



## The dangers of pulling an Owner/Builder Permit without verifying a license

If you do not intend to do the work yourself and have been asked by someone without a construction license to pull the permit, you are at risk of financial harm.



When property owners act as their own contractor, they must provide direct on-site supervision of the work being performed. If you pull an owner/builder permit for an unlicensed contractor to perform work on your property, you must deduct F.I.C.A., withholding tax and provide workers' compensation for them.

**Individuals who aid unlicensed persons may face fines up to \$5,000.**

### Without worker's compensation insurance, you could:

- Be held liable for injuries that occur on your property
- Not be covered under your homeowners' insurance policy
- Be responsible for thousands of dollars of

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### Dangers of Unlicensed Activity:

- Poor qualifications
- Poor quality work
- Possible criminal background
- Likely to be victim of a scam
- Limited resources for broken contracts

## OWNER/BUILDER STATEMENT AFFIDAVIT

OWNER NAME: \_\_\_\_\_

SUBDIVISION: \_\_\_\_\_ LOT: \_\_\_\_\_ BLOCK: \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

**ATTENTION PROPERTY OWNER: If the property address is different from the address on the state-issued identification, this form will not be accepted. (RE: Florida Driver License). If there is a change of address, Florida Driver's License or ID card holders have 30 days to update their address with the Florida Highway Safety and Motor Vehicles. Please include a copy of your state-issued driver's license.**

I am applying for a Building Permit pursuant to the Owner/Builder exemption set forth in Florida Statute 489.103. Florida requires that I attest to the following statements.

**BY SIGNING THIS STATEMENT, I ATTEST THAT:** *(Initial to the left of each statement)*

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 the property owner unless he or she is responsible for the construction and is not hiring a licensed contractor to assume responsibility.

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 this exemption. Florida State Statute 489.103(7), 489.503(6)

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 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.

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.

I understand that I may not delegate the responsibility for supervising the 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 law 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. Under understand that my failure to follow these laws may subject me to serious financial risk.

I agree that, as the party legally and financially responsible for this propose 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 Unites 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 <http://www.myfloridalicense.com/dbpr/pro/cilb/index.html> for more information about licensed contractors.

I am aware of, and consent to, an owner/builder permit applied for in my name and understand that I am the party legally and financially responsible for the proposed construction activity at the address listed below.

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

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 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 licenses and the status of the contractor's worker's compensation coverage.

**Disable veteran's exemption.** I certify that I am 100% qualifying, disable veteran and that the improvements upon the dwelling, owned by myself and used as my residence, are improvements limited to ramps, widening od doors, and similar improvements for making the dwelling habitable or safe. ([F.S.295.16](#))

I, \_\_\_\_\_, do hereby state that I am qualified and capable of performing the requested construction involved with the permit application filed and agree to the conditions specified above.

Signature of Property Owner/Builder \_\_\_\_\_

**STATE OF FLORIDA- COUNTY OF BROWARD**

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ (year) by \_\_\_\_\_ (name of person making statement)



**NOTARY as to Property's Owner Signature**

**Notary Signature** \_\_\_\_\_

**Name and Title (printed)** \_\_\_\_\_

(Type/Print Notary's Name)

Personally known  or Produced Identification

Type of identification produced \_\_\_\_\_

Identification Number: \_\_\_\_\_

**Florida Statute(s) 489.103(7) and 489.503(6): A violation of this exemption is a misdemeanor of the first degree punishable by a term of imprisonment not exceeding 1 year and a \$1 ,000.00 fine in addition to any civil penalties. In addition, the local permitting jurisdiction shall withhold final approval, revoke the permit, or pursue any action or remedy for unlicensed activity against the owner and any person performing work that requires licensure under the permit issued.**