

CHAPTER 61-30 HOME INSPECTORS

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61-30 HOME INSPECTORS

61-30.1 LICENSURE

61-30.101 License Requirements

61-30.102 Examinations

61-30.101 License requirements

(1) The department shall certify as meeting the requirements for licensure as a home inspector as defined in Section 468.8314, Florida Statutes, an applicant who applies to the department in writing using form number DBPR HI-0401, initiated 00/00/2010, incorporated herein by reference. The form may be obtained by contacting the department at the following address: Home Inspector Licensing Unit, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or on line at the department's web site at <http://www.myfloridalicense.com/dbpr/servop/testing/providers.html>.

(2) In addition to submitting the form, the applicant must pay the appropriate fees and meet the following criteria:

(a) Be of good moral character; "good moral character" means a personal history of honesty, fairness, and respect for the rights of others and for the laws of this state and nation as defined by Section 468.8313(5)(a), F.S.

(b) Provide proof of completion of a course of study approved by the department of not less than 120 hours that covers at a minimum the following components of a home and field-based inspections under the supervision of a licensed Florida home inspector:

1. Structure
2. Exterior components
3. Roof covering
4. Site conditions that affect the structure
5. Electrical System
6. Interior components
7. HAVC system
8. Plumbing system
9. 20 hours of field-based practical demonstrations of the inspection of the components of a home completed by, and under the direct supervision of a licensed Florida home inspector.

(c) Submit a log of all inspections completed for purposes of providing proof of their field-based training, with verification of completion of the required training hours. The log must contain the following information:

1. The date of the inspections;
2. The address of the properties inspected;
3. The names of the clients;
4. The amount of time spent on the inspections; and
5. The name, license number and signature of the licensed home

inspector providing the training.

Completed home inspections must be maintained by the licensed home inspector and are subject to review by the department.

(d). Pass the examination required by this state as described in 61-30.102.

Rulemaking Authority 455.213(6), 468.8313(6), FS. Law Implemented 455.213, 468.8313, 468.8314, FS. History—New (date).

61-30.102 Examination

Any applicant desiring to be licensed as a home inspector in this state as provided in Chapter 468 Part XV, Florida Statutes, will be required to pass the National Home Inspector Examination (NHIE) given by the Examination Board of Professional Home Inspectors (EBPHI). Applicants must achieve a passing grade pursuant to the requirements of the NHIE, Section 455.217 and 468.8313(4), Florida Statutes.

Rulemaking Authority 455.217(1)(d), 468.8313(4),(6), FS. Law Implemented 455.217, 468.8313, FS. History—New (date).

61-30.2 FEES

61-30.201 Fees

61-30.201 Fees

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

| | |
|---|----------|
| (a) Initial application fee | \$125.00 |
| (b) Initial home inspector license fee | \$200.00 |
| (c) Biennial license renewal fee for individual home inspectors | \$200.00 |
| (d) Licensure by endorsement fee | \$200.00 |
| (e) Change of status fee (active to inactive, inactive to active, reactivation) | \$200.00 |
| (f) Initial education provider license fee | \$500.00 |
| (g) Delinquent fee | \$100.00 |
| (h) Unlicensed activity fee | \$5.00 |
| (i) Course 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 for computer based testing shall be made payable directly to the vendor.

(3) All application fees are non-refundable.

(4) Licensure fees are refundable, upon request, if the application for licensure is denied.

Rulemaking Authority 455.219(1),(2), 468.8312(1), FS. Law Implemented 455.219, 468.8312, FS. History—New (date).

61-30.3 CHANGE OF STATUS

61-30.301 Delinquent License

61-30.302 Inactive, Active Status

61-30.301 Delinquent License

(1) Any license which is not renewed prior to the end of each biennial renewal period shall automatically be change to a delinquent status.

(2) A licensee may convert a delinquent status license to active status by remitting a delinquent fee and the applicable biennial license renewal fee(s) to the department, and comply with the continuing education requirements of Section 455.271(10), F.S.

(3) If a licensee applies during the renewal period to convert a delinquent status license to active or inactive status, the department shall impose a delinquent fee, a change of status fee, a renewal fee that will be applied to the delinquent biennial period, and a biennial license renewal fee.

(4) If a licensee applies to the department to convert a delinquent status license to active or inactive status at a time other than the renewal period, the department shall impose a delinquent fee, a change of status fee, renewal fee that will be applied to the delinquent biennial period.

(5) The failure of a delinquent status licensee to change the status of the license to active or inactive before the expiration of the current licensure period shall render the license null and void without any further action by the department. Thereafter, any subsequent licensure shall be as a result of applying for and meeting all requirements imposed on an applicant for new licensure.

Rulemaking Authority 455.271(6),(7), 468.832(1),468.8317(3), FS. Law Implemented 455.271468.312,468.8317, FS. History—New (date).

61-30.302 Inactive, Active status

(1) If a licensee applies to the department at a time other than during the renewal period to activate his or her license from an inactive status to an active status, the department shall impose a change of status fee, and a biennial license renewal fee.

(2) A licensee may make a written request during the renewal period to place his or her license in an inactive status and remit the biennial inactive license renewal fee. The department shall then change the status of the license to inactive status.

(3) An inactive license may be maintained during each subsequent biennium period upon the payment of a biennial inactive license renewal fee. However, the department shall require a licensee who has been on an inactive status to meet the continuing education requirements of Sections 468.8316, F.S. upon reactivation.

(4) If a licensee applies to the department during the renewal period to convert his or her license from an inactive status to an active status, the department shall impose a reactivation fee in addition to the biennial license renewal fee.

(5) An individual home inspector shall not work with an inactive, delinquent, or null and void license.

Rulemaking Authority 455.271(2),(3),(8), 468.8312(1), 468.8317(2), FS. Law Implemented 455.271, 468.8312, 468.8317, FS. History—New (date).

61-30.4 BIENNIAL RENEWAL

61-30.401 License Renewal

61-30.401 License Renewal.

(1) A license shall be renewed biennially on or before July 30 of even numbered years.

(2) Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions – 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.

(3) Failure to renew a license, unless exempt as a military spouse, renders the license delinquent. Delinquent status may last one full renewal cycle. If, at the end of the delinquent biennium, the license is not brought current it becomes null and void. A delinquent license can be returned to active status by completing the continuing education and paying the appropriate change of status fees.

(4) A licensee will renew a license by paying a biennial five dollar unlicensed activity fee, a biennial renewal fee of \$200.00 as described in 61-30.201, and completing 14 hours of continuing education as described in s.468.8316, F.S. The continuing education training will include a combination of at least one hour of training in each of the eight components of a home. All continuing education training credits must be earned as described in 61-30.506 F.A.C.

(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 services shall apply as though never before licensed or apply for hardship reinstatement pursuant to s.455.271(6)(b), F.S.

Rulemaking Authority 455.02(2), 455.271(6)(b), 468.8312(1), 468.8315(2), 468.8316(1), FS. Law Implemented 455.02, 455.271, 468.8312, 468.8315, 469.8316, FS. History—New (date).

61-30.5 CONTINUING EDUCATION

61-30.501 Education Required for Initial Licensure

61-30.502 Department Approval of Education Providers

61-30.503 Obligations of Education Providers

61-30.504 Approval of Courses

61-30.505 Continuing Education Requirements for Reactivation of an Inactive License.

61-30.506 Continuing Education Requirements for Biennial Renewal.

61-30.501 Education Required for Initial Licensure

(1) Each prelicensure and education provider and course must be approved by the department. Provider approval is valid until May 31 of odd numbered years and must be renewed prior to expiration. Applications for course provider must be submitted using the Home Inspector Provider Application, form number DBPR HI-0402, initiated 00/00/2010, incorporated herein by reference. Applications for courses must be submitted using the Home Inspector Course Application, form number DBPR HI-104, initiated 00/00/2010, incorporated herein by reference. The forms may be obtained by contacting the department at the following address: Home Inspector Licensing Unit, 1940 N. Monroe Street, Tallahassee, Florida 32399-0738 or on line at the department's web site at <http://www.myfloridalicense.com/dbpr/servop/testing/providers.html>. Any substantial change in the course content will require the provider to reapply to the department for approval.

(2) Definitions:

(a) Training Day: The equivalent of 8 hours including breaks and lunch. Breaks and lunches are not to exceed 1.5 hours of each training day.

(b) Prelicensure 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 61G30-1.002 and s.468.8313, F.S. Each course of study must be offered as a single course by a single course provider.

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

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

(e) Education 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. A licensed home inspector may teach any approved course

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

(3) Applications for provider and course approval shall include, but not be

limited to, the following information:

(a) The course provider's name, address, telephone number, and federal tax identification number.

(b) The course curriculum, including instructors, subject matter, and time allocations.

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

(5) Records.

(a) Education providers shall be responsible for maintaining records of all persons taking approved courses for a minimum of 4 years from the date of the course. Copies of such records shall be released upon written request by the applicant and shall be made available to the department at any time upon request of the department.

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

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

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

Rulemaking Authority 455.2178(5), 455.2179(3), 468.8316, FS. Law Implemented 455.2178, 455.2179, 468.8316, FS. History— New (date).

61-30.502 Department Approval of Education Providers.

(1) Applicants for education provider status must meet the requirements of subsections (2) and (3) of this rule to demonstrate the education and/or the experience necessary to instruct professional home inspectors in the conduct of their practice, and they must renew and be approved under this rule by May 31 of every odd-numbered year. Applications for education provider and training course approval must be submitted using the form Home Inspector Licensure Application, form number DBPR HI-0402, initiated 00/00/2010, incorporated herein by reference. The form may be obtained by contacting the department at the following address: Home Inspector Licensing Unit, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or at the department's web site at <http://www.myfloridalicense.com/dbpr/servop/testing/providers.html>. Any substantial change in the course content will require the provider to reapply to the department for approval.

(2) To demonstrate the education and/or the experience necessary to instruct professional home inspectors in the conduct of their practice for licensure and continuing education credit, an applicant for training and continuing education provider status must be a regionally accredited educational institution, a commercial educator, a governmental agency, a state or national professional association whose primary purpose is to promote the profession of home inspectors, or a home inspector with a Florida license to practice home inspections. No home inspector or provider who is under disciplinary restrictions pursuant to any order of the department may conduct continuing education courses. In addition, the applicant must demonstrate particular education, experience or skills which sets the applicant apart from the home inspectors whom the applicant proposes to instruct.

(3) To allow the department to evaluate an initial application for course provider status, the applicant must submit the following:

(a) The name, address and telephone number of the prospective provider;

(b) A description of the type of courses or seminars the provider expects to conduct for credit;

(c) The particular qualifications of the prospective provider to conduct the proposed courses or seminars, which qualifications set the applicant apart from the home inspectors whom the applicant proposes to instruct.

(4) No provider may conduct a course or seminar for credit until approved by the department.

(5) No provider may allow a home inspector to conduct any course or seminar offered by the provider if that home inspector has been disciplined and has not been released from the terms of the final order in the disciplinary case. Upon receipt of notice that an instructor is under discipline, the provider shall, within seven (7) days, write to the home inspector licensing unit office and confirm that the home inspector is no longer conducting any course or seminar offered by the provider.

(6) 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 rescind the provider status

or 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.

Rulemaking Authority 455.2177(1), 455.2178, 468.8316(1), FS. Law Implemented 455.2177, 455.2178, 468.8316, FS. History— New (date).

61-30.503 Obligations of Education Providers.

To maintain status as an Education provider, the provider must:

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

(2) Furnish each participant 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, and date of course completion.

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

(4) Maintain an attendance record for four (4) years, available for inspection by the department or the department's designee.

(5) Electronically report course attendance records in compliance with s. 455.2178, F.S. The provider is required to resolve reporting conflicts with the licensee by the expiration date of the training course.

(6) Allow only one education credit for each hour of classroom, audio or video instruction, an "hour of classroom, audio or video instruction" being no less or no more than fifty (50) minutes of instruction.

(7) Allow only one (1) education credit for each "hour of correspondence study." The "hour of correspondence study" must be based on the average completion time of each course as established by the provider. For correspondence study, provide to each participating licensee a written exam. In order to complete the course, the licensee must receive a minimum grade of seventy percent (70%). If a licensee fails the exam, they will be permitted to take the exam again until a passing grade is achieved.

(8) Notify the department within thirty (30) days of any change in the address or telephone number of the provider.

(9) Allow the department's designee to have access to information concerning courses or seminars conducted by the provider for continuing education credit.

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

(11) The department shall be notified 30 days prior to implementation of any substantive changes made to approved courses during this period, which shall include instructor changes. Course approval shall be rescinded by the department if such notification is not made or the changes fail to otherwise conform to this rule.

Rulemaking Authority 455.2178, 455.2179(4), 468.8316(2), FS. Law Implemented 455.2178, 455.2179, 468.8316, FS. History— New (date).

61-30.504 Approval of Courses

(1) Training 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. The department shall approve education courses for the purpose of this rule when the following requirements are met:

(a) Written application for course approval shall be received by the department prior to the date the course is offered, on DBPR application form DBPR HI-0403, incorporated herein by reference. The form may be obtained by contacting the department at the following address: Home Inspector Licensing Unit, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or at the department's web site at <http://www.myfloridalicense.com/dbpr/servop/testing/providers.html>.

(b) The course provider shall submit to the department the following prior to the date the course is offered: an application, a course outline which describes 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) Education courses must address home inspection subjects.

(2) The department shall be notified of any substantive changes made to approved courses during this period, which shall include instructor changes. Course approval shall be rescinded by the department if such notification is not made or the changes fail to otherwise conform to this rule.

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

Rulemaking Authority 455.217(1), 468.8316(1), FS. Law Implemented 455.2178, 455.2179, 468.8316, FS. History— New (date).

61-30.505 Continuing Education Requirements for Reactivation of an Inactive License.

A license which has been inactive for more than one year may be reactivated upon application (change of status application) to the department and demonstration by the licensee of having completed fourteen (14) continuing education credits in home inspection training courses which must be completed within one year prior to the date of application for reactivation. At least six (6) hours of this training will consist of a combination of laws, rules and ethics for home inspectors.

Rulemaking Authority 455.271(6)(b), 468.8317(2), FS. Law Implemented 455.271, 468.8317, FS. History—New (date).

61-30.506 Continuing Education Requirements for Biennial Renewal.

Every person licensed pursuant to Chapter 468, Part XV, Florida Statutes, must obtain at least fourteen (14) continuing education credits per biennium.

(1) Continuing education credits may be obtained for:

(a) The completion of courses in home inspection, building trades, architecture, landscape architecture or other related subjects at universities and colleges which are regionally accredited by an accrediting agency that is recognized by the United States Department of Education. An official transcript from the registrar of the academic institution shall be submitted to the department office as documentation of course completion at least 45 days prior to the end of the biennium;

(b) The completion of courses or seminars offered by continuing education providers approved by the department for the provision of continuing education credit hours. A list of such providers is available from the department upon request.

1. A licensee 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 of such course or seminar;

2. No licensee may claim credit until after the credit has been earned by that licensee.

(2) Licensees need not comply with continuing education requirements prior to the licensee's first licensure renewal.

Rulemaking Authority, 455.2124(2), 468.8315(2), 468.8316(1), FS. Law Implemented 455.2124(2), 468.8315 468.8316, FS. History—New (date).

61-30.6 Standards of Practice (Underdevelopment)

61-30.601 Purpose and Scope

61-30.601 Purpose and Scope:

(1) The purpose of these Standards of Practice is to establish a minimum and uniform standard for private, fee-paid home inspectors. Home Inspections performed to these Standards of Practice are intended to provide the client with information regarding the condition of the systems and components of the home as inspected at the time of the Home Inspection.

61-30.7 Discipline

61-30.701 Disciplinary Guidelines

61-30.702 Notice of Noncompliance

61-30.703 Citations

61-30.704 Mediation

61-30.701 Disciplinary Guidelines

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

| Statutory Violation | Description of Violation (This description is a general summary. It is not designed to be used in charging documents. Reference should be made to the statute identified for a complete statement of the substance of the violation). | Penalty Range for First Violation. | Penalty Range for Subsequent Violation. |
|----------------------------|--|--|---|
| 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 + Costs; Plus Reprimand, Probation, Suspension . | Fine up to \$5000 + Costs; Plus Probation, Suspension, Revocation . |
| 468.832 (1)(h) | Failing to perform any statutory or legal obligation placed upon a licensed home inspector ; violating any provision of this chapter; violating an order of the department previously entered | Fine up to \$1000 + Costs; Plus Reprimand, Probation, Suspension. | Fine up to \$5000 + Costs; Plus Probation, Suspension, Revocation. |
| 468.832 (1)(a) | Violation of any provision of Chapter 468, Part XV (Use only if no statutory specific provision in this rule.) | Fine up to \$1000 + Costs; Plus Reprimand, Probation, Suspension. | Fine up to \$5000 + Costs; Plus Probation, Suspension, Revocation. |
| 468.832 (1)(b) | Attempting to procure a license by bribery or fraudulent misrepresentations. | Fine up to \$1000 + Costs; Plus Reprimand, Probation, Suspension, Revocation, Denial of License. | Fine up to \$5000 + Costs; 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 + Costs; Plus Reprimand, Probation, Suspension, Revocation. | Fine up to \$5000 + Costs; Plus Reprimand, Probation, Suspension, Revocation. |
| 468.832 (1)(d) | Being convicted, found guilty, pleading nolo to a crime, in any jurisdiction, that directly relates to the practice or ability to practice. | Fine up to \$1000 + Costs; Plus Reprimand, Suspension, Revocation. | Fine up to \$5000 + Costs; Plus Revocation. |

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| 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 + Costs; Plus Reprimand, Probation Suspension, Revocation. | Fine up to \$5000 + Costs; Plus Revocation. |
| 468.832 (1)(f) | False, fraudulent, deceptive or misleading advertising. | Fine up to \$1000 + Costs; Plus Reprimand, Probation, Suspension . | Fine up to \$5000 + Costs; 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 + Costs; Plus Reprimand, Probation, Suspension, Revocation. | Fine up to \$5000 + Costs; Plus Reprimand, Probation, Suspension, Revocation. |
| 468.832 (1)(i) | Practicing on a revoked, suspended, inactive or delinquent license. | Fine up to \$1000 + Costs; Plus Reprimand, Probation, Suspension, Revocation. | Fine up to \$5000 + Costs; Plus Probation, Suspension, Revocation. |

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

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|------------------------------------|--|---|---|
| (a) Violation of: 455.227(1)(a) | False, fraudulent, deceptive or misleading representations in or related to the practice of the licensee's profession. | Fine up to \$1000 + Costs; Plus Reprimand, Probation, Suspension. | Fine up to \$5000 + Costs; Plus Reprimand, Probation, Suspension, Revocation. |
| (b) Violation of: 455.227(1)(b) | Intentional violation of any board or department rule. | Fine up to \$1000 + Costs; Plus Reprimand, Probation, Suspension. | Fine up to \$5000 + Costs; Plus Suspension, Revocation. |
| (c) Violation of: 455.227(1)(c) | Being convicted, found guilty, pleading nolo to a crime, in any jurisdiction, that relates to the practice or ability to practice the licensee's profession. | Fine up to \$1000 + Costs; Plus Reprimand, Suspension, Revocation. | Fine up to \$5000 + Costs; 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 + Costs; Plus Reprimand, Probation, Suspension, Revocation. | Fine up to \$5000 + Costs; 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 + Costs; Plus Reprimand, Probation. | Fine up to \$5000 + Costs; 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 board or Department. | Fine up to \$1000 + Costs; Plus Reprimand, Probation, Suspension, Revocation. | Fine up to \$5000 + Costs; 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 or board. | Fine up to \$1000 + Costs; Plus Reprimand. | Fine up to \$5000 + Costs; Plus Probation, Suspension, Revocation. |

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| (h) Violation of: 455.227(1)(j) | Aid, assist, procure, employ or advise unlicensed person or entity to practice profession contrary to Chapter 468, Part XV, or 455, or rules of the department. | Fine up to \$1000 + Costs; Plus Reprimand, Probation, Suspension, Revocation . | Fine up to \$5000 + Costs; Plus Suspension, Revocation. |
| (i) Violation of: 455.227(1)(k) | Failing to perform any statutory or legal obligation of licensee | Fine up to \$5000 + Costs; Plus Reprimand, Probation, Suspension, Revocation. | Fine up to \$5000 + Costs; 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 + Costs; Plus Reprimand, Probation, Suspension, Revocation, Denial of license. | Fine up to \$5000 + Costs; 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 + Costs; Plus Reprimand, Suspension, Revocation. | Fine up to \$5000 + Costs; 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 + Costs; Plus Reprimand, Probation, Suspension, Revocation. | Fine up to \$5000 + Costs; Plus Reprimand, Probation, Suspension, Revocation. |
| (m) Violation of: 455.227(1)(o) | Practicing beyond the scope of license. | Fine up to \$1000 + Costs; Plus Reprimand, Probation. | Fine up to \$5000 + Costs; Plus Suspension, . |
| (n) Violation of: 455.227(1)(p) | Accepting and performing or delegating responsibilities licensee knows or should know he or the delegatee is not competent to perform. | Fine up to \$1000 + Costs; Plus Reprimand, Probation. | Fine up to \$5000 + Costs; 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 board, or any lawful order of the department. | Fine up to \$1000 + Costs; Plus Reprimand, Probation. | Fine up to \$2500 + Costs; Plus Probation, Suspension . |
| (p) Violation of: 455.227(1)(r) | Interfering with an investigation, inspection or disciplinary proceeding. | Fine up to \$1000 + Costs; Plus Reprimand, Probation Suspension, Denial of licensure. | Fine up to \$1000 + Costs; Plus Suspension, Revocation, Denial of licensure. |

(3) Disciplinary Orders

(a) Provisions which are included in all disciplinary orders:

1. The Order shall be effective upon filing by the Clerk of the Department of Business and Professional Regulation.

2. Failure to comply with the provisions of the Order shall result in further disciplinary action by the department.

(b) Conditions imposed whenever fine and costs are imposed: Fine and costs shall be paid online using a credit or debit card, by cashier's check or money order payable to the Department of Business and Professional Regulation, Home Inspector Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399, and received by the department within 30 days of the effective date of the Order, or within a set period of time after probation or suspension as reflected in the Order.

(4) 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 this 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.

(5) Purpose of guidelines – The range of penalties set forth above is the range from which disciplinary penalties will be imposed upon licensees guilty of violation of the laws and rules. The purpose of these guidelines is to give notice of the range of penalties which will normally be imposed for specific violations. The guidelines are based upon a single count violation of the provision listed. Multiple counts of violations of the same provision, or unrelated provisions of the law or rules will be grounds for enhancement of penalties or imposition of additional penalties.

(6) 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 and penalty enhancement include, but are not limited to:

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

2. In the case of negligence, 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 disregard of the practice act or

rules.

(b) Mitigating circumstances; circumstances which may justify deviating from the disciplinary guidelines and result in a lessening of the penalty shall include, but not be 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 455.227(3), 455.2273, 468.832, FS. Law Implemented 455.227, 455.2273, 468.832, 468.8319, FS. History— New (date).

61-30.702 Notice of Noncompliance.

(1) As an alternative to the provisions of Sections 455.255(1) and (2), Florida Statutes, 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 maintain proof of current workers' compensation or general liability insurance, as required by Section 468.8322 F.S.

(b) Failure to provide a copy of the home inspector's license prior to contracting for or commencing a home inspection.

(c) Failure to inform the department of change of name or address.

(d) 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.

(e) Acting under a name not on license.

(f) False, fraudulent, deceptive or misleading advertising.

(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, FS. History— New (date).

61-30.703 Citations

The following violations of Sections 468.8319, and 468.832, F.S., may be resolved by the issuance of a citation pursuant to Section 455.224, F.S., and Title 61-30, F.A.C.

| Violation | Fine |
|---|-------------|
| (1) Practice by an individual with an inactive or delinquent license. | |
| (2) Failure to maintain proof of current workers' compensation or general liability insurance, as required by rule. | |
| (3) 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. | |
| (4) 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 | |
| (5) Aiding and abetting unlicensed activity. | |

In addition to the penalties specified above, the department may recover the costs of investigation associated with the citation. Citations shall be issued pursuant to this rule where no harm to consumers results from the violation. A licensee who has been issued three citations for the same offense shall be prosecuted pursuant to Section 455.225, F.S., for any subsequent violations. The disposition of reported violations prosecuted pursuant to Section 455.225, F.S., shall be according to Rule Chapter 61-30.630, F.A.C., To the extent that any of these violations are appropriate for resolution by the issuance of a notice of noncompliance pursuant to Section 455.225(3), F.S., and Rule 61-30.603, F.A.C., the initial offense of a minor violation will be dealt with accordingly. Where a licensee fails 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, the department may issue a citation pursuant to this rule.

Rulemaking Authority 455.224(2), FS. Law Implemented 455.224, FS. History— New (date)

61-30.704 Mediation

Any complaint of a violation of this practice act where harm caused by the licensee is economic in nature or can be remedied by the licensee may be mediated by the department.

Rulemaking Authority 455.2235(1), FS. Law Implemented 455.2235, FS. History— New (date).