



OWNER-BUILDER REQUIREMENTS

228 S Massachusetts Ave
Lakeland, FL 33801
(863) 834-6012
www.lakelandgov.net

Florida State Statute 489 requires construction to be performed by a properly licensed contractor. The provisions of FS 489.103 provide an exemption to that law for owner-builders to apply for permits themselves, with limitations.

Before deciding to obtain a permit in your name, we strongly encourage you to review an important message drafted by the Department of Business and Professional Regulation regarding the [Dangers and Risks of Pulling an Owner-Builder Permit](#).

OWNER-BUILDER PERMIT REQUIREMENTS

The following qualifications must be met in order to obtain an Owner-Builder permit:

Property Ownership

- The property must be deeded in the owner-builder's name.
- The property may not be offered for sale, lease, or rent for a period of one (1) year after the completion of the project.

Property Use

- The property must be for the exclusive, full-time use of the owner.

Homestead Exemption

- The property must have a Homestead Exemption or a copy of a submitted Homestead Exemption application.

Project Valuation Limits

- Improvements on single-family or two-family residences have no valuation limits.
- Improvements for commercial properties may not exceed \$75,000.

PLEASE NOTE:

Corporations, LLCs, Partnerships, Trusts, etc., do not qualify as owner-builders and must hire a licensed contractor.

By applying for an Owner-Builder permit, you are attesting that you are aware of Florida Building Code and are capable of performing the requested scope of work and/or construction required.

Owner-Builders must still file a recorded Notice of Commencement (NOC) if the statutory limit for improvements is met. The NOC must be received prior to scheduling the first inspection.

All inspections must be scheduled by the Owner-Builder.



RESIDENTIAL CONSTRUCTION

BEST MANAGEMENT PRACTICES (BMPs)

ALL OWNER-BUILDERS AND CONTRACTORS SHALL BE RESPONSIBLE FOR IMPLEMENTING THE FOLLOWING BEST MANAGEMENT PRACTICES (BMP'S) DURING ALL ON-SITE CONSTRUCTION ACTIVITIES:

1. SITE GRADING - All site grading shall be conducted in a manner that all stormwater management facilities located adjacent to the site would not be altered in any way which would diminish their designed flow or pollutant removal capacity or the shape of the drainage facility.

2. EROSION AND SEDIMENT CONTROLS - BMPs such as silt fence, turbidity barrier, and/or inlet protection devices, which minimize erosion and retain sediment on site shall be installed prior to any construction activities taking place at the site. Silt fences shall be utilized, secured, and properly maintained during construction until the site has been stabilized with sod and/or seed and mulch.

Undisturbed vegetative buffers shall be maintained to prevent erosion and sediment discharged to the maximum extent possible. All areas of exposed soil shall be stabilized within 72 hours of attaining final grade. Double silt fence or staked hay bales may be required as additional measures to ensure that discharges from the site are in compliance with water quality standards in Chapter 17-3, F.A.C. Details of proper installation of silt fence and hay bales are included herein.

3. STORM SEWER SYSTEM PROTECTION - Storm sewer systems (inlets, pipes, ditches, etc.) which are adjacent to the site must be protected by silt fence and/or inlet protection devices during construction to keep settleable pollutants from entering conveyance systems.

4. WASTE COLLECTION AND DISPOSAL - A plan must be formulated for the collection and disposal of construction debris from the site. Such a plan must designate locations for trash and waste receptacles and establish a special collection schedule. Methods for ultimate disposal of waste should be specified and carried out in accordance with applicable local and state health and safety regulations. Special provisions shall be made for the collection and disposal of liquid wastes and toxic or hazardous materials.

Receptacle and other waste collection areas should be kept neat and orderly. Waste shall not be allowed to overflow its container or accumulate for excessively long periods of time. Trash collection points must be located where they will least likely be affected by concentrated stormwater runoff. Use of public right of way for waste receptacles is prohibited without obtaining a right of way use permit from the City's Public Works Department.

5. WASHING AREAS - Vehicles such as concrete or dump trucks and other construction equipment shall not be washed at locations where the runoff will flow directly into a lake, wetland, watercourse, or stormwater conveyance system. Special areas should be designated for washing vehicles. In new subdivisions, a wash area should be established by the developer which can be used by the site contractor and home builders. These areas should be located where the wash water will spread out and evaporate or infiltrate directly into the ground, or where the runoff can be collected in a temporary holding or seepage basin. Wash areas should have gravel or rack bases to minimize mud generation. Upon completion of the project the wash areas should be graded and stabilized, and any trash or waste shall be collected and disposed of properly.

6. STORAGE OF CONSTRUCTION MATERIALS, CHEMICALS, ETC - Fuel, chemicals, cements, solvents, paints, topsoil, or other potential pollutants shall be stored in areas where they will not cause runoff pollution.

Toxic chemicals and materials, such as pesticides, paints, and acids, must be stored in accordance with manufacturers' guidelines. Groundwater resources should be protected from leaching by placing a plastic mat, packed clay, tar paper, or other impervious materials on any areas where toxic liquids are to be opened and stored. Use of public right of way for storage of construction materials is prohibited without obtaining a right of way use permit from the City's Public Works Department.

7. SANITARY FACILITIES - All construction sites should be provided with adequate sanitary facilities for workers in accordance with applicable health regulations.

8. DRIVEWAYS - A driveway permit must be obtained from the City's Public Works Department.



OWNER-BUILDER STATEMENT / AFFIDAVIT

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By signing this statement, I hereby affirm and state that I am qualified and capable of performing the requested scope of construction involved with the permit application # _____.

After reading each section below, please initial on the line to the left to indicate your agreement.

_____, 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 or rent. If a building or residence that I have built or substantially improved myself is sold or leased or rented within 1 year after the construction is complete, the law will presume that I built or substantially improved it for sale or lease or rent, 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.

_____ 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 am aware of construction practices, inspection requirements, and I have access to the Florida Building Code.

_____ 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 www.myfloridalicense.com/DBPR 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 address below.

_____ I agree to notify the Building Inspection 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.

****Initial the Contractor Trades below which will be completed by you as the Owner-Builder****

Electrical	_____	Mechanical	_____
Plumbing	_____	Roofing	_____

Signature of Owner-Builder: _____ Date: _____

Print Name: _____ Address: _____

**State of Florida
County of Polk**

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____

By _____, as _____
(name of person) (type of authority, e.g. owner, officer, trustee, attorney in fact)

For _____
(name of party on behalf of whom instrument was executed)

_____ Personally known **or**
_____ Produced the following type of identification: _____



Notary Signature: _____

Notary Printed Name: _____