

**CODE ADMINISTRATION TECHNICAL ADVISORY COMMITTEE**

**TELECONFERENCE MEETING FROM TALLAHASSEE**

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**SEPTEMBER 27, 2022**

**10:00 A.M.**

**Minutes**

**CODE ADMINISTRATION TAC PRESENT:**

Don Brown, Chairman  
Bob Boyer  
Shane Gerwig

John O'Connor  
Michael Guerasio

**CODE ADMINISTRATION TAC NOT PRESENT**

Michael Bourré

Grey Marker

**STAFF PRESENT:**

Mo Madani  
Justin Vogel  
Marlita Peters

Thomas Campbell  
Jim Hammers  
Sabrina Evans

**Time: 10:00 a.m.**

Ms. Peters welcomed everyone to the meeting of the Code Administration TAC.

**Roll Call:**

Ms. Peters performed roll call for the Code Administration TAC. A quorum was determined with 4 members present at roll call.

**Agenda Approval:**

Mr. Boyer entered a motion to approve the agenda for today's meeting as posted. Mr. Guerasio seconded the motion. The motion passed unanimously with a vote of 4 to 0.

Mr. O'Connor joined the meeting making the quorum 5 members present.

**Approval of the minutes from June 16, 2022:**

Mr. Boyer entered a motion to approve the minutes from June 16, 2022 as posted.

Mr. O'Connor seconded the motion. The motion passed unanimously with a vote of 5 to 0.

**Declaratory Statement:**

Mr. Vogel provided a brief description of the petition for declaratory statement and staff analysis.

**DS 2022-037 by Leo Amos:**

**Petitioner Questions:**

1. Under Florida Statutes 486.604 (1) F.S. does this give FBC the power to delete the need for plans on re roofs when the State Statute requires a plan?
2. Does FBC have the ability to delete review of plans, when the State Statutes states under 486.604 (1) F.S. that it's the responsibility of the Building Official is to review plans before any permit is issued?
3. Does FBC 107.1 give the power to the building official to delete both the need for plans and the review of plans for re-roof for residential property?
4. Does FBC 107.1 give the power to a building official to use generic material names for materials used for re roofs?

5. Does FBC 107.1 give the power to the building official to allow the use of any building materials in a re-roof that aren't listed on his approval of so called material plans without knowing what the builder will use?
6. Can the building official approve of a flashing material that has no manufacture or installation instructions and still meet FBC?
7. Can my home be approved and Certified as meeting FBC and it fails to keep water out and fails to meet wind storm inspection can it still meet FBC and Certification?

**Staff Analysis:**

Petitioner's questions revolve around the powers and responsibilities of local building officials, in particular as the Petitioner feels they may have been applicable to the already-completed work that occurred on his roof.

Pursuant to Rule 28-1.001, F.A.C., "[a] declaratory statement is not the appropriate means for determining the conduct of another person." Furthermore, Petitioner's inquiry is not prospective in nature, and the courts have stated that "a petition for a declaratory statement which seeks approval or disapproval of conduct which has already occurred is properly denied." *Novick v. Dep't of Health*, 816 So. 2d 1237, 1240 (Fla. 5th DCA 2002) (citing *Chiles v. Dep't of State, Div. of Elections*, 711 So. 2d 151 (Fla. 1st DCA 1998)).

Because Petitioner seeks a statement which would determine the conduct of persons other than himself, and because this Petition involves conduct which has already occurred, the Commission declines to answer.

**Petitioner:**

Mr. Amos briefly presented his questions and provided comments on the petition for declaratory statement.

Mr. Campbell asked Mr. Amos some questions.

Mr. Amos provided answers to Mr. Campbell's questions.

Mr. Amos continued to present his questions and provided comments on the petition.

**Staff:**

Mr. Campbell informed Mr. Amos about the declaratory statement process.

Mr. Vogel acknowledged a typographical error in the staff analysis, and stated that the citation should be to Rule 28-105.001, not Rule 28-1.001.

**Public Comment:**

Mr. Amos provided a comment on Mr. Vogel's statement.

**Member and Staff Comment:**

Mr. Gerwig asked Mr. Vogel to read the staff's recommended motion.

Mr. Vogel read the answer in the staff's analysis.

**Motion:**

Mr. Gerwig moved to recommend accepting staff analysis. Mr. O'Connor seconded the motion.

**Member:**

Commissioner Brown asked Mr. Vogel a question.

Mr. Vogel provided an answer to Commissioner Brown's question.

Commissioner Brown provided a comment.

**Motion Continued:**

The motion passed unanimously with a vote of 5 to 0.

**Adjourn:**

There being no further business before the Code Administration TAC, Ms. Peters adjourned the meeting at 10:31 a.m.