

Can Certified Division 1 Contractors legally provide Home Inspection services without an HI license, i.e. Home Inspections?

Reference: [Florida Statute: Title XXXII, Chapter 468](#)

Even though Home Inspectors have been licensed since 2011, we still have a small group of general contractors who think they are Home Inspectors and that the law does not apply to them.

What are they saying?

Basically they are saying that their Construction Industry Licensing Board decided that Home Inspection services is included in their "authorized scope of practice" and they are exempt from the entire Home Inspector Law (Florida Statute; Title XXXII, Chapter 468).

Below is the one and only section they are using for justification:

**468.831 Exemptions.**

The following persons are not required to comply with any provision of this part:

(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.

So, if the contractor can perform Home Inspections without an HI license on the assumption that they are acting within the "authorized scope of practice" for contractors, then none of the Home Inspector statutory requirements (chapter 468) apply to them. The contractors came to this assumption by way of the Construction Industry Licensing Board (CILB). A board made up of contractors.

So, what do the other sections of the HI licensing law or statute say?

468.83 Home inspection services licensing program; purpose.

(1) There is created within the department the home inspection services licensing program.

(2) 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.

As we move on through the HI law, keep in mind the purpose as stated above, "in the interest of the public welfare", for creating this new licensed group under the Department of Business and Professional Regulations (DBPR).

**468.8313 Examinations.**

(1) A person desiring to be licensed as a home inspector must apply to the department after he or she satisfies the examination requirements of this part.

(2) An applicant may practice in this state as a home inspector if he or she passes the required examination, is of good moral character, and completes a course of study of at least 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.

**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.

Now, you have read some of the Home Inspector statutory requirements;

let's see what HI laws they say would not apply to contractors under the CILB assumption:

1. To complete the state approved Home Inspection training
2. To apply for a Florida Home Inspector license
3. To adhere to any of the statutes (laws) that govern Home Inspectors
4. To adhere to the Home Inspector's "Standard of Practice"
5. To provide a disclosure document before the inspection
6. To provide a copy of their HI license before doing an inspection
7. To be the one who personally performs the inspection
8. To follow any of the inspection reporting requirements to the client.
9. To be concerned about conflict of interests

Let's see what the contractor can do under the CILB assumption:

1. They can have their hired help do the inspection for them and put their name on it.
2. They can submit their estimate of repair costs for the issues they discover and call it an inspection report.
3. They can use the home inspection to fish for work, by offering to make repairs to either the seller or the buyer.

Dose any of this sound good for or "in the interest of the public welfare?"

**468.8319 Prohibitions; penalties.**

(1) A person may not:

- (a) Effective July 1, 2011, practice or offer to practice home inspection services unless the person has complied with the provisions of this part.
- (b) Effective July 1, 2011, 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 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 any property in which the inspector or the inspector's company has any financial or transfer interest.

The legislators specifically made provision in the law for the contractors to have a year extension of the Grandfathering clause, which enabled them to apply for a Home Inspector license without the required state training and examination. This extension has expired as of July 1,2012.

**468.8324 Grandfather clause.**

(1) A person who performs home inspection services may qualify for licensure as a home inspector under this part if the person submits an application to the department postmarked on or before July 1, 2012, which shows that the applicant:

(a) Possesses certification as a one- and two-family dwelling inspector issued by the International Code Council or the Southern Building Code Congress International;

(b) Has been certified as a one- and two-family dwelling inspector by the Florida Building Code Administrators and Inspectors Board under part XII of this chapter; or

(c) Possesses a Division I contractor license under part I of chapter 489.

(2) An applicant may not qualify for licensure under this section if he or she has had a home inspector license or a license in any related field revoked at any time or suspended within the previous 5 years or has been assessed a fine that exceeds \$500 within the previous 5 years. For purposes of this subsection, a license in a related field includes, but is not limited to, licensure in real estate, construction, mold-related services, or building code administration or inspection.

(3) An applicant for licensure under this section must comply with the criminal history, good moral character, and insurance requirements of this part.

The grandfathering clause clearly shows that everyone regardless of their license is required to complete Home Inspector training and examination in order to conduct Home Inspections, after July 1, 2012. Notice it was not an exception from having a Home Inspectors license.

It is clear that the Statute (Title XXXII, Chapter 468) dose not view any contractor as qualified to perform Home Inspection services without a HI license. Even though they are one of the related fields.

No board, or committee can do anything about this unless complaints are filed. Help me put a stop to this unlicensed activity. Print the form and submit it, for those individuals you know are unlicensed. You can go to [Unlicensed Activity](#) for the form and more information.

Thank you for your help,

Richard Hyland, HI138  
[richard@flnachi.org](mailto:richard@flnachi.org)

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