VILLAGE OF KEY BISCAYNE

Department of Building, Zoning and Planning

INSTRUCTIONS AND AFFIDAVIT FOR OWNER-BUILDER

You have made an application for a building permit as an Owner-Builder. You should be aware of the following provisions and requirements that apply to Owner-Builder applications.

Proof of Ownership: Prior to a building permit application being accepted, you must submit proof of ownership. A copy of the recorded deed showing you own the property or a copy of the mortgage or warranty deed of the land, or a Miami-Dade County tax receipt. Any of the aforementioned must contain a legal description of the property and indicate the property is in your name. The legal description and name on documents of proof must correspond to the name and legal description on the application.

Disclosure Statement: State and County Law requires construction or demolition to be done by licensed contractors. You have applied for a permit under an exemption to those laws. The exemption allows you, as the owner of the 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 or demolition yourself. You may build, improve, or demolish a single family or two-family residence or a farm outbuilding. You may also build or improve a commercial building if the costs do not exceed $75,000.

Own Use and Occupancy: The building or residence must be for your own use and occupancy. It may not be built or substantially improved for sale or lease. If a building or residence that you have built or substantially improved is sold or leased 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 the exemption. You can only improve property upon which you own and live in.

Responsibility: As an owner-builder, you are legally and financially responsible for the permit and proposed construction activity. You may protect yourself from potential financial risk by hiring a licensed contractor and filing the permit under the contractor's name instead of your own. A contractor is required by law to be licensed in Florida and to list his/her license numbers on permits and contracts. As an owner-builder, you must provide direct, onsite supervision of the construction. You may not hire an unlicensed person to act as your contractor or to supervise people working on your building or residence. If you contract with a person who does not have a license, the Construction Industry Licensing Board and the 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. If you obtain an owner-builder permit and wish to hire a licensed contractor, it is your responsibility to verify the contractor is properly licensed and the status of the contractor's workers' compensation coverage as 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. Your construction or demolition must comply with all applicable laws, ordinances, building codes, and zoning regulations. You must notify the Building Department immediately of any additions, deletions, or changes to any of the information in this affidavit.

Withholding Taxes, Etc.: Any person working in your building or residence who is not licensed must work under your direct supervision and must be employed by you, which means that you m

deduct F.I.C.A. and withholding tax and provide workers' compensation for that employee, all as prescribed by law. Failure to comply may result in serious financial risk.

Insurance: As an owner-builder, you may be held liable and subjected to serious financial risk for any injuries sustained or damage caused to a property by an unlicensed person or his/her employees while working on your property. Your regular homeowner's insurance policy ordinarily does not cover this type of liability.

Demolition Work: In addition to meeting the Florida Building Code requirements stated above, you are responsible for disconnecting all utilities, including water, sewer, septic tank, electrical service, gas, telephone, cable TV, etc., **prior to commencing demolition**. You are also required to obtain a permit from the State of Florida Department of Health and Rehabilitative Services to abandon any septic tank that is on the property.

Information: You may obtain more information regarding your 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. You may also contact the Florida Department of Business and Professional Regulation Construction Industry Licensing Board at 1-850- 487-1395 or visit http://www.myflorida.com/dbpr/pro/cilb/ for more information about licensed contractors.

Affidavit:

1. I am knowledgeable and capable of undertaking the work described under this permit.
2. I must request inspections before concrete is placed or work is concealed.
3. I am aware that a final inspection is required at project completion.
4. I am aware that a permit without approved inspections is valid for one hundred and eighty (180) days only.
5. As permit holder, I am responsible for the safety on the project.
6. I am aware that it is illegal to use unlicensed contractors.
7. I must deduct for F.I.C.A. and withholding tax and provide workers' compensation.

NOTICE: **Separate permits are required for** Electrical, Septic Tank Abandonment, Plumbing, Roofing, and Mechanical work.

I, the owner of property described as: _____(address) do hereby certify that I have read the foregoing instructions, and am aware of my responsibilities and liabilities under my application for a building permit for construction work on the above described property.

X _____

Signature of Owner
STATE OF FLORIDA
COUNTY OF MIAMI-DADE
Sworn to and subscribed before me this ____day of _____20___,

by (Print Name): _____

Notary Name _____
Personally known ❍ or I.D. _____