

TO: ALL BUILDING DIVISION PERSONNEL
FROM: DOUG WISE
BUILDING DIVISION DIRECTOR
PREPARED BY: BUILDING DIVISION
SUBJECT: OWNER BUILDER PERMITS & CONTRACTING
EXEMPTIONS
PPM #: PB-O-024

ISSUE DATE
July 1, 2019

EFFECTIVE DATE
July 1, 2019

PURPOSE:

To establish procedures for issuing Owner/Builder and other permits to those parties cited as exempt under law to contracting requirements

UPDATES:

Future updates to this PPM are the responsibility of the Director of the Building Division, Deputy Building Official, Assistant Deputy Building Official, or Codes Product & Training Supervisor, under the authority of the Director of the Building Division.

AUTHORITY:

Florida Statutes Chapter 489.103, Palm Beach County Amendments to the Florida Building Code, Section 105.1

POLICY:

Applicants applying for an Owner/Builder permit under the contracting exemptions permitted by Florida Statutes Chapter 489 shall comply with the qualifications cited therein and shall personally appear at the Building Division to sign the permit application, and complete the Owner Builder Disclosure Statement which is in substantially the form prescribed by the statute. The scope of work for a permit issued to an Owner Builder is limited to the following:

- 1) building or improving farm outbuildings or one-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale or lease within 1 year after completion of same,
- 2) building or improving commercial buildings, at a cost not to exceed \$75,000, on such property for the occupancy or use of such owners and not offered for sale or lease, within 1 year after completion of same, or

- 3) repairing or replacing wood shakes or asphalt or fiberglass shingles on one-family, two-family, or three-family residences for the occupancy or use of such owner or tenant of the owner and not offered for sale within 1 year after completion of the work and when the property has been damaged by natural causes from an event recognized as an emergency situation designated by executive order issued by the Governor declaring the existence of a state of emergency as a result and consequence of a serious threat posed to the public health, safety, and property in this state, or
- 4) completing the requirements of a building permit, where the contractor listed on the permit substantially completed the project as determined by the local permitting agency, for a one-family or two-family residence, townhome, or an accessory structure of a one-family or two-family residence or townhome or an individual residential condominium unit or cooperative unit. Prior to qualifying for the exemption, the owner must receive approval from the local permitting agency, and the local permitting agency must determine that the contractor listed on the permit substantially completed the project. An owner who qualifies for the exemption under this subparagraph is not required to occupy the dwelling or unit for at least 1 year after the completion of the project.

PROCEDURE:

At the time of application for the Owner Builder permit, the property owner shall supply evidence of property ownership, if not currently listed on the Property Appraiser's website, and shall submit suitable photo identification (driver's license, passport, etc.) to authenticate the permit application. A Permit Technician shall notarize the permit application, regardless of valuation or permit type. The Permit Technician shall provide a copy of the Owner Builder Disclosure Statement form (**PB-O-024 Form 100**) to the applicant, and explain the basic conditions and responsibilities of the contracting exemption including the following specific legal provisions of the statutory exemption:

- 1) An Owner Builder must personally provide direct on site supervision of the work and may not hire an unlicensed person to act as my contractor or to supervise persons working on my building or residence,
- 2) It is the Owner Builder's responsibility to ensure that the persons whom they employ have the licenses required by law and by county or municipal ordinance, and
- 3) Any person working who is not licensed must work under the direct supervision and must be employed by the Owner Builder, which means that he/she 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. The Permit Technician performing application intake shall ensure that all permit applications for Owner Builder permits shall comply with these requirements before allowing or accepting the completed application. In the case where the primary permit has been issued to a licensed contractor, an individual wishing to apply for a sup-permit, must obtain written approval from the contractor. A copy of this approval shall accompany the permit application. The Permit Technician performing application review shall check the permitting database for activities that may indicate the Owner Builder is acting as a contractor, by having

pulled Owner Builder permits on other property, whose completion was less than a year prior to the date of the current application.



DOUG WISE
BUILDING DIVISION DIRECTOR

Supersession History:

1. PPM# PB-O-024, issued 09/28/88
2. PPM# PB-O-024, effective 10/01/88
3. PPM# PB-O-024, issued 04/98
4. PPM# PB-O-024, issued 12/00
5. PPM# PB-O-024, issued 01/01
6. PPM# PB-O-024, issued 03/26/12
7. PPM# PB-O-024, issued 04/03/12
8. PPM# PB-O-024, issued 7/19



OWNER/BUILDER AFFIDAVIT & DISCLOSURE STATEMENT FORM

The provisions of Florida Statutes Chapter 489.103(7) require construction to be done by licensed contractors. You have applied for a permit under an exemption to that law that allows you, as the owner of your property, to act as your own contractor, even though you do not have a license. You may build or improve a one-family or two-family residence or a farm outbuilding, or build or improve a commercial building at a cost of \$75,000 or less in value, within any 12-month period, **provided the residence or farm outbuilding is for your own use and occupancy. It may not be built for sale or lease.** The construction must be performed according to Building Codes and Zoning Regulations. It is your responsibility to make sure that people employed by you have licenses, workers' compensation, and insurance required by State law and by County licensing ordinances. **You must perform, or supervise the construction yourself, and possess technical knowledge to personally supervise all permitted work, if not performed by a licensed contractor.**

Therefore, as the Owner/Builder:

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 in this affidavit, 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, unless I am completing the requirements of a building permit where the contractor listed on the permit substantially completed the project. 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) 487-1395 or <http://www.myfloridalicense.com/dbpr/pro/cilb/> for more information about state licensed contractors, or the Palm Beach County Construction Industry Licensing Board at (561) 233-5525 or <http://discover.pbcgov.org/pzb/contractors/Pages/Construction-Industry-Licensing-Board.aspx> for more information about county registered 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: _____.
12. I agree to notify the Palm Beach County Building Division 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.

Important Notice: Do not sign this form or the accompanying permit application before you appear in person at the Building Division permit counter. County staff must notarize these forms for you. Please bring a copy of your driver's license or other government issued picture ID with you.

Pursuant to Florida Law, Chapter 489 Part I, property owners qualified to act as their own contractor must personally appear at the building department and sign the permit application, and this affidavit.

OWNER/BUILDER AFFIDAVIT & DISCLOSURE STATEMENT FORM

I, the owner of the property located at:

Street Address _____, do hereby certify that I have read the Owner/Builder Affidavit & Disclosure Statement Form, and I am aware of my responsibilities and liabilities for construction work on the above-described property. I do hereby agree to abide by each of the above statements. I further understand that any falsification of the above statements constitutes fraud and may result in revocation of this permit.

Owner (signature)

Owner (print)

**State of Florida
County of Palm Beach**

Sworn to (or affirmed) and subscribed before me this _____ day of _____ 20____, by

(Name of Person Acknowledging)

(Signature of Notary Public – State of Florida)

(Print, Type or Stamp Commissioned Name of Notary Public)

Personally Known _____ or Produced Identification _____

Type of Identification Produced _____