

**CODE ADMINISTRATION TECHNICAL ADVISORY COMMITTEE**

**TELECONFERENCE MEETING FROM TALLAHASSEE**

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**DECEMBER 1, 2023**

**1:30 P.M.**

**Minutes**

**CODE ADMINISTRATION TAC PRESENT:**

Don Brown, Chairman

Michael Bourré

Bob Boyer

Shane Gerwig

Michael Guerasio

Tim Tolbert

**CODE ADMINISTRATION TAC NOT PRESENT**

Grey Marker

Kyle Sawchuk

**STAFF PRESENT:**

Mo Madani

Justin Vogel

Marlita Peters

Jeff Blair

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](https://facilitatedsolutions.org)

**Time: 1:30 p.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 6 members present at roll call.

**Agenda Approval:**

Commissioner Bourré 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 6 to 0.

**Approval of the minutes from October 6, 2023:**

Mr. Boyer entered a motion to approve the minutes from October 6, 2023, as posted. Mr. Gerwig seconded the motion. The motion passed unanimously with a vote of 6 to 0.

**Declaratory Statement:**

**DS 2023-039 by Doug Sposito, Collier County, FL., Building and Permitting Department.**

**Petitioner:**

Doug Sposito, Deputy Building Official of Collier County, provided details on DS 2023-039.

Doug Perry, Collier County, provided a comment.

**Discussion:**

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

**Staff:**

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

**Petitioner's Question:**

If a Private Provider chooses to secure "claims-made" coverage to fulfill the insurance requirement of 553.791(17) can a Building Official require a 5-year supplemental ERP also known as "tail coverage" to meet the 553.791(17) requirement of "maintain coverage for a minimum of 5 years subsequent to the performance of building code inspection services"?

**Staff's Suggested Answer:**

The answer to Petitioner's question is no; it may not require private providers who choose to secure claims-made coverage to provide a five-year supplemental extended reporting period rider.

**Discussion:**

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

**Motion:**

Mr. Gerwig entered a motion to recommend the Commission to adopt staff's analysis regarding the questions presented in the Petition. Commissioner Bourré seconded the motion.

**TAC:**

Mr. Guerasio provided a comment.

**Motion Continued:**

The motion passed unanimously with a vote of 6 to 0.

**Appeal of Binding Interpretation #243:**

**Staff:**

Mr. Vogel provided details on the Binding Interpretation #243.

Mr. Madani provided the report on the Binding Interpretation #243.

**Presenter:**

Rachel S. Glorioso Dooley, City Attorney of City of Miami, provided a responding on the Binding Interpretation #243.

**Discussion:**

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

**Responder:**

Nicholas Rodriquez, Counsel of Delia LLC, provided responding to the Binding Interpretation #243.

**Discussion:**

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

**Motion:**

Commissioner Bourré entered a motion to recommends the Commission uphold the Binding Interpretation Panel's interpretation of the Florida Building Code regarding Binding Interpretation #243. Mr. Gerwig seconded the motion.

**TAC:**

Commissioner Brown provided a comment.

**Motion Continued:**

The motion passed unanimously with a vote of 6 to 0.

**Petition Non-Binding Advisory Opinion by Jack A. Bulter:**

**Petitioner:**

Jack Black, Butler & Butler, LLC, provided details on the petition on Non-Binding Advisory Opinion.

**Discussion:**

Commissioner Brown provided a comment.

Mr. Vogel provided a comment.

Mr. Guerasio recused himself on the basis of his conflict of interest as an employee of Broward County.

**Motion:**

Commissioner Brown enter a motion to recommends the Commission issue a Non-Binding Advisory Opinion stating that the amendments are not technical amendments to the Florida Building Code, and to adopt staff's analysis regarding the questions presented in the Petition. Mr. Boyer seconded the motion. The motion passed unanimously with a vote of 5 to 0.

**Public Comment:**

None.

**Member and Staff Comment:**

**Commissioner Brown provided a comment.**

**Adjourn:**

There being no further business before the Committee, Chairman Brown adjourned the meeting at 3:08 p.m.