

## **OWNER / BUILDER DISCLOSURE STATEMENT**

Florida Statute 489.103(7) requires all owners of property acting as their own contractor to complete the following disclosure statement. This is an affidavit for contractor exemption for owner/builders applying for building permits in the City Satellite Beach.

**NOTE: A person who knowingly makes a false written declaration may be guilty of the crime of perjury, a felony of the third degree, punishable as approved by Florida Statutes 775.082, 775.083 OR 775.084.**

### **NOTICE**

State law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you as the owner of your property, to act as your own contractor with certain restrictions even though you do not have a license.

1. You must provide direct, on-site supervision of the construction yourself.
2. You may build or improve a one-family or two-family residence or farm outbuilding. You may also build or improve a commercial building, provided your costs do not exceed \$25,000.
3. The building or residence must be for your own use or occupancy. It may not be built or substantially improved for sale or lease. If you sell or lease a building you have built or substantially improved yourself within 1 year after the construction is complete, the law will presume that you built or substantially improved it for sale or lease, which is a violation of this exemption.
4. You may not hire an unlicensed person to act as your contractor or to supervise people working on your building. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances. You may not delegate the responsibility for supervising work to a contractor who is not licensed to perform the work being done.
5. Any person working on your building who is not licensed must work under your direct supervision and must be employed by you, which means that you must deduct F.I.C.A. and withholding tax and provide workers compensation for that employee as prescribed by law.

**NOTE: Owners who aid and abet the unlicensed practice of a profession by employing an unlicensed person may be subject to a penalty under Florida Statute 455.228.**

All construction improvements performed under your own / builder permit must be in strict compliance with all applicable laws, ordinances, building codes and zoning regulations.

Florida Statutes 489: 103 (7): Owners of property when acting as their own contractor and providing direct, onsite supervision themselves of all work not performed by licensed contractors, when building or improving farm outbuildings or one-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale or lease, or building or improving commercial buildings, at a cost not to exceed \$25,000, on such property for the occupancy or use of such owners and not offered for sale or lease. In an action brought under this part, proof of the sale or lease, or offering for sale or lease, of any such structure by the owner-builder within 1 year after completion of same creates a presumption that the construction was undertaken for purposes of sale or lease. This subsection does not exempt any person who is employed by or has a contract with such owner and who acts in the capacity of a contractor. The owner may not delegate the owner's responsibility to directly supervise all work to any other person unless that person is registered or certified under this part and the work being performed is within the scope of that person's license. For the purposes of this subsection, the term "owners of property" includes the owner of a mobile home situated on a lease lot. To qualify for exemption under this subsection, an owner must personally appear and sign the building permit application. The local permitting agency shall provide the person with a disclosure statement in substantially the following form:

## **DISCLOSURE STATEMENT**

State law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own contractor with certain restrictions even though you do not have a license. You must provide direct, onsite supervision of the construction yourself. You may build or improve a one-family or two-family residence or a farm outbuilding. You may also build or improve a commercial building, provided your costs do not exceed \$25,000. The building or residence must be for your own use or occupancy. It may not be built or substantially improved for sale or lease. If you sell or lease a building you have built or substantially improved yourself within 1 year after the construction is complete, the law will presume that you built or substantially improved it for sale or lease, which is a violation of this exemption. You may not hire an unlicensed person to act as your contractor or to supervise people working on your building. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances. You may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on your building who is not licensed must work under your direct supervision and must be employed by you, which means that you must deduct F.I.C.A. and withholding tax and provide workers' compensation for that employee, all as prescribed by law. Your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.

# AFFIDAVIT

## STATE OF FLORIDA AT LARGE

1. That I acknowledge that this Owner / Builder exemption does not waive any permit conditions or requirements or waive any portion or portions of any applicable laws, ordinances, building codes or zoning regulations.
2. That I have not received an Owner / Builder permit authorizing me to act as an Owner / Builder for a period of at least twelve (12) months immediately prior to executing this affidavit from any permitting agency within the State of Florida.
3. That I \_\_\_\_\_ am the owner of the property located at \_\_\_\_\_ and will call for the required inspections of all construction, improvements, or repairs performed under this permit.
4. That I, the Owner / Builder, intend to: (***Initial all that apply***)  
\_\_\_\_\_ Do all physical work without the use of hired labor or contractors; or  
\_\_\_\_\_ Use licensed contractors whose license numbers and names appear on the permit application and the on-site permit card; or  
\_\_\_\_\_ Use unlicensed workers under my full-time direct supervision and deduct F.I.C.A. and withholding tax and provide workers' compensation for that employee.
5. That no licensed contractor shall supervise any work except that work for which he is licensed to perform.
6. That I have not sold or leased, or offered for sale or lease, any structure on which improvements were performed by me pursuant to a building permit obtained by me as an Owner / Builder within one year after completion of such improvements.
7. By executing this affidavit, I acknowledge having received the disclosure statement provided by Section 489.103(7), Florida Statutes.
8. That any residence or improvement thereto, contemplated shall be for my own use and occupancy.
9. That I, as Owner / Builder, in consideration of the City issuing the Owner / Builder permit, agree to Indemnify and Hold Harmless said City of Satellite Beach, Florida, its elected and appointed officers, agenda and employees, from any and all liability, claim, demand, expenses, causes of action or damages for injury or death arising from the construction, improvements, or repairs accomplished in connection with this building permit.

I hereby acknowledge that I have read and understand the above Disclosure Statement and Affidavit on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
OWNER / BUILDER SIGNATURE

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ who is personally know to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
NOTARY PUBLIC

Notary Stamp: