

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

IN THE MATTER OF:

Mitchell Elementary School

Case No.; _____

PETITION FOR DECLARATORY STATEMENT

Petitioner, Glen A. Lathers, pursuant to Section 120.565, Florida Statutes, Rule Chapter 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:

Name	Glen A. Lathers, Fire Code Official, Hillsborough County Public Schools
Address	4224 W. Crest Avenue, Tampa, Florida, 33614
Telephone Number	813-872-5263
Facsimile Number	813-356-1471
e-mail address (if any)	Glen.Lathers@sdhc.k12.fl.us

2. Name and Address of Petitioner's Attorney or Qualified Representative, if any; (none)

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):

Florida Fire Prevention Code, 2004 Edition, NFPA Life Safety Code, Florida Edition, New Educational Occupancies, 14.3.5 Extinguishing Requirements, 14.3.5.1.1. - All educational buildings exceeding 20,000 square feet gross shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 9.7.

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:

N/A

5. Address of The Building or Structure, or Proposed Building or Structure, Affected by this Petition, if applicable:

205 Bungalow Park, Tampa, Florida 33609

6. If this Petition Involves a Ruling of an Authority Having Jurisdiction, the Name, Address and Phone Number of the Authority Having Jurisdiction:

N/A

Rev. 8/13/05

DCADP-DEC-267
 FILING AND ACKNOWLEDGEMENT
 FILED, on this date, with the designated
 Clerk, receipt of which is hereby
 acknowledged.
 Paula P. Ford 9/12/08
 Paula P. Ford Date
 Commission Clerk

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

X 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:

N/A

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

X No

10. If Yes, Please State the Name of Each State or Local Agency:

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

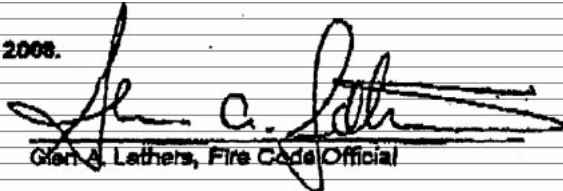
12. If yes, please describe briefly

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

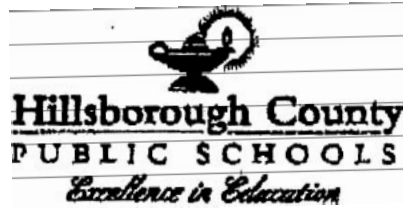
Question A. There are no exceptions listed for building separation, can a four hour fire wall be installed for building separation to reduce the building size to less than 20,000 square feet and therefore not require the building to be fully fire sprinklered, if approved by the AHJ?

Question B. If the answer is yes, then would the four hour fire wall be required to have parapet wall and would any penetrations be allowed in the four hour fire wall?

Respectfully submitted this 23rd day of May, 2008.


Glen A. Lathers, Fire Code Official

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



**Human Resources
District Safety Office**

4224 W. Crest Avenue,
Tampa, Florida 33614
Phone: (813) 872-5263
Fax: (813) 356-1471

FAX TRANSMITTAL SHEET

To: Ms Madani Fax: 850-922-1235
~~Lesley Mendelson~~

From: Glen Lathers Jim Gualter Date: September 5, 2008
~~Glen Lathers~~

Re: _____ Pages: 4

CC: _____

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