



CITY OF TREASURE ISLAND COMMUNITY IMPROVEMENT DEPARTMENT

120 – 108TH AVENUE
TREASURE ISLAND, FL 33706
Phone: (727) 547-4575 Fax: (727) 547-4584
Inspection Line: (727) 547-4575 ext. 431

OWNER/BUILDER AFFIDAVIT DISCLOSURE STATEMENT

F.S. Chapter 489, CONTRACTING; PART 1 CONSTRUCTION CONTRACTING (FS 489.103): 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 without a contractor's license with certain restrictions.

As Owner/Builder, you may build or improve a one-family or two-family residential dwelling. You may improve a commercial building, provided your costs do not exceed \$500.00. The building or residential dwelling must be owned by you and for your own use or occupancy. The building or residential dwelling may not be built or substantially improved with the intent to sell or lease. If you sell or lease a building that you have built or substantially improved yourself within one 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.

As Owner/Builder, you must provide direct, onsite supervision of the construction yourself. You may not hire an unlicensed person to act as your contractor or to supervise the people working on your building. It is your responsibility to make sure that the people employed by you have licenses required by state law and by county or municipal licensing ordinances (i.e. PCCLB) for the category of work performed. 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 deduct F.I.C.A. and withholding tax and provide workers' compensation for that employee, all as prescribed by law.**

As Owner/Builder, your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations. You are responsible for acquiring all permits, approvals, plan submittal approvals and required inspections. You may be required to provide an existing condition survey of the property and/or a site plan locating the proposed work.

Section 6. Subsection (1) of Section 455.228 Florida Statutes – F.S. 455.228 Unlicensed practice of a profession; cease and desist notice; civil penalty; enforcement; citations; allocation of moneys collected.--

(1) When the department has probable cause to believe that any person not licensed by the department, or the appropriate regulatory board within the department, has violated any provision of this chapter or any statute that relates to the practice of a profession regulated by the department, or any rule adopted pursuant thereto, the department may issue and deliver to such person a notice to cease and desist from such violation. In addition, the department may issue and deliver a notice to cease and desist to any person who aids and abets the unlicensed practice of a profession by employing such unlicensed person. The issuance of a notice to cease and desist shall not constitute agency action for which a hearing under ss. 120.569 and 120.57 may be sought. For the purpose of enforcing a cease and desist notice, the department may file a proceeding in the name of the state seeking *issuance of an injunction or a writ of mandamus* against any person who violates any provisions of such notice. In addition to the foregoing remedies, the department may impose an administrative penalty not to exceed \$5,000 per incident, pursuant to the provisions of chapter 120 or may issue a citation pursuant to the provisions of subsection (3). If the department is required to seek enforcement of the notice for a penalty pursuant to ss. 120.569, it shall be entitled to collect attorney's fees and costs, together with any cost of collection.

FLORIDA BUILDING CODE 2017, 6TH EDITION, BUILDING 105.3.6 ASBESTOS REMOVAL: State law requires asbestos abatement 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 asbestos contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease. If you sell or lease such building within one year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state and federal laws and regulations which apply to asbestos abatement projects. **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 deduct F.I.C.A. and withholding tax and provide workers' compensation for that employee, all as prescribed by law.**

ANY PERSON WHO AIDS AND ABETS UNLICENSED CONTRACTORS OR SUBCONTRACTORS WILL FACE IMPOSED PENALTIES AS PROVIDED BY LAW.

1. I understand that state law requires construction to be done by a licensed contractor and I 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. OWNER INITIAL_____

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. OWNER INITIAL_____

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 all permits and contracts. OWNER INITIAL_____

4. I understand that I may build or improve a one-family or two-family residence. 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 this exemption. OWNER INITIAL_____

5. I understand that, as the owner-builder, I must provide direct, onsite supervision of the construction. OWNER INITIAL_____

6. 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 persons whom I employ have the licenses required by law and by county ordinance. OWNER INITIAL_____

7. I understand that it is 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. OWNER INITIAL_____

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. OWNER INITIAL_____

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. OWNER INITIAL_____

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 1-850-487-1395 or at www.dbpr.com for more information about licensed contractors. OWNER INITIAL_____

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:_____ OWNER INITIAL_____

12. I agree to notify the building department immediately to any additions, deletions or changes to any of the information that I have provided on this disclosure or in the permit application package. OWNER INITIAL_____

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 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.

Owner Name: _____

Property Address: _____

I, _____, the undersigned, have read the preceding and understand the responsibility of acting as my own contractor, and have been notified of the above Florida Statutes, and will abide by the laws governing the municipality having jurisdiction and the State of Florida. I further state that I have the knowledge and ability to do the work proposed, and I assume full responsibility for familiarizing myself with all the municipality jurisdiction codes and building regulations. In the event a building inspector requires corrections to be made, I will make such corrections and call for a re-inspection before proceeding. I understand the Building Department is not responsible for instructing me on what to do. I understand I may subject myself to code enforcement action by not requesting and obtaining Final Inspection Approval prior to engaging in the use of the proposed development.

Signature of Property Owner

Date

**State of Florida
County of Pinellas**

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____.

Notary Public

Personally known _____ Produced ID _____
Type of ID Produced _____