

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 24th day of July, 2008.

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

DCA 08-DEC-201

PETITION FOR DECLARATORY STATEMENT BEFORE THE
FLORIDA BUILDING COMMISSION

IN THE MATTER OF:

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

FILING AND ACKNOWLEDGEMENT
FILED, on this day with the designated
Agency Clerk, receipt of which is hereby
acknowledged.

 7/19/08
Miriam Snipes Date
Deputy Agency Clerk

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:

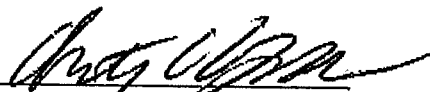
The petitioner is the Building Official with Altamonte Springs Florida with the responsibility of enforcing the Florida Building Code and rule 9B-3.0472.

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 submitted this 18th day of July, 2008.


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



Altamonte Springs

225 Newburyport Avenue
Altamonte Springs, Florida 32701-3697

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To: Mr. MADAME, PCA

From: Tony APPELONIA Pages (w/cover): 3

Phone: 407-571-8433 Date: 7/18/08

Ref: DEC STATEMENT

- Urgent For Review Please Comment Please Reply

• **Comments:**

HAVE A GOOD WEEKEND!!

Please notify us at (407) 571-8433 if all pages were not received