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Reply to: Venice

**MEMORANDUM**

TO: City Council

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

DATE: May 8, 2019

RE: Construction Board of Adjustment and Appeals

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Chapter 90, Article II, Division 1 of the City of Venice Code of Ordinances establishes the Construction Board of Adjustment and Appeals (CBAA). The Board is comprised of seven members and three alternates. Its duties include hearing appeals of decisions and interpretations of the Building Official and conducting hearings regarding appeals of citations for unlicensed contracting and/or unpermitted work. The CBAA has not been met since 2014.

Chapter 489, Florida Statutes, addresses contracting. 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.” Unlike with statutory provisions establishing code enforcement boards, authorization for a special magistrate to take the place of a “local construction regulation board” is not provided.

If the City Council would like to proceed with alternatives to the CBAA, the following options merit further exploration in coordination with the City’s Building Official:

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**Lakewood Ranch**  
6853 Energy Court  
Lakewood Ranch, Florida 34240

**Venice**  
236 Pedro Street  
Venice, Florida 34285

1. Portions of the current duties of the CBAA can be transferred to the City Code Enforcement Board (CEB). Specifically, state law allows a code enforcement board to handle citations related to unlicensed contracting and unpermitted work. It is possible these items could be assigned to a code enforcement special magistrate instead of the CEB.
2. The City may be able to consolidate its CBAA with Sarasota County's General Contractors Licensing and Examining Board. In Pinellas County, its Construction Licensing Board covers all municipalities as well.
3. The City can defer appeals of decisions and interpretations of the Building Official to the Florida Building Commission.

I will be present at the Council meeting to discuss this further and answer any questions.