



VILLAGE OF KEY BISCAYNE

Department of Building, Zoning and Planning

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Mission Statement: "TO PROVIDE A SAFE, QUALITY ENVIRONMENT FOR ALL ISLANDERS THROUGH RESPONSIBLE GOVERNMENT"

OWNER-BUILDER APPLICATION

You have on this date made application for a building permit as an owner-builder. You should be advised of the following provisions and requirements that apply to owner-builders. This exception (per F.S. 489.103) does not apply to apartments. It applies only if you own a residence in your own name (not as a corporation) and plan to continue occupying the residence for at least one year after the work is completed.

Proof of Ownership – Prior to a building permit being issued to you, you must submit proof of ownership of the land concerned in the application in the form of a 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 statement to contain a legal description of the property and indicate the property is in your name. The legal description and name in the document of proof must correspond to the name and legal description of the application.

Responsibility – You will be responsible for all work done by your day labor employees, and you must either employ licensed contractors or persons to be paid in an hourly or per diem basis. Any one contracting with you (including labor) verbally or in writing in a fixed fee basis for any work, and who is not properly licensed, will be subject to a fine of \$500.00 and/or imprisonment for six months. You are responsible for calling our department and scheduling all necessary inspections during construction. Missing mandatory inspections will result in denial of any Certificate of Completion applied for at the end of the job.

Qualifications – You must prove that you are knowledgeable of the Florida Building Code by completing a short, open book exam and obtaining a grade of 60 or better.

Insurance – You should be advised that if your day labor employees cause any damage to persons or property, or if any of your day labor employees are injured at the job, you are liable. Your regular home insurance policy does not cover this type of liability.

Withholding Taxes, etc. – You should be advised to investigate your responsibility for withholding F.I.C.A. and withholding tax and providing worker's compensation insurance for any employee working for you in the proposed construction, and for filing appropriate returns thereof to the proper agencies.

Disclosure Statement – State law requires construction to be done by licensed contractors. You have applied for permit under an exemption to that law. The exemption allows you, as the owner of the property, to act as your own contractor with restrictions even though you do not have a license.



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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 that your costs do not exceed \$25,000.00. 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 you sell or lease a building you have built or substantially improved yourself within one 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 the licenses required by state law and by county or municipal licensing ordinances. You may not delegate the responsibility of supervising 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 worker's compensation for that employee, all as prescribed by law. Your construction must comply with all applicable laws, ordinances, building codes and zoning regulations.

Demolition Work – In addition to meeting South 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 (D.O.H.) in order to abandon any septic tank that is in the property.

If you do not intend to do the work involved yourself, or with day labor, please list below the name of the individual or firm with whom you have entered (or will enter) into a contract for the work.

NOTE: SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, SEPTIC TANK ABANDONMENT, PLUMBING, ROOFING AND MECHANICAL WORK.

Name of Individual or Firm

Address

I, the owner of the property described as (legal description of Folio No.)_____

do hereby certify that I have read the foregoing instructions, and I am aware of my responsibilities and liabilities under my application for a building permit for construction work in the above described property.

Witness

Owner

Date

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**
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