

Mo Madani/DCA/FLEOC

09/18/2008 03:38 PM

To Joe Bigelow/DCA/FLEOC@fleoc

cc

bcc

Subject Fw: Declaratory Statement

Joe, please take this to legal.

Thanks

Mo Madani, CBO, Technical Unit Manager
Building Code and Standards
Florida Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399-2100
Ph. # 850-921-2247
FAX # 850-414-8436
website www.floridabuilding.org

DO NOT DEC-275
FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Clerk, receipt of which is hereby
acknowledged.
Paula P Ford
Paula P. Ford
Commission Clerk
Date *9/19/08*

The Department of Community Affairs is committed to maintaining the highest levels of service and values your feedback. Please take a few moments to complete our Customer Service Survey by visiting <http://www.dca.state.fl.us/CustomerServiceSurvey/>. Thank you in advance for letting us know what you think.

The Florida Discount Drug Card is designed to lower the cost of prescriptions for certain Florida residents. To learn more, visit <http://www.FloridaDiscountDrugCard.com> or call toll-free 1-866-341-8894 or TTY 1-866-763-9630.

Florida has a broad public records law and all correspondence, including email addresses, may be subject to disclosure.

----- Forwarded by Mo Madani/DCA/FLEOC on 09/18/2008 03:41 PM -----



"Ken Norton"

<knorton@powerdesigninc.u

s>

To <Mo.madani@dca.state.fl.us>

cc

09/18/2008 02:53 PM

Subject Declaratory Statement

September 18, 2008

Mo Madani
Building Codes and Standards Office

Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

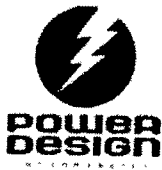
Mo,

Please accept this Petition for Declaratory Statement for processing at the next scheduled hearing

Thank you for your valued assistance in this process

Respectfully Submitted

Ken Norton



Vice President of Systems Design

Power Design Inc.

11600 9th Street North

St. Petersburg, FL 33716

knorton@powerdesigninc.us

Office 727-497-3256

Cell 727-423-2772



ACE
Answering The
Call For
Excellence

Power Design, Inc.

www.powerdesigninc.us

This email may contain information which is confidential, legally privileged, or otherwise exempt from disclosure and is intended for the sole use of the individual(s) or entity named in the message header. If you are not the intended recipient, you are hereby notified that any dissemination, copying or taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this message in error, please notify the sender of the error and delete this message and attachments without reading, printing or saving it in any manner.



image002.jpg



20080918 144154331.pdf

PETITION FOR DECLARATORY STATEMENT BEFORE THE FLORIDA BUILDING COMMISSION

Petitioner's Name:

Kenneth E. Norton
Power Design Inc.
11600 9th Street North
St. Petersburg, Florida 33716
(727) 497-3256
(727) 497-1355 fax
e-mail knorton@powerdesigninc.us

DEA08-DEC-275
FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Clerk, receipt of which is hereby
acknowledged
Paula P. Ford
Paula P. Ford
Commission Clerk
9/19/08
Date

Name and Address of Petitioner's Attorney or Qualified Representative, if any:

Not Applicable

The Statutory Provision(s), Agency Rules(s), or Agency Order(s) on which the Declaratory Statement is Sought:

Petitioner is requesting a Declaratory Statement with regards to the application of Rule 9B-3.0472. More specifically, how is the criteria for attached garages and fossil fueled appliances to be interpreted in a high density or high rise residential building?

Description of How the Statutes, Rules or Orders May Substantially Affect the Petitioner in the Petitioner's Particular Set of Circumstances

We are attempting to determine the proper application of this rule where it applies to the installation of carbon monoxide detectors in buildings under the following conditions:

- A proposed project located in the City of Ft. Meyers FL, is designed as a 7 story residential condominium structure that surrounds a three level enclosed parking garage. The living units on the first 3 levels are separated from the garage by the required fire walls and a corridor. There are also units built over the garage on the remaining 4 stories. Is the Rule intended to require that, with no other fossil burning appliances in consideration, the entire building will need to be equipped with carbon monoxide detection

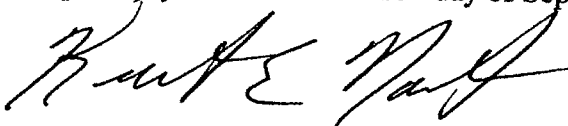
within 10 feet of every sleeping area? It appears excessive to require the installation of CO detection outside a sleeping unit on the 7 floor, when the only requiring criteria, and generating source of carbon monoxide, is in a mechanically ventilated ,enclosed parking structure on the lowest 3 levels of the building. Is there any consideration given for a carbon monoxide monitoring system installed in the garage area?

- A proposed project located in the Tampa, Fl is designed as a 5 story high density residential apartment building with several units equipped with fossil burning fire places. Does the Rule then require carbon monoxide detection in every other residential unit within 10 feet of each room used for sleeping purposes, without taking into consideration their proximity to the actual appliances, or would the detection only be required in the units where the appliances reside.
- A proposed 30 story residential high rise in Aventura FL, has no other fossil burning appliances other than a diesel powered emergency generator on the first floor. Will the Rule require that all units in the building be provided with carbon monoxide detection outside every sleeping area, no matter how distant they may be from the generator?

It appears that based on the provisions for hospitals, in patient hospice facilities, and nursing homes, the Rule recognize the value of a monitored detection system in the area of the production of the carbon monoxide gas. Could this provision be expanded to cover the circumstances outlined above? Or as an alternative, could a reasonable direction be given addressing carbon monoxide detection in selected units based on their proximity to the expected source of the gas, as in only being required in the area of origin and all immediately adjacent units, above, below and to all sides?

It will be imperative to establish uniformity in the application of the Rule throughout the multiple local jurisdictions The affect of this decision will have a sizable impact on the number of carbon monoxide detectors that will be required on any high density residential development.

Respectfully Submitted this 18th day of September 2008



Kenneth E. Norton
Power Design Inc.
11600 9th Street North
St. Petersburg, Florida 33716
(727) 497-3256
(727) 497-1355 fax
e-mail knorton@powerdesigninc.us