



**Informal Interpretation Report  
Number 8351**



**Date** December 30, 2019

**Edition** 2017

**Section** 310.5

**Question:**

Is it the intent of section 310.5 to require a single family dwelling with a child day care business with more than 5 children to be classified as Group R-3 and install a sprinkler system per 903.2.8.1?

**Answer**

No, R310.5.1 applies only if care is provided for 5 or fewer persons. The described occupancy could be I-4 or R-4 depending on whether or not the care is provided for fewer than 24 hours per day, who is providing the care, and the total number of residents. The applicable code sections are included in the commentary.

**Commentary:**

310.6 Residential Group R-4. Residential Group R-4 occupancy shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. Buildings of Group R-4 shall be classified as one of the occupancy conditions specified in Section 310.6.1 or 310.6.2.

Institutional Group I-4, day care facilities. Institutional Group I-4 occupancy shall include buildings and structures occupied by more than five persons of any age who receive custodial care for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for.

---

**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.