



CITY OF APOPKA
COMMUNITY DEVELOPMENT DEPARTMENT
BUILDING DIVISION
P. O. BOX 1229
120 E. Main Street, 2nd Floor
Apopka, Florida 32704-1229
407-703-1713 Phone
407-703-1791 Fax
407-703-1815 Automated Inspection Line

I, _____, have received and read the following items and understand the information contained therein:

1. Owner/Builder Affidavit
2. Florida Department of Business and Professional Regulation brochures:
 - a. *"Warning – Pulling an Owner/Builder Permit is Risky Business!"*
 - b. *"Protect Your Investment – Hire Only Licensed Contractors."*
 - c. *"Florida's Construction Lien Law – Protect Yourself and Your Investment"*

Signature: _____

Date: _____



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BUILDING DIVISION

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OWNER/BUILDER AFFIDAVIT

FSS 489.103 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 supervision 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.**

DISCLOSURE STATEMENT

1. 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.
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. 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:

OWNER/BUILDER AFFIDAVIT

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- a. The withholding of federal income tax;
- b. Social security contributions under the Federal Insurance Contributions Act (FICA); and
- c. 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 licensed 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: _____ (address of property).
- 12. I agree to notify the City of Apopka 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.

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.

Property Owner Signature: _____ Date: _____
 Drivers' License No.: _____ Phone: _____
 Property Owner Address: _____
 Permit Address: _____

STATE OF FLORIDA
COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20____, by the above referenced individual, _____, and who either personally known to me or produced _____ as valid identification.

 Notary Public
 Printed Name: _____
 My Commission Expires: _____



WARNING

Pulling an Owner/Builder Permit is Risky Business!

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

Section 489.103 (7), Florida Statutes requires that when property owners act as their own contractor, they must supervise the work being performed. Any person working on your building who is not licensed 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.

Without workers' compensation insurance, you could be held liable for injuries incurred on your property. Typically, your homeowners' insurance policy will not honor your claim if the work being performed required a licensed contractor. You could end up responsible for thousands of dollars of medical bills.



Not only is it dangerous, but it's against the law.

Section 455.227(1)(j), Florida Statutes prohibits any person from aiding, assisting, procuring, employing or advising any unlicensed person or entity. Individuals who aid unlicensed persons may face fines of up to \$5,000.

Is it worth it?

For more information, speak with your local building department before you apply for a permit or contact the Department of Business and Professional Regulation at 850.487.1395 or online at www.MyFloridaLicense.com

Florida Department of
**Business &
Professional
Regulation**
License Efficiently. Regulate Fairly.

Some Helpful Tips:

- >> Review your contract before you sign it.
- >> Contact your insurance company to make sure work performed is covered under insurance policy.
- >> Avoid paying cash.
- >> Avoid any contractor who requires full payment in advance. Arrange to pay after the contractor completes the work or in agreed-upon installments.
- >> Don't sign off that work is completed until all work is finished according to your contract, and the contractor has cleared all permits with final inspection approval from the building department.
- >> If your contract exceeds \$2,500, become familiar with the Florida Construction Lien Law. See the link below.
- >> Most jobs require permits. Always check with your local building department regarding permits needed for your project.

To verify a contractor's license, or to file a complaint against a contractor, call 1.850.487.1395 or go to the Department's website: www.MyFloridaLicense.com

For information about the Florida Construction Lien Law: http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0713/PART01.HTM

Report Unlicensed Activity Toll-Free at: 1.866.532.1440
Additional information: www.BobVila.com/MyFloridaLicense/

For answers to other questions or for assistance following a disaster or emergency, contact the following:

American Red Cross:

1.800.HELPNOW (1.800.435.7669)

Attorney General's Price Gouging

Hotline:

1.800.646.0444

Department of Agriculture and

Consumer Services

Consumer Tips for Natural Disasters

1-800-HELP-FLA (1.800.435.7352)

Department of Elder Affairs:

1.800.96.ELDER (1.800.963.5337)

Department of Financial Services

Insurance Claim Hotline:

1.800.22.STORM (1.800.227.8676)

The Florida Bar (Lawyer Referral

Service):

1.800.342.8011

Florida Emergency Information Line

24-hour Hotline (FEL):

1.800.342.3557 (This number is only operational during an emergency event.)

Florida Department of
**Business &
Professional
Regulation**

License efficiently. Regulate fairly.

1940 N. Monroe St.

Tallahassee, Florida 32399

Protect Your Investment... Hire Only Licensed Contractors



Florida Department of
**Business &
Professional
Regulation**

The rush to hire a contractor may lead you to hire a dishonest individual... or to hire an unlicensed contractor.

While hiring an unlicensed contractor may provide a quick fix in the short term, it could result in many serious and lasting consequences, including further damage to your property.

By hiring a licensed contractor, you will have peace of mind knowing that the project will be done by someone who has taken the time to acquire the appropriate education and the proper workers' compensation and/or liability insurance and who possesses the necessary experience.

It is extremely important to be cautious when contracting for home improvements and storm repairs. Educate yourself, become an informed consumer, and protect yourself from dishonest persons who will use your misfortune to their advantage.

- >> **Unlicensed contractors often target the uninformed and inexperienced, as well as the elderly.**
- >> **They solicit door-to-door, frequently traveling in unmarked trucks and vans.**
- >> **They give a post office box address instead of a street address.**
- >> **They convince you to obtain the necessary building permits.**



Choosing a Contractor

- >> Before you hire a contractor, ask to see a state-issued license.
- >> Be sure the license looks like the example to the right. Ask to see multiple forms of identification.
- >> An occupational license does not qualify an individual to act as a contractor.
- >> Ask for references. A legitimate contractor will be happy to provide you with the names and contact information of recent customers.
- >> Get a written estimate from several licensed contractors. Make sure the estimate includes the work the contractor will do, the materials involved, the completion date, and total cost.
- >> Beware of contractors who claim to be the fastest or the cheapest. Hiring them could result in poor workmanship, inferior materials or unfinished jobs.
- >> Contact your insurance agent first to verify your insurance covers the repairs before you sign a contract. Know the steps to file a claim. You do not have to tell the contractor how much your insurance company will pay for repairs, but if you do, get the contractor's estimate first.
- >> A contractor must have a license from DBPR to perform roofing repairs or replacements, structural additions, air conditioning repair or replacement, plumbing work, electrical and/or alarm work. These jobs typically require a permit. Be sure to check with your local building department regarding permit requirements for all of your projects.
- >> DBPR does not license or have jurisdiction over concrete contractors, painters, drywall contractors, cabinetmakers, tile installers, or anyone doing minor repairs. Check with your local building department regarding licensure requirements for these trades. Remember to ask for references.

Signing a Contract Be certain your contract includes:

- >> The contractor's name, street address, telephone number and state license number.
- >> A precise description of work to be completed, including a work completion time line (draw schedule) and list of materials.
- >> Completion date, including cleanup after the work is finished.
- >> Warranty agreements, including length, terms and recourse.
- >> A notice of consumers' rights under the Florida Homeowners' Construction Recovery Fund for contracts involving general, residential and building contractors.
- >> Read your contract carefully and personally fill in any blank spaces. Consider having an attorney review the contract. If you do not have an attorney, the Florida Bar offers a lawyer referral service.





Florida's Construction Lien Law

Protect Yourself and Your Investment

According to Florida law, those who work on your property or provide materials, and are not paid-in-full, have a right to enforce their claim for payment against your property. This claim is known as a construction lien.

If your contractor fails to pay subcontractors or material suppliers, the people who are owed money may look to your property for payment, **even if you have paid your contractor in full.**

This means that if a lien is filed against your property, your property could be sold against your will to pay for labor, materials, or other services which your contractor may have failed to pay.

This document provides information regarding Florida Statute 713, Part 1, as it pertains to home construction and remodeling, and provides tips on how you can avoid construction liens on your property.

Protecting Yourself

If you hire a contractor and the improvements cost more than \$2,500, you should know the following:

- You may be liable if you pay your contractor and he then fails to pay his suppliers or contractors. There is a way to protect yourself. A Release of Lien is a written statement that removes your property from the threat of lien. Before you make any payment, be sure you receive this waiver from suppliers and subcontractors covering the materials used and work performed on your property.
- Request from the contractor, via certified or registered mail, a list of all subcontractors and suppliers who have a contract with the contractor to provide services or materials to your property.
- If your contract calls for partial payments before the work is completed, get a Partial Release of Lien covering all workers and materials used to that point.
- Before you make the last payment to your contractor, obtain an affidavit from your contractor that specifies all unpaid parties who performed labor, services or provided services or materials to your property. Make sure that your contractor provides you with final releases from these parties before you make the final payment.
- Always file a Notice of Commencement before beginning a home construction or remodeling project. The local authority that issues building permits is required to provide this form. You must record the form with the Clerk of the Circuit Court in the county where the property being improved is located. Also post a certified copy at the job site. (In lieu of a certified copy, you may post an affidavit stating that a Notice of Commencement has been recorded. Attach a copy of the Notice of Commencement to the affidavit.)
- In addition, the building department is prohibited from performing the first inspection if the Notice of Commencement is not also filed with the building department. You can also supply a notarized statement that the Notice has been filed, with a copy attached.

The Notice of Commencement notes the intent to begin improvements, the location of the property, description of the work and the amount of bond (if any). It also identifies the property owner, contractor, surety, lender and other pertinent information. Failure to record a Notice of Commencement or incorrect information on the Notice could contribute to your having to pay twice for the same work or materials.

Notice To Owner

Prior to filing a lien, a lienor who does **not** have a direct contract with the owner, must serve the owner with a Notice to Owner. The Notice to Owner must state the lienor's name and address, and a description of the real property and the nature of the services or materials being furnished. The Notice to Owner must be served before commencing, or within 45 days of commencing, to furnish the services or materials (but before owner's final payment to the contractor). A lien cannot be enforced unless the lienor has served the Notice to Owner as described above.

Whose Responsibility is it To Get These Releases?

You can stipulate in the agreement with your contractor that he must provide all releases of lien. If it is not a part of the contract, however, or you act as your own contractor, **YOU** must get the releases.

If you borrow money to pay for the improvements and the lender pays the contractor(s) directly without obtaining releases, the lending institution may be responsible to you for any loss.

What Can Happen If I Don't Get Releases Of Lien?

You will not be able to sell your property unless all outstanding liens are paid. Sometimes a landowner can even be forced to sell his property to satisfy a lien.

Who Can Claim A Lien On My Property?

Contractors, laborers, materials suppliers, subcontractors and professionals such as architects, landscape architects, interior designers, engineers or land surveyors all have the right to file a claim of lien for work or materials. **Always require a release of lien from anyone who does work on your home.**

Contesting A Lien

A lien is valid for one year, unless a lienor files a lawsuit to enforce the lien prior to the expiration of the year. An owner has a right to file a Notice of Contest of Lien during the one-year period. Upon the filing of a Notice of Contest of Lien, a lienor must file a lawsuit to enforce the lien within 60 days. Failure of the lienor to timely file a lawsuit renders the lien invalid.

THE CONSTRUCTION LIEN LAW IS COMPLEX AND CANNOT BE COVERED COMPLETELY IN THIS DOCUMENT. WE RECOMMEND THAT WHENEVER A SPECIFIC PROBLEM ARISES, YOU CONSULT AN ATTORNEY.

To register a complaint (or learn if complaints have been filed against a prospective contractor), contact the Florida Department of Business and Professional Regulation's Customer Contact Center at: 850.487.1395 or CallCenter@dbpr.state.fl.us

Or write to: Florida Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-1027

Or visit online at: www.MyFloridaLicense.com

License verification is available 24 hours a day and 7 days a week by calling our Customer Contact Center at 850.487.1395 or going online to www.MyFloridaLicense.com Search for a Licensee.

You may also contact your local building department or the Better Business Bureau.