

# City of Port St. Lucie Building Department

## Homeowner Builder Notice

Florida Statute requires construction to be done by a licensed contractor. An exemption under that law, Florida Statute 489.103.7, allows you, as the property owner, to act as your own contractor with **CERTAIN RESTRICTIONS**, even though you do not have a license. You must **PROVIDE DIRECT, ON-SITE, SUPERVISION OF THE CONSTRUCTION YOURSELF**. You may build or improve a One or Two Family dwelling. You may build or improve a commercial building, if the cost does not exceed \$75,000 and the residence or building must be for **YOUR OWN USE AND OCCUPANCY AND NOT OFFERED FOR SALE OR LEASE**. Your construction must comply with all applicable laws, ordinances, building codes and zoning regulations.

- A. **Offering For Sale or Lease** – If the building is sold or leased within one year of Certificate of Occupancy, the law presumes that the building was not built for your own use and occupancy and was built in violation of this exemption.
- B. **Applicable Codes and Ordinances** – All construction must meet Building, Zoning, Engineering and Health Department regulations. Commercial buildings shall also meet the requirements of the St. Lucie County Fire Prevention Bureau and the requirements of any other authorizing authority.
- C. **Direct Onsite Supervision** – The construction of the building must be done or directly supervised by you. You may not delegate the responsibility for supervising the work to a licensed contractor who is not licensed to perform the scope of the work being done. You may not hire an unlicensed contractor to supervise people working on your building. You must personally appear and sign the building permit application
- D. **People Working On Your Building** – You may not hire an unlicensed person to act as your (sub)contractor. It is your responsibility to make sure that people employed by you have licenses required by state and municipal ordinances. Any person who is not licensed must work under your direct supervision and must be employed by you. This means you must deduct FICA and withholding tax and provide worker's compensation and liability coverage. You may also have to provide unemployment compensation. Please note, items listed above may not be inclusive.
- E. This subsection does not exempt any person who is employed by or has a contract with such owner and who acts in the capacity of a contractor.

**Please contact the Contractor Licensing Division at 772-871-5132 if you have any questions. The attached affidavit must be completed and signed by the Owner/Builder and notarized by the Contractor Licensing Secretary.**

# City of Port St. Lucie Building Department

Permit Number: \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Current Address: \_\_\_\_\_ City/State \_\_\_\_\_

**BEFORE ME THIS DAY PERSONALLY APPEARED \_\_\_\_\_ WHO, BEING DULY SWORN, DEPOSES AND SAYS (S)HE IS THE OWNER OF PROPERTY DESCRIBED AS PORT ST. LUCIE SECTION \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_, LOCATED AT \_\_\_\_\_, AND THAT (S)HE IS BUILDING OR IMPROVING A ONE OR TWO FAMILY DWELLING OR COMMERCIAL PROJECT COSTING \$75,000 OR LESS (COMMERCIAL WORK DOES NOT INCLUDE ANY ELECTRICAL WORK).**

**PLEASE INITIAL BEFORE 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 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 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. 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.

\_\_\_\_\_ 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 or municipal 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 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.

Homeowner Builder Affidavit

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Homeowner Builder Affidavit cont.

\_\_\_\_\_ 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 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 <http://www.myfloridalicense.com/> for more information about licensed contractors.

\_\_\_\_\_ 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: \_\_\_\_\_  
(Address of Property)

\_\_\_\_\_ I agree to notify the City of Port St. Lucie Building Department 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 building permit can be issued, this disclosure statement must be completed and signed by the property owner and returned to the local permitting agency responsible for issuing the permit. A copy of the property owner's driver license, the notarized signature of the property owner, or other type of verification acceptable to the local permitting agency is required when the permit is issued.

\_\_\_\_\_  
Signature of Homeowner Builder

Personally appeared before me \_\_\_\_\_ Sworn and subscribed  
to me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

A valid for of photo identification was presented by the applicant:

Type: \_\_\_\_\_ Issued by: \_\_\_\_\_

Number: \_\_\_\_\_ Expiration: \_\_\_\_\_

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

# NOTICE

Avoid having to re-apply and paying for your permit twice by making sure you call in for your final inspection within 180 days of either issuance or your prior passed inspection as per Florida Building Code 105.4.1.1

Reminder: A permit will expire in 180 days without a passed inspection.

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