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ORDINANCE NO. 2004-04

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, CONSTRUCTION LICENSING CODE, CHAPTER 8, ARTICLE II, DIVISION 2 BY AMENDING SECTION 8-27, EXEMPTIONS BY DELETING THE PROVISIONS FOR OWNER/BUILDER TESTING; PROVIDING FOR SEVERANCE OF PARTS; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION 1. AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, CONSTRUCTION LICENSING CODE, CHAPTER 8, ARTICLE II, DIVISION 2, BY AMENDING SECTION 8-27, EXEMPTIONS, BY DELETING THE PROVISIONS FOR OWNER/BUILDER TESTING, AS FOLLOWS:

Section 8-27 of the Hernando County Code of Ordinances is hereby amended with respect to Subsection 7 as provided herein, with added provisions underlined and deleted provisions indicated by strike-throughs.

Sec. 8-27. Exemptions.

- (7) Owners of property when acting as their own contractor and providing direct, on-site supervision themselves of all work not performed by licensed contractors, when building or improving farm outbuildings or one-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale or lease, or building or improving commercial buildings, at a cost not to exceed twenty-five thousand dollars (\$25,000) on such property for the occupancy or use of such owners and not offered for sale or lease. In an action brought under this code, proof of the sale or lease, or offering for sale or lease, of any such structure by the owner-builder within 1 year after completion of same creates a presumption that the construction was undertaken for purposes of sale or lease. This subsection does not exempt any person who is employed by or has a contract with such owner and who acts in the capacity of a contractor. The owner may not delegate the owner's responsibility to directly supervise all work to any other person unless that person is registered or certified under this code and state law and the work being performed is within the scope of that person's license. For the purposes of this subsection, the term "owners of property" includes the owner of a mobile home situated on a leased lot and a person who is the owner of any legal or equitable interest in the property (lease, agreement for deed, contract for deed etc.). The owner of a mobile home situated on a leased lot or a person having legal or equitable interest in the property as

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1 described above, must furnish with the permit application: proof of ownership in the form
2 of a copy of a lease, contract for deed or other similar document; and written consent
3 from the owner of record (as determined by county computer records) authorizing the
4 issuance of an owner/builder permit for the construction. To qualify for exemption under
5 this subsection, an owner must ~~both: successfully pass an oral/written exam which~~
6 ~~demonstrates to the satisfaction of the Building Official or his/her designee that the~~
7 ~~applicant possesses adequate knowledge and familiarity with applicable codes and laws~~
8 ~~(effective April 1, 2002); and personally appear and sign the permit application and a~~
9 ~~disclosure statement. The Building Official or his/her designee shall establish and have~~
10 ~~final approval as to the type and content of the exam. The exam may be permit type~~
11 ~~specific and therefore limited to the scope of work the owner is to perform under a permit~~
12 ~~issued under this exemption. Owners may be exempted from the testing requirements~~
13 ~~provided one of the following are demonstrated to the satisfaction of the Building Official~~
14 ~~or his/her designee:~~

15
16 ~~a. Proof of possession of an active contractor license in the State of Florida.~~

17
18 ~~b. Proof of possession of an inactive contractor license in the State of Florida.~~
19 ~~License shall not be inactive for a period of more than 1 year.~~

20
21 ~~The work described in the permit application must be included in the scope of work~~
22 ~~defined for the license type as defined in this code or other state or local regulations.~~
23 ~~Procedures for administering the exam, and any reexaminations shall be established by~~
24 ~~policy by the Building Official or his/her designee.~~

25
26 A disclosure statement shall be in substantially the following form:

27
28 "Disclosure Statement"

29
30 State law requires construction to be done by licensed contractors. You have applied for a
31 permit under an exemption to that law. The exemption allows you, as the owner of your
32 property, to act as your own contractor with certain restrictions even though you do not
33 have a license.

- 34
35 1. You must provide direct, on-site supervision of the construction yourself.
36 2. You may build or improve a one-family or two-family residence or a farm
37 outbuilding. You may also build or improve a commercial building at a cost of
38 twenty-five thousand dollars (\$25,000.00).
39 3. The building must be for your own use or occupancy. It may not be built or
40 substantially improved for sale or lease. If you sell or lease a building you have
41 built or substantially improved yourself within one year after the construction is
42 complete, the law will presume that you built or substantially improved it for sale
43 or lease, which is a violation of this exemption. Additional permits may not be

1 issued to a violator of this exemption. Penalties will be sought against a
2 violator/unlicensed contractor.

- 3 4. You may not hire an unlicensed person to act as your contractor or to supervise
4 people working on your building.
- 5 5. It is your responsibility to make sure that people employed by you have licenses
6 required by state law and by county or municipal licensing ordinances. Any
7 person working on your building who is not duly licensed must work under your
8 direct supervision and must be employed by you, which means that you must
9 deduct F.I.C.A. and withholding tax and provide worker's compensation for the
10 employee, all as prescribed by law.
- 11 6. You may not delegate the responsibility for supervising work to a licensed
12 contractor who is not licensed to perform the work being done.
- 13 7. Your construction must comply with all applicable laws, ordinances, building
14 codes, and zoning regulations.
- 15 8. You must furnish copies of all contracts concerning the work being permitted, if
16 requested.
- 17 9. You must change the permit from your name to a licensed contractor if you hire a
18 contractor to complete the work.

19
20 As the owner/contractor on this permit, you understand that you are responsible for all
21 work performed pursuant to this permit. Hernando County will look to you for
22 corrections of any deficiencies in the work. Violating this exemption is grounds for
23 permit revocation. The Building Official shall have the authority to require you to secure
24 a licensed contractor to complete the work authorized under this permit if inspections by
25 the Building Division reveal that you are not
26 competent to accomplish the construction.

27
28
29 _____
30 "Owner's Signature"
31

32 **SECTION 2. SEVERANCE OF PARTS**

33
34 Should any section, paragraph, sentence, phrase, clause or other part or provision of this
35 ordinance be declared by any court to be invalid, the same shall not affect the validity of the
36 ordinance as a whole, or any part thereof, other than the part declared to be invalid.
37

38 **SECTION 3. INCLUSION INTO THE CODE**

39
40 It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is
41 hereby provided that the provisions of this Ordinance shall become and be made a part of the
42 Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance
43 may be renumbered or re-lettered to accomplish such intention, and that the word "ordinance"

1 may be changed to "section", "article", or other appropriate designation.

2
3 **SECTION 4. VIOLATIONS, REMEDIES, AND PENALTIES**

4
5 Any person or entity violating any provision of the code as amended herein shall be subject to the
6 penalties provided herein or, if no specific penalty is specified herein, to such applicable
7 penalties as may be provided elsewhere by code, ordinance or law.

8
9 **SECTION 5. EFFECTIVE DATE**

10
11 This Ordinance shall be effective upon receipt of the official acknowledgment from the office of
12 the Secretary of the State of Florida that this Ordinance has been filed with said office.

13
14
15 **ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR**
16 **SESSION THIS 30th DAY OF MARCH, 2004.**

17
18 **BOARD OF COUNTY COMMISSIONERS**
19 **HERNANDO COUNTY, FLORIDA**

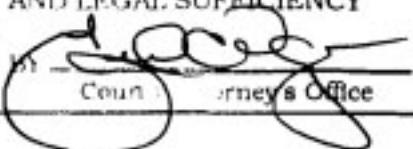
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22 Attest:

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24 **KAREN NICOLAI, Clerk**

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By 
HANNAH M. ROBINSON, Chairperson



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

County Attorney's Office