

**CODE ADMINISTRATION TECHNICAL ADVISORY COMMITTEE
TELECONFERENCE MEETING FROM TALLAHASSEE
PLEASE JOIN MY MEETING FROM YOUR COMPUTER, TABLET OR SMARTPHONE**

[HTTPS://GLOBAL.GOTOMEETING.COM/JOIN/533378925](https://global.gotomeeting.com/join/533378925)

UNITED STATES (TOLL FREE): 1 877 309 2073

ACCESS CODE: 533-378-925

OCTOBER 6, 2023

10:30 A.M.

Minutes

CODE ADMINISTRATION TAC PRESENT:

Don Brown, Chairman

Bob Boyer

Jack Morell for Michael Guerasio

Grey Marker

Kyle Sawchuk

Tim Tolbert

CODE ADMINISTRATION TAC NOT PRESENT

Michael Bourré

Shane Gerwig

STAFF PRESENT:

Mo Madani

Justin Vogel

Marlita Peters

Jeff Blair

Thomas Campbell

Jim Hammers

Sabrina Evans

MEETING FACILITATION:

The meeting was facilitated by Jeff Blair from Facilitated Solutions, LLC. Consultation, Process Design & Facilitation. Information at: facilitatedsolutions.org

Time: 10:00 a.m.

Mr. Blair welcomed everyone to the meeting of the Code Administration TAC.

Roll Call:

Mr. Blair performed roll call for the Code Administration TAC. A quorum was determined with 5 members present at roll call.

Agenda Approval:

Commissioner Brown entered a motion to approve the agenda for today's meeting as posted. The motion passed unanimously with a vote of 5 to 0.

Approval of the minutes from October 6, 2022:

Mr. Boyer entered a motion to approve the minutes from October 6, 2022 as posted. Commissioner Marker seconded the motion. The motion passed unanimously with a vote of 5 to 0.

Declaratory Statement:

DS 2023-037 by Jack Butler of Butler & Bulter, LLC

TAC:

Mr. Jack Morrell stated that he was abstaining from participating in any TAC action on the petition, on the grounds that he is an employee of BORA.

Commissioner Tolbert entered the meeting, making the quorum 6 members present.

Staff:

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

Summary of Issue:

Petitioner alleges that Broward County has adopted local administrative amendments to the Florida Building Code which contravene various provisions in the chapters of Florida Statutes that deal with the practice of architecture, engineering, and construction contracting. Petitioner further alleges that Broward County's local amendments were improperly adopted. Petitioner seeks a declaratory statement from the Florida Building Commission which would 1) declare Broward County's local administrative amendments to be in conflict with state licensing law; 2) prophylactically prohibit local authorities from interpreting Florida Building Code provisions in such a way as to violate state licensing law; 3) create a definition for the term "administrative

amendment,” 4) state whether local governments must provide a fiscal impact statement when adopting a local administrative amendment; 5) rule that Broward County improperly adopted their local administrative amendments, and 6) resolve an alleged paradox between the provisions of section 101.2, Florida Building Code, Building, 7th Edition (2023), and section R101.2.1, Florida Building Code, Residential, 7th Edition (2023).

Staff Analysis:

For all the foregoing reasons, the Commission declines to answer the petition.

Presentation:

Jack Butler, Bulter & Bulter, LLC., presented his petition for declaratory statement.

BORA Presentation:

Charles Kramer, BORA, provided a response from BORA regarding the petition for declaratory statement.

TAC:

Members of the TAC and the staff went into discussion with questions and comments.

Motion:

Commissioner Brown entered a motion to recommend that the Commission adopt staff’s analysis and decline to answer the Petition on the grounds that the questions (Q1 – Q7) deal with subjects outside of the Commission’s authority, address actions taken by other entities, and are not the proper subject for a declaratory statement from the petitioner, given the facts presented. Mr. Boyer seconded the motion. The motion passed unanimously with a vote of 5 to 0 with Mr. Jack Morrell recusing himself on the basis that he is an employee of BORA.

Other TAC Business:

None.

Public Comment:

None.

Member and Staff Comment:

None.

Code Administration TAC

October 6, 2023

Page 4

Adjourn:

There being no further business before the Committee, Chairman Brown adjourned the meeting at 2:06 p.m.