



# **CITY OF PORT ORANGE**

DEPT OF COMMUNITY DEVELOPMENT

BUILDING DIVISION

## **OWNER / BUILDER AFFIDAVIT**

**State law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law, Florida Statute 489.103(7) and 489.503(6).**

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 \$75,000. 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.

**I will assume full responsibility as an Owner-Builder Contractor. I hereby acknowledge that I have read, understand and agree to comply with all statements included in this document. I understand that I must comply with all State and local Building Codes and am subject to both State and local penalties for failure to do so.**

Print name \_\_\_\_\_

Sign name \_\_\_\_\_

Permit Number \_\_\_\_\_

Approved by \_\_\_\_\_



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**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 and Department of Business and Professional Regulation may be unable to assist you with any financial loss that you sustain as a result of a complaint. 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. **Before a building permit can be issued to an owner-builder, this disclosure statement must be completed, signed and notarized. The owner-builder must personally appear to the City of Port Orange Building Division and complete the building permit application and owner-builder affidavit.** A copy of the property owner's driver license, the notarized signature of the property owner, or other type of verification acceptable to the local permitting agency is required when the permit is issued.

**This Affidavit must be signed in front of and notarized by an employee of the City of Port Orange Building Division.**

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ who is  personally known to me or  has produced \_\_\_\_\_ as identification and who  did or  did not take an oath.

\_\_\_\_\_  
Notary Public

Notary Stamp:



# **CITY OF PORT ORANGE**

**DEPT OF COMMUNITY DEVELOPMENT  
BUILDING DIVISION**

## **OWNER / BUILDER DISCLOSURE STATEMENT**

- \_\_\_\_\_ 1. 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.
- \_\_\_\_\_ 2. 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.
- \_\_\_\_\_ 3. I understand that, as an owner-builder, I am the responsible party of record on the 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 number on permits and contracts.
- \_\_\_\_\_ 4. 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 sale or lease, which violates the exemption.
- \_\_\_\_\_ 5. I understand that, as the owner-builder, I must provide direct, onsite supervision of the construction.
- \_\_\_\_\_ 6. I understand that I may not hire an unlicensed person to act as my contractor or to supervise persons working on my building or residence. It is my responsibility to ensure that the persons whom I employ have the licenses required by law and by county or municipal ordinance.
- \_\_\_\_\_ 7. I understand that it is a frequent practice 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 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.

\_\_\_\_\_ **8. 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 worker' compensation for the employee. I understand that my failure to follow these laws may subject me to serious financial risk.

\_\_\_\_\_ **9. I agree that, as the party 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.

\_\_\_\_\_ **10.** I understand that I may obtain more information regarding my obligation as an employer for 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 850-487-1395 or [www.myfloridalicense.com](http://www.myfloridalicense.com) for more information about licensed contractors.

\_\_\_\_\_ **11.** I am aware of and consent to, an owner-builder building permit applied for in my name and understand that I am the party legally and financially responsible for the proposed construction activity at the following address;

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**ADDRESS**

\_\_\_\_\_ **12.** I agree to notify the City of Port Orange Building Division immediately of any additions, deletions, or changes to any of the information that I have provided on this disclosure.