



Informal Interpretation Report Number 7741



Date March 23, 2016

Edition 2014

Section 105.1

Question:

Is it the intent of 105.1 and the word owner to mean a homestead owner? Can any owner pull a permit on his/her own home under 489.103 even if it is not their primary residence? As an example, a snowbird that does not qualify for, or has not applied for the homeowner exemption due to the length of occupancy requirements.

Answer

No. Florida Building Code - Building section 105.1 states that which activities regulated by the code require a permit. It states that the permit must be obtained by the owner or their authorized agent prior to commencing the work.

When an owner is not properly licensed for the activity to be done they may use the Owner/Builder exemption in f.s. 489.103. The required Owner/Builder Disclosure Statement sets forth conditions for the exemption. When they are met the Owner may obtain the permit.

Primary or homesteaded residence status is not a condition for the exemption.

Commentary:

The primary residence or homesteaded property requirement remains improperly enforced in many jurisdictions. A seasonal resident retains the same rights under the statute as any other owner. A seasonal owner that does not lease or rent the dwelling may use the Exemption because the home is for the owners personal use.

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.