted in the home inspection report.
  - (b) Describe or report on any system or component that is not included in these Standards and was not inspected;
  - (c) Move furniture, appliances, lawn and garden equipment, tools, stored items, personal belongings, wall or floor decorations, floor covering, suspended ceilings, clothing, debris, soil, snow, ice or any items or material that blocks view and/or access to areas, components or structure. This situation will be noted in the home inspection report;
  - (d) Dismantle any system or component, except as explicitly required by these Standards of Practice;

- (e) Inspect recreational facilities;
- (f) Utilize special instruments, tools, or measuring devices of any kind to measure moisture, humidity, water or air volume, water or air flow, water potability, air quality, temperature, voltage, amperage, electrical grounding, polarity, and continuity, VOC's, microwaves, electromagnetic fields, and other similar kinds of conditions or activities;
- (g) Inspectors are not required to determine the calibration of measuring devices including timers, clocks, thermostats, and gauges;
- (h) Operate equipment, appliances, or devices on more than one cycle, zone, or phase or operate any device, appliance, system, or equipment which in the opinion of the inspector may fail during the act of inspection;
- (i) Provide any information from any source regarding property ownership, property boundaries, liens, outstanding loans, code violations, reports of hazardous materials, manufacturers' recalls, Consumer Protection Agency bulletins, and other similar kinds of public information;
- (j) Determine the integrity of thermal glass seals;
- (k) Determine the presence of manufacturers' defects in any product, material, component, equipment, or system, or information related to recall notices;
- (l) Determine installation conformance to manufacturers' instructions for any product, component, element, device, or system.

*Rulemaking Authority 468.8325,FS. Law Implemented 468.8323, 468.832(1)(j),FS. History– New \_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Morrison, Executive Director, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0764.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Liem, Secretary, Department of Business and Professional Regulation.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2010.

DATE THE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 2010.

*For more information go on line to [www.flnachi.org](http://www.flnachi.org)*