



Building Department

2650 N. Dixie Freeway
New Smyrna Beach, Florida 32168
Phone: (386) 410-2800
Fax: (386) 410-2805
www.cityofnsb.com

Owner Disclosure Statement

Permit Number _____

Instructions: Please read the following instructions before signing.

- I understand that state law requires construction to be done by a licensed contractor and I have applied for an owner-builder permit under and 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-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.
- 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 and may NOT be built or substantially improved for sale or lease. If a building or residence that I have built or substantially improved myself, unless I am completing the requirements of a building permit where the contractor listed on the permit substantially completed the project, 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. The sale or lease of such building or residence within 1 year violates this exemption.
- I understand that, as the owner-builder, I must provide direct, onsite supervision of the construction.
- I understand 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.
- 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 those 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 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.
 - 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.myflorida.com/dbpr/pro/cilb for more information about licensed contractors.
 - I am aware of, and consent to; an owner-builder building permit applied for in my name and understands 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 Licensing Board, the Department of Business and Professionals 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 property licensed and the status of the contractor's workers' compensation coverage.

DISCLOSURE STATEMENT

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 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.

In addition, the owner becomes liable and responsible for the employees he or she hires to assist in the construction projects. This responsibility includes, but may not be limited to the following:

- A. WORKMAN'S COMPENSATION: For workman injured on the job.
- B. SOCIAL SECURITY TAX (FICA): Must deduct from employee's wages & match with owner's funds.
- C. UNEMPLOYMENT COMPENSATION: May or may not be required.
- D. PUBLIC LIABILITY
- E. FEDERAL WITHHOLDING TAX

I, _____ do hereby attest that I am the bona-fide owner of the property, whose address is _____ I further attest that I am Constructing Repairing Remodeling

the building and or structure on this property for my personal use and occupancy. I understand that if I do not occupy this structure for my own use, the permit may be revoked and further action taken against me for violation of the State of Florida Contractor Licensing Law. I understand that I may not subcontract the electrical, plumbing, and mechanical work if I have obtained the permit.

Owner's Signature _____ Date _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME personally appeared _____ to me well known and known to me to be the person(s) described in and who executed the foregoing instrument, and acknowledged to me and before me that he/ she/ they executed said instrument for the purpose therein expressed.

NOTARY PUBLIC _____ State of Florida _____

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.

Remember, it is illegal to act as a contractor without proper certification and licensing.

Failure to file a Notice of Commencement may result in your paying twice for improvements to your property. Consult your lender or attorney, if you have any questions.

