

# Home Inspector DRAFT Rules

## List of comments / recommendations

### Comments sent in 9/13/12

The following are my suggestions and comments on the Home Inspector Draft Rules shown on DBPR's Home Inspector home page. Some of my comments were provided earlier. The underlined items are from the Home Inspector Draft Rules.

#### 61-30.101 Definitions

(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.

The definition should be the definition shown in FS. 468.8311.

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

“Home inspection services” means a limited (4) visual examination 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.

(12) Replace the word building with “home”.

(13) Replace the word building with “home”.

(21) Replace the word building with “home”.

FS. Describes home inspections. FS. Describes nothing about building inspections.

#### 61-30.102 License Requirements

(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.

Was the National Home Inspector Examination content outline, adopted May 14, 2010? If so, this is a conflict with FS. 468.8313 (2) requirements. Or was the National Home Inspector Examination only approved as an examination per FS. 468.8313 (4)?

An 468.8313(2) 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.

The 468.8313(4) department may review and approve examinations by a nationally recognized entity that offers programs or sets standards that ensure competence as a home inspector.

FS.468.8313(2) states at least 120 hours that covers all the following components of a home... etc.

The proposed draft states not less than 120 hours that covers at a minimum. The following subject contents ....etc.

I take the FS. to mean that the course of study shall be at least 120 hours that covers only the subject areas of a home as stated in 468.8313(2).

The course content for Reporting of 24 hours is too long.  
The only requirement for reporting is FS. 468.8323

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 not self-evident, a reason why the system or component reported under paragraph (a) is significantly deficient or near the end of its service life.

(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.

You are only required to report on items 1a, b, and c.

I think 1-2 hours is plenty of time to discuss these 3 sentences, which are self explanatory and even explaining number 2 which is also self explanatory.

Professional Practice 10-hours. The course of study requirements shown in FS. 468.8313 do not require Professional Practice as part of the required course content.

20 hours of field-based practical demonstrations of the inspection process by the student under the direct supervision of a licensed Florida home inspector.

This also is not included in the course content requirements of FS. 468.8313.

### **61-30.402 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),

Why do Home Inspectors have different requirements than the other construction industry groups that construct homes which home inspectors inspect such as Plumbers, Air Conditioning, etc.?

My recommendation is for Home Inspectors to have the same requirements as other construction industry groups which would consist of at least 1 hour in workplace safety, worker's compensation, business practices, laws and rules, and Florida Building Code advanced modules.

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

(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.

The inspection is not intended to provide the client with information regarding the overall condition of installed systems and components of the home.....

The only information required to be provided the client is in FS 468.8323

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

This is not required. The only items required to be provided are in FS 468.8323.

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

This is not required. The only items required to be provided are in FS 468.8323.

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

The (1) home inspector shall report:

On (a) 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.

If (b) not self-evident, a reason why the system or component reported under paragraph (a) is significantly deficient or near the end of its service life.

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

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

(2) The inspector shall describe:

(a) 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.

This is not required. The only items required to be provided are in FS 468.8323.

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

(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.

This is not required. The only items required to be provided are in FS 468.8323.

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

(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.

This is not required. The only items required to be provided are in FS.468.8323.

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

(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.

This is not required. The only items required to be provided are in FS 468.8323.

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

(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.

This is not required. The only items required to be provided are in FS 468.8323.

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

(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.

This is not required. The only items required to be provided are in FS 468.8323.

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

(2) The inspector shall describe:

- (a) Fireplaces and solid fuel burning appliances.;
- (b) Chimneys.

This is not required. The only items required to be provided are in FS 468.8323.

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

(2) The inspector shall describe the type of household appliance.

This is not required. The only items required to be provided are in FS 468.8323.

Most of the Household Appliances included in the definition of household appliances are not systems and components of a home. In the kitchen area the only required item is a cooking device, stove, oven, etc. The additional kitchen items and the clothes washer and clothes dryer should be removed from the items to be inspected.

The Definitions of Household Appliances include ceiling fans or whole-house fans. I would propose that these fans be deleted from this definition and added to the electrical systems section for inspection.

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

(1) The inspector shall inspect:

- (e) The walkways, patios, and driveways leading to the dwelling entrances.;

These items should be deleted; they are not exterior components of a home.

(2) The inspector shall describe the exterior siding/cladding.

This is not required. Again, the only items required to be provided are in FS 468.8323.

The Standards of Practice should list the items to be inspected within the various systems and components as listed in FS. and information provided to the client should be the items listed in the FS. to be provided. This should be the Florida minimum home inspection Standards of Practice.

Additional items to be inspected and reported can be determined and agreed upon by the Home Inspector and the Client.

### **61-30.812 Standards of Practice, General Limitations and Exclusions**

(3) Home Inspectors shall not practice beyond the scope of their license as a home inspector. The following actions are beyond the scope of a Home Inspector License:

- (a) Identifying concealed conditions or latent defects:;
- (b) Determining:
  1. The strength, adequacy, effectiveness, or efficiency of any system or component:;
  2. The causes of any condition or deficiency:;
  3. The methods, materials, or costs of corrections:;
  4. Future conditions including, but not limited to, failure of systems and components:;
  5. The suitability of the property for any specialized use:;
  6. Compliance with regulatory requirements (codes, regulations, laws, ordinances, etc.), manufacturer specifications, installation procedures or instructions:;
  7. The market value of the property or its marketability:;
  8. The advisability of the purchase of the property:;
  9. The presence of potentially hazardous plants or animals including, but not limited to wood destroying organisms or diseases harmful to humans:;
  10. The presence of any environmental hazards including, but not limited to fungi, molds, toxins, carcinogens, noise, and contaminants in soil, water, and air:;
  11. The effectiveness of any system installed or methods utilized to control or remove suspected hazardous substances:;
  12. The operating costs of systems or components:;
  13. The acoustical properties of any system or component:;
  14. Conditions that might affect the ability to obtain insurance and/or the price of insurance:;
  15. The calibration of measuring devices including timers, clocks, thermostats, and gauges:;
  16. The integrity of thermal glass seals:;
  17. The presence of manufacturers' defects in any product, material, component, equipment, or system, or information related to recall notices:;
  18. Installation conformance to manufacturers' instructions for any product, component, element, device, or system:;
- (c) Offering to:
  1. Perform any act or service contrary to law:;

2. Perform engineering/architectural services;
3. Perform work in any trade or any professional service other than home inspection;

(d) Inspecting:

1. Underground items including, but not limited to underground storage tanks or other indications of their presence, whether abandoned or active;

2. Recreational facilities;

(e) Dismantling any system or component, except as explicitly required by these Standards of Practice;

(f) Utilizing 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) Operating 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; and

(h) Providing 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.

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

*History– New.*

There are many items listed beyond the scope of a Home Inspector License that are performed when doing a good home inspection. Most of the items listed should be changed from beyond the scope of home inspection to: Home Inspectors are NOT required to do/determine the listed items.

Some of the problems with the listed items:

Some items restrict complying with FS 468.8323 in determine if something is significantly deficient or not.

On newer homes Florida's Building Code requires that many items are to be built/installed in accordance with the Manufacturer's Instructions. It would be impossible to inspect and know if something was significantly deficient or not unless you consulted the Manufacturer's Installation Instructions.

Example. Two air conditioning units installed outside a home. What is the required distance between the two units? It would be impossible to know without consulting the Manufacturers Installation Instructions to determine a significantly deficient system/component.

Yes, there are differences between the different manufacturers on the required distances between two units. Each manufacturer has determined the distance for proper air flow between the units for their particular products to operate properly.

The presence of any environmental hazard such as mold. I think most people including home inspectors know what suspected mold looks like. If suspected mold or any other environmental hazard is seen or suspected, additional

inspections/investigations should/can be recommended.

Conditions that might affect the ability to obtain insurance and/or the price of insurance;

Sometimes home inspectors perform inspections on items that are determined by the Insurance Companies to be inspected and reported on. And yes the result of these inspections could/will affect the ability to obtain insurance.

Utilizing special tools that measure voltage, amperage, electrical grounding, polarity, etc.

I think it is impossible to tell by only looking at an electrical outlet if it is wired properly or not.

Example: I can recall thousands of 3-prong electrical outlets installed in older homes that were not grounded. Most home inspectors use an electrical tool that will tell you various electrical defects such as polarity reserved or ungrounded outlet.

Any information that you want to provide from any source that is legal and public knowledge should be allowable. If the inspector wants to provide it.

This section needs a major rewrite.

**Comments End**

## **Home Inspector DRAFT Rules**

### **List of comments / recommendations**

**Comments sent in 9/26/12**

Here are my suggested changes to the standards. Underlined words are additions.

61-30.801(2) “material defects” as defined in 6(a) through 6(d)

*Comment: It’s important not to have two separate definitions of defects. This change defines “material defects”*

61-30-803 (4)(c) “Insert any tool, probe, or device into any electrical component” other than 120V plug in type receptacle testers.

*Comment” It’s not possible to inspect receptacles without testing*

61-30.804(3) (b) (Numbering is jumbled here.)



(b) operate heat pump systems when ambient temperatures pose the potential for damage to the ~~air.~~ heat pump system

(c) determine cooling or heating supply adequacy.....

61-30.806(3) The inspector is not required to inspect

(f) ~~The test~~ by water testing; shower pans, tub and shower surrounds for leakage.

61-30.807

(e) and (f) are duplicates

October 25, 2012

The Home Inspector Proposed Rulemaking has many errors as well as items that require additional reporting; additional costs; making statements that increase home inspector liability; and inspecting items that are not included in the current Florida Statutes for Home Inspectors. Additionally, I am restricted in my Freedom of Speech from doing and saying many items that home inspectors currently perform.

The following are my suggestions and comments on the Home Inspector  
NOTICE OF PROPOSED RULEMAKING.

The underlined items are from the Home Inspector Proposed Rulemaking.

### **61-30.101 Definitions**

(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 the standards of practice.

*The definition should be the definition shown in F.S. 468.8311.*

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

(4) “Home inspection services” means a limited visual examination 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.

*61-30.101 (12) Replace the word building with “home”.*

*61-30.101 (13) Replace the word building with “home”.*

*61-30.101 (21) Replace the word building with “home”.*

*F.S. Describes home inspections. F.S. Describes nothing about building inspections.*

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

*The definition should be the definition shown in F.S. 468.8311*

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

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

(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.

*Continuing Education Course: Any course that has been approved for continuing education and not solely a course relating to the practice of home inspection.*

**61-30.102 License Requirements**

(c) Submits a completed Form DBPR HI 0401, "Application for Licensure" effective July 2012, adopted and incorporated herein by reference, which may be obtained by contacting the Home Inspection Licensing Program, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or at

*The above not complete, missing something at the end. This is also noticed at several other areas in the proposed rule.*

(2) All applications must:

(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;

<u>1. Inspection Methods</u>	<u>24-hours</u>
<u>2. Building Systems</u>	<u>42-hours</u>
<u>3. Reporting</u>	<u>24-hours</u>
<u>4. Professional Practice</u>	<u>10-hours</u>

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.

*Was the National Home Inspection Examination content outline, adopted May 14, 2010 when the Home Inspector rules had not been adopted yet?*

*The course of study requirements should be those shown in F.S. 468.8313(2)*

(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.

*The course content for Reporting of 24 hours is too long.*

*The only requirement for reporting is F.S. 468.8323*

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 not self-evident, a reason why the system or component reported under paragraph (a) is significantly deficient or near the end of its service life.

(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.

*You are only required to report on items 1a, b, and c.*

*I think 1-2 hours of reporting is plenty of time to discuss these 3 sentences, which are self explanatory and even explaining number 2 which is also self explanatory.*

*Professional Practice 10-hours. The course of study requirements shown in F.S. 468.8313 do not require Professional Practice as part of the required course content.*

20 hours of field-based practical demonstrations of the inspection process by the student under the direct supervision of a licensed Florida home inspector.

*This also is not included in the course content requirements of F.S. 468.8313. This will also increase the costs of the course of study. This should be optional for a course of study and something for the different course providers to provide or not to provide and let the students decide which course of study is best for them. Or it could be additional training beyond the required 120 hours. The main thing is to have several choices for the students.*

*During the Grandfather phase of the Home Inspector law one of the options was F.S. 468.8324(a)*

*To qualify for licensure some of the requirements were complete 14 hours of verifiable education and pass a proctored exam. There were no requirements for any field-based practical demonstrations of the inspection process. If there were no requirements then for licensure there should be no field-based requirements now. How many inspectors were licensed under this Statute? Hundreds? Thousands?*

## **2010 Florida Statutes**

468.8324 Grandfather clause.—

<sup>1</sup> (1) A person who performs home inspection services as defined in this part may qualify for licensure by the department as a home inspector if the person submits an application to the department postmarked on or before March 1, 2011, which shows that the applicant:

(a) Is certified as a home inspector by a state or national association that requires, for such certification, successful completion of a proctored examination on home inspection services and completes at least 14 hours of verifiable education on such services; or

## **61-30.402 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 and Interior Design, the Building Code Administrators and Inspectors Board, or the Electrical Contractors' Licensing Board.

*Why do Home Inspectors have different requirements than the other construction industry groups that construct homes and inspect homes which home inspectors inspect such as Plumbers, Air Conditioning, Roofers, Electrical, and City/County Building Inspectors?*

*Construction Industry Contractors, Building, Residential, Roofing, Air Conditioning, Plumbing*  
<http://www.myfloridalicense.com/dbpr/pro/cilb/index.html>

*Requirements: 14 hours. (1) hour workplace safety, (1) hour workers compensation, (1) hour business practices, (1) hour laws and rules, (1) hour Florida Building Code advanced modules.*

*Electrical Contractors*

<http://www.myfloridalicense.com/dbpr/pro/elboard/index.html>

*Requirements: 14 hours. (1) hour workplace safety, (1) hour workers compensation, (1) hour business practices, (1-3) hours general credit, (1) hour Florida Building Code advanced modules, (7) hours Technical.*

*City/County Building Inspectors*

<http://www.myfloridalicense.com/dbpr/pro/build/index.html>

*Requirements: 14 hours. (2) hours of accessibility, (2) hours of Florida laws and rules, (1) hour ethics, and (9) hours general credits.*

*My recommendation is for Home Inspectors to have similar requirements as other construction industry groups which would consist of at least (1) hour in workplace safety, (1) hour worker's compensation, (1) hour business practices, (1) hour laws and rules, (1) hour Florida Building Code advanced modules, and (7) hours general or technical hours of the home inspector's choice. Hurricane Mitigation Training of (2) hours is required by F.S.468.8316.*

### **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) 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 constitutes as a minor violation for which a notice of non-compliance may be issued

*Doesn't the department have to issue a notice of noncompliance for an initial offense of a minor violation per F.S. 120.695(2)(a)?*

120.695 Notice of noncompliance.—

(2)(a) Each agency shall issue a notice of noncompliance as a first response to a minor violation of a rule. A “notice of noncompliance” is a notification by the agency charged with enforcing the rule issued to the person or business subject to the rule. A notice of noncompliance may not be accompanied with a fine or other disciplinary penalty. It must identify the specific rule that is being violated, provide information on how to comply with the rule, and specify a reasonable time for the violator to comply with the rule. A rule is agency action that regulates a business, occupation, or profession, or regulates a person operating a business, occupation, or profession, and that, if not complied with, may result in a disciplinary penalty.

*Also, for violations listed in the Disciplinary Guild lines section 61-30.602. Do items need to be listed that reiterates statutory material?*

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

(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.

*The inspection is not intended to provide the client with information regarding the overall condition of installed systems and components of the home.....*

*The only information required to be provided the client is in FS 468.8323*

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

*This is not required. The only items required to be provided are in FS 468.8323.*

(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

*a and b mean the same thing as c. Per F.S. 468.8323, report on items significantly deficient.*

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

*This is not required. The only items required to be provided are in F.S. 468.8323.*

*You cannot add new requirements to report that are not in the F.S. The Statutes are very easy to understand. Inspectors inspect the required items and report on items that are significantly deficient or at the end of service life. Or report on items that were not inspected and why.*

**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 not self-evident, a reason why the system or component reported under para. (a) is significantly deficient or are near the end of their service lives.

(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.

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

(2) The inspector shall describe:

(a) 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.

*This is not required. The only items required to be provided are in F.S. 468.8323.*

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

(1) The inspector shall inspect:

(d) Interior components of main service panels and sub panels;

*This is in conflict with the definition of ‘readily accessible’ without dismantling. Dismantling is taking apart by homeowner in the course of normal and routine homeowner maintenance. I do not think that homeowners are taking off the cover of the main electrical panel for normal and routine maintenance.*

(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.

(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.

*This is not required. The only items required to be provided are in F.S. 468.8323.*

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

(b) The inspector shall describe within the heating and air conditioning component:

1. Heating system energy source(s);
2. Heating method by its distinguishing characteristics;
3. Heating system capacity in BTUs or kilowatts;
4. The location and condition of the air handler unit/furnace.

**(b) The inspector shall describe within the HVAC distribution systems:**

1. Energy source;
2. Cooling method by its distinguishing characteristics;
3. The presence of condensate over flow warning/shutoff devices.

*This is not required. The only items required to be provided are in F.S. 468.8323.*

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

(1) The inspector shall inspect:

- e) Ventilation of attics and foundation areas.

*Possible mistake. I don't think there are foundation areas on the roof covering.*

(2) The inspector shall describe:

- (a) Roofing materials;
- (b) Methods used to inspect the roof;
- (c) The absence of insulation in unfinished spaces at conditioned surfaces.

*This is not required. The only items required to be provided are in F.S. 468.8323. Also item c, is in the wrong location.*

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

*This is located in the wrong location.*

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

2) The inspector shall describe:

- (a) Materials used for water supply, drain, waste, and vent piping;
- (b) Water heating equipment including the energy source;
- (c) Location of main water and main fuel shut-off valves.

*This is not required. The only items required to be provided are in F.S. 468.8323.*

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

(2) The inspector shall describe:

- (a) Insulation and vapor retarders in unfinished spaces;
- (b) Absence of insulation in unfinished spaces at conditioned surfaces.



*This is not required. The only items required to be provided are in F.S. 468.8323.*

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

- (2) The inspector shall describe:
- (a) Fireplaces and solid fuel burning appliances;
- (b) Chimneys.

*This is not required. The only items required to be provided are in F.S. 468.8323.*

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

- (2) The inspector shall describe the type of household appliance.

*This is not required. The only items required to be provided are in F.S. 468.8323.*

*Most of the Household Appliances included in the definition of household appliances are not systems and components of a home. They are appliances that have a short life span. In the kitchen area the only required item is a cooking device, stove, oven, etc. The additional kitchen items and the clothes washer and clothes dryer should be removed from the items to be inspected.*

*The Definitions of Household Appliances include ceiling fans or whole-house fans. I would propose that these fans be deleted from this definition and added to the electrical systems section for inspection.*

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

- (1) The inspector shall inspect:
- (e) Walkways, patios, and driveways leading to the dwelling entrances;

*These items should be deleted; they are not exterior components of a home and do not require inspection.*

- (2) The inspector shall describe the exterior siding/cladding.

*This is not required. Again, the only items required to be provided are in FS 468.8323.*

*The Standards of Practice should list the items to be inspected within the various systems and components as listed in F.S. and information provided to the client should be the items listed in the F.S. to be provided. This should be the Florida minimum home inspection Standards of Practice.*

*This tells people who have an inspection if they have any items that are significantly deficient or at the end of its service life.*

*You cannot add items to inspect and report that are not in F.S. and also increase my costs to do these things and increase my liabilities.*

*Additional items to be inspected and reported can be determined and agreed upon by the Home Inspector and the Client. These two people are the ones that decide if additional items need inspecting and reporting with the increased inspecting and reporting time with corresponding increased fees.*

### **61-30.812 Standards of Practice, General Limitations and Exclusions**

(2) Home inspectors are not required to perform any action or make any determination unless specifically stated in these Standards of Practice. Inspectors are not required to:

(e) Inspect:

4. Detached structures other than garages and carports;

*Detached structures such as the garage and carports are not part of the home, hence do not require inspection.*

(3) Home Inspectors shall not practice beyond the scope of their license as a home inspector. The following actions are beyond the scope of a Home Inspector License:

*This should be changed from beyond the scope as a home inspector to; Home Inspectors are NOT required to do/determine the following items. Some of the items listed restrict complying with F.S. 468.8323 in determining if something is significantly deficient or not and restricting my Freedom of Speech if something is legal and public knowledge I should be able to provide it if I choose to. I believe that Freedom of Speech is protected under the Florida Constitution.*

6. Compliance with regulatory requirements (codes, regulations, laws, ordinances, etc.), manufacturer specifications, installation procedures or instructions;

*On newer homes Florida's Building Code requires that many items such as windows, doors, impact resistant covering, roof trusses, roof assembly, roof coverings, asphalt shingles, metal shingles, metal roofs, metal roof panels, factory built fireplaces, factory built chimneys, heating and cooling equipment, radiant heating systems, vents, water heaters, whirlpool bathtubs are to be installed in accordance with the Manufacturer's Instructions. It would be impossible to inspect and know if something was significantly deficient or not unless you consulted the Manufacturer's Installation Instructions.*

*Example. There are two air conditioning units installed outside a home. What is the required distance between the two units? It would be impossible to know without consulting the Manufacturers Installation Instructions to determine a significantly deficient system/component.*

*Yes, there are differences between the different manufacturers on the required distances between two units. Each manufacturer has determined the distance for proper air flow between the units for their particular products to operate properly.*

10. The presence of any environmental hazards including, but not limited to fungi, molds, toxins, carcinogens, noise, and contaminants in soil, water, and air;

*The presence of any environmental hazard such as mold. I think most people including home*

*inspectors know what suspected mold looks like. If suspected mold or any other environmental hazard is seen or suspected, additional inspections/investigations should/can be recommended.*

14. Conditions that might affect the ability to obtain insurance and/or the price of insurance;

*Conditions that might affect the ability to obtain insurance and/or the price of insurance; Sometimes home inspectors perform inspections on items that are determined by the Insurance Companies to be inspected and reported on. And yes the result of these inspections could/will affect the ability to obtain insurance.*

17. The presence of manufacturers' defects in any product, material, component, equipment, or system, or information related to recall notices;

*Some inspectors provide recall information to clients. This is public information and could alert the client to a safety issue.*

18. Installation conformance to manufacturers' instructions for any product, component, element, device, or system;

*See number 6 above. Newer homes require many items to be installed according to the manufacturer's installation instructions. We have to consult these instructions to determine if something is significantly deficient or not.*

(f) Utilizing 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;

*Utilizing special tools that measure voltage, amperage, electrical grounding, polarity, etc. I think it is impossible to tell by only looking at an electrical outlet if it is wired properly or not. Example: I can recall thousands of 3-prong electrical outlets installed in older homes that were not grounded. Most home inspectors use an electrical tool that will tell you various electrical defects such as polarity reserved or ungrounded outlet.*

*Who would perform this simple test if not me? And what about the safety test of Ground Fault Circuit Interrupt (GFCI) outlets/receptacles that are located in many areas that include the kitchen and bathrooms that prevent people from electrocution and being killed.*

(h) Providing 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.

*Again, I think that any information that is legal and public knowledge, should be protected Freedom of Speech by Florida's Constitution.*

*And maybe some of the items above if provided could be helpful to a person in making what is usually the largest financial investment of their life.*

Sincerely,  
Richard Haynes  
Florida Home Inspector HI-311