

Revision #1 to DCA08-DEC-207

DCA08-DEC-207  
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 *7/24/08*

PETITION FOR DECLARATORY STATEMENT BEFORE THE  
FLORIDA BUILDING COMMISSION

Amendment

IN THE MATTER OF:

ANTHONY C. APFELBECK,  
Fire Marshal/Building Official, City of Altamonte Springs

Petitioner, Anthony C. Apfelbeck, pursuant to Section 120.565, Florida Statutes, hereby requests a declaratory statement from the Florida Building Commission as grounds therefore states the following:

1. Petitioner's Name and Address:

Name Anthony C. Apfelbeck  
Address 225 Newburyport Avenue Altamonte Springs, Florida 32701  
Telephone 407-571-8433  
Facsimile Number 407-571-8445  
E-mail address ACApfelbeck@Altamonte.org

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

Attorney Name Mary Sneed, Esquire  
Firm Fowler & O'Quinn  
Address 28 West Central Blvd Orlando 32801  
Telephone Number 407-425-2684

3. Statute, Agency Rule on Which the Declaratory Statement is Sought:

9B-3.0472 Carbon Monoxide Protection

4. Description of how the Statute, Agency Rule May Substantially Affect the Petitioner in the Petitioner's Particular Set of Circumstances:

The petitioner is the Building Official with Altamonte Springs Florida with the responsibility of enforcing the Florida Building Code and rule 9B-3.0472. The petitioner's building division currently has plans that are being reviewed for additions, alterations and repairs as defined in the FEBC. The questions listed in #5 are applicable to these plans reviews in order for Altamonte Springs to determine proper compliance with 9B-3.0472. In addition, Altamonte Springs is receiving inquiries from design professionals and contractors requesting code compliance guidance regarding the proper application of 9B-3.0472 to existing buildings.

5. Questions:

1. Does the rule apply only to new construction of a new building, or does it also apply to additions or alterations as defined in the FEBC?
2. If the rule applies to additions, does an addition require the complete existing structure to comply with installing CO detectors as prescribed in the rule?  
(hardwired and battery back up)
  - a. For Example: If an attached garage or a screen enclosure is added to an existing home, are CO detectors required to be installing within the complete existing structure?
3. If the rule applies to all alterations, does it require the complete existing structure to comply with installing CO detectors as prescribed in the rule?  
(hardwired and battery back up)
  - a. Example #1: If a new gas furnace is installed in an existing home, whereas it was electric before, are CO detectors required to be installing within the complete existing structure?
  - b. Example #2: If any type of permit is issued on the existing structure are CO detectors required to be installing within the complete existing structure?

4. If the answer is yes to the questions 2 or 3 above, must hardwired CO detectors be installed with a battery backup?
5. Does the rule apply to repairs, as defined by the FEBC?
6. Does the rule apply to a change in occupancy, as defined by the FEBC?

Respectfully re-submitted this 24<sup>th</sup> day of July, 2008.

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Anthony C. Apfelbeck  
Fire Marshal/Building Official  
City of Altamonte Springs