

Florida State Regulation

Position Statement of the
Florida Association of Professional Home Inspectors
On Home Inspection Regulation



Florida Association of Professional Home Inspectors

The Florida Association of Professional Home Inspectors (FAPHI) is a non-profit organization committed to advancing and safeguarding the interests of the home inspection industry in Florida. One of FAPHI's roles is to provide legislators and the public with an understanding of registration and how it can assure the public that professional home inspectors are qualified. FAPHI's membership consists of home inspectors actively engaged in the trade of home inspection

Registration of home inspectors: Protecting the public interest

FAPHI believes home inspectors should be registered by the State of Florida. While home owners, buyers, sellers and property managers have access to much information before they make a final decision concerning their home or residential property, FAPHI believes the State of Florida should assure the public that important information about the physical and operational condition of the property and its associated systems is delivered by qualified home inspectors who have the necessary expertise.

The role of industry in the regulatory process

Calls for states to legislate home inspection licensure have increased as demand for home inspections has grown. Historically, some segments of the industry have taken the view that if home inspectors are licensed, it should be on the industry's terms and as rigid as possible. FAPHI does not believe this position has served the public or industry.

In FAPHI's view, the industry has placed too much emphasis on the number of home inspections a home inspector must complete for licensure. This criterion does not assure the public that their home inspector will be competent. Certainly experience is a factor, but not to the exclusion of other considerations, such as education, trade practices to a standard of practice, code of ethics and being kept abreast of changing requirements.

The approach of one faction of the home inspection industry has been to preserve the status quo by allowing current inspectors to control the market. In this approach, entrenched inspectors – not the state – decide who is allowed to practice the business of home inspection. In states that have adopted this type of qualifying the public is faced with fewer qualified inspectors to choose from, higher inspection fees and a restriction of ability to practice a trade.

An additional approach states have taken to recognize qualified home inspectors is to exempt broadly any individual in a closely related trade from any requirements of licensure or regulation for the purpose of home inspection, such as plumbers, electricians, general contractors, appraisers, insurance adjusters, etc. The public does not benefit from this practice. In fact, the public possibly is placed at risk by these individuals who are not trained in all facets and items required for a complete and thorough home inspection.

Characteristics of a “good” regulatory procedure

The Florida Association of Professional Home Inspectors (FAPHI) believes that it is in the best interests of the citizens of the state to have registration of home inspectors. The purpose herein is to require qualifying criteria in a professional field in which unqualified individuals may injure or mislead the public. A registration provision would contribute to the safety, health and welfare of the people of this state.

Under the proper establishment of a registration program the citizens of the state and the State of Florida both benefit. The citizens are protected under existing unfair trade and practices and consumer protection legislation, and the State benefits from lower financial burdens of maintaining licensure and education requirements.

FAPHI believes that a registration procedure in place should require individuals practicing the trade of home inspection to register with the State of Florida on a two year basis. The State of Florida should require that the home inspector be a member in good standing at all times of one or more of the many nationally recognized and accredited home inspector associations.

FAPHI believes that home inspectors should follow a common standard of practice and adhere to a strict code of ethics and conduct.

The public must be aware of the duties and responsibilities of the inspector as well as the scope of a home inspection. A Standards of Practice for the home inspector is an essential means to convey to the public the inspector’s duties, the scope of the inspection and limitations of an inspection.

In ascertaining the degree of care that would be exercised by a reasonably prudent home inspector, the Standards of Practice of the inspector’s affiliation with a national home inspector association would be considered. The affiliation of the home inspector as a member of a nationally recognized home inspector association provides the public with confidence that the home inspector is performing duties in a professional manner. A few of these organizations, but not limited to, are:

National Association of Certified Home Inspectors (NACHI)

National Association of Home Inspectors (NAHI)

Florida Association of Building Inspectors (FABI)

American Inspector’s Society (AIS)

American Society of Home Inspectors (ASHI)

International Society of Home Inspectors (ISHI)

American Association of Home Inspectors (AAHI)

National Institute of Building Inspectors (NIBI)

FAPHI recommends the following Standards of Practice:

Standards of Practice

Each member shall at all times conduct himself/herself in a manner beneficial to the Florida Association of Professional Home Inspectors, the client and the public, consistent with these Standards of Practice. These standards are to define and clarify the purpose, condition, limitations, exclusions and certain terms relating to the inspection. These standards will identify

those items, components and systems which are to be included within the scope of the inspection, where applicable.

SCOPE:

The Inspector shall, as a minimum,:

Observe and test, as appropriate, installed systems and components listed in these standards, as applicable.

Submit a written report to the client which shall:

- a. Identify the components and/or systems listed in these Standards
- b. Designate as to whether or not the components and systems are OPERABLE or INOPERABLE AT THE TIME OF THE INSPECTION, that is, whether such items are PERFORMING or NOT PERFORMING IN THE MANNER THEY ARE INTENDED TO PERFORM or IN NEED OF REPAIR.

INSTALLED SYSTEMS AND COMPONENTS:

Structural systems and components

- a. Foundation and floor systems
- b. Exterior / interior structure
- c. Roof systems
- d. Grading and drainage

Built-in appliances

Plumbing systems

Electrical systems

Heating / cooling systems

DEPARTURE PROVISIONS:

1. The inspector shall identify and exclude from the inspection any part, system or component that the inspector is not competent or qualified to inspect.
2. The inspector may exclude any part, system or component required for inspection which is (a) inaccessible, (b) has been concealed, (c) is not readily accessible, (d) cannot be inspected due to circumstances beyond the control of the inspector, (e) require moving of furniture, personal or stored items, lifting of floor covering, (f) the client has agreed should not be inspected or (g) could damage or harm the item(s) being inspected.

LIMITATIONS AND EXCLUSIONS:

These standards apply to residential dwellings.

The inspection is a limited visual inspection at the TIME and DATE of the inspection and is not intended to give opinions on TECHNICAL APPLICATIONS, or LIFE EXPECTANCY of items on the inspection.

No representation or comment is made concerning any latent defects not readily observable.

Inspections performed under these standards shall not be construed as a compliance inspection of any CODE, GOVERNMENTAL REGULATION, or ESTIMATE OF MARKETABILITY OR VALUE or APPRAISAL.

Excluded are the conditions and operation of on-site water supplies or wells and private waste systems.

Excluded is the evaluation of the capacity, adequacy or efficiency any system or component.

Excluded is the determination of the presence of wood destroying organisms, conditions, past or present, of fungi, mold, bacteria, asbestos, lead-based paint, gases or conditions of air quality.

Under registration the registrant should be prohibited from certain acts. Any of the following acts engaged in by a home inspector, an employer of a home inspector or another person or business that controls or has a financial interest in the employer of a home inspector should be deemed to be an unfair or deceptive act or practice as defined through the State's unfair trade practices and consumer protection legislation.

1. Performing or offering to perform for an additional fee any repairs to the structure with respect to which the home inspector, the employer of the home inspector or such other business or person has prepared a home inspection report within the preceeding twelve (12) months.

2. Inspecting for a fee any property in which the home inspector, the employer of the home inspector or such other business or person has any financial interest or any interest in the transfer of the property, including without limitation receipt of a commission as an agent, unless the financial interest or interest in the transfer of the property is disclosed in writing to the client before the home inspection is performed and the client signs an acknowledgement of receipt of the disclosure.

3. Offering or delivering any commission, referral fee or kickback to the seller of the inspected property or to an agent for either or both of a seller and a buyer for the referral of any business to the home inspector, the employer of the home inspector or such other business or person.

4. Accepting an engagement to perform a home inspection or to prepare a home inspection report in which the employment itself or the fee payable for the inspection is contingent upon the conclusions of the report.

The public must be assured that the inspector is independent and has no hidden alliances or conflicts of interest. Professional ethics are critical for the home inspection profession. Adherence by the home inspector to a code of ethics and conduct will protect both the public and the inspector from outside influences. The affiliation of the home inspector as a member of a nationally recognized home inspector association provides the public with confidence that the home inspector is performing duties in an ethical manner. A few of these organizations, but not limited to, are:

National Association of Certified Home Inspectors (NACHI)
National Association of Home Inspectors (NAHI)
Florida Association of Building Inspectors (FABI)
American Inspectors' Society (AIS)
American Society of Home Inspectors (ASHI)
International Society of Home Inspectors (ISHI)
American Association of Home Inspectors (AAHI)
National Institute of Building Inspectors (NIBI)

FAPHI recommends the following Code Of Ethics and Conduct:

Code of Ethics:

Each Inspector will perform his/her duties with the highest standard of integrity, professionalism, and fidelity to the public and client, with fairness and impartiality to all.

Each Inspector shall accept these standards as his/her own, pledge him/herself to observe the spirit of said standards, in accordance with the following CODE OF ETHICS:

In accepting employment as an inspector, the Inspector shall always keep the best interests of the client foremost, recognizing the client has placed trust and confidence in the Inspector.

Each inspector shall endeavor always to increase his/her level of knowledge and competence.

Each Inspector shall conduct business in a manner that assures the client of the Inspector's independence from outside influence and avoid conflicts of interest.

The Inspector will not disclose any information concerning the results of the inspection without prior approval of his/her client unless there exists a state of safety concern.

The Inspector will not accept any kind of compensation from more than one party for the same service without the prior consent of all parties involved.

The Inspector will promptly disclose to the client any interest(s) in any other business that may affect the client, the quality, or the result of the inspection.

The Inspector will not knowingly use the inspection process to obtain work in another field.

Exemptions from Registration

FAPHI believes that registration applies to any individual who conducts home inspections for compensation, but shall not apply to the following:

1. An individual who is acting within the scope of the individual's employment as:
 - (a) A code enforcement official for the state or a political subdivision of the state; or
 - (b) A representative of a state or local housing agency or an individual acting under the authority of the United States Department of Housing and Urban Development;
2. An individual who is acting within the scope of the individual's license as a licensed:
 - (a) Architect;
 - (b) Professional engineer;
 - (c) Plumbing contractor or journeyman plumber;
 - (d) Electrician, master electrician, or electrical contractor;
 - (e) Liquefied petroleum gas dealers; or
 - (f) Master heating, ventilation, and air conditioning contractor, journeyman heating, ventilation, and air conditioning mechanic, or an apprentice heating, ventilation, and air conditioning mechanic;
 - (g) Roofing contractors
3. An individual licensed as a real estate broker, broker-salesperson, or salesperson and is acting within the scope of the individual's license;

4. An individual who is licensed as a real estate appraiser and is acting within the scope of the individual's license;
5. An individual who holds a license as an insurance adjuster and is acting within the scope of the individual's license;
6. An individual who holds a permit, certificate, or license to:
 - (a) Use and apply pesticides; or
 - (b) Make diagnostic inspections and reports for wood destroying pests and fungi and is acting within the scope of the individual's certificate or license;
7. An individual who holds a license as a tradesperson or home builder and is acting within the scope of the individual's license;
8. An individual who holds a current and valid license, certificate, or permit and is acting within the scope of the individual's license, certificate, or permit as a:
 - (a) Manufactured home retailer;
 - (b) Manufactured home certified retailer; or
 - (c) Manufactured home certified installer; or
9. Employees of the Department of Housing, Buildings and Construction or the State Fire Marshall's Office acting in their official capacities as inspectors of buildings and manufactured housing