

Department of Business and Professional Regulation  
Home Inspection Licensing Program  
Declaratory Statements

last updated January 20, 2015

Subject	Issue presented	Conclusion	Number	Petitioner	File Date
Required licensure	Petitioner asked the Department if it would be necessary for their inspectors which perform on-site insurance inspections and insurance telephone and data collection and verification services for both commercial and residential properties would need to be licensed home inspectors.	The Department ordered that so long as the Petitioner's business practices do not meet the definition of "home inspection services" as set forth in section 468.8311(4) F.S., its inspectors are not required to obtain licensure as home inspectors under Chapter 468, Part XV, F.S.	<a href="#">2011-031</a>	Reliable Reports of Texas, Inc.	10/12/2011
Identifying & sampling mold during a home inspection.	Petitioner sought clarification regarding the use of a home inspector license to identify and sample mold in a 10 sq. ft area.	The Department stated that Petitioner may inspect, sample, and identify visible mold, assuming the visible mold discovered during the home inspection is less than 10 square feet in area, and Petitioner is allowed to advertise mold testing, sampling, and inspections within the scope of licensure as a home inspector, so long so long as he does not use the terms "certified mold assessor," "registered mold assessor," "licensed mold assessor," "mold assessor," "professional mold assessor," or any combination thereof stating or implying licensure as a mold assessor.	<a href="#">2011-058</a>	Mark A. Cramer	4/1/2013
whether the phrase "broker or agent", as used in Section 468.8319(1)(h), F.S. applies to insurance agents, and whether the advertisement of such incentive/referral fee is permitted.	Petitioner asks whether a licensed contractor or licensed home inspector is permitted to provide a flat referral fee to an insurance agent when conducting wind mitigation inspections as permitted in Section 627.711, F.S., whether the phrase "broker or agent", as used in Section 468.8319(1)(h), F.S. applies to insurance agents, and whether the advertisement of such incentive/referral fee is permitted.	The Department stated that a licensed home inspector or licensed contractor would not violate the provisions of § 468.8319 by offering a fee to insurers for referral of wind mitigation clients; the phrase "broker or agent therfor," used in § 468.8319 (1)(h), does not apply to insurance agents and does not prohibit an inspector from offering the insurance agent a referral fee; and advertisements of the proposed incentive/ referral fee program are not prohibited by Ch. 468, Part XV, Florida Statutes.	<a href="#">2013-039</a>	Don Meyler Inspections Inc. ("DMI"),	7/19/2013