



**Cole + Russell Architects**

AN EMPLOYEE-OWNED COMPANY

Amendment  
 0408-DEC-147  
 FILING AND ACKNOWLEDGEMENT  
 FILED, on this date, with the designated  
 Clerk, receipt of which is hereby  
 acknowledged.

Paula P. Ford 5/28/08  
 Paula P. Ford  
 Commission Clerk

Commercial | Education | Government | Hospital | Retail | Date

**PETITION for DECLARATORY STATEMENT from the FLORIDA BUILDING COMMISSION**

Re: **Florida Rule 9B.0472 Carbon Monoxide Protection**

John Berry, AIA  
 Cole & Russell Architects, Inc.  
 537 E. Pete Rose Way,  
 Cincinnati, OH 45202  
 Office # 513-721-8080 / Fax # 513-721-8181  
 Email Address: [j.berry@colerussell.com](mailto:j.berry@colerussell.com)

An interpretation is hereby requested for Florida Rule 9B.0472, Carbon Monoxide Protection as it is intended to be applied to a specific building. This request is submitted at the suggestion of the City of Jacksonville, Florida, Tom Goldsbury, CBO.

The facility in question is a four-story, (183) apartment unit senior housing project known as the Sweetwater Senior Housing Project. The total facility area, including all floors, is 208,000s.f. However, the entire facility is actually comprised of three "buildings", as the "buildings" are defined by Fire Walls with structural integrity separating the different "buildings", one from another. The fossil fueled appliances included in this facility are located in the central and north "buildings" in the following locations (There are no fossil fueled appliances located the south "building"):

- Gas Fireplace in the central entry lobby                      Central Building
- Gas boiler in a central mechanical room                      North Building
- Gas cooking appliances in a central kitchen                      North Building

**SPECIFIC QUESTION:**

Is it the intent of Rule 9B.0472 to require CO detection within 10' of all sleeping rooms throughout this entire facility, when the fossil fueled appliances are centrally and remotely located several hundred feet and several stories from the apartment units?

John Berry, AIA, ICC  
 Design Support Manager – Codes

Pc: Tom Goldsbury, Jacksonville, CBO  
 Shannon Duffy, C+RA  
 Tim Goyette, C+RA



John Berry  
 <j.berry@colerussell.com>  
 05/28/2008 08:05 AM

To ""jon.caudill@dca.state.fl.us"" <jon.caudill@dca.state.fl.us>  
 cc ""mo.madani@dca.state.fl.us""  
 <mo.madani@dca.state.fl.us>, Shannon Duffy  
 <s.duffy@colerussell.com>, Tim Goyette  
 bcc

Subject Petition for Declaratory Statement

History:      This message has been forwarded.

Good Morning Jon:      Thank you for taking the time to talk me through your petition process. Please find attached to this message our Petition for a Declaratory Statement from the Florida Building Commission for Florida Rule 9B.0472 regarding Carbon Monoxide Protection. I trust that the petition is in proper order based upon the information I acquired from your web site. However, please do not hesitate to contact me if you find any deficiencies or have any questions regarding the request.

Once again, thank you for your time and effort on this issue

**John F. Berry AIA ICC**

Design Support Manager - Codes  
 j.berry@colerussell.com  
 Cole + Russell Architects, Inc.  
 537 East Pete Rose Way, Suite 200 | Cincinnati, Ohio 45202  
 V 513.721.8080 | F 513.721.8181 | M 513.310.4200 | [ColeRussell.com](http://ColeRussell.com)

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TAC*



**Cole + Russell Architects**

AN EMPLOYEE-OWNED COMPANY

**Cincinnati | Denver**  
**Commercial | Education | Government | Hospitality | Housing | Retail**  
 Create **enduring value**. Do what it takes **every day**. Think **BIG**.

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PETITION for DECLARATORY STATEMENT from the FLORIDA BUILDING COMMISSION.doc

**PETITION FOR DECLARATORY STATEMENT  
BEFORE THE FLORIDA DEPARTMENT OF FINANCIAL SERVICES**

IN THE MATTER OF:

Cole + Russell Architects  
John Berry, AIA  
(NAME OF PETITIONER)

Case No.: Not Applicable

**PETITION FOR DECLARATORY STATEMENT**

**IMPORTANT: BEFORE FILING, PLEASE READ RULE 69A-60.007(5),  
ON PAGE 5 OF THIS PETITION FORM**

Petitioner, John Berry, pursuant to Section 120.565, Florida Statutes, Rule Chapter  
(Name of Petitioner)  
28-105, Florida Administrative Code, and Rule 69A-60.007, the Florida Fire Prevention Code, hereby requests a  
declaratory statement from the Florida Department of Financial Services and as grounds therefore states the  
following *(IN ALL CASES, ATTACH ADDITIONAL PAGES IF NEEDED, USING THE CORRESPONDING NUMBER FOR EACH  
SECTION ADDRESSED)*.

**1. Petitioner's Name and Address:**<sup>1\*</sup>

Name Cole + Russell Architects, John Berry, Architect  
Address 537 E. Pete Rose Way, Suite 200, Cincinnati, Ohio 45202  
Telephone Number 513-721-8080  
Facsimile Number 513-721-8181  
e-mail address (if any) j.berry@colerussell.com

DEAOP-DEC-147  
FILING AND ACKNOWLEDGEMENT  
FILED, on this date, with the designated  
Clerk, receipt of which is hereby  
acknowledged.  
*Paula P. Ford* 5/29/08  
Paula P. Ford Date  
Commission Clerk

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

Name, (Attorney/Qualified Representative) Not Applicable

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Facsimile Number \_\_\_\_\_

e-mail address (if any) \_\_\_\_\_

<sup>1\*</sup> **NOTICE:** if this form is completed by an authority having jurisdiction for a county, municipality, or special firesafety district, it must be signed by the senior administrative firesafety official of the authority having jurisdiction, such as the fire marshal or a similarly situated or designated person or a fire chief. Only the senior administrative firesafety official or a fire chief has standing to petition for a declaratory statement on behalf of an authority having jurisdiction.

**3. Statute(s), Agency Rule(s), Agency Order(s) and/or Code Section(s) on Which the Declaratory Statement is Sought (Please Include Specific Subsections, if any):**  
Rule 9B.0472 Carbon Monoxide Protection

**4. Description of How the Statute(s), Agency Rule(s), Agency Order(s), and/or Code Section(s) May Substantially Affect the Petitioner in the Petitioner's Particular Set of Circumstances:**  
The project is a senior housing project with fossil fuel appliances used in a central mechanical area and central kitchen.

**5. Address of The Building or Structure, or Proposed Building or Structure, Affected by this Petition, if applicable:**  
Sweetwater Senior Housing Project, Sweetwater Parkway, Jacksonville, Florida

**6. If this Petition Involves a Ruling of an Authority Having Jurisdiction, the Name, Address and Phone Number of the Authority Having Jurisdiction:**  
Not applicable at this time.

**7. Please Check the Box Indicating Whether You Filed an Appeal of a Ruling of the Authority Having Jurisdiction, if applicable:**

PLEASE NOTE: Rule 69A-60.007(5), Florida Administrative Code, on the last page of this document, requires that a person having a dispute with a local fire official must complete the local appeal process PRIOR to filing a petition for declaratory statement. Therefore, if your circumstances involve a dispute with a local fire official and you have not appealed the decision of the local fire official, this petition will be dismissed until the local appeal process has been completed and you have received an adverse ruling by the local appeals board, commission, or council.

Yes, Appeal Filed  No, Appeal Not Filed  Not Applicable

**8. If an Appeal Was Filed, Please State the Response or Outcome of the Appeals Board and Attach a Copy Of All Official Orders or Notices:**  
Not Applicable

**9. Have You Filed or Do You Plan to File this or a Similar Question with any Other State or Local Agency?**

Yes  No

**10. If Yes, Please State the Name of Each State or Local Agency:**  
City of Jacksonville, Florida

**11. Are you involved in any litigation related to the question(s) presented in this case?**  Yes  No


**12. If yes, please describe briefly** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**13. QUESTION(S) (Please be Specific):**  
The project is a four-story (183) apartment unit senior housing project. The fossil fuel appliances include the following:

- Gas fireplace in central entry lobby
- Gas boiler in central mechanical room
- Gas cooking appliances in central kitchen

**Is a CO Detector required within 10' of all sleeping rooms throughout the entire facility when the fossil fueled appliances are centrally and remotely located from the apartment units?**

Respectfully submitted this 28th day of April, 2008.



2\*

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Petitioner (or Attorney or Qualified  
Representative for Petitioner)

**Mail original to:  
General Counsel Acting as Agency Clerk  
Department of Financial Services  
612 Larson Building  
200 East Galnes Street  
Tallahassee, Florida 32399-0300**

**(Send this three page form only. You need not send the accompanying rules or statutes on the next page which are provided for your information and convenience.)**

**Please note that the use of this form containing the information in it is neither solicited nor required; however, if used, it complies in all respects with the requirements of the law and all rules pertaining to declaratory statements, and will assist the division in expediting the proceeding.**

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**2\*** Please see footnote 1 relating to the authorized signature for an authority having jurisdiction.

**PETITION FOR DECLARATORY STATEMENT  
BEFORE THE FLORIDA DEPARTMENT OF FINANCIAL SERVICES**

IN THE MATTER OF:

Cole + Russell Architects

John Berry, AIA

(NAME OF PETITIONER)

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(Name of Petitioner)

28-105, Florida Administrative Code, and Rule 69A-60.007, the Florida Fire Prevention Code, hereby requests a declaratory statement from the Florida Department of Financial Services and as grounds therefore states the following *(IN ALL CASES, ATTACH ADDITIONAL PAGES IF NEEDED, USING THE CORRESPONDING NUMBER FOR EACH SECTION ADDRESSED)*.

**1. Petitioner's Name and Address:**<sup>1\*</sup>

**Name** Cole + Russell Architects, John Berry, Architect  
**Address** 537 E. Pete Rose Way, Suite 200, Cincinnati, Ohio 45202  
**Telephone Number** 513-721-8080  
**Facsimile Number** 513-721-8181  
**e-mail address (if any)** j.berry@colerussell.com

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

**Name, (Attorney/Qualified Representative)** Not Applicable

**Address** \_\_\_\_\_  
**Telephone Number** \_\_\_\_\_  
**Facsimile Number** \_\_\_\_\_  
**e-mail address (if any)** \_\_\_\_\_

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\_\_\_\_\_  
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