



**Informal Interpretation Report
Number 6978**



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Edition 2010

Section 105

Question:

Can a corporation that is the owner of house obtain an owner-builder permit for its house?

Answer

No. A corporation does not qualify as an owner/builder. The owner builder exemption is only for a "natural" person. The law states that the exemption is for "...Owners of property when acting as their own contractor and providing direct, onsite supervision themselves... for the occupancy or use of such owners and not offered for sale or lease..."

Commentary:

Attorney General Advisory Legal Opinion AGO 91-05, "A corporation is a legal entity created by law separate and distinct from the persons comprising it. [3] As an artificial entity, a corporation may only act through its agents.[4] While a corporation may own property, employ individuals and enter into contracts,[5] it does not exist personally to do so. A corporation does not physically exist to construct or supervise the construction of a building. Rather it must rely upon agents or employees to carry out such functions. Such reliance excludes the corporation from the owner/builder exemption in s. 489.103 (7), F.S., which states that it does not apply to any person who is employed by an owner and acts in the capacity of a contractor. Furthermore, a corporation lacks the ability to personally appear and sign the building permit."

Notice:

The Building Officials Association of Florida, in cooperation with the Florida Building Commission, the Florida Department of Business & Professional Regulation, ICC, and industry and professional experts offer this interpretation of the Florida Building Code in the interest of consistency in their application statewide. This interpretation is informal, non-binding and subject to acceptance and approval by the local building official.