

**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:^{1*}

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) _____

1* 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 _____

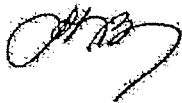
13. QUESTION(S) (Please be Specific):

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.



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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 Gaines 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.

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