

## **CHAPTER 61-30 HOME INSPECTORS**

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### **61-30.101 Definitions.**

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

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

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

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

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

(5) Component: A part of a system.

(6) 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.

(7) Continuing Education Provider: An entity and any of its agents approved by the department to engage in providing continuing education courses as required by Chapter 61-30, F.A.C.

(8) 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.

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

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

(11) 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.

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

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

(14) Household Appliances: Ranges, cook-tops, built-in dishwashers, food waste disposers, garage door openers, built-in ovens, built-in microwave ovens, refrigerators, freezers, clothes washers, clothes dryers, built-in trash compactors, ceiling fans or whole-house fans, if present and if not excluded in the scope of services disclosure.

(15) Inspect: To examine readily accessible systems and components of a home in accordance with the Standards of Practice adopted by the Department in Rules 61-30.801 through 61-30.811, F.A.C., using normal operating controls and opening readily openable access panels.

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

(17) Normal operating controls: Devices such as thermostats, switches or valves intended to be operated by the homeowner.

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

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

(20) Readily Accessible: Available for visual inspection without requiring dismantling or destructive means to gain access, moving of items, including but not limited to, furniture, personal property, stored items, clothing, wall or floor covering, or debris, dismantling, or any action which will likely involve risk to persons or property. For the purposes of this definition, readily accessible includes opening electrical covers or removing electrical panel covers if safe to do so and if it can be done easily without damaging property.

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

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

(23) Report: To communicate in writing.

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

(25) Roof Drainage Systems: Components used to carry water off a roof and away from a home.

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

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

(28) Significantly Deficient: Not operating in the manner in which the system or component was designed to operate or creates a significant risk of personal injury during normal, day-to-day use.

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

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

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

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

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

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

floor.

(35) Unsafe: A condition in a readily accessible, installed system or component which is judged to be a significant risk of personal injury during normal, day-to-day use. The risk may be due to damage, deterioration, improper installation or a change in accepted residential construction standards.

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

*Rulemaking Authority 455.2035, 455.2178(5), 468.8325 FS. Law Implemented 455.2178, 455.2179, 468.8311, 468.8313(3), 468.8321 FS. History—New 10-22-13, Amended 7-31-14.*

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

(1) The Department of Business and Professional Regulation shall issue a license to an applicant who complies with subsection (2) or (3) and complies with the following:

(a) The requirements as set forth in Chapter 468, Part XV, F.S.;

(b) Submits a completed Form DBPR HI 0401, “Application for Licensure” effective March 2013, adopted and incorporated herein by reference, which may be obtained by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-0783, or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03232>.

(c) Submits the following fees with the application:

1. Application fee of \$125.00;
2. Licensure fee of \$100.00;
3. Unlicensed Activity fee of \$5.00.

(2) All applicants for licensure by examination in addition to the requirements of subsection (1), 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 which includes all eight components of a home as set forth in Section 468.8313(2), F.S. Department approved courses of study may be found at <http://www.myfloridalicense.com/dbpr/servop/testing/documents/home.insp.pre.pdf>.

(b) Pass an examination as approved by the department as described in Rule 61-30.103, F.A.C.

(3) All applicants for licensure by endorsement in addition to the requirements of subsection (1), must:

(a) Comply with the requirements set forth in Chapter 468, Part XV, F.S.;

(b) Demonstrates that the applicant is currently licensed to practice as a home inspector under the law of another state or territory of the United States;

(c) Demonstrates that the applicant has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to an examination approved by the department as required by Section 468.8313, F.S. and Rule 61-30.103, F.A.C.;

(4) Good Moral Character:

(a) The following shall be considered evidence showing a lack of good moral character for which the department may deny a licensure application:

1. A criminal history records check by the Florida Department of Law Enforcement indicating the applicant has pled guilty or nolo contendere to, or been found guilty of, regardless of adjudication, a crime that directly relates to the profession of home inspector, in any jurisdiction. Crimes that are deemed to be directly related to the professional responsibilities of a home inspector include, but are not limited to, fraud, theft, burglary, bribery, arson, dealing in stolen property, forgery, uttering a forged instrument, sexual battery, lewd conduct, child or adult abuse, murder, manslaughter, assault, battery, and perjury;

2. A criminal history records check by the Florida Department of Law Enforcement which exhibits a pattern of unlawful behavior which would indicate that the applicant has little regard for the law, the rules of society, or the rights of others. It is the applicant’s repeated flaunting of or ignoring the law that evidences a lack of the moral character needed to perform the duties and assume the responsibilities of a home inspector, not the particular relationship of any one of the violations to the professional responsibilities of a home inspector;

3. The presence of prior civil lawsuits decided adversely against the applicant which involve matters bearing upon moral character and that directly relate to the profession of home inspectors or any related professions, such as construction or engineering, regardless of whether the judgments have been satisfied. Such lawsuits include, but are not limited to: fraud, dishonesty, misrepresentation, concealment of material facts, or practicing a regulated profession without a license or certificate as required by law or rule;

4. The presence of prior administrative actions taken against any of applicant's prior or current professional licenses held in any jurisdiction, decided adversely against the applicant which involve matters bearing upon moral character and that directly relate to the profession of home inspectors or any related professions, such as construction or engineering. Such administrative actions include, but are not limited to: fraud, dishonesty, misrepresentation, concealment of material facts, or practicing a regulated profession without a license or certificate as required by law or rule;

5. Prior payment by check to the department of any fee when there are insufficient funds to pay the same, if the applicant, upon notification by the department, fails to redeem the check or otherwise pay the fee within 30 days of the date of written notification by the department; and

6. Prior denial of licensure, registration, certification, or permit application by the Department or any Agency by reason of Section 775.16, F.S., pertaining to conviction of certain offenses involving controlled substances.

7. Conviction of a crime as set forth in Section 775.16, F.S., pertaining to certain offenses involving controlled substances.

(b) The department shall consider any documentation provided by the applicant in determining the applicant's good moral character. The following documentation may be provided by the applicant to the department to assist in the determination of moral character:

1. A statement from the applicant explaining the applicant's criminal/unlawful conduct and the reason the applicant believes the Department should issue the license,

2. Documentation evidencing the length of time since the conduct occurred or the age of the applicant at the time the conduct occurred,

3. Documentation evidencing successful rehabilitation,

4. Recommendations from parole or probation officers who have supervised the applicant,

5. Recommendations from the prosecuting attorney or sentencing judge,

6. Character references from individuals other than immediate family members, who have known the applicant for 3 years or longer,

7. Police reports or transcripts which reveal the underlying facts of the crime,

8. Documentation evidencing that the conduct was an isolated occurrence contrary to the applicant's normal pattern of behavior; and,

9. Documentation evidencing community or civil activities with which the applicant has been associated. It is the applicant's responsibility to provide such mitigating evidence to the department.

(c) If the applicant makes incomplete, misleading or false statements regarding material facts in making an application, such action will establish the applicant's lack of good moral character, and the application will be denied.

(d) If the department determines based on the evidence provided for in paragraphs (4)(a) and (4)(b), of this rule, that the applicant does not possess good moral character, or the applicant has failed to provide documents to substantiate good moral character within the time limitations of Section 120.60, F.S., the application will be denied. However, the applicant will be given an opportunity by the Department to waive the time limits of this rule and Section 120.60, F.S., if it appears to the Department that, through the submission of additional information or with additional time for investigation and verification, the applicant's good moral character might be established.

*Rulemaking Authority 455.2035, 455.217(1), 468.8313(7), 468.8325 FS. Law Implemented 455.213, 455.2281, 468.8313, 468.8314 FS. History—New 10-22-13.*

### **61-30.103 Examination.**

(1) Any person desiring initial licensure by examination as a home inspector must pass one of the written examinations approved by the department which may be found at [http://interredesignalpha/dbpr/pro/homein/approved\\_exams.html](http://interredesignalpha/dbpr/pro/homein/approved_exams.html).

(2) For purposes of Section 468.8313, F.S. "nationally recognized entity" means an organization that has national recognition in the home inspection industry and offers programs or sets standards that ensure the competence as a home inspector.

(3) Standards for approval of examination:

(a) The examination is proctored; and,

(b) The examination covers the following 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.

(4) The fees for examination and re-examination shall be determined by the vendor and paid by the applicant directly to the

vendor providing the examination for licensure.

*Rulemaking Authority 455.2035, 455.217(1)(d), 468.8325 FS. Law Implemented 455.217, 468.8313 FS. History–New 10-22-13.*

### **61-30.301 Delinquent License.**

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

(2) A licensee may convert a delinquent status license to active or inactive status by making a request in writing, remitting the fees as listed below, and complying with the continuing education requirements of Section 468.8316, F.S.

(3) Licensees who wishes to convert a delinquent status license to active or inactive status must remit the following fees with their request to activate their license:

- (a) Delinquent fee of \$25.00;
- (b) Past Due Renewal fee of \$100.00;
- (c) Past Unlicensed Activity fee of \$5.00;
- (d) Renewal fee of \$100.00;
- (e) Unlicensed Activity fee of \$5.00.

(4) 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 void without any further action by the department.

(5) A revoked or void license may not be renewed. Anyone with a revoked or null and void license who wishes to provide professional home inspection related services shall:

- (a) Apply as though he or she had never before been licensed, or
- (b) Apply for discretionary hardship reinstatement pursuant to Section 455.271(6)(b), F.S., and Rule 61-30.403, F.A.C.

*Rulemaking Authority 455.2035, 455.271, 468.8315, 468.8325 FS. Law Implemented 455.271, 455.2281, 468.8315, 468.8317 FS. History–New 10-22-13, Amended 10-31-17.*

### **61-30.302 Inactive, Active Status.**

(1) A licensee may request during the renewal period to place his or her license in an inactive status by making a request in writing and remitting the required fees to the department.

(2) Licensees who wish to convert an active status license to an inactive status license during the renewal period must remit the following fees with their request to activate their license:

- (a) Change of Status: Set to Inactive fee of \$100.00;
- (b) Unlicensed Activity fee of \$5.00.

(3) A licensee may apply to the department at a time other than during the renewal period, to change the status of their license by submitting form #DBPR HI 0402, "Change of Status Application", effective July 2012, adopted and incorporated herein by reference, which may be obtained by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-0783, or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03266>. The licensee must remit the following fees to the department and comply with the continuing education requirements of Section 468.8316, F.S.:

- (a) For licensees applying to change their licensure status from active to inactive, pay Change of Status: Set to Inactive fee of \$100.00;
- (b) For licensees applying to change their licensure status from inactive to active, pay Change of Status: Set to Active fee of \$200.00.

*Rulemaking Authority 455.2035, 468.8317, 468.8325 FS. Law Implemented 455.271, 445.2281, 468.8317 FS. History–New 10-22-13.*

### **61-30.401 License Renewal.**

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

(2) A licensee will renew a license, whether active or inactive, by paying a biennial license renewal fee of \$100.00, an unlicensed activity fee of \$5.00, and completing the continuing education as described in Section 468.8316, F.S.

(3) Failure to renew a license renders the license delinquent. Delinquent status may last one full renewal cycle. A delinquent license can be returned to active or inactive status by completing the required continuing education and paying the appropriate fees

as described in Rule 61-30.301, F.A.C. if, at the end of the delinquent biennium, the license is not placed in active or inactive status, it becomes void.

*Rulemaking Authority 455.2035, 468.8315(2), 468.8325 FS. Law Implemented 455.02(2), 445.2281, 68.8315, 468.8316 FS. History--New 10-22-13.*

#### **61-30.403 Discretionary Hardship Reinstatement of Void Licenses.**

(1) A former licensee may apply to seek department approval for reinstatement and activation of the previous license if the individual failed to renew his or her license due to illness or economic hardship by fulfilling the requirements in subsections (2) and (3) of this rule.

(2) Complete the form DBPR HI 0401, "Application for Licensure," effective March 2013, adopted and incorporated herein. The form may be obtained by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-0783, or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03232>. The application shall include a letter requesting reinstatement under this rule and documentation to establish illness or economic hardship including the nature and duration.

(3) The applicant shall complete 14 hours of approved continuing education and pay an Application fee of \$125.00, Licensure fee of \$100.00, and a Delinquent fee of \$25.00.

*Rulemaking Authority 455.2035, 455.271, 468.8315, 468.8325 FS. Law Implemented 455.271, 455.219, 468.8314, 468.8315 FS. History--New 10-22-13, Amended 10-31-17.*

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

(1) Applicants for prelicensure course provider approval shall complete and submit Form DBPR HI 0403, "Application for Education Provider," effective July 2012, adopted and incorporated herein by reference, which may be obtained by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-0783, or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03267>. Applications for initial course provider approval must submit the Prelicensure Education Provider Approval fee of \$250.00 with the application.

(2) Applicants for continuing education provider approval shall complete and submit Form DBPR HI 0403, "Application for Education Provider," effective July 2012, which may be obtained by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-0783, at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03267>. Applications for initial course provider approval must submit the Continuing Education Provider Approval fee of \$250.00 with the application.

(3) Provider approval is valid until May 31 of odd numbered years and must be renewed prior to expiration. An approved education provider may renew the approval, whether active or inactive, by paying an Education Provider Biennial Approval Renewal fee of \$250.00.

(4) Any applicant who submits the form number DBPR HI 0403, "Application for Education Provider," with the fees as described above, will be approved as a course provider upon meeting applicable requirements as set forth in Rules 61-30.502 and 61-30.503, F.A.C.

*Rulemaking Authority 455.2035, 468.8313, 468.8316, 468.8325 FS. Law Implemented 455.2178, 455.2179, 468.8313, 468.8316 FS. History--New 10-22-13.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Rulemaking Authority 455.2035, 468.8313, 468.8316, 468.8325 FS. Law Implemented 455.2178, 455.2179, 468.8313, 468.8316 FS. History—New 10-22-13.*

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

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

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

(a) Application for prelicensure or continuing education courses must be submitted using the Home Inspector Course Application, form number DBPR HI 0404, "Education Course Application", effective April 2013, adopted and incorporated herein by reference. The form may be obtained by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-0783 or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03262>.

(b) The course provider shall submit to the department the following for course approval before the course is offered: an application, a detailed course outline describing the course's content and subject matter, and a written statement that explains in detail how the course relates to the practice of home inspection services as defined in Section 468.8311(4), F.S.

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

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

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

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

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

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

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

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

(4) Continuing education courses must address one or more of the eight components of a home and shall not involve the promotion or sale of any products.

(5) The following criteria shall be considered when approving continuing education courses:

(a) Previous approval by the Construction Industry Licensing Board, the Board of Professional Engineers, the Board of Architecture and Interior Design, the Building Code Administrators and Inspectors Board, or the Electrical Contractors' Licensing

Board, so long as the courses pertain to one or more of the eight components of a home;

(b) For general continuing education courses, course topics concerning home inspection services or the components of a home, including the limited visual examination of the following readily accessible installed systems and components of a home for the purpose of providing a written report of the condition of the home:

1. The structure,
2. Electrical system,
3. HVAC system,
4. Roof covering,
5. Plumbing system,
6. Interior components,
7. Exterior components, and
8. Site conditions that affect the structure.

(c) The required two (2) hours of instruction regarding hurricane mitigation training shall include training on completion of the “Uniform Mitigation Verification Inspection Form,” OIR-B1-1802 (Rev. 01/12), incorporated by reference in Rule 69O-170.0155, F.A.C. (eff. 2/1/12).

(6) For prelicensure courses, course topics concerning home inspection services or the components of a home, including the limited visual examination of the following readily accessible installed systems and components of a home for the purposes of providing a written report of the condition of the home:

1. The structure,
2. Electrical system,
3. HVAC system,
4. Roof covering,
5. Plumbing system,
6. Interior components,
7. Exterior components, and
8. Site conditions that affect the structure.

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

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

(9) Instructors must meet at least one of the following requirements:

- (a) Hold an active or inactive licenses as a home inspector;
- (b) Hold an active or inactive license in at least one of the eight components of a home inspection; or
- (c) Have at least three years of experience in the area in which they are instructing.

(10) Providers may not use instructors who are currently suspended or revoked due to disciplinary action against their license.

*Rulemaking Authority 455.2035, 455.213(6), 468.8313(3), 468.8316, 468.8325 FS. Law Implemented 455.213(6), 455.2177(4), 455.2178, 455.2179, 468.8313, 468.8316 FS. History—New 10-22-13, Amended 10-30-14.*

**61-30.602 Disciplinary Guidelines.**

(1) Whenever the department finds a licensee in violation of a provision of Chapter 455 or 468, Part XV, F.S., the following Disciplinary Guidelines shall be followed. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included:

Statutory Violation	Description of Violation	Penalty Range for First Violation.	Penalty Range for Subsequent Violation.
(a) Section 468.832(1)(a), F.S.	Violation of any provision of Chapter 468, Part XV or Section 455.227(1), F.S.	Fine up to \$1000, plus reprimand, probation, or suspension.	Fine up to \$5000, plus probation, suspension, or revocation.
(b) Section 468.832(1)(b), F.S.	Attempting to procure a license by bribery or fraudulent	Fine up to \$1000, plus reprimand, probation, suspension, revocation,	Fine up to \$5000, plus probation, suspension, revocation, or denial



	misrepresentations.	or denial of license.	of license.
(c) Section 468.832(1)(c) or 455.227(1)(f), F.S.	Having a license to practice home inspection services revoked, suspended, denied or acted against in another state, territory or country.	Fine up to \$1000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000, plus reprimand, probation, suspension, or revocation.
(d) Section 468.832(1)(d) or 455.227(1)(c), F.S.	Being convicted, found guilty, pleading nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the practice or ability to practice home inspection services.	Fine up to \$1000, plus reprimand, suspension, or revocation.	Fine up to \$5000, plus revocation.
(e) Section 468.832(1)(e) or 455.227(1)(l), F.S.	Making or filing a report or record the licensee knows to be false, willfully failing to file a record or report required by state or federal law, willfully impeding or obstructing such filing.	Fine up to \$1000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000, plus revocation.
(f) Section 468.832(1)(f), F.S.	Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content.	Fine up to \$1000, plus reprimand, probation, or suspension.	Fine up to \$5000, plus reprimand, probation, suspension, or revocation.
(g) Section 468.832(1)(g), F.S.	Engaging in fraud, deceit, negligence, incompetence or misconduct in the practice of home inspection services.	Fine up to \$5000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000, plus reprimand, probation, suspension, or revocation.
(h) Section 468.832(1)(h), F.S.	Failing to perform any statutory or legal obligation placed upon a licensed home inspector; violating any provision of Chapter 468, Part XV, F.S., a rule of the department, or a lawful order of the department previously entered in a disciplinary hearing; or failing to comply with a lawfully issued subpoena of the department.	Fine up to \$1000, plus reprimand, probation, or suspension.	Fine up to \$5000, plus probation, suspension, or revocation.
(i) Section 468.832(1)(i), F.S.	Practicing on a revoked, (suspended, inactive or delinquent license.	Fine up to \$1000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000, plus probation, suspension, or revocation.
(j) Section 455.227(1)(a), F.S.	Making false, fraudulent, deceptive or misleading representations in or related to the practice of the licensee's profession.	Fine up to \$1000, plus reprimand, probation, or suspension.	Fine up to \$5000, plus reprimand, probation, suspension, or revocation.
(k) Section 455.227(1)(b), F.S.	Intentionally violating any rule adopted by the department.	Fine up to \$1000, plus reprimand, probation, or suspension.	Fine up to \$5000, plus suspension, or revocation.
(l) Section 455.227(1)(g), F.S.	Having been found civilly liable for knowingly filing a false report or complaint with the department against another licensee.	Fine up to \$1000, plus reprimand, or probation.	Fine up to \$5000, plus suspension, or revocation.
(m) Section 455.227(1)(h), F.S.	Attempting to obtain, obtaining or renewing a license to practice by	Fine up to \$1000, plus reprimand, probation, suspension, or	Fine up to \$5000, plus probation, suspension, or revocation.

	bribery or fraudulent misrepresentation or through an error of the department.	revocation.	
(n) Section 455.227(1)(i), F.S.	Failing to report to the department any person who the licensee knows is in violation of Chapter 455, F.S., the chapter regulating the alleged violator, or the rules of the department.	Fine up to \$1000, plus reprimand.	Fine up to \$5000, plus probation, suspension, or revocation.
(o) Section 455.227(1)(j), F.S.	Aiding, assisting, procuring, employing or advising an unlicensed person or entity to practice profession contrary to Chapter 468, Part XV, or 455, F.S., or rules of the department.	Fine up to \$1000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000, plus suspension, or revocation.
(p) Section 455.227(1)(k), F.S.	Failing to perform any statutory or legal obligation placed upon a licensee.	Fine up to \$5000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000, plus suspension, or revocation.
(q) Section 455.227(1)(m), F.S.	Making deceptive, untrue or fraudulent representations in or related to the practice of the licensee's profession.	Fine up to \$1000, plus reprimand, suspension, or revocation.	Fine up to \$5000, plus revocation, or denial of license.
(r) Section 455.227(1)(n), F.S.	Exercising influence on client for improper financial gain of the licensee or a third party.	Fine up to \$1000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000, plus reprimand, probation, suspension, or revocation.
(s) Section 455.227(1)(o), F.S.	Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.	Fine up to \$1000, plus reprimand, or probation.	Fine up to \$5000, plus suspension.
(t) Section 455.227(1)(p), F.S.	Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance knows or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.	Fine up to \$1000, plus reprimand, or probation.	Fine up to \$5000, plus suspension, or revocation.
(u) Section 455.227(1)(q), F.S.	Violating any provision of Chapter 468, Part XV, or 455, F.S., rules of the department or any lawful order of the department.	Fine up to \$1000, plus reprimand, or probation.	Fine up to \$2500, plus probation, or suspension.
(v) Section 455.227(1)(r), F.S.	Improperly interfering with an investigation, inspection or disciplinary proceeding.	Fine up to \$1000, plus reprimand, probation, suspension, or denial of licensure.	Fine up to \$1000, plus suspension, revocation, or denial of licensure.
(w) Section 455.227(1)(t), F.S.	Failing to report in writing to the department within 30 days after the licensee is convicted of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.	Fine up to \$1000, plus reprimand, suspension, or revocation.	Fine up to \$5000, plus revocation.

(2) Additional Conditions which may be imposed through a final order:

- (a) Licensee is placed on probation for a period of time as determined by the department;
- (b) Failure to comply with any provision of an order shall result in the filing of a new complaint and if the licensee is found to be in violation, the license will be suspended until the licensee is compliant;
- (c) The licensee shall demonstrate compliance with all the conditions of the Final Order, prior to the lifting of probation;
- (d) Licensee shall complete additional continuing education courses of a specified type, as set forth by the Final Order, not to exceed more than 24 hours of continuing education courses;
- (e) Licensee shall, as specified in the Final Order, provide quarterly reports setting forth the number and type of home inspections conducted, provide copies of completed home inspection reports, and any other documentation determined by the Department to be necessary for the monitoring of the licensee.

(3) 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.

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

1. History of previous violations of the practice act or the rules promulgated thereunder;
2. The magnitude and scope of the project and the damage inflicted upon the public;
3. Evidence of violations of professional practice acts in other jurisdictions which resulted in discipline by the regulatory authority;
4. Failure to attempt to correct the violation by the licensee;
5. Any other relevant aggravating circumstances.

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

1. In cases of negligence, the minor nature of the project in question and the lack of danger to the public health, safety or welfare which resulted;
2. Lack of previous disciplinary history in this or any other jurisdiction wherein the licensee practices or has practiced;
3. Restitution of any damages suffered by the licensee's client;
4. Remedial steps taken by the licensee to avoid similar violations in the future;
5. Attempts by the licensee to correct the violation;
6. Any other relevant mitigating circumstances.

*Rulemaking Authority 455.2035, 455.227(3), 455.2273, 468.8325 FS. Law Implemented 455.227, 455.2273, 468.832, 468.8319 FS. History—New 10-22-13.*

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

(1) As an alternative to the provisions of Sections 455.225(1) and (2), F.S., the department shall provide a licensee with a notice of noncompliance for an initial offense of a minor violation in any instance in which it is reasonable to assume that the licensee is unaware of the rule or statutory obligation or is unclear as to how to comply with it.

(2) A notice of non-compliance may be issued for the following minor violations:

- (a) Failure to provide a copy of the home inspector's license; and
- (b) Disclosure of the scope and exclusions of a home inspection prior to contracting for or commencing a home inspection, in violation of Section 468.8321, F.S.

(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 for which the licensee fails to take corrective action within 15 days after notice shall no longer be deemed a minor violation and shall be treated as a citation offense, pursuant to Rule 61-30.604, F.A.C. Violations of this section, except as provided herein, shall be handled in accordance with the standard disciplinary guidelines. Nothing provided in this section shall restrict the department from seeking full prosecution in such instances where aggravating circumstances are present, which would preclude a minor violation dismissal.

*Rulemaking Authority 455.225(3) FS. Law Implemented 455.225, 468.832, 120.695(1) FS. History—New 10-22-13.*

#### **61-30.604 Citations.**

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

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

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

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

*Rulemaking Authority 455.2035, 455.224(2), 468.8325 FS. Law Implemented 455.224, 468.832, 468.8321, 468.8322 FS. History—New 10-22-13.*

#### **61-30.605 Mediation.**

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

(1) Section 468.832(1)(g), F.S., Committing fraud, deceit, negligence, incompetency or misconduct in the practice of home inspection related services.

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

*Rulemaking Authority 455.2035, 455.2235(1) FS. Law Implemented 455.2235 FS. History—New 10-22-13.*

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

(1) 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 those systems and components inspected that, in the professional opinion of the inspector, are significantly deficient or at the end of their service lives. A home inspection does not include the prediction of future conditions.

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

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

(4) The inspector shall inspect and report as required by Section 468.8323, F.S., when required by these standards, systems or components by their type and/or significant characteristics.

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

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

(7) These Standards of Practice do not limit inspectors from:

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

(b) Specifying repairs, provided the inspector is appropriately qualified;

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

*Rulemaking Authority 468.8325 FS. Law Implemented 468.8323, 468.832(1)(j) FS. History—New 10-22-13.*

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

(1) Structural system and components include the following:

- (a) Foundation;
- (b) Floor structure;
- (c) Wall structure;
- (d) Ceiling structure;
- (e) Roof structure;
- (f) Posts;
- (g) Beams;
- (h) Columns;
- (j) Joists;
- (k) Rafters;
- (l) Trusses;
- (m) Other framing; and
- (n) Ventilation of foundation areas.

(2) The inspector shall inspect all of the visible structural systems and components by probing structural components where deterioration is visible or suspected or where clear indications of possible deterioration exist. Probing is not required when, in the opinion of the inspector, probing would only further damage any area already identified as defective or where no deterioration is visible or presumed to exist.

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

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

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

*Rulemaking Authority 468.8325 FS. Law Implemented 468.8323, 468.832(1)(j) FS. History—New 10-22-13.*

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

(1) Electrical systems and components include the following:

- (a) Service entrance conductors, drip loop, cables, and raceways;
- (b) Main service equipment and main disconnects;
- (c) Service grounding;
- (d) Interior components of main service panels and sub panels;
- (e) Conductors;
- (f) Over current protection devices;
- (g) Readily accessible installed lighting fixtures, switches, and receptacles;
- (h) Ground fault circuit interrupters;
- (i) Amperage and voltage rating of electrical service;
- (j) Main disconnect(s);
- (k) Methods or types of wiring;
- (l) Smoke detectors;
- (m) Carbon monoxide detectors;
- (n) Arc fault circuit interrupters.

(2) The inspector shall inspect all of the visible and readily accessible electrical systems and components.

(3) The inspector is not required to inspect:

- (a) Remote control devices;
- (b) Security alarm systems and components;

(c) Low voltage wiring, systems and components, ancillary wiring and systems and components not a part of the primary electrical power distribution system;

(d) Generators, photovoltaic solar collectors or battery or electrical storage devices and associated equipment.

- (4) The inspector is not required to:
- (a) Measure amperage, voltage or impedance;
  - (b) Perform a load calculation;
  - (c) Insert any tool, probe, or device into any electrical component;
  - (d) Determine the accuracy of circuit labeling.

*Rulemaking Authority 468.8325 FS. Law Implemented 468.8323, 468.832(1)(j) FS. History—New 10-22-13.*

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

(1) HVAC systems and components include heating and air conditioning systems and components and HVAC distribution systems and components.

(2) Heating and air conditioning systems and components.

(a) The heating and air conditioning (HVAC) systems and components include the following:

- 1. Installed heating equipment;
- 2. Fuel storage and fuel distribution systems;
- 3. Vent systems, flues, and chimneys;
- 4. Ductwork and air distribution components;
- 5. Mechanical ventilation systems;
- 6. Heating system energy source(s);
- 7. Heating system capacity in BTUs or kilowatts.

(b) The inspector shall inspect all readily accessible heating and air conditioning systems and components.

(c) The inspector is not required to inspect:

- 1. Interiors of flues or chimneys which are not readily accessible;
- 2. Heat exchangers;
- 3. Humidifiers or dehumidifiers;
- 4. Electronic air filters, sanitizers, or UV lights;
- 5. Solar space heating systems;
- 6. Internal components such as coils and pans.

(3) HVAC distribution systems and components.

(a) The heating and air conditioning (HVAC) distribution systems and components include the following:

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

(b) The inspector shall inspect readily accessible HVAC distribution systems.

(c) With regards to HVAC distribution systems, the inspector is not required to inspect:

- 1. Electronic air filters, sanitizers, or UV lights;
- 2. Humidistats;
- 3. Automatic HVAC zoned systems, dampers, controls, that are not readily accessible;
- 4. Removable window air conditioning systems.

(3) The inspector is not required to:

- (a) Determine heat supply adequacy or distribution balance;
- (b) Operate heat pump systems when ambient temperatures pose the potential for damage to the air conditioning system;
- (c) Determine cooling supply adequacy, distribution balance or indoor air quality;
- (d) Operate the air conditioning system when ambient temperatures pose the potential for damage to the air conditioning system.

*Rulemaking Authority 468.8325 FS. Law Implemented 468.8323, 468.832(1)(j) FS. History—New 10-22-13.*

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

(1) Roof covering systems and components include the following:

- (a) Roofing materials;
- (b) Flashings;

- (c) Skylights, chimneys, and roof penetrations;
- (d) Roof drainage systems;
- (e) Ventilation of attics; and
- (f) Insulation of attics.
- (2) The inspector shall inspect all of the visible and readily accessible roof covering systems and components.
- (3) The inspector is not required to inspect:
  - (a) Components or systems that are not readily accessible;
  - (b) Antenna or other installed accessories;
  - (c) Interiors of flues or chimneys which are not readily accessible.
- (4) The inspector is not required to walk on the roof surface when, in the opinion of the inspector, the following conditions exist:
  - (a) Roof slope is excessive to safely walk on;
  - (b) There is no safe access to the roof;
  - (c) Climatic conditions render the roof unsafe to walk on;
  - (d) Condition of the roofing material or roof decking renders the roof unsafe to walk on;
  - (e) Walking on the roof may cause damage to the roof covering materials; and
  - (f) Walking will place any liability or danger to the homeowner or other representatives involved in the home inspection process.
- (5) The inspector is not required to disturb insulation.

*Rulemaking Authority 468.8325 FS. Law Implemented 468.8323, 468.832(1)(j) FS. History—New 10-22-13.*

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

- (1) Plumbing systems and components include the following:
  - (a) Interior water supply piping and distribution systems including all fixtures, faucets, and components;
  - (b) Drain, waste and vent systems, including all plumbing fixtures;
  - (c) Plumbing related vent systems, flues, and chimneys;
  - (d) Drainage sumps, sump pumps, and related piping;
  - (e) Materials used for water supply, drain, waste, and vent piping;
  - (f) Water heating equipment including the energy source;
  - (g) Main water and main fuel shut-off valves.
- (2) The inspector shall inspect all of the visible and readily accessible plumbing systems and components.
- (3) The inspector is not required to inspect:
  - (a) Wells or water storage related equipment;
  - (b) Water conditioning systems;
  - (c) Solar water heating systems;
  - (d) Fire sprinkler systems;
  - (e) Private waste disposal systems;
  - (f) Irrigation system(s).
- (4) The inspector is not required to:
  - (a) Test shower pans, tub and shower surround for leakage;
  - (b) Operate safety valves or shut-off valves;
  - (c) Determine whether water supply and waste disposal systems are public or private;
  - (d) Determine the quantity or quality of the water supply, or if the function flow at the time of the inspection or thereafter will meet the client's needs.

*Rulemaking Authority 468.8325 FS. Law Implemented 468.8323, 468.832(1)(j) FS. History—New 10-22-13.*

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

- (1) The interior components that shall be inspected include the following:
  - (a) Interior walls, ceilings, and floors;

- (b) Steps, stairways, and railings;
- (c) Countertops and representative number of installed cabinets;
- (d) Garage doors;
- (e) Interior and exterior doors and windows and their operating locks and latches or other opening mechanisms;
- (f) Insulation and vapor retarders in unfinished spaces;
- (g) Fireplaces and solid fuel burning appliances;
- (h) Vent systems, flues, and chimneys;
- (i) Household appliances.

(2) The inspector shall inspect all of the visible and readily accessible interior components that have not been excluded in the scope of services disclosure. When inspecting doors and windows, the inspector may inspect a representative number of doors and windows. The inspector shall inspect household appliances to determine whether the appliances are significantly deficient using normal operating controls. Inspectors will not operate systems or appliances if they have been excluded in the scope of services disclosure or if there is a risk to the property being inspected. Inspectors will first review the system to be operated and use professional judgment as to whether it is safe to operate using normal operating controls and report accordingly.

(3) The inspector is not required to inspect:

- (a) Paint, wallpaper, window treatments, and other specialty finish treatments;
- (b) Carpeting;
- (c) Window treatments;
- (d) Central vacuum systems;
- (e) Recreational facilities;
- (f) Fire screens and doors, if not permanently attached;
- (g) Seals and gaskets on fireplaces;
- (h) Automatic fuel feed devices;
- (i) Mantles and fireplace surrounds;
- (j) Combustion make-up air devices;
- (k) Heat distribution assists whether gravity controlled or fan assisted in fireplaces.

(4) The inspector is not required to:

- (a) Open or operate any windows or doors and access covers that are permanently or temporarily secured by mechanical means, are painted shut, or are blocked by stored items or furniture;
- (b) Ignite or extinguish fires;
- (c) Light gas fireplaces or heaters, or other unlit pilot light devices;
- (d) Determine draft characteristics for fireplaces and chimneys;
- (e) Move fireplace inserts or stoves or firebox contents;
- (f) Disturb insulation;
- (g) Activate any system or appliance that is shut down, disconnected, or otherwise rendered inoperable;
- (h) Operate or evaluate any system, component or appliance that does not respond to normal user controls;
- (i) Operate any gas appliance that requires the manual lighting of a pilot light or burner device;
- (j) Operate any system, appliance or feature that requires the use of special codes, keys, combinations, or devices or where user manual reference is required;
- (k) Operate any system, component, or appliance where in the opinion of the inspector, damage may occur;
- (l) Determine thermostat(s) calibration, adequacy of heating elements, operate or evaluate self cleaning cycles, door seals, indicator lights, timers, clocks or timed features, defrost cycles or frost free features, or other specialist features as it applies to the appliance device;
- (m) Determine leakage from microwaves ovens;
- (n) Determine the presence or operation of back draft damper devices in exhaust devices;
- (o) Move any appliance;
- (p) Confirm operation of every control or feature of a system or appliance.



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

(1) Exterior systems and components include the following:

- (a) Exterior wall cladding/siding, flashing and trim;
- (b) All exterior doors;
- (c) Attached decks, balconies, stoops, steps, porches, and their associated railings;
- (d) Eaves, soffits and fascias where accessible from the ground level;
- (e) Walkways, patios, and driveways leading to the dwelling entrances.

(2) The inspector shall inspect all of the visible and readily accessible exterior systems and components.

(3) The inspector is not required to inspect:

- (a) Window and door screening, shutters, awnings, and similar seasonal or protective accessories and devices;
- (b) Fences;
- (c) Recreational facilities;
- (d) Outbuildings;
- (e) Swimming pools, seawalls, break-walls, boat lifts and/or docks.

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

*Rulemaking Authority 468.8325 FS. Law Implemented 468.8323, 468.832(1)(j) FS. History—New 10-22-13, Amended 7-31-14.*

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

(1) Site conditions that affect the structure include the following:

- (a) Vegetation;
- (b) Grading;
- (c) Surface drainage; and
- (d) Retaining walls on the property when any of these are likely to adversely affect the structure.

(2) The inspector shall inspect all of the visible and readily accessible site conditions that affect the structure.

(3) The inspector is not required to inspect:

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

*Rulemaking Authority 468.8325 FS. Law Implemented 468.8323, 468.832(1)(j) FS. History—New 10-22-13.*