

OWNER BUILDER INFORMATION

If a property owner plans to act as their own contractor and provide direct onsite Supervision themselves of all work not performed by a licensed contractor, they may be able to get an Owner Builder Permit per Florida statutes 489.103(7). Florida statutes 489.103(7) states that owners of the property must directly supervise the work being performed. Any person working on the construction project who is not a licensed contractor must be employed by owner, which means that the owner must deduct F.I.C.A and withholding tax and provide worker's compensation for employee.

WARNING: If you are allowed the exemption, you take all the responsibilities and liabilities as a contractor.

It is important the Owner Builders understand that they may build or improve a one-family or two-family residence or a farm outbuilding. They may also build or improve a commercial building if the costs do not exceed \$75,000. The building or residence must be for their own use or occupancy. It may not be built or substantially improved for sale or lease. If a building or residence that they have built or substantially improved themselves is sold or leased within 1 year after the construction is complete, the law will presume that they built or substantially improved it for the sale or lease, which violates this exemption.

An [Owner Builder Affidavit](#) must be submitted with the appropriate permit application for an Owner Builder Permit. Please contact the Builder department if you have any questions at (772) 597-8281.

Florida Statutes FL489.103(7) is quoted below for your information to indicate the authority for exemptions for homeowners from qualifying as contractors and to express any applicable restrictions and responsibilities.

- I understand that state law requires construction to be done by a licensed contractor and have applied for an owner-builder permit under an exemption from the law. The exemption specifies that I, as the owner of the property listed, may act as my own contractor with certain restrictions even though I do not have a license.
- I understand that building permits are not required to be signed by a property owner unless he or she is responsible for the construction and is not hiring a licensed contractor to assume responsibility.
- I understand that, as an owner-building, I am the responsible party of record on a Permit. I understand that I may protect myself from potential financial risk by hiring a licensed contractor and having the permit filed in his or her name instead of my own name. I also understand that a contractor is required by law to be licensed in Florida and to list his or

her license numbers on all permit and contracts.

- I understand that I may build or improve a one-family or two-family residence or a farm outbuilding. I may also build or improve a commercial building if the costs do not exceed \$75,000. The building or residence must be for my own use or occupancy. It may not be built or substantially improved for sale or lease. If a building or residence that I have built or substantially improved myself is sold or leased within 1 year after the construction is complete, the law will presume that I built or substantially improved it for the sale or lease, which violates this exemption.
- I understand that, as the owner-builder, I must provide direct, onsite supervision of the construction.
- I understand that I may not hire an unlicensed individual person to act as my contractor or to supervise persons working on my building or residence. It is my responsibility to ensure that the person whom I employ have the licenses required by law and by county or municipal ordinance.
- I understand that it is frequent practices of unlicensed persons to have the property owner obtain an owner-builder permit that erroneously implies that the property owner is providing his or her own labor and materials. I, as an owner-builder, may be held liable and subjected to serious financial risk for any injuries sustained by an unlicensed person or his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an owner-builder and am aware of the limits of my insurance coverage for injuries to workers on my property.
- I understand that I 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 my building who is not licensed must work under my direct supervision and must be employed by me, which means that I must comply with laws requiring the withholding of federal income tax and social security contributions under the Federal Insurance Contributions Act (FICA) and must provide workers' compensation for the employee. I understand that my failure to follow these laws may subject me to serious financial risk.
- I agree that, as the partly legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern owner-builders as well as employers. I also understand that the construction must comply with all applicable laws, ordinances, building codes and zoning regulations.
- I am aware of construction practices and I have access to the Florida Building Code.
- I understand that I may obtain more information regarding my obligations as an employer from the Internal Revenue Service, the United States Small Business Administration, the Florida Department of Financial Services, and the Florida Department of Revenue. I also understand that I may contact the Florida Construction Industry Licensing Board at 1-850-487-1395 or at www.myfloridalicense.com for more information about licensed contractors.
- I am aware of, and consent to; owner-builder building permits applied for in my name and understand that I am the partly legally and financially responsible for the proposed

construction activity at the address listed below.

Licensed contractors are regulated by laws designed to protect the public. If you contract with a person who does not have a license, the Construction Industry Licensing Board, the Department of Business and Professional Regulation and the building department may be unable to assist you with any financial loss that you sustain as a result of a compliant. Your only remedy against an unlicensed contractor may be in civil court. It is also important for you to understand that, if an unlicensed contractor or employee of an individual or firm is injured while working on your property, you may be held liable for damages. If you obtain an owner-builder permit and wish to hire a licensed contractor, you will be responsible for verifying whether the contractor is properly licensed and the status of the contractor's workers' compensation coverage. Call (850)487-1395 or visit The Florida Department of Business and Professional Regulation's website at: myflorida.com/dbpf

Supporting Documents

owner_builder_statement.affidavit_-_rev.12.17.20.pdf 820.67 KB

owner_builder_affidavit_spanish_version.pdf 119.34 KB