



Alachua County, FL Joint Meeting

Meeting Agenda - Final

Monday, August 16, 2021

6:00 PM

BoCC Joint Alachua County/City of LaCrosse Special Meeting

Public comment: The public may submit comments and written or photographic documents to the Board through email (bocc@alachuacounty.us) before the meeting or by participating when prompted to by the Chair of the Board.

All persons are advised that, if they decide to contest any decision made at any of these meetings, they will need a record of the proceedings and, for such purpose they may need to ensure that verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based. (Section 286.0105 Florida Statutes)

If you have a disability and need an accommodation in order to participate in this meeting, please contact the Alachua County Equal Opportunity Office at (352)374-5275 at least 2 business days prior to the meeting. TTY users please call 711 (Florida Relay Service).

Call To Order

Welcome

Introduction

Mayor Dianne Dubberly, Town of LaCrosse

Chair Ken Cornell, Alachua County Commission

Adoption of the Agenda

Items For Discussion

1. [21-0735](#) Town of LaCrosse upcoming Fire Contract
 Fiscal Consideration: Click or tap here to enter text.
 Recommended Action: Have a discussion.
2. [21-0736](#) Condition of County Roads, including CR1493
 Fiscal Consideration: Click or tap here to enter text.
 Recommended Action: Have a discussion.
3. [21-0252](#) Potential Wild Spaces Public Places (WSPP) Extension with Housing and Infrastructure
 Fiscal Consideration: N/A
 Recommended Action: Discussion the Potential Extension of Wild Spaces Public Places (WSPP) Surtax with Inclusion of Housing and Infrastructure Projects
 [16-06 WSPP Ordinance.pdf](#)
 [20-78 WSPP Citizens Oversight Board.pdf](#)
 [Infrastructure Sales Tax by County 2019](#)
 [Infrastructure Sales Tax - Economic Development 3.2021.docx](#)
 [2020 Florida Statute 212.055 Discretionary Sales Surtax](#)
4. [21-0493](#) Residential Rental Unit Permit and Inspection Program
 Fiscal Consideration: At the previous meeting, the Commissioners determined they would likely pursue this in-house. For the unincorporated area, this would potentially involve 4 FTE Codes Officers and 1 FTE Licensing clerk/staff assistant at a first year cost including salary, benefits, vehicles and necessary equipment of \$454,000 and an second year cost of \$345,000.
 This number may be higher if other municipalities are included.
 This program is not yet in place in Alachua County, this program is not in the budget, and as such, this program can be discussed during the FY22 budget development process. The permit fees would have to be at a level to cover all costs associated with the program. For 7,000 units, the fee would be between \$50 to \$65 per permit. This fee would need to be added to the fee schedule and adjusted as necessary to cover the cost of the program.

Recommended Action: Receive the presentation; provide direction to staff concerning inclusion of other municipalities

[Gainesville Ordinance 200249 Ordinance 20200917 \(1\).pdf](#)
[Residential Rental Program LaCrosse Joint Meeting Presentation.pdf](#)

5. [21-0496](#) Discussion: Trunk Radio System

Fiscal Consideration: N/A

Recommended Action: Have a discussion

Public Comment

Commission General Comments and Information Discussion

County Commission Comment

City Commission Comment

Adjourn



Agenda Item Summary

Agenda Date: 8/5/2021

Agenda Item No.: 1.

Agenda Item Name:

Town of LaCrosse upcoming Fire Contract

Presenter:

The Town of LaCrosse

Description:

Click or tap here to enter text.

Recommended Action:

Have a discussion.

Prior Board Motions:

Click or tap here to enter text.

Fiscal Consideration:

Click or tap here to enter text.

Background:

Click or tap here to enter text.



Agenda Item Summary

Agenda Date: 8/5/2021

Agenda Item No.: 2.

Agenda Item Name:

Condition of County Roads, including CR1493

Presenter:

The Town of LaCrosse.

Description:

Click or tap here to enter text.

Recommended Action:

Have a discussion.

Prior Board Motions:

Click or tap here to enter text.

Fiscal Consideration:

Click or tap here to enter text.

Background:

Click or tap here to enter text.



Agenda Item Summary

Agenda Date: 8/5/2021

Agenda Item No.: 3.

Agenda Item Name:

Potential Wild Spaces Public Places (WSPP) Extension with Housing and Infrastructure

Presenter:

Chris Dawson, Transportation Planning Manager
Ramon Gavarrete, Public Works Director
Charlie Jackson, Facilities Management Director
Gina Peebles, Assistant County Manager - Chief of Staff
Sylvia Torres, County Attorney
Claudia Tuck, Community Support Services Director

Description:

Discussion of Potential Extension of Wild Spaces Public Places (WSPP) Surtax with Inclusion of Housing and Infrastructure Projects

Recommended Action:

Discussion the Potential Extension of Wild Spaces Public Places (WSPP) Surtax with Inclusion of Housing and Infrastructure Projects

Prior Board Motions:

N/A

Fiscal Consideration:

N/A

Background:

The Wild Spaces Public Places (WSPP) Surtax is an 8-year, half-cent sales tax which is scheduled to sunset on Dec. 31, 2024. It currently can be used to:

- a. Acquire and improve environmentally sensitive lands to protect drinking water sources, water quality, and wildlife habitat, and,
- b. Create, improve and maintain parks and recreational facilities as permitted by Florida Statutes, the referendum ballot language, and ordinances.
- c. Notwithstanding the above, Alachua County may utilize a portion of its proceeds to establish a fund for the purpose of providing matching grants to the municipalities within the County for projects that meet the requirements of subsections (a) or (b), and which, in the sole discretion of Alachua County, have countywide significance.

There is interest in potentially extending WSPP in 2024 (for an additional 8-years) and adding another half-cent for housing and infrastructure (for 10-years) on the 2022 ballot (so both would

sunset on the same date - Dec. 31, 2032).

Alachua County recently completed the first pavement condition survey, as an important step to protect one of County's greatest infrastructure asset and to create a baseline pavement condition for the roadway network. The County's weighted average network condition or Pavement Condition Index (PCI) is 60.2. This means that the overall current condition of the network is Fair to Poor. Pavement assessment and condition survey suggests that the overall age of the pavement and environmental distresses, are the biggest contributing factors for the lower PCI scores. The average age of the asphaltic surface is estimated to be between 30 to 40 years old. The Net Worth (or Asset Value) of the County road network is estimated to be approximately \$1.5 billion.

In order for the County to maintain its roadway network without any preservation estimated cost is approximately \$22 million, and with preservation is approximately \$15 million. Therefore, increasing the annual investment should seriously be considered as soon as possible. Additionally, increased funding must be combined with an expanded pavement preservation treatment strategy to cost-effectively minimize the deterioration of the County-wide pavement network. By increasing budget, to resurface and reconstruct older roads, and adding treatments that improve flexibility or protect against the environmental aging process on newer pavements, Alachua County can begin to see improved pavement conditions across the road network.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 20, 2016

Honorable J. K. "Buddy" Irby
Clerk of the Circuit Court
Alachua County
201 East University Avenue
Post Office Box 939
Gainesville, Florida 32602

Attention: Bob Decker, Deputy Clerk

Dear Mr. Irby:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Alachua County Ordinance No. 16-06, which was filed in this office on May 19, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 16-06

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, IMPOSING A LOCAL GOVERNMENT INFRASTRUCTURE SURTAX OF 0.5 PERCENT ON CERTAIN TRANSACTIONS OCCURRING WITHIN ALACHUA COUNTY FROM WHICH TAXES ARE PAYABLE TO THE STATE OF FLORIDA UNDER THE PROVISIONS OF CHAPTER 212, FLORIDA STATUTES; PROVIDING LEGISLATIVE FINDINGS; PROVIDING THAT THE IMPOSITION OF THE SURTAX SHALL NOT BE EFFECTIVE UNLESS APPROVED AT A REFERENDUM ELECTION; PROVIDING THAT THE IMPOSITION SHALL BE EFFECTIVE FOR A PERIOD OF EIGHT (8) YEARS, BEGINNING JANUARY 1, 2017, AND ENDING ON DECEMBER 31, 2024; PROVIDING FOR DISTRIBUTION AMONG THE GOVERNMENTS OF ALACHUA COUNTY AND ELIGIBLE MUNICIPALITIES PURSUANT TO INTERLOCAL AGREEMENT; PROVIDING FOR A REFERENDUM ELECTION ON NOVEMBER 8, 2016, PROVIDING BALLOT LANGUAGE; PROVIDING FOR THE USE OF SURTAX PROCEEDS TO ACQUIRE AND IMPROVE CONSERVATION LANDS AND CREATE, IMPROVE AND MAINTAIN PARKS AND RECREATIONAL FACILITIES THROUGHOUT THE COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Subsection 212.055(2), Florida Statutes, the Local Government Infrastructure Surtax Act, authorizes Alachua County to impose a local government infrastructure surtax of 0.5 percent or 1 percent upon most taxable transactions occurring within Alachua County that are taxable under Chapter 212, Florida Statutes; and,

WHEREAS, monies received from the local government infrastructure surtax authorized by Subsection 212.055(2), Florida Statutes, may be utilized by Alachua County and the municipalities within Alachua County to acquire and improve conservation lands and create, improve and maintain parks and recreational facilities within Alachua County; and,

WHEREAS, a brief description of the projects to be funded is set forth in the ballot language contained in this ordinance; and,

WHEREAS, Subsection 212.055(2), Florida Statutes, requires voter approval in a referendum election prior to imposition of the local government infrastructure sales surtax; and,

WHEREAS, the Board of County Commissioners has determined it appropriate to place the sales surtax issue on the ballot at the November 8, 2016, election; and,

WHEREAS, the advertising requirements of Section 100.342, Florida Statutes, must be met, which require a period of approximately thirty (30) days' advertisement prior to the election.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA:

SECTION 1. Authorization and Legislative Findings. This ordinance is authorized by Subsection 212.055(2), Florida Statutes, and other applicable law. The Board of County Commissioners finds and declares that all statements set forth in the preamble of this ordinance are true and correct.

SECTION 2. 0.5 Percent Sales Surtax Levy. There shall be levied and imposed throughout the incorporated and unincorporated areas of the County an additional sales tax on all transactions occurring in the County which are subject to the state tax imposed on transactions by Part I of Chapter 212, Florida Statutes (the "Surtax"). This Surtax shall be at the rate of 0.5 percent for each \$1.00 of the sales price or actual value received and for each fractional part of \$1.00 of the sales price or actual value received. This Surtax shall be levied and imposed in accordance with Section 212.054 and Subsection 212.055(2), Florida Statutes, and the rules promulgated by the Florida Department of Revenue.

SECTION 3. Distribution of Surtax Proceeds. The proceeds of the surtax levied pursuant to this ordinance shall be distributed in accordance with Subsection 212.055(2)(c), Florida Statutes.

SECTION 4. Referendum.

- a. The proposed levy of the surtax in Section 2 of this ordinance shall be presented to the County electorate by placing the question of approval of the levy of the surtax on the ballot at a referendum election to be held on November 8, 2016.
- b. The Supervisor of Elections of Alachua County shall cause the following question to be placed on the ballot on November 8, 2016:

WILD SPACES & PUBLIC PLACES
ENVIRONMENTAL LANDS, PARKS AND RECREATION
ONE-HALF PERCENT SALES TAX

SHALL ALACHUA COUNTY BE AUTHORIZED TO: EXTEND THE ALACHUA COUNTY FOREVER PROGRAM TO ACQUIRE AND IMPROVE ENVIRONMENTALLY SENSITIVE LANDS TO PROTECT DRINKING WATER SOURCES, WATER QUALITY, AND WILDLIFE HABITAT, AND; TO CREATE, IMPROVE AND MAINTAIN PARKS AND RECREATIONAL FACILITIES IN ALL CITIES AND THE COUNTY, WITH CITIZEN OVERSIGHT AND INDEPENDENT AUDIT, BY THE LEVY OF A ONE-HALF PERCENT (1/2%) SALES TAX FOR EIGHT (8) YEARS STARTING JANUARY 1, 2017?

[] FOR the one-half percent sales tax.

[] AGAINST the one-half percent sales tax.

SECTION 5. Use of Surtax Proceeds. The surtax proceeds shall be used only to:

- a. acquire and improve environmentally sensitive lands to protect drinking water sources, water quality, and wildlife habitat, and,
- b. to create, improve and maintain parks and recreational facilities as permitted by Florida Statutes, the referendum ballot language, and ordinances.
- c. Notwithstanding the above, Alachua County may utilize a portion of its proceeds to establish a fund for the purpose of providing matching grants to the municipalities within the County for projects that meet the requirements of subsections (a) or (b), and which, in the sole discretion of Alachua County, have countywide significance.

SECTION 6. Effective Date and Duration of Surtax. The surtax levied in Section 2 of this Ordinance shall take effect as of January 1, 2017 only if approved by a majority of the electors voting for the surtax in the referendum election to be held on November 8, 2016; shall continue for a period of eight (8) years from that date; and shall terminate on December 31, 2024.

SECTION 7. Effective Date of Ordinance. A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This ordinance shall take effect upon filing with the Department of State.

SECTION 8. Severability. It is the declared intent of the Board of County Commissioners of Alachua County that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

DULY ADOPTED in regular session, this 10th day of May, 2016.

(SEAL)

BOARD OF COUNTY
COMMISSIONERS OF ALACHUA
COUNTY, FLORIDA

ATTEST:

By:



Robert Hutchinson, Chair


J.K. Irby, Clerk

APPROVED AS TO FORM



Michele L. Lieberman
County Attorney

RESOLUTION 20- 78

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, ESTABLISHING THE WILD SPACES PUBLIC PLACES CITIZEN OVERSIGHT COMMITTEE; ESTABLISHING A SUNSET DATE; ESTABLISHING THE MEMBERSHIP OF THE ADVISORY COMMITTEE; ESTABLISHING THE RESPONSIBILITIES AND DUTIES OF THE ADVISORY COMMITTEE; PROVIDING FOR THE TERM OF THE ADVISORY COMMITTEE; ESTABLISHING PROCEDURES FOR THE CONDUCT OF MEETINGS AND OPERATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 10, 2016 the Board of County Commissioners of Alachua County adopted Ordinance 16-06 to impose a voter approved local government infrastructure surtax to be utilized by Alachua County and the municipalities within Alachua County to acquire and improve conservation lands and create, improve and maintain parks and recreational facilities within Alachua County; and

WHEREAS, a referendum on said surtax was held on November 8, 2016, and the voters of Alachua County approved said surtax; and

WHEREAS, the ballot language for the referendum calls for 'Citizen Oversight'; and

WHEREAS, the Board of County Commissioners of Alachua County wishes to establish a Citizen Oversight Committee to ensure that Wild Spaces Public Places infrastructure surtax revenues are expended consistent with the ballot language approved by the voters;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

Section 1. Advisory Board Established. The Board of County Commissioners of Alachua County, Florida (Board) hereby establishes the Wild Spaces Public Places Citizen Oversight Committee (Advisory Committee).

Section 2. Designated Special Committee. This Advisory Committee is designated as a Special Committee. The Advisory Committee will sunset when the funds generated through the Wild Spaces Public Places infrastructure surtax are fully expended.

Section 3. Membership and Qualifications. The Advisory Committee shall consist of no more than five (5) voting members plus three (3) alternate members and shall serve staggering four-year terms. All members must be residents of Alachua County. Two (2) of the members plus one (1) alternate will be appointed by the County, two (2) of the members plus one (1) alternate shall reside within the Gainesville city limits and will be appointed by the City of Gainesville, and one (1) of the members plus one (1) alternate will be recommended by the eight remaining incorporated cities and appointed by the County. Members may not be county or municipal elected officials or employees.

Section 4. Responsibilities and Duties. The responsibility of the Advisory Committee shall be to:

1. Assure citizens and elected officials that funds approved through the referendum are expended only to:
 - a. Acquire and improve environmentally sensitive lands to protect drinking water sources, water quality, and wildlife habitat, and,
 - b. Create, improve and maintain parks and recreational facilities as permitted by Florida Statutes, the referendum ballot language, and ordinances.
 - c. Notwithstanding the above, Alachua County may utilize a portion of its proceeds to establish a fund for the purpose of providing matching grants to the municipalities within the County for projects that meet the requirements of subsections (a) or (b), and which, in the sole discretion of Alachua County, have countywide significance.
2. Track overall expenditure of one-half percent sales tax revenues.
3. The Advisory Committee may perform a pre-expenditure review of proposed Wild Spaces Public Places expenditures and projects at the request of the municipalities or the County and advise them if they are surtax eligible.
4. Report annually, or as necessary, to the Alachua County Board of County Commissioners and each City Commission on expenditure of funds.
5. If the Advisory Committee believes that a project or expenditure of a municipality or the County is not eligible for Wild Spaces Public Places funding or that additional information is necessary to make a determination, the Committee may perform an in-depth audit of the expenditure(s) and request that the municipality or County making the expenditure provide additional supporting documentation. If the Advisory Committee determines that Wild Spaces Public Places funds were inappropriately expended on ineligible purchases, the Advisory Committee Liaison shall notify the staff of the offending municipality or County and advise them of the deficiencies to allow the appropriate staff to review and correct issues associated with the expenditure. If the offending municipality or County does not report to the Advisory Committee, by the next regularly scheduled Advisory Committee meeting, the steps being taken to remedy the identified deficiencies, then the Advisory Committee may immediately report its findings to the Board of County Commissioners, as well as the governing body of the offending municipality, if applicable. If the Advisory Committee finds that the municipality or the County is not taking appropriate steps to remedy the identified deficiencies, then the Advisory Committee may immediately report its findings to the Board of County Commissioners, as well as the governing body of the offending municipality, if applicable. If the Board of County Commissioners determines that Wild Spaces Public Places funds were inappropriately used for ineligible expenditures, the Board of County Commissioners shall demand repayment and may take all steps necessary to effectuate that demand.

Section 5. Operations. The Advisory Committee shall be guided by the by-laws approved by the Advisory Board and the Alachua County Advisory Board Policy. The by-laws shall include the following provisions and such other provisions as the Advisory Committee may deem appropriate.

1. Elections. The Advisory Committee shall annually elect one of its members as Chair, and such other officers as the Advisory Board deems necessary to meet its needs. Vacancies in offices shall be filled by election at the next regular meeting following the date the vacancy occurred.
2. Meetings. Meetings of the Advisory Committee or any subcommittee thereof, shall be open to the public and the media and shall be conducted in compliance with the Sunshine Law, Section 286.011, Florida Statutes. The County Manager or his or her designee shall produce minutes of the meetings which shall be submitted to the Advisory Committee for approval. The Advisory Committee shall meet at least once per year.

The Chair shall preside and conduct meetings of the Advisory Committee according to the most recent edition of Alice Sturgis' Standard Code of Parliamentary Procedure. Special meetings may be called by the Chair or by any members of the Advisory Committee upon forty-eight (48) hours written notice to all members and to the County Manager or his or her designee.

3. Agenda. The Chair shall be responsible for the meeting agenda. The County Manager or designee shall serve as staff liaison to the Advisory Committee and shall aid in preparing and distributing the agenda prior to the meeting. The County Manager or designee, or any member of the Advisory Committee may place an item on the agenda by notifying the Chair prior to the preparation of the agenda.
4. Subcommittees. Subcommittees comprised of members of the Advisory Committee may be appointed by the Chair.
5. Quorum. A quorum will consist of no less than three members, where one is either a full or alternate member. Recommendations and decision of the Advisory Committee must be made by a majority vote of those present and voting.
6. Attendance. The attendance policy for the Advisory Committee shall be in accordance with the attendance policy for boards and committees set forth in the Alachua County Commission's Rules of Procedure.
7. Compensation. Members of the Advisory Committee shall receive no compensation for the performance of their duties and responsibilities.
8. Reports. The Advisory Committee will compile information received from the county and municipalities and provide annual reports to the County Commission and each City Commission consistent with its mission. The Committee will provide a final report prior to ceasing operations. The Advisory Committee shall copy all reports and communications to the County Manager or designee for forwarding to the Chair of the County Commission. Any Advisory Committee reports required by the

Alachua County Commission's Rules of Procedure shall be submitted in accordance with said Rules.

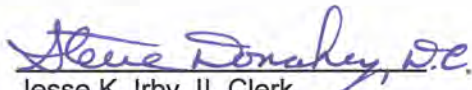
Section 6. Effective Date. This resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session this 11th day of August, A.D., 2020.


BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By: 
Robert Hutchinson, Chair

ATTEST:


Jesse K. Irby, II, Clerk

APPROVED AS TO FORM


Alachua County Attorney

(SEAL)

INFRASTRUCTURE SALES TAX BY COUNTY AS OF 2019

COUNTY	USE	WEBSITE
Bay	<ul style="list-style-type: none"> •Resurface roads •Repair bridges •Pave county dirt roads prone to flooding •Reduce neighborhood flooding 	http://www.bayhalfcent.com/frequently-asked-questions/
Brevard	Indian River Lagoon restoration projects and septic system hookups	https://www.floridatoday.com/story/news/local/2018/04/10/indian-river-lagoon-sales-tax-spending-plan-updates-approved-3-2-county-commission-vote/505720002/
Charlotte	To fund library, aquatics center, roads and rec centers	https://www.charlottecountyfl.gov/dept/admin/salestax/pages/default.aspx
Clay	Majority of the commission's share money is spent on transportation, roads and public safety (parks, library and courthouse) and human services.	https://www.claycountygov.com/departments/engineering-public-works/engineering/capital-improvement-plan
City of JAX/Duval	Transportation - Roadway projects. Better Jacksonville Plan	http://www.coj.net/departments/public-works/better-jacksonville-plan/roads-infrastructure-transportation
Escambia	Funded infrastructure projects include bridges, roadway resurfacing, dirt road paving, lane widening, stormwater facilities, civil site work on public property, and the construction of grants and other agency-funded projects.	https://myescambia.com/our-services/engineering/engineering-and-construction
Glades		
Highlands		
Hillsborough		

INFRASTRUCTURE SALES TAX BY COUNTY AS OF 2019

Indian River	Funding for important projects from lagoon restoration and clean-up, emergency services vehicle replacement, parks and recreation facilities, to road improvements. Facilities include County Admin, EOC, supervisor of Elections and courtroom expansion.	http://www.ircgov.com/1cent/
Lake	Completed numerous road, park and facility capital projects (libraries, parks, animal services facility, health clinic, sheriff substation)	https://www.lakecountyfl.gov/infrastructure_sales_tax/index.html
Leon	To finance, plan, and construct infrastructure – no housing noted	https://cms.leoncountyfl.gov/Portals/0/admin/Sales%20Tax%20Committee/Meetings/20140422IASummary.pdf
Manatee	Provide for safer neighborhoods, reduce traffic congestion, and improve roadways and public facilities – 911 system upgrades, animal shelter, library, Jail renovation,	https://www.mymanatee.org/departments/financial_management/infrastructure_sales_tax https://www.mymanatee.org/UserFiles/Servers/Server_7588306/File/News%20and%20Events/Half%20Cent/Ordinance%2016-035%20dtd%2006.21.16.pdf
Marion	Fire rescue station and vehicles, roads, PS radios and related items, Sheriff's vehicles and building.	https://www.marionsalestax.org/?_escaped_fragment_ =
Monroe	Canals, reefs, PD building, social service buildings	https://www.monroecounty-fl.gov/DocumentCenter/View/19143/FY20-July-22-Budget-Meeting?bidId= (pg. 30 lists projects)

INFRASTRUCTURE SALES TAX BY COUNTY AS OF 2019

Okaloosa	Funds road, public safety and stormwater projects.	http://www.okaloosaclerk.com/index.php/bcc-financial-records/sales-surtax-reports/356-april-2019-summary-finance-report/file
Osceola	Voters did not approve continuation in May 2019	https://www.osceola.org/one-cent-surtax-for-transportation/
Palm Beach	Central County Housing Resource Center and Housing Units for Homeless, EL and LI households.	http://www.pbcgov.com/pubInf/Agenda/20160517/4A.REVISED.pdf http://www.pbcgov.com/ib/pdf/Project-List-3-22-16.pdf http://www.pbcgov.com/pubInf/Agenda/20190226/930AM.pdf
Pasco		
Pinellas	Land for housing that's affordable; housing and economic infrastructure	http://www.pinellascounty.org/penny/projects.htm https://pinellas-egis.maps.arcgis.com/apps/MapJournal/index.html?appid=5758fad1306d41e0a51335514d48f812
St. Petersburg	Funded renovations to Jamestown, the city's affordable housing complex	http://www.stpete.org/city_departments/engineering_and_capital_improvements/penny_for_pinellas.php
Putnam	Parks, aquatics center	
Santa Rosa	Moving Forward Santa Rosa - funds law enforcement/fire and public safety facilities and equipment, transportation and drainage improvements, infrastructure projects/public facilities, recreation/natural resources and capital equipment.	https://santarosacofl.civicclerk.com/Web/GenFile.aspx?ad=2546 http://www.movingsantarosafoward.org/
Sarasota	Funds capital projects – building/improving roads, parks, libraries and jail.	https://www.scgov.net/Home/ShowDocument?id=39418 https://www.scgov.net/home/showdocument?id=12986

INFRASTRUCTURE SALES TAX BY COUNTY AS OF 2019

Seminole	Fund transportation, stormwater, and other physical improvements to the infrastructure	http://cdn.seminolecountyfl.gov/departments-services/public-works/directors-office/one-cent-tax-2014/index.shtml
St. Lucie	Build sidewalks and support water quality projects, land acquisition, paving, stormwater and culvert projects,	http://slchalfcent.org/wp-content/uploads/2018/06/half-cent.pdf

**ALACHUA COUNTY
LOCAL GOVERNMENT INFRASTRUCTURE DISCRETIONARY SALES TAX**

Target: To expand affordable housing.

The Infrastructure Sales Tax, also commonly referred to as the Penny Sales Tax or the One-Cent Surtax, can only be used to support capital projects and infrastructure. A county may levy a discretionary sales surtax of 0.5 percent or 1 percent authorized by Florida Statute Section 212.055 (2) and pursuant to an Ordinance enacted by the Board of County Commissioners. The statute specifies the approved uses.

According to this Statute, the proceeds must be expended to finance, plan, and construct infrastructure; to acquire land for public recreation, conservation, or protection of natural resources; or to finance the closure of local government-owned solid waste landfills that have been closed or are required to be closed by order of the Department of Environmental Protection (DEP). A local government infrastructure surtax imposed or extended after July 1, 1998, may allocate up to 15 percent of the surtax proceeds for deposit into a trust fund within the county's accounts created for the purpose of funding economic development projects having a general public purpose of improving local economies, including the funding of operational costs and incentives related to economic development. The ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

This funding request is several years in advance of implementation, as the lead time required for planning and approving capital improvement projects can take an extended period of time. By scheduling the referendum a few years in advance, there is time to plan and potentially design projects to be shovel-ready, thereby enabling the projects to provide an economic benefit to the community more quickly.

As it relates to the authorized uses of the surtax proceeds and any accrued interest, the term infrastructure related to housing structures has the following meanings according to FS 212.055:

(2)(d)1. e. Land Acquisition

Any land-acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into a ground lease with a public or private person or entity for nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this provision.

The 2020 Florida Statutes

[Title XIV](#)
TAXATION AND
FINANCE

[Chapter 212](#)
TAX ON SALES, USE, AND OTHER
TRANSACTIONS

[View Entire
Chapter](#)

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX. —

(a)1. The governing authority in each county may levy a discretionary sales surtax of 0.5 percent or 1 percent. The levy of the surtax shall be pursuant to ordinance enacted by a majority of the members of the county governing authority and approved by a majority of the electors of the county voting in a referendum on the surtax. If the governing bodies of the municipalities representing a majority of the county's population adopt uniform resolutions establishing the rate of the surtax and calling for a referendum on the surtax, the levy of the surtax shall be placed on the ballot and shall take effect if approved by a majority of the electors of the county voting in the referendum on the surtax.

2. If the surtax was levied pursuant to a referendum held before July 1, 1993, the surtax may not be levied beyond the time established in the ordinance, or, if the ordinance did not limit the period of the levy, the surtax may not be levied for more than 15 years. The levy of such surtax may be extended only by approval of a majority of the electors of the county voting in a referendum on the surtax.

(b) A statement which includes a brief general description of the projects to be funded by the surtax and which conforms to the requirements of s. [101.161](#) shall be placed on the ballot by the governing authority of any county which enacts an ordinance calling for a referendum on the levy of the surtax or in which the governing bodies of the municipalities representing a majority of the county's population adopt uniform resolutions calling for a referendum on the surtax. The following question shall be placed on the ballot:

FOR the	-cent sales tax
AGAINST the	-cent sales tax

(c) Pursuant to s. [212.054\(4\)](#), the proceeds of the surtax levied under this subsection shall be distributed to the county and the municipalities within such county in which the surtax was collected, according to:

1. An interlocal agreement between the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population, which agreement may include a school district with the consent of the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population; or

2. If there is no interlocal agreement, according to the formula provided in s. [218.62](#).

Any change in the distribution formula must take effect on the first day of any month that begins at least 60 days after written notification of that change has been made to the department.

(d) The proceeds of the surtax authorized by this subsection and any accrued interest shall be expended by the school district, within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure; to acquire any interest in land for public recreation, conservation, or protection of natural resources or to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern; to provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, if a local government ordinance authorizing such use is approved by referendum; or to finance the closure of county-owned or municipally owned solid waste landfills that have been closed or are required to be closed by order of the Department of Environmental Protection. Any use of the proceeds or interest for purposes of landfill closure before July 1, 1993, is ratified. The proceeds and any interest may not be used for the operational expenses of infrastructure, except that a county that has a population of fewer than 75,000 and that is required to close a landfill may use the proceeds or interest for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011, and charter counties may, in addition, use the proceeds or interest to retire or service indebtedness incurred for bonds issued before July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of the proceeds or interest for purposes of retiring or servicing indebtedness incurred for refunding bonds before July 1, 1999, is ratified.

1. For the purposes of this paragraph, the term “infrastructure” means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years, any related land acquisition, land improvement, design, and engineering costs, and all other professional and related costs required to bring the public facilities into service. For purposes of this sub-paragraph, the term “public facilities” means facilities as defined in s. 163.3164(39), s. 163.3221(13), or s. 189.012(5), and includes facilities that are necessary to carry out governmental purposes, including, but not limited to, fire stations, general governmental office buildings, and animal shelters, regardless of whether the facilities are owned by the local taxing authority or another governmental entity.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff’s office vehicle, a police department vehicle, or any other vehicle, and the equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

c. Any expenditure for the construction, lease, or maintenance of, or provision of utilities or security for, facilities, as defined in s. 29.008.

d. Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or a staging area for emergency response equipment during an emergency officially declared by the state or by the local government under s. 252.38. Such improvements are limited to those necessary to comply with current standards for public emergency evacuation shelters. The owner must enter into a written contract with the local government providing the improvement funding to make the private facility available to the public for purposes of emergency shelter at no cost to the local government for a minimum of 10 years after completion of the improvement, with the provision that the obligation will transfer to any subsequent owner until the end of the minimum period.

e. Any land acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into a ground lease with a public or private person or entity for nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this sub-subparagraph.

f. Instructional technology used solely in a school district's classrooms. As used in this sub-subparagraph, the term "instructional technology" means an interactive device that assists a teacher in instructing a class or a group of students and includes the necessary hardware and software to operate the interactive device. The term also includes support systems in which an interactive device may mount and is not required to be affixed to the facilities.

2. For the purposes of this paragraph, the term "energy efficiency improvement" means any energy conservation and efficiency improvement that reduces consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; installation of solar panels; building modifications to increase the use of daylight or shade; replacement of windows; installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; installation of systems for natural gas fuel as defined in s. 206.9951; and installation of efficient lighting equipment.

3. Notwithstanding any other provision of this subsection, a local government infrastructure surtax imposed or extended after July 1, 1998, may allocate up to 15 percent of the surtax proceeds for deposit into a trust fund within the county's accounts created for the purpose of funding economic development projects having a general public purpose of improving local economies, including the funding of operational costs and incentives related to economic development. The ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

(e) School districts, counties, and municipalities receiving proceeds under the provisions of this subsection may pledge such proceeds for the purpose of servicing new bond indebtedness incurred pursuant to law. Local governments may use the services of the Division of Bond Finance of the State Board of Administration pursuant to the State Bond Act to issue any bonds through the provisions of this subsection. Counties and municipalities may join together for the issuance of bonds authorized by this subsection.

(f)1. Notwithstanding paragraph (d), a county that has a population of 50,000 or less on April 1, 1992, or any county designated as an area of critical state concern on the effective date of this act, and that imposed the surtax before July 1, 1992, may use the proceeds and interest of the surtax for any public purpose if:

- a. The debt service obligations for any year are met;
- b. The county's comprehensive plan has been determined to be in compliance with part II of chapter 163; and
- c. The county has adopted an amendment to the surtax ordinance pursuant to the procedure provided in s. 125.66 authorizing additional uses of the surtax proceeds and interest.

2. A municipality located within a county that has a population of 50,000 or less on April 1, 1992, or within a county designated as an area of critical state concern on the effective date of this act, and that imposed the surtax before July 1, 1992, may not use the proceeds and interest of the surtax for any purpose other than an infrastructure purpose authorized in paragraph (d) unless the municipality's comprehensive plan has been determined to be in compliance with part II of chapter 163 and the municipality has adopted an amendment to its surtax ordinance or resolution pursuant to the procedure provided in s. 166.041 authorizing additional uses of the surtax proceeds and interest. Such municipality may expend the surtax proceeds and interest for any public purpose authorized in the amendment.

3. Those counties designated as an area of critical state concern which qualify to use the surtax for any public purpose may use only up to 10 percent of the surtax proceeds for any public purpose other than for infrastructure purposes authorized by this section. A county that was designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation, and that qualified to use the surtax for any public purpose at the time of the removal of the designation, may continue to use up to 10 percent of the surtax proceeds for any public purpose other than for infrastructure purposes for 20 years following removal of the designation, notwithstanding subparagraph (a)2. After expiration of the 20-year period, a county may continue to use up to 10 percent of the surtax proceeds for any public purpose other than for infrastructure if the county adopts an ordinance providing for such continued use of the surtax proceeds.

(g) Notwithstanding paragraph (d), a county having a population greater than 75,000 in which the taxable value of real property is less than 60 percent of the just value of real property for ad valorem

tax purposes for the tax year in which an infrastructure surtax referendum is placed before the voters, and the municipalities within such a county, may use the proceeds and interest of the surtax for operation and maintenance of parks and recreation programs and facilities established with the proceeds of the surtax throughout the duration of the surtax levy or while interest earnings accruing from the proceeds of the surtax are available for such use, whichever period is longer.

(h) Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this subsection and subsections (3), (4), and (5) in excess of a combined rate of 1 percent.



Agenda Item Summary

Agenda Date: 8/5/2021

Agenda Item No.: 4.

Agenda Item Name:

Residential Rental Unit Permit and Inspection Program

Presenter:

Missy Daniels

Description:

Presentation for Discussion of a Residential Rental Unit Permit Program

Recommended Action:

Receive the presentation; provide direction to staff concerning inclusion of other municipalities

Prior Board Motions:

N/A

Fiscal Consideration:

At the previous meeting, the Commissioners determined they would likely pursue this in-house. For the unincorporated area, this would potentially involve 4 FTE Codes Officers and 1 FTE Licensing clerk/staff assistant at a first year cost including salary, benefits, vehicles and necessary equipment of \$454,000 and an second year cost of \$345,000.

This number may be higher if other municipalities are included.

This program is not yet in place in Alachua County, this program is not in the budget, and as such, this program can be discussed during the FY22 budget development process. The permit fees would have to be at a level to cover all costs associated with the program. For 7,000 units, the fee would be between \$50 to \$65 per permit. This fee would need to be added to the fee schedule and adjusted as necessary to cover the cost of the program.

Background:

In September of 2020, the City of Gainesville adopted an ordinance creating a Residential Rental Unit Permit and Inspection Program. This program requires property owners to obtain a permit for rental units and requires the rental units to meet certain energy efficiency standards.

Utility bills in residential units with old non-energy efficient or broken appliances can be more than the cost of the rent and can easily push households past the 30% of income limit for what is considered affordable in housing cost. In addition, old or broken appliances and HVAC systems carry an environmental load that could be greatly reduced by upgrading to meet the energy efficiency standards in this program. This discussion is to consider a draft ordinance for the County to implement a similar program. The City's program will go into effect on October 1, 2021

ORDINANCE NO. 200249

An ordinance of the City of Gainesville, Florida, related to the regulation of residential rental units; amending Chapter 14.5 titled "Miscellaneous Business Regulations" of the City Code of Ordinances by repealing the existing Article I titled "Landlord Permits" and creating a new Article I titled "Residential Rental Unit Permits"; amending Appendix A. titled "Schedule of Fees, Rates and Charges" by repealing the existing Landlord Permit fees and creating new Residential Rental Unit Permit fees; amending Sec. 2-339 titled "Applicable codes and ordinances" within Division 6, Article V of Chapter 2; amending Sec. 2-377 titled "Applicability; jurisdiction" within Division 8, Article V of Chapter 2; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing effective dates.

WHEREAS, on November 8, 2018, the City Commission created the Rental Housing Subcommittee to study and make recommendations to the Commission on issues associated with rental housing within the City of Gainesville;

WHEREAS, the Rental Housing Subcommittee held public meetings from November 26, 2018 through May 28, 2019 and reported its recommendations to the City Commission at its General Policy Committee Meeting on July 25, 2019, at which meeting the City Commission directed the drafting of this ordinance;

WHEREAS, the City Commission believes that many residential rental units in the City are substandard and do not currently meet minimum property maintenance standards and are not energy efficient and that this ordinance is necessary to address these public health, safety and welfare concerns;

WHEREAS, at least 10 days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

1 **WHEREAS**, the public hearings were held pursuant to the published notice described at
2 which hearings the parties in interest and all others had an opportunity to be and were, in fact
3 heard.

4 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE**
5 **CITY OF GAINESVILLE, FLORIDA:**

6 **Section 1.** Article I titled "Landlord Permits" of Chapter 14.5 of the Code of Ordinances
7 is hereby repealed effective at 12:01am on August 1, 2021. Except as amended herein, the
8 remainder of Chapter 14.5 remains in full force and effect.

9 **ARTICLE I. ~~LANDLORD PERMITS~~**

10 **~~Sec. 14.5-1. Landlord permits.~~**

11
12 ~~(a) Definitions. Unless otherwise specified in this article, "days" shall mean calendar days~~
13 ~~and "notice" shall mean written notice that is made in the same manner as provided in~~
14 ~~F.S. § 162.12.~~

15 ~~(b) Application/issuance of permit. The owner(s) of a dwelling unit, as defined in section~~
16 ~~30-23, that is located within a district designated in section 30-57 shall obtain a~~
17 ~~landlord permit prior to allowing the occupancy of that dwelling unit by any person,~~
18 ~~whether or not for consideration. Landlord permits shall be valid from August 1, or the~~
19 ~~date of issuance, through July 31. The owner(s) of the dwelling unit or the owner's~~
20 ~~agent shall submit a written application for a permit on a form provided by the city.~~
21 ~~Upon receipt of a completed application, the city manager or designee shall issue a~~
22 ~~landlord permit for the dwelling unit provided each of the following conditions are~~
23 ~~met:~~

1 ~~(1) The application is accompanied by payment of the permit fee set forth in~~
2 ~~Appendix A;~~

3 ~~(2) The owner(s) and the dwelling unit are in compliance with all provisions of this~~
4 ~~article; and~~

5 ~~(3) The application for the landlord permit provides the correct street address for the~~
6 ~~dwelling unit.~~

7 ~~(c) — *Exemption.* This section does not apply if the dwelling unit is occupied by: a) the~~
8 ~~owner(s) as a permanent place of residence, as evidenced by an existing homestead~~
9 ~~exemption or a filed application for a homestead exemption, or b) no persons other~~
10 ~~than the following family members of the owner(s): spouse, domestic partner, child,~~
11 ~~stepchild, foster child, parent, stepparent, foster parent, brother, sister, grandparent,~~
12 ~~grandchild, aunt, uncle, niece, nephew, father-in-law, mother-in-law, son-in-law,~~
13 ~~daughter-in-law, sister-in-law, brother-in-law, or legal guardian, as evidenced by~~
14 ~~written documentation of such relationship.~~

15 ~~(d) — *Payment; late payment.* The applicable permit fee is specified in Appendix A. If~~
16 ~~payment is not received on or before the due date specified in Appendix A, the late fee~~
17 ~~specified in Appendix A shall be due and payable and the city manager or designee~~
18 ~~may refer the account to a collection agency. If the collection agency does not collect~~
19 ~~the amount due within 90 days of the referral, or if the city manager or designee~~
20 ~~decides not to refer the account to a collection agency, the applicant or permit holder~~
21 ~~shall be subject to notice of violation of this article and code enforcement proceedings,~~
22 ~~or the case can be referred to the city attorney to pursue resolution in a court of~~
23 ~~competent jurisdiction.~~

1 ~~(e) — Failure to apply for permit.~~ If the city manager or designee has reasonable cause to
2 believe that a dwelling unit is occupied without a permit in violation of this article, the
3 owner(s) of the property shall be sent an application advising that the owner(s) shall,
4 within 30 days of the date application was sent, either: a) provide evidence that a
5 permit is not required, or b) submit a permit application. Failure to either provide
6 evidence that a permit is not required, or submit a permit application within 30 days of
7 the date notice was given shall subject the owner(s) to a notice of violation of this
8 article and code enforcement proceedings. Fines imposed by the code enforcement
9 proceedings shall stop accruing, and be calculated as due and payable to the city, upon
10 the date of occurrence of any of the following events:

11 (1) — A landlord permit is obtained for the subject property;

12 (2) — The subject property is no longer occupied in violation of this article;

13 (3) — The subject property has been relinquished by the owner(s) by sale,
14 foreclosure, or other action that dispossesses the owner(s) of title to the
15 property; or

16 (4) — The landlord permit year for which the owner(s) is in arrears ends.

17 ~~(f) — Requirements of permit applicant.~~ The applicant for a landlord permit shall comply
18 with the following requirements. Failure to comply with any of the following
19 requirements shall be grounds for revocation of the permit, as described in section
20 14.5-3 or denial of a permit as described in section 14.5-4.

21 (1) — The applicant shall certify that he/she has provided each occupant of the
22 subject dwelling unit with a copy of:

23 a. — F.S. ch. 83, pt. II, titled "Residential Tenancies";

b. ~~Chapter 14.5, article I of this Code, titled "Landlord Permits"; and~~

c. ~~A pamphlet prepared by the city containing guidelines for rentals in residential neighborhoods.~~

(2) ~~The applicant shall certify that, in the event the city provides notice of repeated violations of certain ordinances occurring at the dwelling unit, as provided in section 14.5-2, the applicant will pursue all lawful remedies available under F.S. § 83.56, regarding termination of the rental agreement due to the tenant's failure to comply with F.S. ch. 83, the provisions of the lease or this Code.~~

(3) ~~The applicant shall certify that he/she is the fee simple owner of the dwelling unit or the agent of the fee simple owner of the dwelling unit.~~

(4) ~~The applicant shall provide the name, address, and telephone number of a contact person who resides within Alachua County to receive communications from the city concerning the permit.~~

(5) ~~The applicant shall maintain a list of the names of occupants in each dwelling unit, and such lists shall be made available to the city in a reasonable amount of time upon request.~~

(g) ~~If owner(s) sells the property for which a valid permit has been issued, the new owner(s) shall submit a permit application and otherwise meet the requirements of this article, and has the option of either: a) paying the permit fee for transfers of a permit as set forth in Appendix A, which permit shall be transferred with any outstanding points accumulated per section 14.5-2, or b) paying the permit fee for a new permit as set forth in Appendix A, which permit shall have no accumulated points.~~

Sec. 14.5-2. -- Points assessed on permit.

1 ~~(a) — Violations; warnings; points.~~ When a dwelling unit regulated by this article is the
2 subject of repeated warnings of violation and/or adjudication of guilt, finding of guilt
3 with adjudication withheld, waiver of right to contest the violation, or pleas of no
4 contest (including, but not limited to, payment of fine) of the following city
5 ordinances:

6 (1) — Noise ordinances (chapter 15 of the Code of Ordinances);

7 (2) — Animal control ordinances (chapter 5 of the Code of Ordinances);

8 (3) — Solid waste ordinances (article III of chapter 27 of the Code of Ordinances);

9 (4) — The provisions of section 30-57 concerning habitation by more than one
10 family;

11 (5) — Yard parking ordinance (subsection 30-56(c)(4) of the Code of Ordinances);

12 (6) — Section 13-171 (related to insects, storage, trash and yard maintenance); or

13 (7) — Section 13-181 (related to hazardous conditions).

14 The landlord permit for the dwelling unit shall be subject to the accumulation of points
15 as follows:

16 a. ~~For one or more written warnings given in any 24 hour period for violation~~
17 ~~of one or more of the ordinances listed above, one point will be assessed on~~
18 ~~the landlord permit for that unit. For each instance of adjudication of guilt,~~
19 ~~finding of guilt with adjudication withheld, waiver of right to contest the~~
20 ~~violation, or plea of no contest (including, but not limited to, payment of~~
21 ~~fine) for violation of any of the ordinances listed above, two points will be~~
22 ~~assessed on the landlord permit for that unit. However, to the extent more~~

1 than one person is adjudicated guilty, found guilty with adjudication
2 withheld, waives the right to contest the violation or pleads no contest for
3 the same violations that occur within a 24 hour period, only two points will
4 be assessed on the landlord permit for that unit. For purposes of this
5 section, written warnings shall mean those warnings issued pursuant to
6 civil citation or code enforcement procedures, including stickers placed on
7 vehicles advising of violation of the yard parking ordinance.

8 b. ~~After each point is assessed on a landlord permit for a unit, the city~~
9 ~~manager or designee shall send a written warning to the owner(s) or agent.~~
10 ~~Each warning shall specify which ordinance or ordinances have been~~
11 ~~violated and shall state that further warnings or violations may lead to a~~
12 ~~revocation of the permit.~~

13 **~~Sec. 14.5-3. Revocation of permit.~~**

14 (a) ~~Accumulation of six or more points on a permit during any three consecutive annual~~
15 ~~(i.e., August 1 through July 31) permit periods or failure to comply with subsection~~
16 ~~14.5-1(f), shall constitute a violation of this article subjecting the owner(s) to~~
17 ~~proceedings to revoke the permit as follows:~~

18 (1) ~~The city manager or designee shall have written notice served to the owner(s)~~
19 ~~or agent to show cause why the permit should not be revoked.~~

20 (2) ~~The owner(s) or agent shall have 15 days from the date of service to request a~~
21 ~~hearing to determine whether the permit should be revoked. The request shall~~
22 ~~be sent to the city manager by certified mail, return receipt requested. If such~~

1 request is not timely made, the revocation shall take effect on the 21st day after
2 the date of service to show cause.

3 (3) ~~Upon request for a hearing, a hearing shall be scheduled before the code~~
4 ~~enforcement board or special magistrate.~~

5 (4) ~~In conducting the hearing, the code enforcement board or special magistrate~~
6 ~~shall have the power to administer oaths, issue subpoenas, compel the~~
7 ~~production of books, paper, and other documents, and receive evidence. All~~
8 ~~parties shall have an opportunity to respond, to present evidence and argument~~
9 ~~on all issues involved, to conduct cross examination and submit rebuttal~~
10 ~~evidence, and to be represented by counsel or other qualified representative.~~

11 Hearsay evidence may be used for the purpose of supplementing or explaining
12 other evidence, but it shall not be sufficient in itself to support a finding unless
13 it would be admissible over objection in civil actions. The lack of actual
14 knowledge of, acquiescence to, participation in, or responsibility for, a public
15 nuisance at common law or a noxious use of private property on the part of the
16 owner(s) or agent shall not be a defense by such owner(s) or agent.

17 (5) ~~If the code enforcement board or special magistrate finds either: (a) the~~
18 ~~accumulation of the six points and the existence of a public nuisance at~~
19 ~~common law or noxious use of private property, or (b) the owner(s) failed to~~
20 ~~comply with subsection 14.5-1(f), the code enforcement board or special~~
21 ~~magistrate shall enter an order revoking the permit.~~

22 (6) ~~If the code enforcement board or special magistrate finds no failure to comply~~
23 ~~with subsection 14.5-1(f), no public nuisance at common law or noxious use of~~

1 private property exists, or that the owner(s) has recovered possession of the
2 dwelling unit from the tenant(s) that caused the violation(s), the code
3 enforcement board or special magistrate shall enter an order to dismiss the
4 revocation action and, if appropriate, to rescind points from the permit based
5 upon the actions taken by the owner(s) to seek compliance with the city's
6 ordinances.

7 (7) — The code enforcement board or special magistrate's order shall consist of
8 findings of fact, conclusions of law and relief.

9 (8) — Notice of the final order shall be provided to the owner(s) within 15 days of the
10 date of the final order.

11 (9) — If the permit is revoked under these procedures, the owner(s) or agent shall
12 have 15 days from the date of the final order to commence proceedings to
13 recover possession of the rental unit under state law from the tenant(s) that
14 caused the violation(s), if not already done. The owner(s) or agent shall
15 diligently pursue the process of eviction to completion. The owner(s) or agent
16 shall provide copies of all documents provided to the tenant(s) or filed with the
17 court concerning the eviction process to the city manager or designee. If the
18 owner(s) fails to comply with these provisions, or fails to abide with the final
19 order of the city, the city may cite the owner(s) for violation of section 14.5-1
20 (renting without a landlord permit), or seek other available legal or equitable
21 relief.

1 ~~(10) In addition to the above described procedures, the city attorney is authorized to~~
2 ~~file for injunctive relief to abate the public nuisance at common law or noxious~~
3 ~~use of private property pursuant to law.~~

4 ~~(11) The final order of the city is subject to certiorari review in a court of competent~~
5 ~~jurisdiction in Alachua County, Florida.~~

6 **~~Sec. 14.5 4. Denial of permit.~~**

7 ~~(a) The city manager or designee may deny issuance of any permits applied for under this~~
8 ~~section if it is determined either that the owner or agent has made material~~
9 ~~misrepresentations about the condition of his/her property or status of ownership, or~~
10 ~~that the occupancy of the property is in violation of section 30-57 or that the owner or~~
11 ~~agent has refused to make or comply with the certifications required in subsection~~
12 ~~14.5 1.(e) or that the owner has otherwise violated a provision of this article.~~

13 ~~(b) If the city manager or designee determines there is reasonable cause to believe that~~
14 ~~there are grounds to deny a permit applied for the city manager or designee shall~~
15 ~~provide notice of the denial, including the grounds for the denial.~~

16 ~~(c) Within 15 days of the date of the notice, the owner may request in writing to the city~~
17 ~~manager a hearing on the denial. The city manager or designee shall schedule the~~
18 ~~hearing to occur within 15 days after receiving the request for hearing and shall notify~~
19 ~~the owner at least five days in advance of the time and location for the hearing. The~~
20 ~~hearing may be postponed if mutually agreed upon by the city manager and the owner.~~

21 ~~(d) The hearing shall be conducted informally and adherence to the rules of evidence~~
22 ~~normally followed by the courts shall not be required. Any person may present~~

1 testimony, documents or other evidence as deemed relevant by the city manager or
2 designee. Any person may be represented by counsel.

3 (e) ~~— The city manager or designee shall consider all evidence presented, and if the~~
4 ~~preponderance of the evidence supports the allegation of violation the permit shall be~~
5 ~~denied. If the preponderance of the evidence does not support the allegation of~~
6 ~~violation, the permit shall be issued. The decision of the city manager or designee may~~
7 ~~be appealed by a writ of certiorari to a court of competent jurisdiction in Alachua~~
8 ~~County, Florida.~~

9 (f) ~~— The city manager or designee may waive the denial requirement as to any permit if it~~
10 ~~is determined that the owner has attempted in good faith to comply with this article. In~~
11 ~~determining asserted good faith as required for a waiver, the city manager or designee~~
12 ~~may consider, but not be limited to, the owner response to current violations and~~
13 ~~remedy of past violations.~~

14 (g) ~~— If a permit is denied under this section, the owner whose permit was denied shall not~~
15 ~~be issued another permit on the same dwelling unit for a period of 6 months after the~~
16 ~~date of denial.~~

17 **~~Sec. 14.5-5. - Inspections and complaints.~~**

18 (a) ~~— *Inspections.* By applying for a permit, the owner agrees to allow inspection of the unit~~
19 ~~for violations of this article, as well as violations of the housing code (article II of~~
20 ~~chapter 13 of the Code of Ordinances) at any reasonable time; however, this provision~~
21 ~~shall not be interpreted as authorizing the city to conduct an inspection of an occupied~~
22 ~~rental unit without obtaining either the consent of an occupant or a warrant.~~

1 ~~(b) — Complaints. Each complainants shall be requested to state his/her name and addresses~~
2 ~~and give a statement of the facts giving rise to the complainant's belief that the~~
3 ~~provisions of this article are being violated. Such information may be obtained orally~~
4 ~~or in writing. A complainant may be subpoenaed to appear in a revocation or denial~~
5 ~~proceeding to provide evidence or testimony.~~

6 ~~Sees. 14.5-6 — 14.5-14. — Reserved.~~

7
8 **Section 2.** A new Article I titled “Residential Rental Unit Permits” within Chapter 14.5 of the
9 Code of Ordinances is hereby created effective at 12:01am on August 1, 2021. Except as
10 amended herein, the remainder of Chapter 14.5 remains in full force and effect.

11 **Chapter 14.5 – MISCELLANEOUS BUSINESS REGULATIONS**

12 **ARTICLE I. RESIDENTIAL RENTAL UNIT PERMITS**

13 **Sec. 14.5-1. - Purpose and intent.**

14
15 The purpose and intent of this article is to eliminate substandard residential rental units by
16 creating a permit and inspection program that requires all regulated residential rental units within
17 the city to meet minimum property maintenance and energy efficiency standards.

18 **Sec. 14.5-2. – Definitions.**

19 Throughout this article, the following words and phrases shall have the meanings defined below
20 unless the text of the article or section in which used clearly indicates otherwise. Any word or
21 phrase used in this article that is not defined below shall have the common dictionary meaning
22 most appropriate to the context in which such word or phrase is used.

23 Living standards means those property maintenance and energy efficiency standards set forth in

24 Sec. 14.5-4.

1 Occupant means any person age 18 or older who resides in a regulated residential rental unit,
2 excluding the owner of said unit and any one or more of the following natural persons who are
3 living with and interrelated to the owner as: spouse, domestic partner, child, stepchild, foster
4 child, parent, stepparent, foster parent, brother, sister, grandparent, grandchild, aunt, uncle, niece,
5 nephew, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law,
6 legal guardian, or domestic servant, as evidenced by written documentation of such relationship.
7 And excluding any temporary gratuitous guest of the owner defined as a natural person who
8 occasionally visits the owner for a short period of time, not to exceed 30 calendar days within a
9 90 day period.

10 Owner means a person who, or entity which, alone, jointly or severally with others, or in a
11 representative capacity (including, without limitation, an authorized agent, attorney, executor,
12 personal representative or trustee) has legal or equitable title to a regulated residential rental unit.

13 Regulated residential rental unit (or regulated unit) means a room or rooms located in a
14 condominium, co-op, timeshare, quadraplex, triplex, duplex or single-family dwelling that is
15 rented, or advertised or held out to be rented, for periods of at least 30 consecutive days or 1
16 calendar month (whichever is less). This definition expressly excludes public lodging
17 establishments regulated by the state pursuant to Part I of Chapter 509, Florida Statutes, and
18 dormitories.

19 Rented means allowing any occupant to reside in a regulated unit, regardless of whether such
20 occupancy is free, charitable or in exchange for monetary or other consideration.

21
22 **Sec. 14.5-3. – Annual residential rental unit permits.**
23

24 Commencing at 12:01 am on October 1, 2021, each regulated unit must have a current annual
25 permit. Each owner shall make application for a permit at least 10 business days prior to

1 allowing an occupant to reside in a regulated unit. Each annual permit issued by the city is valid
2 from October 1 (or date of issuance) to September 30 of the following year. In the event of a
3 change in ownership of a regulated unit, the permit may be transferred to the new owner, but
4 same shall require a new application and payment of the permit fee set forth in Appendix A.
5 Renewal permit applications shall be submitted on or before September 1 of each year. A permit
6 may not be issued, renewed or transferred for a unit with uncorrected living standard violations.
7 The owner shall submit a completed permit application (for the initial permit, each renewal and
8 any transfer), on the form provided by the city, that includes all of the following requirements:
9 (a) A confirmation by the owner that they will provide each occupant with a complete copy
10 (hard copy or electronic copy) of the following documents prior to the signing of the
11 lease or other written document granting occupancy, or prior to occupancy if there is no
12 written document between the occupant and the owner: the completed self-inspection
13 checklist (described in (d) below), the current version of the “Florida’s Landlord/Tenant
14 Law” brochure prepared by the Florida Department of Agriculture and Consumer
15 Services, the current version of the “Tenant Bill of Rights and Responsibilities” prepared
16 by the city, and the most recent U.S. Department of Energy Home Energy Score for the
17 regulated unit prepared by the City and provided to the owner. In addition, the owner
18 shall maintain on file, and allow the city to inspect same upon request, a receipt signed by
19 each occupant confirming they received the above documents prior to signing a lease (or
20 other written document) or prior to commencing residency, whichever is applicable, in
21 the regulated unit.
22 (b) The name, mailing address, email address and telephone number of the owner to receive
23 communications from the city concerning the permit and this article. In addition, if the

1 owner is not physically located within Alachua County, the owner shall provide the
2 name, mailing address, email address and telephone number of an agent physically
3 located within Alachua County whom the owner has authorized to receive
4 communications from the city concerning the permit and this article.

5 (c) A completed self-inspection checklist certifying that the regulated unit complies with the
6 living standards, along with a copy of the HVAC maintenance documentation.

7 (d) Payment of the permit fee set forth in Appendix A – schedule of fees, rates and charges.

8 **Sec. 14.5-4. Living Standards.**

9 (a) Property maintenance: Effective at 12:01am on January 1, 2021, each regulated unit
10 must meet all requirements of Article II titled “Property Maintenance Code” of
11 Chapter 13 of the City Code of Ordinances.

12 (b) Energy efficiency: Effective at 12:01am on October 1, 2021, each regulated unit must
13 meet the following energy efficiency requirements.

14 a. Attic insulated to a minimum of R-19 and then a minimum of R-30 by 12:01am
15 on October 1, 2026.

16 b. Attic access is weather stripped and insulated to a minimum of R-30.

17 c. All visible duct joints sealed using mastic or a combination of mastic and
18 fiberglass mesh tape, pressure sensitive foil tape (UL181AP) or heat sensitive foil
19 tape (UL 181AH) and all ducts insulated to a minimum of R-6 with appropriate
20 commercially available insulation material.

21 d. Fireplace chimneys have working dampers, doors, or closures.

22 e. Plumbing system is free of visible leaks.

- 1 f. All showerheads must be 2.2 gal/min flow rate or less, as evidenced by imprinting
2 on the showerhead or documentation maintained by the owner.
- 3 g. All faucets must have aerators with a 2.2 gal/min flow rate or less, as evidenced
4 by documentation maintained by the owner.
- 5 h. All toilets must be 3 gal/flush or less (use of a volume reduction device to achieve
6 this is acceptable) and 1.6gal/flush or less by 12:01am on October 1, 2026.
- 7 i. Water heater(s) have a visible and properly functioning Temperature/Pressure
8 Relief Valve (TPRV).
- 9 j. Water heater pipes insulated for the first 3' from the unit (excepting gas units)
10 with appropriate commercially available insulation.
- 11 k. All visible exterior water lines not in enclosed space must be insulated with
12 appropriate commercially available insulation.
- 13 l. HVAC system(s) must have maintenance performed by a currently licensed
14 HVAC or mechanical contractor at least once within the past 24 months, as
15 evidenced by documentation maintained by the owner, and have a filter installed
16 that is appropriately sized for the system(s).
- 17 m. Programmable thermostat connected to HVAC system by 12:01am on October 1,
18 2026.
- 19 n. Wall, window, or other single room or small space cooling units in good repair,
20 property secured and air-sealed, and with a filter installed that is appropriately
21 sized for the unit(s).

22 **Sec. 14.5-5. Education; Inspections.**

- 1 (a) From the effective date of this ordinance until 12:01am on October 1, 2021, the city will
2 educate and promote compliance with this article, but will not begin enforcement.
3 Thereafter, the city will begin compliance inspections. The inspections will be conducted
4 on a 4-year rolling cycle, with the goal that each regulated unit will be inspected at least
5 once every four (4) years for compliance with this article. In addition, with every other
6 compliance inspection, the city will prepare and provide to the owner a U.S. Department
7 of Energy Home Energy Score for the regulated unit. Inspections may also be conducted
8 more frequently and/or as a result of a complaint received by the city. Notwithstanding
9 the foregoing, the city will investigate complaints filed under the Property Maintenance
10 Code in accordance with the provisions therein.
- 11 (b) Written notice of an inspection will be provided via certified mail to the owner and
12 posted at the regulated unit at least 7 calendar days prior to the city conducting the
13 inspection. If the unit is not occupied, the owner shall give consent and shall be present
14 at the time of the inspection. If the unit is occupied, an occupant shall give consent and
15 shall be present at the time of the inspection. If the owner or occupant (as applicable)
16 refuse to consent to the inspection, the city may obtain an inspection warrant pursuant to
17 Section 933.20, et seq., Florida Statutes, prior to conducting the inspection.

18 **Sec. 14.5-6. Enforcement and Penalties**

- 19 (a) **Failure to meet living standards.** If upon inspection, the city manager or designee, has
20 reasonable grounds to believe that a regulated unit does not meet the living standard(s)
21 the enforcement procedure set forth in Division 6 or Division 8 (as applicable) within
22 Article V of Chapter 2 of the Code of Ordinances will be utilized. In addition, if living
23 standard violation(s) are not corrected and such violation(s) constitute a health, safety or

1 welfare hazard to the occupant, the city manager or designee may revoke the permit. A
2 permit may not be issued, renewed or transferred for a unit with uncorrected living
3 standard violations.

4 (b) **Extraordinary hardship.** Any owner who cannot comply with a particular living
5 standard may request an extraordinary hardship exception from the city manager or
6 designee. The owner shall have the burden of demonstrating the existence of an
7 extraordinary hardship by submittal of an application that sets forth facts demonstrating:
8 1. The hardship is due to unique building or site characteristics with an explanation of
9 why the living standard cannot be met, 2. The owner did not create the hardship by taking
10 actions that makes the property unable to meet the living standard, and 3. There are no
11 feasible alternatives for compliance. Examples of extraordinary hardship may include,
12 but are not limited to, where there is insufficient space or the presence of attic flooring
13 will not allow the installation of the required insulation or where the wastewater line
14 serving the unit prevents the installation of a low flush toilet. Cost or inconvenience are
15 not considered extraordinary hardships.

16 (c) **Failure to apply for permit.** If the city manager or designee has reasonable grounds to
17 believe that a regulated unit is occupied without a permit in violation of this article, the
18 owner shall be sent a permit application and the owner shall, within 30 days of the date
19 the permit application was sent, either: a) provide evidence that a permit is not required,
20 or b) submit a complete permit application. Failure to either provide evidence that a
21 permit is not required or submit a complete permit application within 30 days of the date
22 the application was sent shall subject the owner(s) to a civil citation and/or the city may
23 seek injunctive relief to prevent the unit from being rented. Fines imposed by any

1 enforcement proceedings shall stop accruing, and be calculated as due and payable to the
2 city, upon the date of occurrence of any of the following events:

- 3 a. A permit is obtained for the regulated unit;
4 b. The regulated unit is no longer occupied in violation of this article;
5 c. The regulated unit has been relinquished by the owner by sale,
6 foreclosure, or other action that dispossesses the owner of title to the
7 regulated unit; or
8 d. The permit year for which the fines accrued ends.

9
10 Secs. 14.5-7 – 14.5-14. – Reserved.

11 **Section 3.** Appendix A. Schedule of Fees, Rates and Charges, is amended by deleting the
12 existing “Landlord Permit” fees within the Land Development Code category and by creating a
13 new category of permit fees titled “Residential Rental Unit Permit” effective at 12:01am on
14 August 1, 2021. Except as amended herein, the remainder of Appendix A remains in full force
15 and effect.

16 **APPENDIX A. SCHEDULE OF FEES, RATES AND CHARGES.**

17 **LAND DEVELOPMENT CODE:**

18 **(4) Zoning:**

19 **a. Landlord permit:**

20 **1. Initial applications:**

21 ~~a. Application and payment received within first half of permit year (on or before January 31)~~
22 ~~and by due date specified on application/notice 154.25~~

23 ~~b. Application and payment received within second half of permit year (between February 1 and~~
24 ~~July 31) and by due date specified on application/notice 77.25~~

- 1 ~~2. Renewals: Application and payment received on or before August 31 154.25~~
- 2 ~~3. Transfers of permit to new owner(s) 26.25~~
- 3 ~~4. Multiple dwelling units: Where two or more dwelling units requiring a landlord permit are~~
4 ~~located on a single parcel of property and are owned by the same owner(s), one unit shall be~~
5 ~~subject to the full permit fee and each additional unit shall receive a 50% discount.~~
- 6 ~~5. Late fee: A late fee of 25% of the permit fee shall be assessed when an application and full~~
7 ~~payment is not received by the due dates specified herein.~~

8

9 RESIDENTIAL RENTAL UNIT PERMITS (Sec. 14.5-3):

10 Permit (including permit renewals and transfers) fee - per regulated residential rental unit:
11 \$122.00. If the permit application is filed between April 1 – September 30, one-half of the
12 permit fee is due: \$61.00

13 **Section 4.** Section 2-339 titled “Applicable codes and ordinances” within Division 6,
14 Article V of Chapter 2 is amended as set forth below effective at 12:01am on August 1, 2021.
15 Except as amended herein, the remainder of Sec. 2-339 remains in full force and effect.

14.5-13	Not having a landlord <u>residential rental unit</u> permit	II	\$250.00
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16

17 **Section 5.** Section 2-377 titled “Applicability; jurisdiction” within Division 8, Article V
18 of Chapter 2 is amended as set forth below effective at 12:01am on August 1, 2021. Except as
19 amended herein, the remainder of Sec. 2-377 remains in full force and effect.

20 Sec. 2-377. - Applicability; jurisdiction.

21 (a) The Gainesville Code Enforcement Board shall have jurisdiction to hear and decide
22 cases in which violations are alleged of any provisions of the following provisions of this
23 Code of Ordinances as they may exist or may hereafter be amended by ordinance:

(20) Chapter 14.5, Article I, ~~"Landlord Permits;"~~ "Residential Rental Unit Permits;"

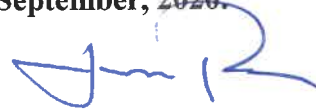
Section 6. It is the intention of the City Commission that the provisions of Sections 1 through 5 of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be renumbered or relettered in order to accomplish such intentions.

Section 7. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or application of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

Section 8. All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 9. This ordinance shall become effective immediately upon adoption; however, the various sections within this ordinance shall become effective on the date/time specified in those sections.

PASSED AND ADOPTED this 17th day of September, 2020.



LAUREN POE
MAYOR

ATTEST:

Approved as to form and legality



OMICHELE D. GAINES
CLERK OF THE COMMISSION



NICOLLE M. SHALLEY
CITY ATTORNEY

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5

This ordinance passed on first reading this 3rd day of September, 2020.

This ordinance passed on second reading this 17th day of September, 2020.



Residential Rental Unit Permit and Inspection Program

August 5, 2021

**Joint Meeting Alachua County
Commission and City of LaCrosse**

Community Support Services, Codes Enforcement,
Growth Management



City Ordinance

- **Adopted September 17, 2020**
- **Goes into affect October 1, 2021**
- **For existing units, permits must be obtained by October 1, 2021 and will be valid until September 30, 2022**
- **RFP issued for program implementation**

Permit Application

- **Contact information**
- **Completed self-inspection checklist certifying unit complies**
- **HVAC maintenance documentation**
- **Payment of fee**



Permit Application

- **Confirmation that documents were provided to tenant:**
 - **Completed Self-inspection checklist**
 - **Copy of Florida's Landlord/Tenant Law (FDACS)**
 - **Tenant Bill of Rights and Responsibilities (City of Gainesville)**
 - **US Dept. of Energy Home Energy Score (calculated by City)**

Living Standards

- **Meets City(County) Property Maintenance Code**
- **Energy Efficiency standards to include:**
 - **Attic insulated to a minimum of R-19 and then a minimum of R-30 by October 1, 2026.**
 - **Attic access is weather stripped and insulated to a minimum of R-30.**



Living Standards

- All visible duct joints sealed using mastic or a combination of mastic and fiberglass mesh tape, pressure sensitive foil tape (UL181AP) or heat sensitive foil tape (UL 181AH) and all ducts insulated to a minimum of R-6 with appropriate commercially available insulation material.
- Fireplace dampers
- Plumbing free of leaks

Living Standards

- Showerhead and faucet aerators min 2.2 gal/min flow rate or less
- Toilets 3 gal/flush or less and then 1.6 gal/flush or less by Oct 1, 2026
- Water heaters – Temperature/Pressure Relief Valve
- Water heater pipes and water lines not enclosed - insulated

Living Standards

- **HVAC maintenance at minimum every 24 months**
- **Wall/window units in good repair, secured and air-sealed**

Inspections

- **Four year rolling cycle - each unit inspected at least once every four years**
- **Every other inspection provide a US Dept of Energy Home Energy Score**
- **Inspect at other times for complaints**



Extraordinary Hardship Provision

- **Similar to a variance**
 - **Cannot be caused by owner**
 - **Must show no alternatives to comply**



Enforcement

- If owner refuses to allow inspection, an inspection warrant could be obtained pursuant to Section 933.20, et seq., Florida Statutes
- Standard Code Enforcement Notice of Violation process for violations
- Permits may not be issued, transferred or renewed for units with uncorrected violations

Number of Units/Inspections

- All residential units rented in the City -~15,000 units, ~3,750 inspections annually
- County Unincorporated— ~7,036 units, ~1,759 inspections annually



Rental Permit Program

Municipality	Duplex	Tri/Quad	Single Family	Total Units
Alachua	18	3	663	712
Archer	3	1	122	131
Hawthorne	3	0	212	218
High Springs	8	3	574	603
Micanopy	5	1	91	104
Newberry	6	0	459	471
Waldo	1	0	225	227
Lacrosse			15	15
			Total Estimated Unit Count based on homestead status	2,481



Budget Considerations Unincorporated

- **1,759 inspections annually**
- **4 Codes Officers, 1 licensing clerk/staff assistant**
 - Salary, benefits, vehicles, phones, computers, uniforms, training/memberships
- **First Year: ~\$454,000**
- **On-going yearly: ~\$345,000**

Questions to Consider

- **Elements/Requirements of Ordinance**
- **Time frame for implementation**
- **Other Municipalities**





Agenda Item Summary

Agenda Date: 8/5/2021

Agenda Item No.: 5.

Agenda Item Name:

Discussion: Trunk Radio System

Presenter:

Harold Theus, Chief 352-384-3101

Description:

County staff to provide an update and to receive feedback regarding the Trunk Radio System and negotiations with the City of Gainesville

Recommended Action:

Have a discussion

Prior Board Motions:

February 23, 2021, the BoCC heard the Presentation, Commissioner Prizzia, Assistant County Manager Crosby, Commissioner Alford, Commissioner Prizzia, and Commissioner Alford presented comments.

Commissioner Alford moved the following: SRA. 2nd Wheeler

- Authorize the Chair to execute an agreement with the City of Gainesville/GRU for the Trunk Radio System for this year only.
- Authorize staff to continue negotiations with GRU to develop a long term partnership agreement for the Trunk Radio System.
- Authorize staff to explore alternate plans for a County-wide radio system in the event the parties are unable to reach an agreement.

The motion carried 5-0.

April 14, 2020, Staff presented presentation on the proposed ordinance. Board approved authorization to advertise ordinance to amend Ordinance #2016-06, to provide funding for the Radio Management System.

March 14, 2019, BoCC Special Budget Meeting, Commission directed the County Manager to review all the critical safety infrastructure needs in conjunction with the Sheriff and the City of Gainesville and bring back a proposed list that could potentially be used for a half cent sales tax referendum.

October 23, 2018, County Commission **Commissioner Hutchinson moved** to hear the

presentation, discuss alternatives, and funding options. Also provide direction to staff. Federal Engineering recommends that the County continue operating on the current radio system managed by GRUCom, which is alternative 1 of 2 within the final report with the following changes:

1. Direct staff to return with some governance models they believe would be more functional.
2. Direct staff to return with Funding Options including tax initiatives and County debt.
3. Place this item on upcoming Joint City of Gainesville meeting.
4. Direct the County Attorney to work with the appropriate personnel to update County Ordinances to enable the building codes to provide operation of radios within building/structures.
5. Commissioner Chestnut, Commissioner Byerly, Commissioner Hutchinson, and Commissioner Byerly presented comments.

Commissioner Byerly exited at 10:28 a.m. due to obligations with the Canvassing Board.

Chair Pinkoson presented comments. **The motion carried 3-0 with Commissioner Byerly out of the room.**

October 10, 2017, County Commission approved the RFP ranking and authorized staff to negotiate an agreement.

November 14, 2016, joint City/County Commission meeting, both commissions authorized the Radio Management Board to obtain a radio system consultant.

December 7, 2015, joint City/County Commission meeting, both commissions authorized the Radio Management Board (RMB) to hire a radio system consultant.

Fiscal Consideration:

N/A

Background:

The contract between GruCom and its radio partners which includes Alachua County for radio services expired on September 30, 2020. In the fall of 2020, radio participants from Alachua County, UF Police Department, the City of Gainesville and Gainesville Regional Utilities (GRU) met on five occasions to negotiate methodologies of cost allocations. On January 4, 2021, GruCom sent a demand letter to Alachua County and unilaterally directed terms and conditions of a contract and threatened to remove the County from the radio system if full annualized payment was not received within 45 days of an invoice. Later, Alachua County Staff learned that similar letters had been issued to the University of Florida, Santa Fe College and the cities of Alachua, High Springs and Newberry.

As a result of GruCom's threat to cut off the County's ability to utilize the public safety radio system,

the County Commission unanimously adopted Resolution 2021-01 to initiate the Chapter 164 Florida Statutes Florida Governmental Conflict Resolution Act on January 5th along with a Chair letter to City Mayor Lauren Poe.

On April 27, 2021 and May 6th, 2021 both governments signed resolutions to resolve the Public Safety Radio System dispute. This agreement stipulates the conditions of an agreement through FY 21 and pathway to negotiate, “a long-term partnership agreement with consideration of fair and equitable allocations of all system costs over that longer term.”