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**Florida Building Codes**  
USER: Joe Bigelow, test, Petitioner

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Petition #	305
Do you have a Local Board of Appeals	No
If Yes, have they rendered a decision on this issue	No
County	Lee
Jurisdiction	City of Cape Coral Building Division
Building Official	Shane Kittendorf
Address/Phone/Email	1015 Cultural Park Blvd Cape Coral, FL 33990 (239) 574-0598 skittendorf@capecoral.gov
Petitioner Name	Matthew Bechtel
Address/Phone/Email	9911 Corkscrew Rd Ste 202 Estero, FL 33928 (239) 405-6888 matthew@laidesignassoc.com
Petitioner Representative's Name	
Address/Phone/Email	
Building Code Version	2023
Sub Code	Building
Chapter & Topic	Chapter 1 - Scope and Administration
Section	110.8, Special Inspections, Ch 2 Threshold Build
If permitted, date of permit application	11/21/2024

Enter explanation of how the Petitioner's substantial interests are being affected by the local interpretation of the Florida Building Code

Due to the local interpretation of 110.8 for special inspections for a threshold building, we believe this is being applied incorrectly to a Charter School, which is not required to be designed to the State Requirements for Education Facilities (SREF)/FBC 453. This interpretation is creating additional cost to an education facility by attempting to apply Assembly occupancy or SREF requirements to a building to which it is not applicable.

Enter statement of the interpretation given to provisions of the Florida Building Code by the local building official and the manner in which the interpretation was rendered  
(If information is entered, it must be exactly as it appears in the hardcopy)

3. The structure proposed for project is by definition a Threshold Building. Please Provide a Completed Threshold Acknowledgement completed by the "Special Inspector" responsible for this project. Per FBC 110.7 Provide Shoring details if applicable.

The definition of a threshold building is found in Florida Statute 553.71 (12) and there is no indication that it does not apply to educational facilities. It is also important to remember that public educational facilities must also meet the requirements of the State Requirements for Educational Facilities (SREF) which is not addressed here. The information presented in the submitters comments appear to indicate this is considered a threshold building and a special inspector is required for the structural elements.

Enter statement of the interpretation that the petitioner contends should be given to the provisions of the Florida Building Code and a statement supporting the petitioner's interpretation

Per FL Statutes & the definition of Ch 2 of the FBC, a Threshold building is defined as any building which is greater than 3 stories or 50' in height, or which has an assembly occupancy classification that exceeds 5,000 sf in area and an occupant load greater than 500 persons.

Per 303.1.3, a room or space used for assembly purposes associated with a Group E occupancy is not considered a separate occupancy.

It is our understanding a facility used for educational purposes that is not subject to SREF (and/or FBC Section 453) is not required to have a threshold inspector. The educational facility has an assembly use, but does not have an assembly occupancy. This assembly use is a multipurpose room that is over 5000 s.f. and could have more than 500 people in it if used for concentrated assembly use only (1/7 square feet) per the building code calculations; however, it is not an assembly occupancy per the definitions of Chapter 3, and as such, does not meet the definition of a threshold building.

Enter local building official response by providing a statement admitting or denying the statements contained in the petition and a statement of the interpretation of the provisions of the Florida Building Code which the local jurisdiction or the local building official contends is correct, including the basis for the interpretation

A building with an assembly space exceeding 5,000 square feet and an occupant content over 500 persons does meet the statutory definition of a Threshold Building under FS 553.71(12), even if the assembly space is functionally associated with a Group E occupancy and not classified as a separate occupancy under FBC Section 303.1.3.

Interpretation of language:

Florida Statute &#167; 553.71(12) defines a Threshold Building by referencing assembly occupancy classification as defined in the Florida Building Code. This statutory language does not limit the classification based on whether the assembly use is designated as a separate occupancy under the FBC.

FBC Section 303.1.3 provides administrative direction on how assembly spaces tied to Group E occupancies are to be classified for design and code compliance, but it does not eliminate the functional assembly use of the space, nor does it preclude the application of FS 553.71(12) when the statutory criteria are met.

Thus, a large school auditorium associated with a Group E occupancy that meets the area and occupant load thresholds described in the statute would trigger Threshold Building requirements, including special inspection and design obligations pursuant to FBC Section 110.8.

Conclusion:

The requirements of a Threshold Building under Florida Statutes &#167; 553.71(12) apply regardless of whether the assembly use is considered a separate occupancy under FBC Section 303.1.3. The functional use and thresholds established by statute govern the designation, not the occupancy separation provisions of the Building Code.

Research:

Fs 553.71 (11) "Threshold building" Definition

FBC-Building

302.1 Occupancy classification.

303.1 Assembly Group A.

303.1.3 Associated with Group E occupancies.

508.4 Separated occupancies.

508.4.1 Occupancy classification.

## History

Date Paid	06/03/2025
Date Pending Building Official Response	06/11/2025 08:57 PM
Date Building Official Response	06/17/2025
Date Submitted to BOAF	06/17/2025
Date Accepted	06/30/2025

Time Waiver Granted



Date Extended To

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