

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Dorworth offered the following:

2
3 **Amendment (with title amendment)**

4 Remove line 1161 and insert:

5 Section 39. Subsection (7) of section 489.103, Florida Statutes,
6 is amended to read:

7 489.103 Exemptions.-

8 (7) Owners of property when acting as their own contractor
9 and providing direct, onsite supervision themselves of all work
10 not performed by licensed contractors:

11 (a) When building or improving farm outbuildings or one-
12 family or two-family residences on such property for the
13 occupancy or use of such owners or for lease and not offered for
14 sale ~~or lease~~, or building or improving commercial buildings, at
15 a cost not to exceed \$75,000, on such property for the occupancy
16 or use of such owners or for lease and not offered for sale ~~or~~

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17 | ~~lease~~. In an action brought under this part, proof of the sale
18 | ~~or lease~~, or offering for sale ~~or lease~~, of any such structure
19 | by the owner-builder within 1 year after completion of same
20 | creates a presumption that the construction was undertaken for
21 | purposes of sale ~~or lease~~.

22 | (b) When repairing or replacing wood shakes or asphalt or
23 | fiberglass shingles on one-family, two-family, or three-family
24 | residences for the occupancy or use of such owner or tenant of
25 | the owner and not offered for sale within 1 year after
26 | completion of the work and when the property has been damaged by
27 | natural causes from an event recognized as an emergency
28 | situation designated by executive order issued by the Governor
29 | declaring the existence of a state of emergency as a result and
30 | consequence of a serious threat posed to the public health,
31 | safety, and property in this state.

32 |
33 | This subsection does not exempt any person who is employed by or
34 | has a contract with such owner and who acts in the capacity of a
35 | contractor. The owner may not delegate the owner's
36 | responsibility to directly supervise all work to any other
37 | person unless that person is registered or certified under this
38 | part and the work being performed is within the scope of that
39 | person's license. For the purposes of this subsection, the term
40 | "owners of property" includes the owner of a mobile home
41 | situated on a leased lot. To qualify for exemption under this
42 | subsection, an owner must personally appear and sign the
43 | building permit application and must satisfy local permitting
44 | agency requirements, if any, proving that the owner has a
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45 complete understanding of the owner's obligations under the law
46 as specified in the disclosure statement in this section. If any
47 person violates the requirements of this subsection, the local
48 permitting agency shall withhold final approval, revoke the
49 permit, or pursue any action or remedy for unlicensed activity
50 against the owner and any person performing work that requires
51 licensure under the permit issued. The local permitting agency
52 shall provide the person with a disclosure statement in
53 substantially the following form:

54
55 DISCLOSURE STATEMENT

56
57 1. I understand that state law requires construction to be done
58 by a licensed contractor and have applied for an owner-builder
59 permit under an exemption from the law. The exemption specifies
60 that I, as the owner of the property listed, may act as my own
61 contractor with certain restrictions even though I do not have a
62 license.

63 2. I understand that building permits are not required to be
64 signed by a property owner unless he or she is responsible for
65 the construction and is not hiring a licensed contractor to
66 assume responsibility.

67 3. I understand that, as an owner-builder, I am the responsible
68 party of record on a permit. I understand that I may protect
69 myself from potential financial risk by hiring a licensed
70 contractor and having the permit filed in his or her name
71 instead of my own name. I also understand that a contractor is

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72 required by law to be licensed in Florida and to list his or her
73 license numbers on permits and contracts.

74 4. I understand that I may build or improve a one-family or
75 two-family residence or a farm outbuilding. I may also build or
76 improve a commercial building if the costs do not exceed
77 \$75,000. The building or residence must be for my own use or
78 occupancy or for lease. It may not be built or substantially
79 improved for sale ~~or lease~~. If a building or residence that I
80 have built or substantially improved myself is sold ~~or leased~~
81 within 1 year after the construction is complete, the law will
82 presume that I built or substantially improved it for sale ~~or~~
83 ~~lease~~, which violates the exemption.

84 5. I understand that, as the owner-builder, I must provide
85 direct, onsite supervision of the construction.

86 6. I understand that I may not hire an unlicensed person to act
87 as my contractor or to supervise persons working on my building
88 or residence. It is my responsibility to ensure that the persons
89 whom I employ have the licenses required by law and by county or
90 municipal ordinance.

91 7. I understand that it is a frequent practice of unlicensed
92 persons to have the property owner obtain an owner-builder
93 permit that erroneously implies that the property owner is
94 providing his or her own labor and materials. I, as an owner-
95 builder, may be held liable and subjected to serious financial
96 risk for any injuries sustained by an unlicensed person or his
97 or her employees while working on my property. My homeowner's
98 insurance may not provide coverage for those injuries. I am

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99 willfully acting as an owner-builder and am aware of the limits
100 of my insurance coverage for injuries to workers on my property.

101 8. I understand that I may not delegate the responsibility for
102 supervising work to a licensed contractor who is not licensed to
103 perform the work being done. Any person working on my building
104 who is not licensed must work under my direct supervision and
105 must be employed by me, which means that I must comply with laws
106 requiring the withholding of federal income tax and social
107 security contributions under the Federal Insurance Contributions
108 Act (FICA) and must provide workers' compensation for the
109 employee. I understand that my failure to follow these laws may
110 subject me to serious financial risk.

111 9. I agree that, as the party legally and financially
112 responsible for this proposed construction activity, I will
113 abide by all applicable laws and requirements that govern owner-
114 builders as well as employers. I also understand that the
115 construction must comply with all applicable laws, ordinances,
116 building codes, and zoning regulations.

117 10. I understand that I may obtain more information regarding
118 my obligations as an employer from the Internal Revenue Service,
119 the United States Small Business Administration, the Florida
120 Department of Financial Services, and the Florida Department of
121 Revenue. I also understand that I may contact the Florida
122 Construction Industry Licensing Board at (telephone number) or
123 (Internet website address) for more information about licensed
124 contractors.

125 11. I am aware of, and consent to, an owner-builder building
126 permit applied for in my name and understand that I am the party
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127 | legally and financially responsible for the proposed
128 | construction activity at the following address: (address of
129 | property).

130 | 12. I agree to notify (issuer of disclosure statements)
131 | immediately of any additions, deletions, or changes to any of
132 | the information that I have provided on this disclosure.

133 |

134 | Licensed contractors are regulated by laws designed to protect
135 | the public. If you contract with a person who does not have a
136 | license, the Construction Industry Licensing Board and
137 | Department of Business and Professional Regulation may be unable
138 | to assist you with any financial loss that you sustain as a
139 | result of a complaint. Your only remedy against an unlicensed
140 | contractor may be in civil court. It is also important for you
141 | to understand that, if an unlicensed contractor or employee of
142 | an individual or firm is injured while working on your property,
143 | you may be held liable for damages. If you obtain an owner-
144 | builder permit and wish to hire a licensed contractor, you will
145 | be responsible for verifying whether the contractor is properly
146 | licensed and the status of the contractor's workers'
147 | compensation coverage.

148 |

149 | Before a building permit can be issued, this disclosure
150 | statement must be completed and signed by the property owner and
151 | returned to the local permitting agency responsible for issuing
152 | the permit. A copy of the property owner's driver license, the
153 | notarized signature of the property owner, or other type of

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154 verification acceptable to the local permitting agency is
155 required when the permit is issued.

156

157 Signature: (signature of property owner).

158

159 Date: (date).

160

161

162

163

T I T L E A M E N D M E N T

164

Remove line 122 and insert:

165

conforming a cross-reference; amending s. 489.103, F.S.;

166

relating to construction licensure exemption for property

167

owners; amending s. 509.211, F.S.;