

Petition #305 petitioned by Matthew Bechtel

Petitioner – Matthew Bechtel:

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.

Statement of Interpretation given by the local building official – Shane Kittendorf of Cape Coral:

The structure proposed for the 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 are not addressed here. The information presented in the submitter’s comments appears to indicate this is considered a threshold building and a special inspector is required for the structural elements.

Statement of interpretation that the petitioner contends should be given:

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 that a facility used for educational purposes 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.

Building Official response:

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 § 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 § 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.

8th Edition (2023) Florida Building Code, Building

CHAPTER 1 SCOPE AND ADMINISTRATION

110.8 Threshold building.

110.8.1 During new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified, the enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules

so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the building official, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector.

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CHAPTER 2 DEFINITIONS

THRESHOLD BUILDING. In accordance with Florida Statute, any building which is greater than 3 stories or 50 feet (15 240 mm) in height, or which has an **assembly occupancy** classification that exceeds 5,000 square feet (464.52 m²) in area and an occupant content of greater than 500 persons.

SECTION 303 ASSEMBLY GROUP A

303.1 Assembly Group A. Assembly Group A occupancy includes, among others, **the use of a building or structure, or a portion thereof, for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption or awaiting transportation.**

303.1.3 Associated with Group E occupancies. A room or space used for assembly purposes that is associated with a Group

305.1 Educational Group E. Educational Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade.

SECTION 453 STATE REQUIREMENTS FOR EDUCATIONAL FACILITIES

453.5 Definitions.

453.5.1 ASSEMBLY. Assembly occupancies are buildings or portions of buildings used for gatherings of 50 or more persons, such as auditoriums, gymnasiums, multipurpose rooms, classrooms and labs, cafeterias, stadiums, media centers and interior courtyards.

Assembly occupancies include adjacent and related spaces to the main seating area, such as stages, dressing rooms, workshops, lobbies, rest rooms, locker rooms, and store rooms. School board and Florida college facilities shall follow the requirements of Florida Fire Prevention Code as adopted by the State Fire Marshal for assembly spaces.

Staff Analysis

Question:

Is a large school auditorium associated with a Group E occupancy “charter school” that meets the area and occupant load thresholds as described in the definition of “Threshold building” of the Florida Building Code (FBC), Building, 8th Edition (2023) required to meet the requirements of section 110.8 of the FBC, Building?

Answer:

The answer to the Petitioner’s question is yes. Pursuant to the definition of the term “Threshold building” in chapter 2 of the Florida Building Code (FBC), Building, 8th Edition (2023), the school auditorium in question is a threshold building and would be required to meet the requirements of Section 110.8 of the FBC, Building.