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Reply to: Venice

MEMORANDUM

TO: City Council

FROM: Kelly M. Fernandez, Esq., City Attorney

DATE: March 25, 2021

RE: Construction Board of Adjustment and Appeals

The City's Construction Board of Adjustment and Appeals (CBAA) has not met since 2014. It is established by Chapter 90, Article II, Division 1 of the City of Venice Code of Ordinances and is comprised of seven members and three alternates. Its powers are as follows:

The construction board of adjustment and appeals shall have the power to hear appeals of decisions and interpretations of the building official, consider variances of the technical codes, conduct hearings regarding certificates of competency, licenses, discipline and such other powers as authorized in the city code or state law.

Sections 489.105(12) and 489.505(13), Florida Statutes, define the "local construction regulation board" as "a board, composed of not fewer than three residents of a county or municipality, which the governing body of that county or municipality may create and appoint to maintain the proper standard of construction of that county or municipality." The establishment of a local construction regulation board is not mandatory.

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6853 Energy Court
Lakewood Ranch, Florida 34240

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236 Pedro Street
Venice, Florida 34285

Given that the CBAA has not met in many years, Building Official Greg Schneider and I recommend the following if the City Council would like to abolish the CBAA:

1. Transfer the handling of citations related to unlicensed contracting and unpermitted work to the newly created special magistrate position. While Florida law does not authorize a special magistrate to take the place of a “local construction regulation board” in its entirety, a special magistrate can handle this portion of the CBAA’s duties.
2. Rely on the Florida Construction Industry Licensing Board and Florida Electrical Contractors’ Licensing Board to handle any disciplinary proceedings against certificateholders or registrants.
3. Allow the Florida Building Commission to handle appeals of decisions of the Building Official interpreting provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction.