



# DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES

## OWNER/BUILDER AFFIDAVIT

Disclosure Statement, 2009 Florida Statute 489.103(7)

1. I understand that state law requires construction to be performed 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 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 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 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.
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 workers' 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 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 (850) 922-5420 or [www.myflorida.com/dbpr](http://www.myflorida.com/dbpr) 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:  
\_\_\_\_\_.

*City of Margate, Florida*  
**DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES OWNER/BUILDER**  
**AFFIDAVIT, Cont'd**

12. I agree to notify The City of Margate Department of Environmental and Engineering Services immediately of any additions, deletions, or changes to any of the information that I have provided on this disclosure.

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 construction permit can be issued, this disclosure statement must be completed and signed by the property owner and returned to the City of Margate Department of Environmental and Engineering Services.

The Florida Department of Professional Regulation (DPR) can request the Circuit Court to impose a civil penalty of up to \$10,000 per incident and also be entitled to the collection of fees and cost incurred.

I understand if I am not physically doing the work or physically supervising free labor from friends or relatives, that I must hire licensed contractors, *i.e.*, electrician, plumber, mechanical (heating & air conditioning), etc. I further understand that the violation of not physically doing the work, and the use of unlicensed contractors at the construction site, will cause the project to be shut down by the Inspection Staff of the City of Margate. Additionally, state statute allows for additional penalties. I also understand that if this violation does occur, that in order for the job to proceed, I will have a licensed contractor come in and obtain a new permit as taking over the job. I understand that if I hire subcontractors under a contract price, they must be licensed to work in Broward County, *i.e.*, masonry, drywall, carpentry. Contractors licensed by the Broward County Central Examining Board or the State of Florida are required to have worker's compensation and liability insurance coverage.

**I acknowledge that I will assume full responsibility as an Owner/Builder Contractor, I am obligated to actually, physically, build the structure or do the work which I have permitted and personally supervise or perform all work allowed by law on the permitted structure.**

**I hereby acknowledge that I have read and understand the above disclosure/affidavit.**

\_\_\_\_\_  
**SIGNATURE OF PROPERTY OWNER**

Date: \_\_\_\_\_

\_\_\_\_\_  
**PRINTED NAME OF PROPERTY OWNER**

Property Owner Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Driver's License #: \_\_\_\_\_

State of Florida  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me **by means of**  **physical presence** or  **online notarization**, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_(year), by \_\_\_\_\_ (name of person acknowledging), and is personally known to me or has produced identification.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

My Commission Expires: