

By Senator Lynn

7-00164-08

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1 A bill to be entitled

2 An act relating to exemptions from construction licensing;
3 amending s. 489.103, F.S.; providing that the exemption
4 from construction licensing provided to property owners
5 also applies to an owner's guardian or agent in fact;
6 providing an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Subsection (7) of section 489.103, Florida
11 Statutes, is amended to read:

12 489.103 Exemptions.--This part does not apply to:

13 (7) Owners of property, including the owner of a mobile
14 home situated on a leased lot, when acting as their own
15 contractor and providing direct, onsite supervision themselves of
16 all work not performed by licensed contractors:

17 (a) When building or improving farm outbuildings or one-
18 family or two-family residences on such property for the
19 occupancy or use of such owners and not offered for sale or
20 lease, or building or improving commercial buildings, at a cost
21 not to exceed \$75,000, on such property for the occupancy or use
22 of such owners and not offered for sale or lease. In an action
23 brought under this part, proof of the sale or lease, or offering
24 for sale or lease, of any such structure by the owner-builder
25 within 1 year after completion of same creates a presumption that
26 the construction was undertaken for purposes of sale or lease.

27 (b) When repairing or replacing wood shakes or asphalt or
28 fiberglass shingles on one-family, two-family, or three-family
29 residences for the occupancy or use of such owner or tenant of

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30 | the owner and not offered for sale within 1 year after completion
31 | of the work and when the property has been damaged by natural
32 | causes during ~~from~~ an event that results in ~~recognized as an~~
33 | ~~emergency situation designated by executive order issued by the~~
34 | Governor declaring ~~the existence of~~ a state of emergency under s.
35 | 252.36 ~~as a result and consequence of a serious threat posed to~~
36 | ~~the public health, safety, and property in this state.~~

37 |
38 | This subsection does not exempt any person who is employed by or
39 | has a contract with such owner and who acts in the capacity of a
40 | contractor. The owner may not delegate the owner's responsibility
41 | to directly supervise all work to any other person unless that
42 | person is registered or certified under this part and the work
43 | being performed is within the scope of that person's license. For
44 | the purposes of this subsection, the term "owner" includes an
45 | owner's guardian or attorney in fact ~~"owners of property"~~
46 | ~~includes the owner of a mobile home situated on a leased lot.~~ To
47 | qualify for exemption under this subsection, an owner must
48 | personally appear and sign the building permit application and
49 | must satisfy local permitting agency requirements, if any,
50 | proving that the owner has a complete understanding of the
51 | owner's obligations under the law as specified in the disclosure
52 | statement in this section. If any person violates the
53 | requirements of this subsection, the local permitting agency
54 | shall withhold final approval, revoke the permit, or pursue any
55 | action or remedy for unlicensed activity against the owner and
56 | any person performing work that requires licensure under the
57 | permit issued. The local permitting agency shall provide the
58 | person with a disclosure statement in substantially the following

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59 form:

60 Disclosure Statement

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62 State law requires construction to be done by licensed
63 contractors. You have applied for a permit under an exemption to
64 that law. The exemption allows you, as the owner of your
65 property, to act as your own contractor with certain restrictions
66 even though you do not have a license. You must provide direct,
67 onsite supervision of the construction yourself. You may build or
68 improve a one-family or two-family residence or a farm
69 outbuilding. You may also build or improve a commercial building,
70 provided your costs do not exceed \$75,000. The building or
71 residence must be for your own use or occupancy. It may not be
72 built or substantially improved for sale or lease. If you sell or
73 lease a building you have built or substantially improved
74 yourself within 1 year after the construction is complete, the
75 law will presume that you built or substantially improved it for
76 sale or lease, which is a violation of this exemption. You may
77 not hire an unlicensed person to act as your contractor or to
78 supervise people working on your building. It is your
79 responsibility to make sure that people employed by you have
80 licenses required by state law and by county or municipal
81 licensing ordinances. You may not delegate the responsibility for
82 supervising work to a licensed contractor who is not licensed to
83 perform the work being done. Any person working on your building
84 who is not licensed must work under your direct supervision and
85 must be employed by you, which means that you must deduct
86 F.I.C.A. and withholding tax and provide workers' compensation
87 for that employee, all as prescribed by law. Your construction

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88 | must comply with all applicable laws, ordinances, building codes,
89 | and zoning regulations.

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91 | Section 2. This act shall take effect upon becoming a law.