

### **Excerpt from the Florida Building Code (FBC) for Unsafe Structures Board**

116.13: Unsafe Structures Board. The Unsafe Structures Board is hereby created, consisting of nine members who shall be appointed by the Appointing Authority. All professional members of the Unsafe Structures Board should be registered and licensed in the State of Florida. In the event the Appointing

Authority cannot find a properly qualified resident of the area under its jurisdiction, it may by majority vote of its membership, appoint a qualified non-resident of the specific categories or professions required.

116.13.1: Qualification of Members. Members of the Board shall be permanent residents of the area under the jurisdiction of the Appointing Authority, who possess outstanding reputations for civic activity, interest, integrity, responsibility, and business or professional ability. The composition and representative membership of the Board shall be as follows:

An Engineer, an Architect, a General Contractor, an Electrical Contractor, an Attorney at Law, a Plumbing Contractor, a Real Estate Appraiser, a Real Estate Property Manager and a Citizen with experience and background in social problems.

116.13.2: Terms of Office. In order that the terms of office of all members of the Board shall not expire at the same time, the initial appointments to the Board shall be as follows:

Three members for the term of two years, three members for the term of three years, and three members for the term of four years. Thereafter, all appointments shall be for the term of three years, provided that the term in all instances shall continue until a successor is appointed and qualified.

Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term, but failure to fill a vacancy shall not invalidate any action or decision of the Board.

116.13.3: Organization of the Board.

116.13.3.1: The members of the board shall elect a Chairman and a Vice Chairman and such other officers as may be deemed necessary or desirable, who shall serve at the Broward County Board of Rules and Appeals ~Effective June 30, 2015, 5th Edition (2014) FBC — Building 1.56 Broward County Administrative Provisions will of the Board. Election of officers shall be held at the first meeting after February First, and such officers shall hold office for one year.

116.13.3.2: Five members of the Board shall constitute a quorum necessary to hold a meeting or take any action.

116.13.3.3: A majority vote of the Board membership present and voting at a duly constituted meeting shall be sufficient to overrule, modify or affirm any action or decision of the Building Official or to take any other action within the scope of the power and duties of the Board.

116.13.3.4: Members shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the performance of their Official duties, upon approval by the legislative body adopting this Code.

116.13.3.5: No member of the Board shall sit as a voting member in any hearing on a matter in which he or she has a personal or financial interest.

116.13.3.6: The Building Official, or his or her designee, shall be the Secretary of the Board but shall have no vote.

116.13.3.7: The Chairman or the Secretary may call meetings of the Board, and meetings may be called by written notice signed by three members of the Board.

116.13.3.8: Minutes and records shall be kept of all meetings of the Board and all meetings shall be public.

116.13.3.9: All hearings shall be open to the public, and any person whose interest may be affected by the matter on appeal shall be given an opportunity to be heard in person, or through his or her attorney.

116.13.3.10: Witnesses may be sworn and subpoenaed by the Board in a like manner as they are subpoenaed by the court or courts in the County in which this Code is adopted.

116.13.3.11: The hearings shall be informal and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions.

116.13.3.12: Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient itself to support a finding unless it would be admissible over objection in civil actions.

116.13.3.13: The rules of privilege shall be effective to the same extent that they are now, or hereafter may be, recognized in civil actions; and irrelevant and unduly repetitious evidence shall be excluded.

116.13.3.14: The Board may establish rules and regulations for its own procedure.

116.13.3.15: The Building Official shall provide adequate and competent clerical and administrative personnel and such technical or scientific personnel as may be reasonably required by the Board for the proper performance of its duties, and shall maintain a record of all proceedings in the office of the Building Official, and shall make available for copying any and all portions of the record of the proceeding and may certify the same as a true copy and make a reasonable charge therefore.

116.13.3.16: The Building Official shall provide a regular meeting place for the Board.

116.13.4: Duties and Powers of the Board. The board shall have the following duties, functions, powers and responsibilities:

116.13.4.1: Hear and determine appeals from actions and decisions of the Building Official pursuant to the provisions thereof.

116.13.4.2: Hear and review the application of the Building Official for review of his action where his decision as indicated in a Notice of Violations has not been complied with.

116.13.4.3: Affirm, modify or reverse the decision of the Building Official upon appeal or on application for review.

116.13.4.4: The Board, through its Secretary, shall transmit the record with all exhibits, instruments, papers, and transcripts of its proceedings to the appointing authority in the event that authority shall consider the matter pursuant to applicable law in that regard made and provided.

116.13.4.5: Hear and determine appeals from actions and decisions of the enforcing agency pursuant to the provisions of the applicable Minimum Housing Code.

116.14: Duties of Legal Counsel. It shall be the duty of the attorney for the appointing authority, when so requested, to appear at all hearings before the Unsafe Structures Board and to represent and advise the Board.

116.15: Conflict of Interest. No Building Official, Board Member or employee charged with the enforcement of this law shall have any financial interest, directly or indirectly, in any repairs, corrections, construction or demolition which may be required, nor shall any Building Official, board member or employee give to anyone the location of any property or the names of owners thereof on which repairs, corrections or demolition have been ordered, except as otherwise directed hereinafter, until after the owners have been formally advised at which time such shall become a matter of public record.

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Section 116.16: Alternative Board. As an alternative to use of its own Unsafe Structures Board, any municipality in Broward County may utilize by means of an applicable inter-local agreement, the Unsafe Structures Board of Broward County or that of another municipality located within Broward County.