

SUPPLEMENTAL AGENDA

May 17, 2011

**ALACHUA COUNTY SPECIAL COMMISSION MEETING
COUNTY ADMINISTRATION BUILDING
12 SOUTHEAST FIRST STREET
Grace Knight**

ITEMS TO BE ADDED TO THE AGENDA

- *Joint Motion to continue hearing on budget appeal of Alachua County Sheriff, per Randall Reid (to be First Item on the Agenda) see attachment*

BEFORE THE ADMINISTRATION COMMISSION
STATE OF FLORIDA

IN RE:


Appeal of:
SADIE DARNELL, SHERIFF
ALACHUA COUNTY, FLORIDA


*JOINT MOTION TO CONTINUE HEARING ON BUDGET APPEAL OF
ALACHUA COUNTY SHERIFF*

TO: Administration Commission, State of Florida
c/o Jerry L. McDaniel, Director
Office of Policy and Budget
Executive Office of the Governor
The Capitol, Suite 1802
Tallahassee, Florida 32399-0001

COME NOW SADIE DARNELL, Sheriff of Alachua County, Florida and LEE
PINKOSON, Chair of the Alachua County Board of County Commissioners, Florida, and hereby
jointly request to continue the Budget Panel Hearing presently scheduled for Thursday, May 19,
2011, at 10:00AM, with the Budget Panel from the Executive Office of the Governor, for a period
of forty-five days. This is intended to allow the Governor to take action on the 2011 Florida
pension reform legislation.

Respectfully submitted, on this day 17th of May, 2011.


Sadie Darnell,
Sheriff of Alachua County 5/16/11


Lee Pinkoson, Chair
Alachua County Board of County
Commissioners



Alachua County Agenda

ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS

Grace Knight Conference Room
2nd Floor
12 SE 1st Street

May 17, 2011 Special BoCC Meeting 10 AM

Call to Order (10:00 AM)

Adoption of Agenda

Items for Discussion

Fiscal Update

1. Discussion on Current Budget Issues

Amount: N/A

Recommended Action: Hear overview and discuss current budget issues.

Discussion Items

2. Constitutional Officer Budget Discussion - Tax Collector

Amount: N/A

Recommended Action: Discuss the FY12 budget development with the Tax Collector.
Information only - no action requested.

3. Growth Management Department - Program and Service Presentation (Amended)

Amount: N/A

Recommended Action: Hear presentation by the Growth Management Department and
discuss related budget issues. Information only - no action requested.

4. Filing a Motion in Support of Appellate Case in Communication Workers of America et. al. v. the
City of Gainesville

Amount: n/a

Grace Knight Conference Room
2nd Floor
12 SE 1st Street

Recommended Action: Authorize the County Attorney to file motions and other memoranda in support of the City of Gainesville's position that it did not commit an unfair labor practice by changing the amount of contributions that retirees in the city of Gainesville pension program make to the cost of health insurance.

Time Certain (1:30 PM)

1:30 PM

5. Court Services Department - Program and Service Presentation (Amended)

Amount: N/A

Recommended Action: Hear presentation by the Court Services Department and discuss related budget issues. Information only - no action requested.

Commission General and Informal Discussion

Public Comments

Adjourn



FY12 and FY13 Budget Development Special Board Meeting

Alachua County
Office of Management and Budget
May 17, 2011



FY12 Budget Development

Fiscal Updates



FY12 Budget Development

Budget Meeting Calendar Review

FY12 Budget Development Calendar Review



- FY12 Budget Development Calendar
 - Budget development calendar has been approved and posted to the internet
 - Special Board meetings March thru June
 - Next budget meeting is May 26 and will include an overview from the Information Technology Services and Administrative Services Departments as well as from the County Attorney and the County Manager. There will also be a discussion on the proposed FY12 thru FY16 CIP.



FY12 Budget Development Calendar Review

- FY12 Budget Development Calendar
 - Tentative Budget presentation scheduled for July 7
 - Set proposed millage rates at regular Board meeting on July 12
 - Special Board meetings August and September
 - Public Hearings (TRIM) in September on regular Board meeting dates
 - September 13 and 27 will also adopt policies, CIP and Fee Schedule

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FY12 Budget Development

2011 State Legislative Session



FY12 Budget Development Legislative Session

- State budget is almost \$70 million budget
 - \$3.8 million reduction includes the elimination of some trust funds and reductions to State health departments
 - Property tax reduction comes thru reductions to water management districts
- Governor has 45 days to sign or veto legislation


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FY12 Budget Development Legislative Session

- State Revenue and Expenditure Caps (TABOR like)
 - An amendment to the State Constitution
 - Requires 60 percent voter approval at the 2012 general election.
 - Legislation does not include specific language to directly impact county government revenues or expenditures


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FY12 Budget Development Legislative Session

- Non-Homestead Assessment Cap
 - Proposed Constitutional amendment reducing property value assessment cap from 10% to 3%
 - Similar to Save Our Homes
 - Additional exemption for first-time home buyers.
 - Requires 60 percent voter approval at the 2012 general election

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FY12 Budget Development Legislative Session

- Pension Reform Plan
 - Impacts State and County governments thru Florida Retirement System (FRS); also proposed to impact other local government retirement plans
 - FRS employer contribution rates will decrease as of July 1, 2011
 - Current legislation increases rates significantly beginning July 1, 2012

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FY12 Budget Development Legislative Session

- Pension Reform Plan
 - FRS requires 3% employee contribution beginning July 1, 2011
 - DROP program is retained with a lower interest rate on retirement earnings
 - Increased vesting time and retirement age for new FRS members
 - Eliminates cost-of-living adjustments for current FRS retirees for 5 years

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FY12 Budget Development Legislative Session

- Pension Reform Plan
 - Reduced costs to local government employers can be used to offset employee costs, fund other operating expenses or could reduce resources needed

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FY12 Budget Development Legislative Session



FRS - Employer Contribution Rates FY 2011 - FY 2013

Membership Class	Rate as of June 30, 2011	Rate as of July 1, 2011	Proposed Rate as of July 1, 2012
Regular Class	10.77%	4.91%	6.58%
Special Risk Class	23.25%	14.10%	19.56%
DROP	12.25%	4.42%	26.61%

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FY12 Budget Development



Fiscal Outlook for Alachua County

ALTERNATIVE FY12 MILLAGE RATES (decrease in taxable property values of 3%)

Property Tax Revenue Or Property Value Growth	General Fund	MSTU		MSTU	
		-3%	-3%	Law Enforcement -3%	Fire Services -3%
Current Millage	8.3753	8.4326	1.6730	1.3391	
Projected Revenue	93,068,010	1,899,719	8,274,523	6,299,648	6,489,375
FY11 Adopted Budget	95,657,802	1,957,129	8,525,338	6,489,375	6,489,375
Difference	(2,589,792)	(57,410)	(250,815)	(189,727)	(189,727)
Revenue Stabilization	8.6084	8.4249	1.7217	1.3758	
Projected Revenue	95,657,854	1,957,900	8,525,581	6,489,294	6,489,294
FY11 Adopted Budget	95,657,802	1,957,129	8,525,338	6,489,375	6,489,375
Difference	52	771	243	(81)	(81)
Simple Majority Cap	8.7333	8.4655	1.7490	1.4033	
Projected Revenue	97,034,581	2,002,194	8,660,766	6,596,965	6,596,965
FY11 Adopted Budget	95,657,802	1,957,129	8,525,338	6,489,375	6,489,375
Difference	1,376,779	85,065	135,428	107,590	107,590
Rollback (w/)	8.6855	8.4481	1.7394	1.3946	
Projected Revenue	96,503,492	2,041,139	8,613,229	6,560,742	6,560,742
FY11 Adopted Budget	95,657,802	1,957,129	8,525,338	6,489,375	6,489,375
Difference	845,690	84,010	87,891	71,367	71,367
Super Majority Cap	9.8066	8.4951	1.9238	1.5425	
Projected Revenue	106,797,717	2,237,644	9,528,843	7,356,521	7,356,521
FY11 Adopted Budget	95,657,802	1,957,129	8,525,338	6,489,375	6,489,375
Difference	11,079,915	300,515	1,003,505	767,146	767,146

Total new construction value estimate of \$72,000,000 (General Fund only)
 Total new construction value estimate of \$50,000,000 (all MSTUs)
 Change in State per capita personal income growth is .55%



Note: Reflects changes in property tax revenue only

Simple majority = new construction value + change in PCPI

Rollback (w/) = millage need for same amount of revenue as prior year

Super Majority = 10% over simple majority

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FY12 Budget Development

Budget Development Principles





FY12 Budget Development Budget Principles

- FY11 Budget Development Principles - Governance
 - Maintain 5% reserve policy for major operating funds
 - Maintain General Fund budget allocation share with Constitutional Offices
 - Maintain current funding allocation for Law Enforcement between General Fund and MSTU

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FY12 Budget Development Budget Principles

- FY11 Budget Development Principles – Governance
 - One-time sources will be allocated toward reserves or one-time expenditures
 - Continue to present a two-year budget
 - Budget property tax revenue based on current and simple majority millage rates

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FY12 Budget Development

Discussion, Comments, Questions



FY12 and FY13 Budget Development

May 17, 2011

ALTERNATIVE FY12 MILLAGE RATES (decrease in taxable property values of 3%)

Property Tax Revenue Only	General Fund	MSTU	MSTU	MSTU
		General	Law Enforcement	Fire Services
Property Value Growth	-3%	-3%	-3%	-3%
Current Millage	8.3763	0.4124	1.6710	1.3391
Projected Revenue	93,068,010	1,899,719	8,274,523	6,299,648
FY11 Adopted Budget	95,657,802	1,957,129	8,525,338	6,489,375
Difference	(2,589,792)	(57,410)	(250,815)	(189,727)
Revenue Stabilization	8.6094	0.4249	1.7217	1.3794
Projected Revenue	95,657,954	1,957,300	8,525,581	6,489,234
FY11 Adopted Budget	95,657,802	1,957,129	8,525,338	6,489,375
Difference	152	171	243	(141)
Simple Majority Cap	8.7333	0.4455	1.7490	1.4023
Projected Revenue	97,034,591	2,052,194	8,660,766	6,596,965
FY11 Adopted Budget	95,657,802	1,957,129	8,525,338	6,489,375
Difference	1,376,789	95,065	135,428	107,590
Rollback (up)	8.6855	0.4431	1.7394	1.3946
Projected Revenue	96,503,492	2,041,139	8,613,229	6,560,742
FY11 Adopted Budget	95,657,802	1,957,129	8,525,338	6,489,375
Difference	845,690	84,010	87,891	71,367
Super Majority Cap	9.6066	0.4901	1.9239	1.5425
Projected Revenue	106,737,717	2,257,644	9,526,843	7,256,521
FY11 Adopted Budget	95,657,802	1,957,129	8,525,338	6,489,375
Difference	11,079,915	300,515	1,001,505	767,146

Assumptions used in the development of the millage rates are as follows:

- Change in taxable property values at -3.00% (very preliminary projections)
- Total new construction value estimate of \$72,000,000 (General Fund only)
- Total new construction value estimate of \$50,000,000 (MSTU's only)
- Change in State Per Capita Personal Income growth at 0.55%

FY12 Special Budget Meetings*

- February 25, Fri – BoCC Special Budget Meeting 9:00am (*Retreat with Constitutional/Judicial Offices*)
- March 15, Tues – BoCC Special Budget Meeting 10:00am (*Stormwater*)
- March 15, Tues – BoCC Special Budget Meeting 1:30pm (*Gas Tax*)
- March 29, Tues – BoCC Special Budget Meeting 10:00am (*Fire Services MSTU*)
- March 29, Tues – BoCC Special Budget Meeting 1:30pm (*Sheriff*)
- March 30, Wed – Budget Allocation Meeting 9:00am
- April 5, Tues – BoCC Special Budget Meeting 10:00am (*Public Safety*)
- April 5, Tues – BoCC Special Budget Meeting 1:30pm (*Community Support Services – includes CAPP and Health Department Funding*)
- April 19, Tues – BoCC Special Budget Meeting 10:00am (*Judicial/Constitutional Offices and Court Related CIP*)
- April 19, Tues – BoCC Special Budget Meeting 1:30pm (*Judicial/Constitutional Offices*)
- May 3, Tues – BoCC Special Budget Meeting 10:00am (*Constitutional Offices, Public Works, Growth Management and Environmental Protection*)
- May 3, Tues – BoCC Special Budget Meeting 1:30pm (*see May 3, Tues 10:00am Meeting*)
- May 17, Tues – BoCC Special Budget Meeting 10:00am (*Legislative Impacts and Growth Management*)
- May 17, Tues – BoCC Special Budget Meeting 1:30pm (*Court Services*)
- May 26, Thurs – BoCC Special Budget Meeting 1:30pm (*Legislative Impacts, Information & Telecom Services, Administrative Services, General Government and Five Year Capital Improvement Program*)
- June 7, Tues – BoCC Special Budget Meeting 10:00am

July 7, Thurs – County Manager Tentative Budget Presentation 1:30pm

July 12, Tues – BoCC Sets Millage Rates 1:30pm (*Regular Board Meeting*)

August 4, Thurs - BoCC Special Budget Meeting 5:00pm

August 16, Tues – BoCC Special Budget Meeting 1:30pm

August 25, Thurs – BoCC Special Budget Meeting 1:30pm (*CAPP*)

August 30, Tues – BoCC Special Budget Meeting 10:00am (*Financial Policies, Schedule of Fees, and Five Year Capital Improvement Program*)

August 30, Tues – BoCC Special Budget Meeting 1:30pm (*see August 30, Tues 10:00am Meeting*)

September 1, Thurs – BoCC Special Budget Meeting 1:30pm

September 13, Tues – 1st Public Budget Hearing 5:30pm (*Regular Board Meeting*)

September 27, Tues – Final Public Budget Hearing 5:30pm (*Regular Board Meeting*)

*List of proposed dates includes Budget Allocation meeting, Tentative Budget presentation, BoCC setting of millage rates, and 1st and Final Public Budget Hearings.



An Overview of the Tax Collector's Office

Presented by:

John Power
Assistant Tax Collector

Jon Costabile
Finance Director

Representing:

Von Fraser, CFC
Alachua County Tax Collector




PRESENTATION OBJECTIVES:

Answer Four Questions

1. (Who we are)
 - Define the relationship of the Tax Collector relative to state, county, and local governments.
2. (What we do)
 - Describe the various state agencies for which Tax Collectors carry out the duties of law and related regulations.

Continued...



PRESENTATION OBJECTIVES: (Continued)

3. (What we accomplish)
 - Review general office statistics.

4. (Future Services)
 - Discuss budget impact of implementing Driver's License services.



Alachua County Tax Collector Defined

- Constitutional Officer / Office

- Von Fraser is not an employee of county government, local government or the state, neither are his deputies.

- The Tax Collector is a sovereign Constitutional officer elected to serve in a county political subdivision.



As a Constitutional Officer, the Tax Collector & Staff:


- Follow Statutory requirements and Administrative Codes.
- Must carry out certain statutory and regulatory functions as the "agent" for various state agencies and local taxing authorities.
- Operate out of three public service centers.
 - Downtown
 - NW 34th Street
 - Butler Plaza



The Tax Collector is a Limited & Specialized Agent of the State

Carries out the duties of law and related regulations for the following:

- The Florida Department of Revenue – FS 197
- The Department of Highway Safety and Motor Vehicles (DHSMV) – FS 320 and FS 328
- The Florida Fish and Wildlife Conservation Commission (FFWCC) – FS 379
- The Alachua County Board of County Commissioners (BOCC) – Local Ordinance



Tax Collector (as Agent for ...) Florida Department of Revenue

General Responsibilities:

Ad Valorem Tax Program (Property Taxes)

- Florida Statute Chapter 197
- Mail and Process Real Estate & Tangible Tax Bills
- Collect, Reconcile, & Distribute all Tax Revenues according to Law



Statistical Totals -Property Tax Program-

- Tax Bills & Reminders Mailed
 - +/- 150,000
- Total Transactions (real, tangible, current, delinquent, etc.)
 - +/- 115,000
- Total Monies Collected / Disbursed
 - \$312 Million
 - Weekly Average ~ + \$6 Million
 - Daily Average ~ + \$1.25 Million
 - 85% in Nov. & Dec. alone



Tax Collection History 2000-2009

Tax Year	Tax Levy	Tax Collections	% Collected
2000	163,609,208	157,997,059	96.6%
2001	177,349,653	171,698,344	96.8%
2002	191,096,774	184,994,200	96.8%
2003	206,960,693	200,254,041	96.8%
2004	218,861,383	211,656,904	96.7%
2005	244,405,945	236,259,209	96.7%
2006	277,582,339	268,367,659	96.7%
2007	288,124,831	278,723,664	96.7%
2008	293,950,457	284,516,366	96.8%
2009	316,512,623	306,213,359	96.7%



Tax Collector (as Agent for ...)

Department of Highway Safety and Motor Vehicles

General Responsibilities


Motor Vehicle & Vessel Titles and Registrations (Tag & Title)

- Florida Statute Chapter 320 & 328
- Mail and Process Vehicle registrations annually
- Collect, Reconcile, & Distribute all Tag Revenues according to Law



Statistical Totals - Auto Tag Program -

- **Renewal Notices Printed & Mailed**
 - +/- 215,000
- **Total Transactions** (registrations, titles, vessels, etc.)
 - 325,000 Transactions
 - +/- \$13 Million
- **Weekly Average**
 - ~6,200 per week (Transactions)
 - \$250,000 per week
- **Daily Average**
 - ~1,250 per day (Transactions)
 - Nearly \$50,000 per day



Tax Collector (as Agent for ...) Alachua County

General Responsibilities

Business Tax Program


Issue licenses, collect, reconcile & distribute monies collected.

- Issued +/-2,500 Business Tax receipts totaling approx. \$305,000.

Tourist Development Tax Program

Collect "Bed Tax" monthly, reconcile & distribute monies collected, perform audits on various accounts.

- Processed 1,000 Tourist Development Returns and Collected approx. \$2.4 Million



Misc. Tax Collector Functions -Items of Interest-

Call Center

Calls Received

- 100,000 Office-wide
- ~ +/-1,400 / week
- ~ 400 / Day



Statistical Totals

Office-wide Customers & Transactions

Total Notices Mailed

- 366,000

Total Customers & Transactions (including phones, excluding internet)

- 540,000 (Over ½ Million)
- \$325 Million

Weekly Average

- 10,400 Customers & Transactions per week
- \$0.25 Million per week


Daily Average

- ~2,100 per day
- ~\$1.25 Million per day



PRESENTATION OBJECTIVES: Main Points Summarized..

1. (Who we are)
Independent Constitutional Officer / Office
2. (What we do)
Carries out duties for various agencies
Transaction agents
3. (What we accomplish)
Hundreds of thousands of transactions
Collect, reconcile & distribute millions of dollars




Future Services (as Agent for ...)

Department of Highway Safety and Motor Vehicles

Per Florida Statute 322.135


Perform Driver's License Services

- Tax Collector will become the authorized agent for Driver's License services
- Perform all facets of Florida Driver's License and identification issuance.
- Meet federal REAL ID Act of 2005.
- Collect, Reconcile, & Distribute all DL Revenues according to Law




Anticipated Statistical Totals - Driver's License Program -

- **Total Transactions** (renewals, replacements, testing, etc.)
 - 55,000 Face-to-Face Transactions
- **Customer Traffic**
 - ~30% increase in Face-to-Face customer traffic
- **Anticipated Call Volume**
 - ~30% or 30,000 more calls into call center



Anticipated Budget Impact - Driver's License Program -

- State of Florida still receives \$20.00/tx
 - no field offices, personnel, operating expenses or equipment
- Tax Collector receives \$6.25/tx
- Good News - Pro-forma statements
 - Recurring Revenue and Recurring Expenditures should be neutral



Anticipated Budget Impact - Driver's License Program -

- Bad News - Security Audit performed
 - Must be Real ID compliant
- Reconfigure existing facilities
 - Security, functionality and space requirement
- Required to install security cameras at all locations
- Required to purchase a large safe for each office



Budget Assumptions

- No pay increase
 - 1% cola = \$30,000 (inclusive of benefits)
- Retirement Rates – SB 2100
 - \$150,000 savings
- Health Insurance Increase 4.6%
 - \$38,000 increase cost
- DOR needs to review/approve – (FS 195.087)

Budget History Preliminary FY12

	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	\$4,263,212	\$4,099,375	\$4,019,614	\$3,902,966
Operating Expenditure	\$1,041,762	\$1,010,976	\$1,002,213	\$1,011,936
Capital Outlay	\$63,600	\$65,200	\$60,000	\$300,000
Total Budget	\$5,368,574	\$5,175,551	\$5,081,827	\$5,214,902
Excess Fees-GF	\$1,244,553	\$1,411,558	\$1,643,646	\$1,653,483
FTE's	71.00	68.50	65.00	65.00

Questions ????



Alachua County
Department of Growth Management



Access 2011



Check out our new website: <http://growth-management.alachuacounty.us>

Department of Growth Management Vision Statement:

To create a built environment that makes efficient use of land, promotes multi-modal transportation, protects natural resources with social equity and economic prosperity, and provides for safe and affordable housing.

The Alachua County Growth Management Department implements the community's vision of quality of life and a sustainable community that promotes economic opportunity, protection of natural resources, and social equity in the interest of the health, safety and welfare of the public. This is carried out through the County's comprehensive plan, land development regulations, development review and the application of codes governing safe building construction, and related programs to expand availability of safe, sanitary and affordable housing, and economic development initiatives.

The focus of the Growth Management Department is on the built environment, particularly in the unincorporated area of the County, including where and how the places people meet their daily needs are built, how we get to and from those places, and the protection of natural resources and cultural assets of the community. This role includes coordination with other County departments responsible for aspects of the community's physical makeup and provision of related services, as well as intergovernmental coordination with municipalities, adjacent Counties, and other regional and state agencies on matters of common concern and interest.

There are several services the Growth Management Department provides to the public and the County Commission in carrying out its responsibilities. These include providing:

Customer service and information about the policies, procedures and rules governing the use of property, development and construction in the unincorporated area;

Technical information and analysis about demographic and economic trends, geographic data, infrastructure needs and environmental conditions affecting the community;

Assistance in the development and update or amendment of the **Comprehensive Plan** and implementing regulations and capital improvement programs in response to changing community and fiscal needs;

Review of applications for **zoning changes**, and development plans for subdivisions, retail, industrial, office, mixed-use and institutional projects;

Permitting and inspection of building construction projects to ensure safety and compliance with the Florida Building Codes, local ordinances, and code enforcement activities to address health and safety issues;

Administration of housing programs to assist lower income households to 1) achieve and maintain homeownership, 2) undertake home repairs, and 3) to ensure access to housing opportunities for those with specialized housing need.

Welcome to the Department of Growth Management

We are dedicated to responsive, respectful and courteous customer service. We have compiled this handbook to assist you, as a citizen of Alachua County, to access services provided by this Department. The purpose of this handbook is to serve as a roadmap and compass to enable you to navigate through the services of this department to achieve your desired outcome as a customer.



Have you ever wondered?

What is a Comprehensive Plan? Page 2

What is Zoning? Page 6

What is the purpose of Development Review? Page 7

When do I need a Building Permit? Page 8

Do I need a permit to run a home based business? Page 9

How can I report a nuisance in my neighborhood? Page 9

Can I have multiple living units on my property? Page 9

Can I get assistance buying my first home? Page 10

How do I find out what my property is zoned? Page 11

How can I influence my community's future? Page 12

This handbook was created to assist you in answering these and other questions that impact you as an individual, your community and Alachua County as a whole. Our staff looks forward to serving you. You can visit us in person, call us, or go online to answer any other questions you may have.

Address: 10 SW 2nd Avenue Phone: 352-374-5249

Website: <http://growth-management.alachuacounty.us>

What services do we provide?

Page 1

Department Activities & Programs Chart.

Pages 2-4

We develop, update and amend the **Comprehensive Plan**, and implement regulations and capital improvement programs in response to community & fiscal needs.

Page 5

We develop the **Land Development Code (ULDC)** that implement the policies of the Comprehensive Plan.

Pages 6-7

We review applications for **Zoning changes** as well as **Development Plans** for residential, commercial, industrial, office and institutional areas.

Pages 8-9

We **Permit and Inspect** building construction projects to ensure safety and compliance with Building Codes, as well as **Code Enforcement** and **Zoning Administration**.

Page 10

We administer **Housing Programs** to assist lower income households to achieve and maintain homeownership.

Page 11

We provide online **GIS Mapping** and other data search and reporting services.

Page 12

Find out how you can **Get Involved** and influence our collective future.

Growth Management Activities and Programs

Below is a chart displaying the interrelationships among Growth Management Department activities and programs. It all begins with the creation of Comprehensive Plan policies, which are then translated into regulations in the Land Development Code. Regulations and Codes are then implemented by the various divisions of the Department.



Project Manager: Beth Scrivener
 Editor, Art Direction and production: Jimmy Collins
 Writers: Holly Banner, Benny Beckham, Christine Berish, Jerry Brewington, Jimmy Collins, Missy Daniels, Charlene Moore, Tom Webster and Ken Zeichner.

Thanks to everyone else who contributed to this guide: Mike Castine, John Freeland, Jeff Hayes, Brenda Wheeler and all of Growth Management staff.

Comprehensive Planning

The Comprehensive Plan is a long-range plan for implementing our community's vision. It's based on an analysis of the community including projections of future population and employment growth and community goals. The Plan includes policies that address land use, transportation, economic development, housing, recreation, public facilities, utilities, public school facilities, the natural environment, solid waste and agriculture.



Why do we plan?

Have you ever thought about why you choose to live where you do? Is it the design of your neighborhood? The convenient access to work, school or shopping? The business or job opportunities? What about protection of the many natural resources in the area, or the recreation facilities available for you, your children or your grandchildren, and other families that will locate here in the future? These things are shaped by planning and policy choices made many years before a slab is poured, a park is established or an 'Open for Business' sign goes up.

These long range policy decisions are what local Comprehensive Plans are about. The Alachua County Comprehensive Plans is a blueprint, adopted by the County Commission, for the economic growth, development of land and protection of natural resources in the County. The Plan implements the community's vision through a series of 'Elements' that provide a framework for development to maintain and achieve the quality of life desired by residents and business owners like yourself. The Comprehensive Plan directly and indirectly influences all aspects of daily life, including where people live, work, eat, shop, conduct business, what activities and natural areas are available to visit and enjoy, and how you are able to get to and from these places.



Pedestrian friendly Village center



Wide Pedestrian friendly sidewalk

Did You Know?

There are 13 Elements in the Comprehensive Plan, organized by a series of goals, objectives and policies, with associated maps that show desired future conditions.

As a result of an evaluation of the Comprehensive Plan completed in 2009, two new elements were adopted in 2011:

The Energy Element focusing on the County's goals for energy conservation within County operations and in the community as a whole.

The Community Health Element including policies linked with other elements of the plan to facilitate health care delivery, promote health, prevent chronic illness, improve the livability of the community and provide residents opportunity for active living.

Contact Us

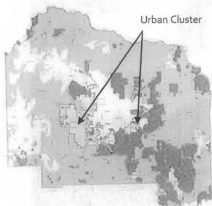
Address:

County Annex building
10 SW 2nd Ave, 3rd floor
Phone: (352) 374-5249

Where will we live, work, shop, go to school and meet other needs?

Future Land Use Element

A large part of the Comprehensive Plan's focus is on where the various buildings that meet our daily needs will be located and designed. This Element contains a Future Land Use Map for the unincorporated part of the County that directs most new development to occur in the Urban Cluster surrounding the City of Gainesville.



Future Land Use Map 2020

This is the area where key facilities to serve urban development can best be provided, either by private development or through the County's Capital Improvements Program.

The Plan promotes new development or redevelopment that makes efficient use of land in the Urban Cluster to maximize use of the existing facilities, protect natural areas, and promote agriculture in rural lands.

Compact, higher density development (more residential units per acre) with a mix of residential and nonresidential uses provide many quality of life benefits:

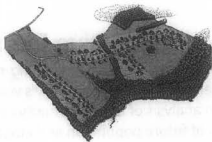
- Efficient use of land
- Reduced infrastructure costs
- Public transit becomes more feasible
- Health benefits of walking
- Easy access to parks and recreation
- Areas for community gatherings & events

Within the Urban Cluster, areas designated as Activity Centers provide for major commercial, office and other uses within a mixed use, pedestrian friendly setting.

The plan promotes well designed residential and nonresidential uses within 'Transit-Oriented' or 'Traditional Neighborhood' Developments for convenient access from home to work, shopping, and recreation, often without an automobile.

Plan policies also provide for the location of various Industrial uses.

The Rural/Agriculture area outside the Urban Cluster promotes agricultural activities and provides for lower density residential areas; incentives encourage Clustered developments for new subdivisions.



Clustered Development

Clustered developments, with open space for conservation or agricultural uses, improves accessibility while reducing development costs.

Throughout the rural area there are also areas designated as Rural Clusters (eg Windsor, Cross Creek, Melrose) that are historical settlement areas. The Plan encourages infill of these areas with residential development and limited commercial uses.

http://growth-management.alachuacounty.us/transportation_planning/

How will we travel to and from places where we live, work or meet other needs?

The **Mobility Plan** creates more mobility options for residents, especially for young people, the elderly and people who do not own cars or prefer not to drive, which reduces energy use, personal transportation costs, and dependence on foreign oil.

It provides for compact mixed uses areas, including commercial, office, civic and institutional uses to be accessible by walking and biking, in combination with a plan for bus rapid transit. The Plan also calls for express transit and park and ride opportunities from outlying areas into the employment and commercial hubs within the City of Gainesville.

Key features of the Plan include:

Bus Rapid Transit (BRT): is a high-capacity bus service that travels on exclusive lanes along designated routes, as shown above. The system will be developed in conjunction with Transit Oriented developments and as density increases within the Urban Cluster. Transit Oriented (TOD) and Traditional Neighborhood Developments (TND): contain a mix of uses and provide a higher density focal point for transit. They also will be the location of park and ride lots to serve residents in outlying areas.

Interconnected Road Network: reconnects neighborhoods by creating a road network that internally links one neighborhood to another without having to travel on major roads and highways.

Bicycle and Pedestrian Connectivity: proposes a connected bicycle and pedestrian network with new on-road bicycle lanes & off-road multi-use paths. These facilities will connect existing/future residential development to TOD's, TND's and Activity Centers.



How do we protect our natural & cultural resources & provide recreational facilities for future generations?

Conservation and Open Space Element: This Element helps to maintain County's ecological health and diversity by protecting wetlands, listed species habitats, and strategic ecosystems that serve important ecological functions; conserving energy; reducing greenhouse gas emissions; and helping to maintain a clean water supply for County residents. There are also policies for well-field protection and aquifer recharge areas to protect water quality and quantity for the future.

Historic Element: This Element includes policies to protect Alachua County's historical assets and calls for development of a Historic Preservation Master Plan to protect historic resources.

Recreation Element: This Element provides for Activity-based facilities, which include ball fields, playgrounds, public pools; and Resource-based facilities, which include natural resource areas, such as hiking and horse trails and boat ramps. The County partners with municipalities to provide activity-based recreation programs. Resource-based facilities are provided by Alachua County Forever lands and the County owned Poe Springs park, as shown on the right.



Poe Springs Park

How will we meet our housing and economic needs?

Housing Element

This Element addresses the needs of all residents, including those at or near the poverty level and those with special needs. It also addresses financial strategies and other incentives to provide safe, affordable, quality homes for County residents.

Economic Element

This Element addresses workforce training opportunities, retention of local talent and expertise, promotion of local businesses, tourism and other strategies and incentives to diversify the local economy and provide a range of employment opportunities, including the emerging 'green jobs' sector.

How do we coordinate with other government agencies?

Intergovernmental Coordination Element:

This Element focuses on relationships between Alachua County, the State, the water management districts, the nine municipalities, and other agencies within the County and in the surrounding region.

The Public School Facilities Element, adopted in 2008, provides for coordination of land use and development with the capital planning activities of the School Board of Alachua County.

How do we provide for the public facilities needed to support our everyday lives?

The Capital Improvements Element of the Plan sets a policy framework for meeting the public facility needs of the community. This includes priorities for funding investments in physical assets, such as transportation facilities, parks and solid waste disposal facilities. The element sets "level of service" standards for such facilities to be maintained through projects included in the Capital Improvements Program, which is updated annually.

The Stormwater Element sets standards for stormwater management systems in order to prevent flooding and treat runoff from development by filtering the pollutants to protect surface waters and groundwater.

The Potable Water & Sanitary Sewer Element ensures a safe, clean supply of drinking water and the sanitary disposal of wastewater by setting standards for facilities providing these services. In order to make efficient use of centralized municipal water and sewer facilities line and plant capacity and to protect groundwater, policies require that new development in the urban cluster connect to those facilities, and to control sprawl, policies limit extensions of water and sewer lines beyond the Urban Cluster.

The Solid Waste Element addresses how household garbage, hazardous waste, and recyclable items are disposed of, and promotes the recycling of solid waste and the overall reduction of the solid waste stream.

Land Development Code

The Land Development Code (ULDC) is a collection of zoning, subdivision and other regulations that implement the policies of the Comprehensive Plan. New development in the unincorporated area is required to meet the standards of the ULDC.



Where in the ULDC can I find the boards and committees that approve development?

Chapter 401 gives the governing bodies authority to review and make decisions on Development applications.

The **Board of County Commissioners (BoCC)** have the power to approve or deny Comprehensive Plan Amendments, ULDC text amendments, Re-zonings, Special Exceptions and Special Use Permits, among others.

The **Planning Commission (PC)** hears applications for Re-zonings, Planned Developments, Special Exceptions, Special Use Permits and ULDC text amendments. The PC gives a recommendation to the BoCC.

The **Board of Adjustment (BOA)** hears applications for Variances to uses within Zoning Districts, Secondary Living Units and Family Homestead Exceptions, among others.

The **Development Review Committee (DRC)** approves or denies Development Plans. This committee includes members from multiple County departments.

Where in the ULDC are the uses defined for each zoning district?

Chapter 403 establishes Zoning Districts that implement the Future Land Use designations in the Comprehensive Plan, and details the purpose with a detailed description for each district. These include Residential, Commercial, Industrial and other more specialized districts.

Chapter 404 details the permitted, limited, accessory and prohibited uses for each Zoning District, as well as uses that require Special Use Permits or Exceptions.

Where in the ULDC are the procedures and standards defined for all development applications?

Chapter 402 outlines the procedures and standards for all Development applications including the process and public hearing requirements.

Development Applications include: Comprehensive Plan Amendments, Development Plans, Platting, Re-zonings, Planned Developments, Special Exceptions, Special Use Permits, Family Homestead Exceptions, Temporary Use Permits and Variances, among others.

Where in the ULDC are development standards established?

Chapter 407 includes standards that regulate new development including: Setbacks, Parking, Signs, Landscaping, Traditional Neighborhoods, Subdivision regulations, Building Design, Street Networks and Connectivity, among others.

Contact Us

Address:

County Annex building
10 SW 2nd Ave, 3rd floor
Phone: (352) 374-5249

Development Services

This division implements the Comprehensive Plan and Land Development Code (ULDC) by working with residents, businesses, property owners, and developers on a daily basis in the administration of Development applications that include Rezoning, Comprehensive Plan Amendments and other applications relating to the use of land. The division also helps to formulate the policies and procedures of the Land Development Code.



What is Zoning?

Zoning is the tool used by the County to regulate the use of property for the purposes of protecting public health, safety, and general welfare of the community and implement the Comprehensive Plan. More specifically, zoning aims to:

- Protect or maintain property values.
- Promote public health and safety.
- Protect the environment.
- Protect agricultural uses.
- Make efficient use of land.
- Encourage housing for a variety of lifestyles and economic levels.
- Provide for orderly development.
- Provide locations for businesses and industry.

Can I change the Future Land Use or Zoning on my property?

If a proposed use is not consistent with the Future Land Use designated by Comprehensive Plan for a property, you may apply for Comprehensive Plan Amendment (CPA) to amend the Future Land Use Map.

If there is a proposed use that is not provided for in the particular zoning district for a property on the zoning map, but the use would be consistent with the more general Future Land Use designation in the Comprehensive Plan, you can apply for a rezoning to another zoning category that would allow the proposed use.

Keep in mind that in order to rezone your property, it must first be determined if the proposed zoning district is consistent with the Future Land Use (FLU) designation in the Comprehensive Plan. If it is not consistent, you must first apply for a Comprehensive Plan Amendment to change the land use designation on the Future Land Use Map.



Rendering of a Transit Oriented Development (TOD)

How does Zoning differ from Future Land Use?

The Comprehensive Plan sets general policy for Future Land Use (FLU), whereas Zoning is divided up into more detailed uses and standards for development, consistent with the Comprehensive Plan. For example, the Commercial FLU designation is broken up into many Zoning districts, including BR (supports Retail uses), and BW (supports Warehouse uses).

Who decides?

Applications for Re-zonings and Comprehensive Plan Amendments, are heard by the Planning Commission and the County Commission. After public input is received, the Planning Commission will make a recommendation to the County Commission, who either approves or denies your request based on consistency with the Comprehensive Plan in the case of rezoning, and based on policy judgment and the State's growth management statutes in the case of plan amendments.

Development Services staff can provide guidance on questions of consistency with the Comprehensive Plan and what's allowed in various zoning categories, and the process for applying for amendments to the Comprehensive Plan or rezonings.

Contact Us
 Address: County Annex building
 10 SW 2nd Ave, 3rd floor
 Phone: (352) 374-5249

Development Review

This division reviews all Development Plans and Plats to assure that high quality developments are built, consistent with the County's vision for a sustainable, livable, vibrant community as outlined in its Comprehensive Plan and Land Development Code. Development Plans include the detailed site design and engineering components.



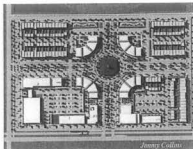
What is the purpose of Development Plan Review?

Plan review by the County allows staff to focus on factors that have impacts on public health and safety, while ensuring long-term maintenance needs are met. These reviews also verify that the proper infrastructure is in place to service a new development. Plan review ensures that sound engineering principles are used and in compliance with applicable codes and ordinances.

Plan review is divided into Preliminary and Final. Preliminary Development Plans provide a general layout of the proposed project at a lower level of detail than that required for Final Plans. Final Development Plans provide the detailed engineering or construction drawings.

The types of applications that typically require Development Plan Review are residential subdivision, industrial, commercial or office buildings, and mixed-use developments. The following are examples of what the Land Development Code requires for consideration during the Development Review Process:

- Open Space
- Tree Protection
- Location of Buildings
- Parking Areas
- Street Networks and Sidewalks
- Fire protection
- Connections to adjoining property
- Landscaping and Buffers
- Stormwater Management
- Conservation areas



Conceptual Site Plan for a Mixed-Use Development

Who is involved in the review of applications?

Development plans are reviewed by several County Departments and other agencies including: staff from Growth Management, Environmental Protection, Public Works, Public Safety, Health Department, GRU, Clay Electric and the Sheriff's Office.

Who decides?

The Development Review Committee (DRC) is comprised of a staff member from 3 different County Departments. Staff reports and development plans are presented to DRC at public hearings with opportunity for public comment. DRC may then approve, approve with conditions or deny applications based on the standards in the Land Development Code and Comprehensive Plan.

Contact Us

Feel free to contact Development Review Staff if you have any questions or concerns regarding this process or a potential project in your neighborhood.

Christine Berish,
cberish@alachuacounty.us

Leslie McLendon,
LMcLendon@alachuacounty.us

Address:
County Annex building
10 SW 2nd Ave, 3rd floor
Phone: (352) 374-5249

Building

Our mission is to create and maintain a safe and healthy community by keeping our homes, offices and other buildings safe for public use by carefully reviewing and inspecting all construction projects that require building permits in the unincorporated areas of the County and by arrangement with some municipalities. These projects range from small-scale residential remodels to large, multi-story commercial buildings and apartments.



Inspecting the roof of a new residence

What is a Building Permit and when do I need one?

A Building Permit is a legal document that gives you permission to start construction of a building project at an agreed upon location, within a set time frame, in accordance with approved drawings and specifications. It also gives lending institutions the assurance that the contractor is licensed, insured and has a legal right to build the project.

Building Permitting is the process through which the County ensures compliance with all Zoning codes and ordinances, relative to the construction of buildings and building sites. In each case, the process will include the review and approval of construction and site plans, the payment of permit and Impact Fees, the issuance of a Building Permit with a Notice of Commencement, and Inspections, in stages, of the work in progress. Once the project is complete and a final inspection has been issued, a Certificate of Occupancy will be issued.

Building permits are valid for a period of 6 months. Construction must commence within 180 days of issuance of permit.

What projects require a building permit?

- New or Temporary Buildings
- Additions
- Demolitions
- Renovations
- Prefabricated Structures
- Electrical & Plumbing Systems
- HVAC i.e.: heating, ventilating and air conditioning
- Water & Sewer Hookups
- Misc. Residential uses i.e.: pools, roofs, siding, windows, decks, etc.
- Misc. Commercial uses i.e.: parking, signs, elevators, food handling, etc.

What is an Impact Fee and who has to pay them?

Any application for a building permit that creates new demands on County transportation, fire or park infrastructure requires the payment of an "Impact Fee".

This includes all new residential, residential expansion and non-residential permits. The fee is based on the proposed size and use of the structure. Except for a few specific instances, the fee is calculated during the building permit review and payment of the fee is due prior to obtaining a Certificate of Occupancy.

What inspections are required during construction?

Inspections are required at various stages throughout the construction process by our multi-licensed inspectors, to ensure that the work conforms to the Code, conditions of the building permit, and the approved plans.

The following is a sample of inspections:

- Footings & Foundation
- Electrical Service
- Framing
- Rough in electric, plumbing, etc
- Fire Suppression
- Final Inspection

How are inspections scheduled?

We implemented an online inspection request and tracking system called Permit Tracker. This web based mapping, reporting, scheduling and tracking system allows inspections to be tracked from initial request to final inspection. Once a permit is issued, you can schedule an inspection at:

http://growth-management.alachuacounty.us/gis/applications/schedule_inspection.php

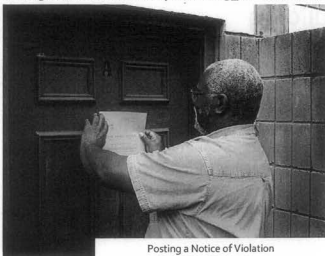
Contact Us

Address:

County Annex building
10 SW 2nd Ave, 1st floor
Phone: (352) 374-5243

Code Enforcement

& Zoning This division is responsible for the administration and enforcement of the Land Development Code (ULDC), the sign ordinance and other county codes. We assist property owners who are not in compliance to come into compliance. We also process applications for Family Homestead Exceptions, Accessory Living Units, Temporary Permits, Variances and other zoning related items.



Posting a Notice of Violation

What are the most common zoning questions?

What uses can I have on my property?

The uses allowed on your property depend on the zoning district your property is in. Each zoning district allows certain uses and excludes others. The Zoning Administrator is responsible for interpreting the ULDC and determining if the use you are proposing is allowed. If your proposed use is not listed in the ULDC, the Zoning Administrator will help you determine where the use is most appropriate.

Can I have more than one living unit on my property?

Yes, the ULDC and Comprehensive Plan allow Accessory Living Units on certain parcels. There are also exceptions, available for family members, to the density requirements of your property's zoning district.

Can I divide my property?

Yes, The ULDC and Comprehensive Plan allow lot splits, which is a one time division of a Parent parcel subject to certain standards. Parent parcels are legal lots of record created prior to October 2, 1991, and can only be divided once. The Administrator can help determine parent parcel statutes and the restrictions that may apply.

Can I operate a business from my home?

Yes, The ULDC allows for Home-Based Business permits to be issued as limited uses. They are classified as General and Rural. The General permit can be issued administratively and the Rural permit requires development plan approval.

How do I report a violation?

Any resident may report what they perceive as a code violation to the Code Enforcement Office. If you think you know of a potential violation, you may report it in any of the following ways:

1. Online: <http://growth-management.alachuacounty.us/gis/violations/>
2. By phone: 352-374-5243
3. In person: County Annex Building, 10 SW 2nd Avenue,

When reporting a possible violation, you should provide us with the exact address of the building and unit number if applicable, or as specific a location as possible to enable the inspector to locate the site. Then describe the condition you have observed.

What are the most common violations?

These are some code violations frequently reported for enforcement action:

- storing inoperable cars or trucks in residential yards.
- storing scrap, salvage materials, junk or debris outside in a residential zone.
- improvement of property without a building permit.
- changing a commercial use without appropriate permits, (e.g., converting warehouse to office space).
- operating a business or institution, such as school or day care center, without obtaining a permit.
- running a home-based business which does not qualify as an accessory use home occupation.

Who decides?

This division coordinates and supports the activities of two boards:

The Board of Adjustment hears zoning matters, such as certain Family Homestead Exceptions and Variances. The Code Enforcement Board hears code violation cases and has the authority to issue fines.

Contact Us

Address:

County Annex building
10 SW 2nd Ave, 1st floor
Phone: (352) 384-3184

Housing Programs

Our division administers local, state and federally funded grants to preserve and expand the availability of safe, sanitary and affordable housing in the County. In addition to providing financial assistance through grants and interest free, deferred payment loans, we also develop "Affordable Housing Incentives" to encourage single and multi-family affordable housing developments in the unincorporated areas of the County.



Housing Programs staff

What types of Housing Programs are available?

These programs are offered in partnership with the private and public sectors to assist very-low to low-income households in Alachua County.

Down Payment Assistance Programs

This program provides funding to assist eligible first time homebuyers with down payment and closing costs, as well as home repairs necessary to meet minimum housing code.

Home Repair Program

This program provides assistance, to eligible homeowners, for home repairs. Eligible activities include: emergency repair/moderate rehabilitation of sub-standard housing, major housing rehabilitation, and in some cases home replacement.

Rental Deposit Program

This program provides assistance to pay rental security and utility deposits on behalf of eligible very low income persons and/or households within Alachua County. Eligible utility deposits include only provider-mandated deposits for water, sewer, electricity, and gas.

Foreclosure Prevention Program

This program provides assistance on a first-come, first-serve basis to eligible applicants, who are delinquent in their mortgage payments, but whose homes have not yet had a foreclosure sale date set.

Assistance is available to homeowners who are delinquent for circumstances beyond their control, such as job loss, loss of spousal support, personal injury, or unanticipated emergency expenses, as determined by the Alachua County SHIP Program. Eligible expenses will include delinquent mortgage payments, attorney's fees, recording fees, and late fees.

Impact Fee Assistance

This program provides funding to offset the cost of impact fees for income-eligible homebuyers.

What incentives are there to build Affordable Housing?

- Expedited Permitting Process
- Modification of Impact Fees
- Reserving infrastructure capacity for very-low to moderate-income persons
- Allowance for Accessory Living Units in residential Zoning districts
- Reduction in parking and setback requirements
- Flexible Zoning Districts that allow for a mix of unit types and lot sizes.



Home Repair Program: Wheelchair Ramp built

Contact Us

Address:

County Annex building
10 SW 2nd Ave, 1st floor
Phone: (352) 337-7013
Fax: (352) 381-0124

What online GIS Mapping tools are available?

There are several online GIS Mapping tools available to assist you in finding the location based information you may need about your property or neighborhood.

If you have any questions about accessing GIS Information, contact GIS Staff at 352-374-5249.

To view a full list of GIS Services and contacts visit: http://growth-management.alachuacounty.us/gis_services/

Map Atlas (pdf) http://growth-management.alachuacounty.us/gis/gis_mapatlas.php



This tool allows you to view and print a map of your property, which you can locate by entering the Section, Township and Range (STR) or Land Grant that your property is located in. If you don't know your STR or Land Grant, you can use the index map to find it.

Once you have entered your STR into the search boxes, the next step is to select which map theme you would like to view for your property. If you want to know what your property's zoning is, check the 'Zoning' box. If you want to know if your property is in a floodplain, check the 'Wetlands and Floodplains' box. There are 4 other themes available to you, Future Land Use, Strategic Ecosystems (both mentioned earlier in the Comprehensive Planning section), Aerial Photography and Topography.

Once you've selected a theme, your last step is to select the format you want your map in, most people use the default 'Floating Window' selection, which will open the chosen (pdf) map in a new internet browser window, which you can then print or save to your local disk drive.

Click the 'Map' button, and you're done.

Interactive Mappers http://growth-management.alachuacounty.us/gis_services/interactive_gis/



Geographic Mapper (GeoGM) <http://maps.alachuacounty.us/geogm/>

This tool allows you to view your property or neighborhood, which you can locate by entering your address or parcel number into the search box. There are many map themes available in this viewer. For example, you could find out the Zoning on your parcel, by turning on that map theme in the legend. Or if you want to see if your property is in a flood zone, just turn that theme on. This viewer has tools for advanced searches, creating buffers, mailing lists and more. Other map themes available include: housing, community landmarks, school zones, census data, aerial photography and more.

Geographic Permit Tracker (GeoPT) <http://maps.alachuacounty.us/geopt/>

This tool allows you to track Building Permits and Building Inspections. Monitor live on the map during the day as building inspections occur and are completed. Map building permits by parcel, and view full land application and action history for each of the last 28 years.

To search for permits issued for your property, just enter your parcel number, name (if you're the owner) or address into the search box, the map will then 'zoom in' to your property. You can also search by Inspection date and monitor inspections in real-time as they occur and are completed.

The Building division uses this tracker on a daily basis to assign inspection work orders and dispatch inspectors to their designated zones. Once the inspectors are in the field, they can enter the inspection results using their laptops into the tracker.

Data Search & Reports http://growth-management.alachuacounty.us/gis_services/data_search_and_reports/

Track and Search for permits, inspections, code violations, and applications for zoning, variance or comprehensive plan amendments and create detailed reports by month and year for the last 27 years. Search by permit or application number, address, name of applicant or owner, parcel number or Section-Township-Range (STR).

Get Involved

Ongoing involvement with local planning is one of the best ways to ensure that your community is a place you are proud to call home. With your help we can encourage new developments to meet the standards for **Smart Growth** and provide that sense of community we all desire.



What is Smart Growth?

It is a planning approach that seeks efficient use of land to meet community needs, focusing on the following key principles and issues:

- Provide quality housing choices & opportunities for all income levels.
- Create walkable neighborhoods for people to live, work, learn, worship & play.
- Encourage community & stakeholder collaboration to determine how & where to grow.
- Foster distinctive, attractive communities with a strong sense of place.
- Make development decisions predictable, fair and cost effective.
- Provide a mix of land uses to make communities better places to live.
- Preserve open space, farmland, natural beauty & critical environmental areas
- Provide a variety of transportation choices.
- Direct development toward existing communities already served by infrastructure and services.
- Take advantage of compact building design to reduce land consumption.

What are citizen advisory committees?

Citizen advisory committees allow individuals the opportunity to serve on a committee that represents the values and wishes of the community. Committee members also disseminate information from the planning process to members of the community.



What advisory committees does the Department support?

Planning Commission: We provide primary support to the Planning Commission, which holds hearings on all proposed zoning changes and Comprehensive Plan amendments.

Historical Commission: We championed the nomination by the City of Gainesville of the A. Quinn Jones House to the National Historic Register and sent letters of support, for a grant to preserve the Wood and Swank store, to the state and federal offices of the Conservation Trust of Florida, Inc.

Old Florida Heritage Highway (OFHH): We provided assistance for marketing work, creating map updates, a database and a brochure. We also presented information on the OFHH to the Micanopy Historical Society and at the Micanopy Fall Festival.

Rural Concerns Advisory Committee: We drafted revisions to the Rural Concerns Advisory Committee bylaws approved by Committee and presented information on the 2010 Census and draft Comprehensive Plan agricultural policy revisions.

Affordable Housing Advisory Committee (AHAC): We provide primary support to the Affordable Housing Advisory Committee, which reviews rules and regulations and reports their impact on the cost of housing to the County Commission.

Alachua County Housing Finance Authority (ACHFA): Housing programs staff has assumed the responsibility of liaison to the ACHFA.

Economic Development Advisory Committee: This committee explores and recommends policies that encourage sustainable economic development including the identification of a set of measurement criteria to rank economic development projects.



Alachua County Department of Growth Management



New Growth Management website:

Department website was re-designed and organized to be more user friendly and offer direct access to all of the online customer tools developed by the Growth Management Department. The new department website has integrated its design with the new County website.

Comprehensive Planning

Update of County's Comprehensive Plan:

The Comprehensive Plan provides a vision and blueprint for the future on issues such as land use, transportation, natural resource protection, recreation, housing and economic development. The Evaluation and Appraisal Report (EAR), adopted in 2009, included 67 recommendations relating to the Urban Area, Land Use & Transportation, Community Facilities, Economic Development, Agriculture & Green-space, Resource Protection,



The Comprehensive Plan encourages pedestrian friendly environments.

2010 Annual Report

Affordable Housing, Energy & Community Health. After a public participation process including community workshops and public hearings, the County Commission transmitted the updated plan, including a new Community Health and Energy Element, for review by the State. After comments are received from the State, a public hearing to adopt the updated Plan will take place in early 2011.

Upcoming Development Projects:

There has been a steady increase in the number of pre-application conferences held with the development review staff and prospective land developers. Pre-application conferences have been held for 5, 13, 12 and 18 projects during the 1st, 2nd, 3rd and 4th quarters respectively of this fiscal year. Pre-application conferences are held to provide the applicant an opportunity to discuss their future development projects and obtain pertinent information regarding land development requirements. This increase is an indication that the number of actual development plans being submitted for review and approval by the Development Review Committee (DRC) and/or County Commission is on the rise.

County Annex Building
10 SW 2nd Avenue
Gainesville, FL. 32601
(352) 374-5249

<http://growth-management.alachuacounty.us/>

Census 2010 Countywide Complete Count:

Facilitated a community partnership effort to promote a complete count of Alachua County residents through publicity and outreach to hard-to-count groups about the importance of mailing back 2010 Decennial Census forms. Ensure an accurate count for the County's fair share of political representation and allocation of funding based on population. This included organizing a Census 2010 Countywide Complete Count Committee with representatives of Community Based Organizations, Faith Based Organizations, Educational representatives, the Business Community, Media, Neighborhood Groups, and local governments. The participation rate reported by the Census for the County was 74%, equal to the rate for Florida and the US, and 13% higher than the rate for Alachua County for the 2000 Decennial Census.

Transportation

Mobility Plan (Linking Land Use & Transportation):

The Mobility Plan, adopted by the County Commission in 2010 and found in compliance by the State, creates more mobility options for residents, especially for young people, the elderly and people who do not own cars or prefer not to drive, which reduces energy use, personal transportation costs, and dependence on foreign oil. It provides for compact mixed uses areas, including commercial, office, civic and institutional uses to be accessible by walking and biking, in combination with a plan for bus rapid transit.

Regulations implementing the Mobility Plan:

Included the Unified Land Development Code (ULDC) to amend new design standards for Transit Oriented Development and Traditional Neighborhood Development.



The Comprehensive Plan encourages compact, mixed-use developments.



Bus Rapid Transit is an integral part of the Mobility Plan.

City of Hawthorne Planning Services :

As part of an effort to partner with municipalities to increase efficiency in planning services we have contracted with the City of Hawthorne to assist them with their Evaluation and Appraisal Report (EAR). We also are providing planning services for comprehensive plan amendments and rezoning applications.

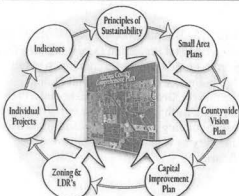
Urban Service Area & Transportation

Concurrency Exception Area :

These areas, adopted by the County Commission in 2010, exempt large scale development projects from the state mandated Development of Regional Impact (DRI) process, while also requiring they be developed as Transit Oriented Developments, including specific infrastructure and transit service components. Tax Increment Financing tools for the funding of mobility have also been identified, including Transportation Concurrency Backlog Areas and Transportation Special Districts.



ALACHUA COUNTY PLANNING PROCESS



Conceptual Rendering of a Transit Oriented Development.

Development Services

Post Disaster Redevelopment Plan (PDRP):

The PDRP was adopted by the County Commission in April, 2010. The Plan establishes a proactive strategy to coordinate amongst County departments, municipalities, businesses, non-governmental and regional organizations to respond to catastrophic disasters and redevelop in an effective manner. Alachua County is one of the first inland counties in the State to develop a PDRP. Under the overall coordination of the Emergency Management Department, the Growth Management Department helped develop the draft PDRP and served on the executive committee and chaired three of the six sub-committees for Land Use, Housing and Structural Repairs, and Environmental and Historic Property Restoration.



The PDRP will allow for a quick, coordinated disaster response.

Streamlined the Development Review Process:

The process was streamlined by allowing development plans to be submitted to the department every two weeks; staff's review time was shortened to provide comments to the applicants more quickly, and a new electronic system was created for sharing electronic plans and staff comments among various County Departments.

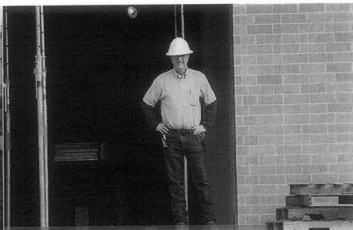
Pre-Application Conferences: Staff conducted 48 pre-application conferences with applicants on future development projects. These conferences are held to provide guidance to applicants including preliminary staff recommendations, applicable processes and requirements, potential constraints, and goals for the property.

Developments of Regional Impact: Staff reviewed land use amendments for the Santa Fe and Springhills Developments of Regional Impact (DRI) that transform these developments from traditional suburban developments into mixed-use transit-supportive development that support the goals of the Alachua County Mobility Plan.

East Side Activity Center: Staff created development standards to enhance the quality of life and economic development opportunities in this activity center located around SE 43rd Street and Hawthorne Road. The standards were adopted by the County Commission in 2010.

Building

Customer Service: The Building Division has closely examined daily business processes and dramatically increased accountability, reporting and tracking capacity. We have received consistent positive feedback from customers for increasing their convenience to get permits and access our data while streamlining division operations. With a reduction in staff, the division has been able to manage increasing workloads without decreasing desired service levels: The average number of days to process a



97% of Building Inspections are completed within 24 hours

permit, requiring plan review, is 7 days and 97% of the building permit inspections are completed within 24 hours.

Budget Constraints: The Building Division is operated as an Enterprise Fund from revenues generated mainly by building permits. In FY2010, as the construction industry continued to suffer a downturn in activity, the Division has been able to tighten its belt and sustain operations. This has been accomplished through staff reductions and close scrutiny of operating cost while maintaining customer service standards.

Green Building: The Building Division collaborated with the County's Environmental Protection Department (EPD) to receive funding from Florida Works for training to obtain basic "Leadership in Energy & Environmental Design (LEED)" certification for Growth Management and EPD staff. We are pursuing further collaborative opportunities to enhance sustainable building expertise and capacity to serve both regulated industry as well as capital improvement projects in the future.

Code Enforcement

Code Enforcement Officer Zones:

These zones were created to increase the productivity of the County's Code Enforcement Officers by matching each officer with the zone they are most familiar with, giving them the ability to better identify and pinpoint problems within those zones. The zones also allow for more efficient use of County vehicles.

Code Enforcement Case Resolution:

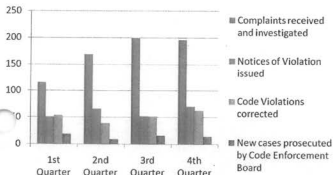
Collected monies, for payment of outstanding liens, through the County's foreclosure process from General Capital Corporation. The County received \$40,000 for attorney fees, \$25,000 for outstanding property taxes and 13 lots in Hammock Oak Subdivision were deeded to Alachua County.



91% of Code Cases achieve compliance within 90 days

Interdepartmental and External Agency

Cooperation: Significant Increases in communication and information sharing has resulted in better compliance and response to citizens, due to better inter-departmental and external agency cooperation. Code compliance and case prosecutions were more successful as a result of this improved interaction with the Alachua County Sheriff's Office, Public Works, Animal Services, Waste Collection, and the Environmental Protection Department.



Housing

Neighborhood Stabilization Program:

A \$2.9 million agreement was executed in November 2009 to purchase foreclosed or short sale homes, make home repairs and energy efficiency improvements, and then sell or rent them to income-qualified households. To date, \$1.8 million has been expended to purchase 20 homes; and \$737,000 in housing rehab contracts were executed. This program provides relief to distressed neighborhoods with high foreclosure rates; is an economic stimulus to the housing industry (including realtors, contractors, appraisers, surveyors, title insurance companies, and building material suppliers); and gives affordable homeownership and rental housing opportunities to very low-income to moderate income households in Alachua County.



37 First Time Homebuyers received assistance to purchase a home

CDBG Housing Rehabilitation Program:

\$1.1 million in construction contracts awarded to replace 9 substandard homes and repair 4 substandard homes of very low-income and low income households in Alachua County. This program improves the health, safety, and welfare of low income households living in substandard housing, and provides economic benefits to contractors & their suppliers.

Alachua County Housing Finance Authority:

A \$400,000 down payment assistance program for first time homebuyers and an emergency home repair program for very low-income and low-income households in Alachua County was established. This significant accomplishment offsets in part, the drastic reduction in State Housing Initiatives Partnership (SHIP) funding allocated by the State of Florida in FY 2010-2011.

- 11 Homebuyer Education Workshops held.
- 22 home repairs in progress for very low & low-income households.
- 9 new homes under construction to replace substandard housing.
- 16 substandard home repairs completed.
- 38 very low-income households assisted with rental & utility deposits.
- 11 very low & low-income households assisted with Impact Fees

Growth Management Department Overview

BOARD OF COUNTY
COMMISSIONERS

MAY 17TH 2011

Who We Are

- Highly qualified professional staff recognized Statewide possessing a broad range of skill sets covering range of growth management disciplines
- Staff who develop and implement programs and policies recognized statewide and nationally

What We Do

- Implement community vision for the future through Comprehensive Plan, Unified Land Development Code and Development Review
- Facilitate Consensus with Diverse Community and stakeholder groups (e.g. Builder's Association of North Central Florida, Sierra Club, Gainesville-Alachua County Association of Realtors, Healthy Community Initiative, etc.)
- Provide for safe building construction through implementation of Florida Building Code
- Protect public health and safety through Code Enforcement
- Provide for affordable housing opportunities
- Facilitate economic development

Why We Do It

QUALITY OF LIFE COMMISSION DIRECTION STATE MANDATE

CITIZEN REQUEST **COMMITMENT TO PUBLIC SERVICE** HEALTH AND SAFETY

FEDERAL PROGRAMS FLORIDA STATUTES

FLORIDA ADMINISTRATIVE CODE FLORIDA BUILDING CODE

ALACHUA COUNTY CODE SENSE OF COMMUNITY ECONOMIC OPPORTUNITY FISCAL RESPONSIBILITY

Advisory Boards & Groups Staffed by GM

BICYCLE & PEDESTRIAN
ADVISORY BOARD

RECREATION & OPEN
SPACE ADVISORY
COMMITTEE

CODE ENFORCEMENT
BOARD

ECONOMIC DEVELOPMENT
ADVISORY COMMITTEE

RURAL CONCERNS
ADVISORY
COMMITTEE

AFFORDABLE
HOUSING ADVISORY
COMMITTEE

DEVELOPMENT
REVIEW COMMITTEE

PLANNING
COMMISSION/LPA BOARD OF
ADJUSTMENT

HISTORICAL
COMMISSION

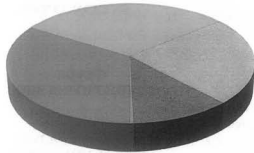
OLD FLORIDA HERITAGE
HIGHWAY SUPPORT GROUP

MTPO TECHNICAL
ADVISORY COMMITTEE

Working With the Community



2011 Growth Management Budget



- MSTU \$1,524,647
- Enterprise Fund \$1,369,062
- General Fund \$1,064,368
- Other special revenue \$527,604
- Gas Tax \$14,600

Budget History

- **Personnel**
 - 2007-08 – 63 staff positions
 - 2010-11 – 51 staff positions
 - Largest percent reduction (19%) in staff of any commission department since '07
- **Operational Budget Reductions**
 - Eliminated private consulting in General Fund and MSTU
 - Reduced advertising, travel and training
- **Enterprise Fund**
 - Self-sufficient in 10 of last 11 budget years
- **Consolidated Department into one building**
 - Facilities budget savings

Growth Management Divisions

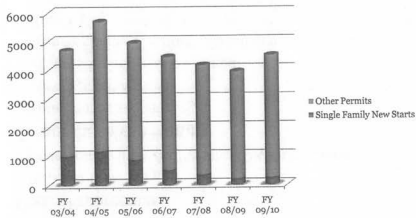
- **Codes Enforcement**
 - Building Permitting
 - Code Compliance, Zoning and LDR Enforcement
- **Comprehensive Planning**
 - Comprehensive Planning
 - Development Services
 - Geographic Information Systems
 - Transportation Planning / Concurrency / Impact Fees
 - Housing

Building Permitting

- **Major Activities**
 - Building Permitting
 - Plans Review
 - Building Inspection
 - Contractor Licensing
 - Disaster Damage Assessment
 - Permitting for Archer, Hawthorne, Lacrosse, Micanopy
- **Funding Source**
 - Enterprise Fund



Building Permit Activity



FY10 Accomplishments

- 8,824 permit counter visits
- 4,509 building permits issued
- 12,489 building inspections completed
 - 97% completed within 24 hours of request
- 321 new contractor licenses
- Low fees compared to other jurisdictions

Codes Enforcement

- **Major Activities**

- Complaint response
- Enforcement of ULDC
- Minimum Housing Code
- Nuisance code violations

- **Accomplishments in FY 10**

- 697 Code Enforcement complaints investigated
- 91.4% of code violation cases achieve compliance within 90 days

- **Funding Source**

- MSTU Budget



Comprehensive Planning

- **Major Activities**

- Maintain and implement Comprehensive Plan
- Intergovernmental coordination
- Economic development
- Community outreach

- **Special Assignments**

- Legislative mandates
- Policy analysis
- Special research

- **Funding Source**

- General Fund



Eastside Community Redevelopment Area Planning



Comprehensive Planning Projects

- Community Redevelopment Area (CRA) implementation
 - Eastside
 - City of Newberry
- High Performance Home Program development and expansion
- Capital Improvements program update
- Support for local agriculture & promotion of healthy local food system
- Municipal annexation coordination
- School concurrency and coordination
- Water supply planning with water management districts
- Implementation of EAR-based Comprehensive Plan update

Zoning Application Services

• Major Activities

- Zoning and Comprehensive Plan application processing
- Interdepartmental coordination of zoning process
- Maintain and update Unified Land Development Code
- Provide planning services to municipalities
- Prepare applications for County projects (Fire Station, SWCRC)



• Funding Sources

- MSTU
- Fee for services

Development Review

• Major Activities

- Work with development community on individual projects
- Development application processing
- Facilitate interdepartmental plan review
- Issue tree permits and provide landscape inspections
- Disaster recovery planning



• Funding Sources

- MSTU
- Fees for services

Changes in Development Review

- Since 2006 ULDC adopted, new process
- Many application types shifted to less formal approvals
 - Less Board approvals
 - Less DRC approvals
 - More Administrative approvals
- More predictable and efficient review process
- Recent year, increase in pre-application reviews

GIS/Transportation Planning

- GIS Major Activities and Projects
 - Maintain and update map library
 - Publicly available online mapping application development
 - Growth Management's interactive website development
 - Public Works web-based inspection application
 - County Commission redistricting
 - Tourism development office maps
- Funding Sources
 - General Fund
 - MSTU
 - Enterprise Fund



Transportation / Concurrency / Impact Fees

• Major Activities

- Planning for multi-modal transportation infrastructure
- Multi-modal Transportation Mitigation program
- Financial management of Impact Fee program
- Transportation funding by leveraging grants

• Funding Sources

- Impact Fees
- MSTU



Mobility

ALABAMA COUNTY'S PLAN TO EFFECTIVELY LINK LAND USE AND TRANSPORTATION

LAND USE: THE COMMUNITY OUR CHILDREN WILL INHERIT

TRANSPORTATION: GETTING FROM HERE TO THERE

SUSTAINABILITY: THE HOW AND WHY OF MOBILITY CHOICES

Housing Program

- **Major Activities**

- State Housing Initiative Partnership
- Neighborhood Stabilization Program
- Community Development Block Grant
- Affordable Housing Advisory Committee
- Housing Finance Authority

- **Funding Sources**

- Program Grant Funding
- General Fund



Mission: To preserve and expand the availability of safe, affordable housing opportunities for very-low, low, and moderate income families in Alachua County.



Home demolished and rebuilt through CDBG program

Department Recognition

“For those of us from other parts of the state, Alachua County has always been looked upon as a leader in planning. We have stolen ideas with no remorse whatsoever over the years and will probably continue to do so. Thank you for that.”

Glenda Hood

(Formerly Mayor of Orlando, Florida Secretary of State, President of Florida League of Cities, President of National League of Cities, and President of Florida Chamber of Commerce)

Normal Project Development Timeline



Planning for Development

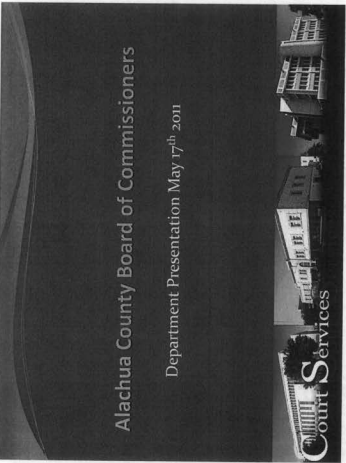
- **Celebration Pointe Transit Oriented Development**
 - Preliminary Development Plan approved by Board 11/9/10
 - 896,000 sf. of non-residential
 - 2,225 residential units
- **Shands Medical Office Buildings**
 - Preliminary Development Plan approved by Board 2/22/11
 - Total 349,999 sf. of medical offices
 - Final for Phase 1 includes 111,579 sf. in process
- **23 West Traditional Neighborhood Development**
 - Preliminary Development Plan to be reviewed by Board in June
 - 94,800 sf. of non-residential
 - 174 residential units
- **Santa Fe Village – over 500,000 sf. & 1473 dwelling units**
- **Newberry Village – 240,000 sf. & 900 dwelling units**
- **Springhills – Major TOD – submittal imminent**

Conclusion

- **Growth Management is committed to implementation of policies and programs that meet the needs and desires of many diverse citizen groups and community interests**
- **The Department welcomes the challenge of implementing the Commission's new policies that have set the stage for future development projects (e.g. Celebration Pointe, Newberry Village, Springhills, Santa Fe Village, Shands office building)**
- **Growth Management continues to adapt to economic and fiscal realities while providing a range of programs to meet mandates and the community's vision for our built environment in an innovative and fiscally efficient manner**

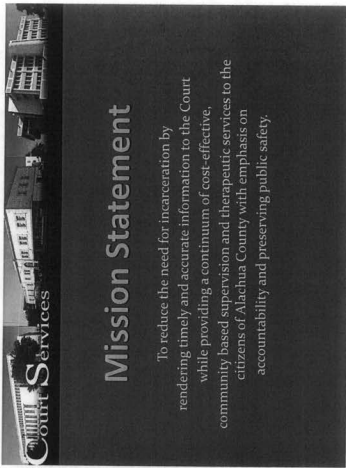
Alachua County Board of Commissioners

Department Presentation May 17th 2011



Mission Statement

To reduce the need for incarceration by rendering timely and accurate information to the Court while providing a continuum of cost-effective, community based supervision and therapeutic services to the citizens of Alachua County with emphasis on accountability and preserving public safety.



To reduce the need for incarceration by rendering timely and accurate information to the Court . . .

- Pretrial Investigations for First Appearance
- Subsequent court events
- Compliance Reports submitted to the court
- Jail and criminal justice system data and reports



. . . while providing a continuum of cost-effective, community based supervision. . .

- Pretrial Supervision
- Community Service
- Probation
- Day Reporting
- Work Release



... and therapeutic services

- OPUS and Community Based Treatment
- Mental Health Court
- Drug Court
- Day Reporting
- Metamorphosis
- Work Release Balance 360

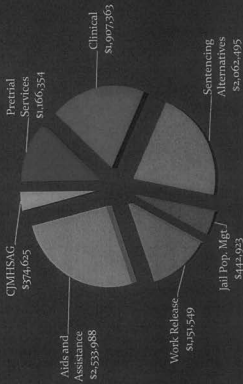


... to the citizens of Alachua County with emphasis on accountability and preserving public safety.

- Attendance at law enforcement briefings
- Victim Impact Panel
- Weekly Drug Court / Day Reporting hearings
- Criminal history and warrants checks
- Home and work field visits
- Community Service worksite visits
- Alcohol and substance abuse testing
- Quarterly community based providers meeting
- Community Service worksite agreements
 - Annual worksite orientation
- Electronic Monitoring/GPS – curfew checks

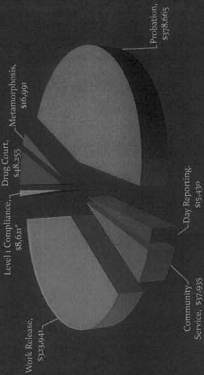
Fiscal Year 2011 Adopted Budget – Total \$9,639,297

(Board Department Funding Allocation = \$6,493,209)



Fees Collected Fiscal Year 2010

Total Collected Fiscal Year 2010 = \$829,838



Note: Level 1 Compliance Started June 2010

Cost Effectiveness

- Jail
 - Average daily cost \$84.21*
- Court Services Alternatives to Jail
 - Supervision ranges \$0.39 to \$19.80 day
 - Residential ranges \$53.50 to \$62.71 day

* Source: Department of the Jail Justice Reinvestment at the Local Level Initiative – February 2000

Benefits to Community Supervision

- Pay Fines, Restitution, Court Cost, Cost of Supervision
- Perform Community Service
- Contribute to community & support families
- Obtain/maintain employment
- Participate in rehabilitative programs
- Advance education and employability skills

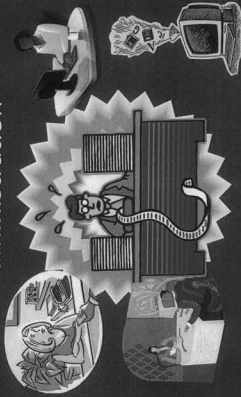
Level of Service Variances

Program	Administrative FTE	Level of Service FTE	Adjustments	FY 2011 Adopted
Clinical	.65	21.25	.88	22.78
Jail Pop. Mgt.	0.10	9.00	(2.00)	7.10
Pretrial Services	3.50	16.00	0.00	19.50
Sentencing Alternatives	4.80	26.00	.12	30.92
Work Release	1.45	14.00	1.00	16.45
Grand Total	10.50	86.25	0	96.75

Public Safety Coordinating Council (PSCC)

- Appointed Delta subcommittee to review Court Services programs
 - Sheriff, Circuit Administrative Judge, County Commissioner
- Court Services program review in April 2011
- Court Services budget information provided in May 2011
- June Delta meeting to focus on identifying program priorities
- Present recommendations at June PSCC
- PSCC to present its recommendations to the County Commission

Administration



Administration

Level of Service Matrix
Reported by Division = 10.50 FTE
FY 11 Adopted Budget = 0.00

- Administrative FTEs allocated to all programs
- Reported separately in Level of Service Matrix
- Staff provide clerical, technical, and fiscal support
- Complexity of serving nine (9) diverse programs
- Some services 24 hours a day, seven days per week

Administration

3.00 FTE's

- Maintain department fiscal controls
- Budget monitoring and implementation
- Fixed asset control
- Human Resource management activities
- Develop and administer policies and procedures
- Train and certify department staff for FDLE access

Aids and Assistance - Special Funds

Mandated: Florida Statute, County Ordinance

- Dori Slosberg Driver's Ed Program - \$300,000
 - Monitor fine collections
 - Review School Board invoices
 - Remit monthly and carry over any fund balance
- Legal Aid Trust Fund - \$74,994
 - Monitor fine collections
 - Review invoices from Three Rivers
 - Remit monthly and ensure mandated obligation is met

Aids and Assistance, cont'd

- Juvenile Detention Center - \$1,788,994
 - Verify residency of youth to determine financial obligation.
 - 1,300 youth detained annually
 - 5,500 pre-dispositional days - Alachua County financial obligation
- Identify efficiencies and cost saving strategies to reduce county burden
 - Work with the Department of Juvenile Justice & Florida Association of Counties
 - Refunds received: FY08 \$500,392; FY09 \$420,986; FY10 \$1,233,000
 - Reductions achieved: FY11 \$500,000; FY12 \$537,000
- Mental Illness Work Group (MIWG) - \$370,000

Information Technology

2.00 FTE's

- Support related Criminal Justice systems
 - FDLE, NCIC, DAVID, LINDAS, JIS
- Court Services information system (Monitor)
- Data collection and report writing
- Ensure security of Criminal Justice information

Records, Intake, & Reception

3.50 FTE

- Criminal histories for First Appearance
- Every day beginning at 5:00 am
- FDLE Certified Record Technicians
- About 7,000 per month/84,000 per year
- Wilson Building greets and directs clients and visitors.
- Until 7:00 pm two days a week.
- About 2,400 visitors month/28,800 per year
- About 4,500 calls answered month/54,000 per year

Records, Intake, & Reception, contd.

- Over 4,500 intakes annually
- Meet with clients
- Review court documents
- Update department information software
- Schedule orientations /appointments with officers.
- Prepare forms and paperwork for orientation packets.
- Legal typing and notarizing for officers
- Warrants, affidavits, violation reports, etc.

Fiscal Staff

2.00 FTE

- Work Release Inmate Trust Fund
- \$500,000 annually
- Deposit funds, write checks
- Reconcile and balance ledger
- Collect, transmit, track department client fee
- \$830,000 Fiscal Year 2010
- Fees deposited to County General Fund
- Prepare monthly and quarterly grant reports

Clinical Programs

- Drug Court
 - Drug Testing Laboratory
 - Metamorphosis
 - OPUS



Drug Court

5.34 FTE

Mandated: Judicial Administrative Order

- Felony drug offenders with chemical dependency issues
 - Minimum of one year per Florida statute
- Intensive treatment and supervision
 - Admitted immediately upon jail release
- Supervision and treatment
 - Cost effective - break the "revolving door syndrome"
- Daily treatment, weekly court, frequent urine tests
- Treatment frequency declines as client reduces drug use
- Short term reduction in jail beds and court costs
- Long term reduction in recidivism

Drug Court

Statistics and Outcomes

- Average retention rate for clients 65%
- Averaged daily population = 77 clients
 - Post Plea component being re-established
- 26 successful graduations
- 37 unsuccessful terminations
- Recidivism rate for graduates - 15% (2008)
- National recidivism rates for drug offenders - 60-70%*

Source: Bureau of Justice Statistics, 2002

Drug Testing Lab

FTE included in Drug Court

- Serves all Court Services programs
- On site state of the art results in the same day
 - Use in supervision of clients and behavioral intervention
- Results are accepted by our Courts
 - Independent verification if ordered by the Court.
- 16,087 individual samples tested in Fiscal Year 2010
 - 132,826 individual drug tests

Metamorphosis

8.58 FTE

- Long term intensive residential treatment (up to 12 months)
- 40% funded by State DCF, serves Circuit 3 & 8
 - 21 beds - adults, men & women
 - Individual, group, and family therapy
 - Graduated phases - employment during the last phase
 - 8 transitional housing beds available upon completing residential treatment
 - Client pays fee (50% of net earnings) when employed
 - Not all involved in criminal justice system
 - Preference for those in jail and "high risk" identified by DCF

OPUS - Outpatient Treatment

4.33 FTE General Fund; 2.00 FTE Federal Grants

- Treatment for Drug Court and Day Reporting clients
 - Created by eliminating outside service provider contracts
 - Contracted services reduced by \$80,000
- Treatment for Pretrial Supervision and Probation clients.
 - Federal grants (no match - \$337,741 over four (4) years)
- In-house services improve long term outcomes
 - More immediate access to services
 - Enhanced communication and case planning

Clinical Programs

Fiscal Year 2011 Adopted Budget = \$1,907,363

Level of Service

Program	FTE's	# Served	Average Jail Beds Saved
Drug Court	5.34	120	35
Metamorphosis	8.58	74	15
OPUS	6.33	265	Included in other programs

Jail Population Management

- Centralized Screening Team
- SSI/DI Benefits Coordination
- Population Control, Data Analysis, and Reporting
- Case Management and Direct Services

Centralized Screening Team

4.00 FTE's

- Centralized screening of persons in jail
 - As ordered at First Appearance
 - Expedited bond reduction and change of plea dockets
 - Persons needing intensive case management
 - Mentally ill, medically unstable, veterans
 - Work Release Extended Limits of Confinement

SSI/DI Benefits Coordination

1.00 FTE

- Notify defense counsel if benefits at risk
 - Used in motions for bond reduction
- Assist with obtaining and maintaining SSI/DI benefits
 - New benefit applications
 - Benefit reinstatements
 - Appeals

Population Control, Data Analysis, and Reporting

2.00 FTE

- Work with others to identify cases for expediting
 - Intensive Case Management Workgroup
 - Delta Top 24 Frequent Recidivists
 - Urban Institute Justice Reinvestment at the Local Level
- Senior Programmer Analyst
 - Routine jail population reports
 - Ad hoc reports on special populations

Direct Services and Case Management

2.00 FTE

- Total Federal Grant Funding - \$303,562 (no match)
- Diversion Resource Coordinator
- Analysis, additional resources, direct service funds
- No Wrong Door – Program Specialist
- Emergency and transitional housing
- Expedited psychiatric evaluations
- Funding for prescription medications
- Food, clothing, and transportation assistance

Jail Population Management

Fiscal Year 2011 Adopted Budget = \$442,923

Level of Service

Program	FTE's	# Served	Average Jail Beds Saved
Centralized Screening Team	4.00	215 /month	62
SSI/DI Benefits Coordination	1.00	48 /month	48% do not return to jail
Population Control/Reporting	2.00	20 /month	n/a
Federal Grants	2.00	30 /month	Not yet determined

Pretrial Services

- Pretrial Investigations
- Pretrial Case Management
- Electronic Monitoring / GPS
- Mental Health Court

Pretrial Investigations

9.50 FTE

Mandated: Judicial Administrative Order, Florida Statute, Rules of Criminal Procedure

- Provide the Court with information and recommendations to make informed decisions at First Appearance 365 days year
 - Jail interviews
 - Criminal history review and Pretrial Investigative Summary for Court
 - Jessica Lunsford and Violent Felony Offenders of Special Concern
 - Daily court appearance
- Post First Appearance
 - Follow up on Court ordered Mental Health evaluations
 - Investigations and assessments as requested by the Court
 - Citizens Right to Know Act
- All staff have completed Certified Pretrial Services Professional Certification

Pretrial Case Management

4.50 FTE

Mandated: Florida Statute, Rules of Criminal Procedure

- Contact and Treatment Supervision
- FY 2010 overall success rate of 85%; (639/753 people)
 - Increase of 4% from Fiscal Year 2009
- Overall Court appearance rate of 98%
- Even though caseloads have increased, our overall success rate has also increased
- Program was initially accredited by the Florida Corrections Accreditation Commission in 2008

Electronic Monitoring

1.00 FTE

Mandated: Florida Statute, Rules of Criminal Procedure

- Maximum level of community based supervision for higher risk defendants
 - Alternative to costly incarceration
 - Pretrial and post conviction stages.
- Inmates with significant medical issues
 - Safely released to receive medical treatment.
- Overall success rate is 92%; (66/72 people)
- Monitoring fees paid to vendor by individual

Mental Health Court

1.00 FTE

Mandated: Judicial Administrative Order, Florida Statute, Rules of Criminal Procedure

- In collaboration with judiciary and key system stakeholders
- Supervises defendants with diminished mental health capacity or those who are developmentally disabled
- Would remain in custody without receiving services and their mental health conditions may deteriorate if not receiving necessary therapeutic intervention, creating a revolving door effect
- This caseload has increased by 40%, and the percentage of successful terminations increased.
- Fiscal Year 2010 overall success rate of 62% (39/47 people)

Pretrial Services

Fiscal Year 2011 Adopted Budget = \$1,166,354

Level of Service

Program	FTE's	# Served	Average Jail Beds Saved
Investigations	9.50	11,000 /year	47% Eligible Defendants Released
Case Management	4.50	221 / month	82
Electronic Monitoring	1.00	30 / month	30
Mental Health Court	1.00	45 / month	27

Sentencing Alternatives

- County Probation
- Specialized Case Loads – Domestic Violence & DUI
- Day Reporting
- Community Service
- Direct Sentence Work Crew
- Level 1 Compliance

County Probation

12.65 FTE

Mandated: Judicial Administrative Order, Florida Statute

- General Probation – 8.65 FTE
 - Victim Impact Panel
 - Monitor conditions of Court Order
 - Random drug screens & treatment referral
- Specialized Domestic Violence caseloads – 4.00 FTE
 - High volume of victim contact & follow-through
 - Rapid response to victim issues
 - Monitor participation in Batterer's Intervention Program
 - National standards for specialized caseload is 75 and program has an average of 94

Day Reporting

5.00 FTE

- Offenders with intensive supervision & treatment needs
 - Pretrial Release
 - Intermediate sanction for those on County probation
 - Specialized program for DWLSR & Worthless Check
- Random urinalysis & Breathalyzer testing
- Sanction hearing process for technical violators
- Contracted services
 - Intensive Outpatient (Meridian)
 - Batterer's Intervention
 - Anger Management
- Fiscal Year 2010: 334 terminations; 226 successful or 68%

Community Service

2.35 FTE

- Worksites
 - 168 Non-Profit Organizations & Governmental Entities
 - Written agreement with each worksite
- Annual training
- Services provided for
 - State & Federal Probation,
 - City, County and State Attorney,
 - County & Circuit Court
- Fiscal Year 2010 2,810 terminations; 2,444 successful or 87%

Community Service

- Direct Sentence Work Crew - 3.00 FTE
 - Available 7 days a week, 22 clients per day
 - 8,068 jail days saved in lieu of incarceration
 - 68,575.5 hours completed
 - \$685,755 value to the community
- Level 1 Compliance Probation - 3.00 FTE Mandated: Florida Statute
 - 600 probation cases supervised monthly
 - Monitor Court Ordered conditions
 - Court attendance

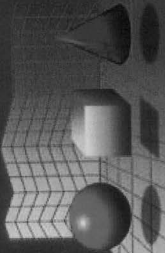
Sentencing Alternatives

Fiscal Year 2011 Adopted Budget = \$2,062,495

Level of Service

Program	FTE's	# Served	Average Jail Beds Saved
Probation	8.65	2,280 /year	374
Specialized Probation	4.00	150+	75
Day Reporting	5.00	447 /year	223
Community Service	2.35	3,654 /year	n/a
Work Crew	3.00	8,068 /days	22
Level 1 Probation	3.00	600	18

Alachua County Work Release



Employability
Skills

+

Criminal
Thinking

+

Substance
Abuse
Treatment

Changing Lives—Reducing Recidivism

Work Release

14,000 FTE

- Non secure residential program – 65 bed budgeted capacity
- Serves sentenced offenders
- Participants pay room and board offsets cost of the program
- Participants enter with employment or seek employment
- Success rate 70% average over last four years
- Program components include
 - Balance 360 licensed substance abuse treatment program
 - Anger Management education,
 - GED, HIV awareness instruction,
 - Alcoholics Anonymous, Cocaine Anonymous
 - "Living Life Legit"
 - created by staff to explore the consequences and harm of selling drugs.

Work Release

Statistics and Outcome Data

- Four year average sentence of participants: 201 days
- Four year average number of days to a confirmed job: 5
- Four year average salary of participants: \$10 per hour
- Outcome data - new arrests after program exit
 - Of 296 participants in Fiscal Year 2009
 - 152 (51%) had no new arrests as of March 2011

Work Release

Fiscal Year 2011 Adopted Budget = \$1,151,549

Level of Service

Program	FTE's	# Served	Average Jail Beds Saved
Work Release	1.0	281	58
Balance 360	2.0	83	n/a

Questions?



To the Alachua County Board of Commissioners:

I write this as the victim of a Defendant on the Pretrial Services Electronic Monitor/GPS program. I owe them far more than a thank you, so it is the least I can do to tell you about my experience- and the truly invaluable gift that the people of Pretrial Services have given me over the past 16 months.

From December 2009 to April 2011, the Defendant was supervised by Alachua County Court Services Pretrial division.

The Defendant was charged with aggravated stalking and victim tampering. Because of concern for my immediate safety, the Judge ordered that he be placed on Electronic Monitor as a part of his bond conditions. Within hours of the Defendant being placed on the monitor, I received a call from Steve McAninch, the Electronic Monitoring officer. I remember the effort he made to reassure me, and how important it was to him that I be able to trust him to do his job. I came to his office, where he took the time to walk me through the inner workings of the program- the behavioral contract for the defendants, the ankle monitor and strap itself, the GPS system, and what action would trigger which alarm and response. Any time of day or night, if I had a concern or even just a fleeting worry- all I had to do was call.

I came in there a perfect stranger, but from Day 1, I was treated only with kindness and compassion. The first weekend after the Defendant's placement on the program, Steve called me, just to let me know that everything is ok, that the Defendant had not moved from his house and would be on lockdown all weekend. He encouraged me to try to relax, to know that it would be ok.

I entered into this experience with such tremendous fear of this person, that I was afraid to voice concerns or preferences, worried that somehow this person would blame me for it and things would be worse for me in the end. Steve always made sure to not only encourage me to voice my concerns, but also know that never would it be placed on my shoulders.

My safety was always top priority. Never was my fear minimized, but rather I was supported. Through those first days, weeks and months, Steve earned my trust- which is no small feat. As many times as I needed reassurance, I got it. Every time I met with him, I left feeling better than when I walked in. He was always honest, straightforward, and diligent. I had lived in fear so long that I had forgotten how to function. I would call and ask Steve if it was ok for

me to go to a particular location, and he would be able to tell me for sure that it would be just fine. They were carrying my burden for me- they worried about him so that I did not have to. If this person did make a move, Steve would immediately notify the Alachua County Sheriffs Office to intercept him, and keep me safe.

Over the course of the 16 months this Defendant was on Electronic Monitor and GPS, I know that there were many nights and weekends, even holidays, spent working to resolve issues around this individual's behavior and, at times, inappropriate demands. During one such issue, I was introduced to Steve's supervisor, Jeff Kilpatrick. Being that the Defendant had been a ranking member of Law Enforcement, I was worried that he would know the right thing to say, the right way to manipulate those dealing with him, to get his way. What I found was the opposite; that in Pretrial Services, right is right, and wrong is wrong. The position which he formerly held meant nothing- he was held to the standards of any other Defendant. For likely the first time in this man's almost 40 years on this earth, he was told NO and was forced to oblige.

The past 16 months I was given an invaluable gift. I was given 16 months to rest, and to heal, and to truly be safe from this person. It was time to allow the immediate fear to subside, just a little, to take little steps back into normalcy - things like going to Publix, or meeting a friend for lunch. Or just realizing that its ok to walk to my mailbox, or take out the garbage without fear of being hurt. At a time when nothing is easy or simple, hearing a familiar, reassuring voice on the other end of the phone who can tell me its ok, because he can look at coordinates and movement to know that it really is ok. For as grateful as I am to the State Attorney and the FDLE Agents involved in this case, that is something even they could not do. As a victim of a violent crime, I can tell you that this program and the service provided is indispensable and more than relevant to the citizens of Alachua County.

I have nothing but tremendous gratitude for Steve, Jeff, and Court Services as a whole, who have provided me invaluable support through an otherwise frightening time. They have acted with conviction and sincerity, diligence and professionalism. Thanks to this program and the people who operate it, I was given a safe harbor from someone who has taken everything but my life from me over the past 4 years.

Sincerely,

Sarah Wallace

TIME REQUIRED TO COMPLETE PRETRIAL RELEASE INVESTIGATIONS

Task	Time Required
<p>Interview</p> <p>Collate paperwork/arrest reports received from the clerk at the jail upon arriving to work. Separate reports felonies (male/females) and misdemeanors (males/females). Request jail staff to begin bringing those who have been arrested to the office to begin interviewing.</p> <p>Time required depends on the use of an interpreter and how much time it takes for the court officer to call the interpreter and have his/her interpret the questions and to also put the information in Loryx.</p> <p>This includes people that may be in the infirmary or those that could not be let out of the cell and the court officer has to go to the cell to interview and handwrite the information. This also includes interviewing those defendants that are unruly, having mental health issues or that are intoxicated at the time of arrest.</p> <p>Fax arrest reports to the downtown office for First Appearance staff to begin verification process at 4:30am.</p> <p>Gather information at the end of the shift to make sure all defendants have been interviewed all reports are taken to the downtown office.</p>	<p>15-25 min</p> <p>This includes requesting the defendants from the jail personnel, and returning them back to their cell, explaining the pretrial interview information form and getting signatures, completing information and putting information on Loryx. Searching Loryx to see if the defendant is currently under supervision with court services.</p>
<p>Verification</p> <p>Defendants are asked to give at least 2 individuals that can verify their information. Preferably a parent, spouse, employer or significant other. Information to be verified is their name, address, ties to the community, employment, current probation or supervised release status, any failures to appear for court, any substance abuse or mental health problems and whether the defendant is currently receiving any type of treatment for those problems.</p> <p>All victims are called to verify any safety or security concerns if the defendant were to be released.</p> <p>Arrest reports are placed in alphabetical order to coincide with the First Appearance roster and are paired with the PTI so that they may be accessible for staff when the criminal history is reviewed.</p>	<p>8-10 min depending on whether or not there's a victim and/or whether we have to call several people before we reach someone who can verify the defendant's information.</p>
<p>Criminal History:</p> <p>NCIC, FCIC, Local History, Qualification for Jessica Lunsford and Anti-Murder Acts.</p> <p>AMA and JLA notification sheets have to be printed and placed with both the criminal history and the PTI to be submitted to the Judge.</p> <p>Review referrals of screening from the CST Team and emails from probation officers recommending pre screenings have to be added to Court Services recommendation as it pertains to release or bond.</p>	<p>25-35 min (depending on the length of the defendant's criminal history and the number of repeat offenders)</p> <p>May also increase due to having to pull pending charges bond amounts, see if they are released to any other Court Services program and facts on warrants to determine recommendations and</p>

<p>Also included is time for staff to confer after all criminal histories have been read and make a recommendation to the Judge taking into account the charge, criminal history, failures to appear for court, community safety, victim safety, ties to the community, AMA/JLA status and probation status if any. All information that is discussed during conferring will be documented on the First Appearance Roster. This includes but is not limited to whether the defendant was interviewed, if information has been verified, any substance abuse or MH problems, criminal history information, probation information, staff recommendation w/ special conditions.</p> <p>Look up defendants' pending charges and bond amount in LINDAS.</p>	<p>victim information. Criminal history information gathered is placed into categories of violence, property, drugs or sex offenses.</p>
<p>Pretrial Investigation Summary</p> <p>For each defendant court officers document on the form how many violent crimes, property crimes, drug related crimes and sex related crimes the defendant has and the most current year of the crimes. There is also documentation of out of county history, pending charges w/bond release amount and failures to appear for court. Bond recommendation is also placed on this form with any special release conditions.</p> <p>Pretrial Investigation Summary forms are copied and attached to criminal histories for all in house defendants that are scheduled for First Appearance.</p>	<p>10-15 min per defendant depending on the amount of criminal history a defendant has and the complexity of their particular criminal status i.e. probation, active warrants, out of county history, pending charges etc.</p>
<p>Post First Appearance Duties</p> <p>Pretrial Investigation Summaries are copied with the original copy going to the Judge and copies are attached to the criminal history along with the PTI.</p> <p>Pretrial Investigation Summaries for in house defendants are copied and placed with their criminal history.</p> <p>Printed criminal history copies for those defendants attending First Appearance is collected from the records tech to be taken to court and passed out to the State Attorney. Staff must obtain signatures from the State Attorney on the original form and bring the form back to the office and submit to the record clerk.</p> <p>Upon returning from First Appearance Court Officers will make copies of all orders releasing the defendant to any Court Service program which may include a screening for the program ie. Day Reporting, Drug Court, CLP/TX or CLP/C (Pretrial Supervision). Court Officers will also send corresponding emails and make phone contact to those programs detailing any special conditions of release ordered by the Judge. Information from First Appearance will then be input into the Loryx computer system. Upon completing FA follow up staff will complete the Pretrial Services First Appearance Daily Statistics Sheet and submit to the supervisor.</p>	<p>10-15 min (depending on the number of defendants going to FA). Form has to be copied, collated and JLA/AMA information sheet copied and placed with the PTI.</p> <p>Place SA and FA copies in the First Appearance bag to be distributed at First Appearance.</p> <p>First Appearance orders are copied and distributed.</p> <p>Post First Appearance documentation in Loryx which includes the defendants' criminal history & recommendation as it relates to bond or release, bond amount and any special conditions ordered by the judge.</p>
<p>Total Time Required Per Investigation</p>	<p>67-105 min per defendant</p>

STAFF FIRST APPEARANCE PREPARATION

1 Midnight Staff at jail 10 hour shift less 30 min. travel	9.5 hours
3 FA Hearing Staff 4:30 am – 8:45 am 12.0 hrs total less 30 min. (15 min. each) travel time to and from the courthouse.	12.5 hours
1 Pretrial Supervisor assisting in FA preparations verifications, review and document criminal history, copy PTI's(depending on the number of defendants attending FA) 5:00am-7:30am	2.5 hours
Total staff hours available	24.5 hours

COURT OFFICER INVESTIGATION CALCULATIONS

- .85 minutes per investigation x 30 investigations per day
- 12 investigations per staff daily

Technically, when you look at the time it takes for the midnight staff to begin the investigation process at around 11:00pm and then First Appearance staff report to work at 4:30am to continue the investigation process, read criminal histories, document information and make copies and prepare to go to the courthouse. FA court begins at 9:00am and is completed at around 11:30am-12:00pm. You are looking at almost a 12hr process between the two shifts (give or take a couple of hours).

OTHER STAFF RESOURCES USED TO PREPARE FOR FIRST APPEARANCE

One Records Technician arrives at Court Services downtown office at 5:00 AM to run criminal history reports for Court Officers to review prior to Court and copies are given to the State Attorney. The name and identifiers for each defendant must be entered separately into the NCIC/FCIC system and again into the Clerk's office LINDAS system to obtain the criminal history reports. One Records Technician can run criminal history records for 30 in about 3.0 hrs. Records Techs run criminal histories 365 of the year.

May 17, 2011 Special BoCC Meeting 10 AM
Agenda Item #4

Title

Filing a Motion in Support of Appellate Case in Communication Workers of America et. al. v. the City of Gainesville

Amount

n/a

Description

This is a request to file a motion and associated legal documents in support of the City of Gainesville's position in appellate litigation pertaining to an unfair labor practice complaint.

Recommendation

Authorize the County Attorney to file motions and other memoranda in support of the City of Gainesville's position that it did not commit an unfair labor practice by changing the amount of contributions that retirees in the city of Gainesville pension program make to the cost of health insurance.

Alternative(s)

Do not file the motions.

Requested By

County Attorney

Originating Department

County Attorney

Attachment(s) Description

Opinion by the First District Court of Appeal

Documents Requiring Action

None.

Executive Summary

The City of Gainesville has been in litigation for approximately two years pertaining to its decision to change the amount of contribution for health insurance premiums by retirees who participate in the City of Gainesville's pension program. On May 4, 2011, the First District Court of Appeal rendered a decision holding that the City of Gainesville committed an unfair labor practice by failing to negotiate the change in retirees' health insurance rates before adopting an ordinance to bring about the changes.

Background

Attached is the decision rendered on May 4, 2011, by the First District Court of Appeal in Communication Workers of America, et al v. City of Gainesville, Case No. 1D10-1616. The opinion, which addresses when a past practice is established for collective bargaining purposes, if it stands, will have a significant impact both financial and practical on all local governments.

The Gainesville City Commission has in the past decided to pay some of the premium costs for health insurance coverage for retirees. This benefit was not included in the collective bargaining agreement. Since 1995, the City included language that "the percent or amount of which payment . . . has varied over the years and may continue to do so in the future" in ordinances,

memoranda, employee health care handbooks, and policy statements. In 2008 the City made a change to the method of the City's contribution.

The City's unions sued, arguing that the City's contribution prior to the 2008 change was a past practice that the City could not change without first bargaining. The Public Employees Relations Committee (PERC) dismissed the unfair labor charge against the City. The Union appealed.

The First District Court of Appeal reversed. The majority opinion appears to say that the length of time the City's practice of paying retirees' health insurance premiums has been in place long enough to establish a past practice. Under the majority opinion, the only way a local government can be sure of not establishing a past practice is to change the terms and conditions of employment every year or so whether it wants to or not. This decision expands the unfair labor practice concept.

Issues

Do not participate in the subject litigation.

Fiscal Recommendation

n/a

Fiscal Alternative(s)

n/a

Funding Sources

n/a

Account Code(s)

n/a

Attachment: FirstDCAOpinion.pdf

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

COMMUNICATIONS
WORKERS OF AMERICA;
AFL-CIO, CLC; FLORIDA
POLICE BENEVOLENT
ASSOCIATION, INC.;
GAINESVILLE
PROFESSIONAL FIRE
FIGHTERS, IAFF, LOCAL 2157;
and GATOR LODGE 67, INC.,
FRATERNAL ORDER OF
POLICE,

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D10-1616

Appellants,

v.

CITY OF GAINESVILLE,
FLORIDA,

Appellee.

Opinion filed May 9, 2011.

An appeal from an order of the Public Employees Relations Commission.

Paul A. Donnelly, Laura A. Gross, and Jung Yoon of Donnelly & Gross, P.A.,
Gainesville, and Hal Johnson, General Counsel for Florida Police Benevolent
Association, Tallahassee, for Appellants.

Thomas M. Gonzalez and Christopher M. Bentley of Thompson, Sizemore,
Gonzalez & Hearing, P.A., Tampa, for Appellee.

David C. Miller and Theresa B. Proctor of Bryant Miller Olive, Miami, Amicus
Curiae, The Florida League of Cities, Inc., in support of Appellee.

BENTON, C.J.

Four labor unions representing employees of the City of Gainesville appeal a final order of the Public Employees Relations Commission (PERC) that rejected Hearing Officer Choppin's ruling that the City had engaged in unfair labor practices, in violation of sections 447.501(1)(a) and (c), Florida Statutes (2008), by refusing to bargain over changes it made to health insurance benefits for city employees, once they retire. The parties' collective bargaining agreements did not address the issue, so it was incumbent on the appellants to show that the City's furnishing retirees' health benefits amounted to an established past practice. Persuaded the hearing officer got it right, we reverse and remand to PERC for further proceedings.

The parties' collective bargaining agreements do not discuss health insurance benefits for retirees. But the City has helped pay for such benefits for many years. In fact, until 1995 the City paid 100% of retirees' health insurance premiums (for individual coverage) including all premium increases occurring after retirement. The City reduced the percentage in 1995, but continued to pay a fixed percentage of retirees' insurance premiums, including the same fixed percentage of premium increases occurring after retirement.

The City effected the change in 1995 by adopting a city ordinance incorporating the formula. Gainesville, Fla., Ordinance 4066 (Mar. 27, 1995).

While the 1995 change the ordinance represented was not the product of collective bargaining, the unions waived no collective bargaining rights going forward by acquiescing in the change.¹

¹ In similar circumstances, the court in Southern Nuclear Operating Co. v. NLRB, 524 F.3d 1350 (D.C. Cir. 2008), ruled that the unions there did not waive their rights to bargain collectively for modifications in 2000 simply because they had not negotiated other changes that had been implemented in 1995, explaining:

The unions' conduct pertaining to the 1995 modifications has no bearing on their right to bargain over the 2000 changes. The two episodes were separate and independent events. The Companies made changes to the OPRBs [other post retirement benefits] in 1995; then in 2000, they made another round of modifications. Certainly, nothing in the history of the 1995 changes suggests the unions consciously explored or fully discussed the 2000 changes and then voluntarily relinquished their right to bargain over them. The fact that the unions may have waived their bargaining rights in 1995—an issue we need not address—does not undermine their bargaining rights in 2000. As the Board has long held, “[i]t is well settled that even past failure to assert a statutory right does not estop subsequent assertion of that right.”

Id. at 1358 (emphasis supplied) (citation omitted). In the present case, the 1995 change to a percentage contribution less than 100% was separate and distinct from the change made in 2008, abandoning any percentage formula.

While IAFF Local 2157 initially demanded to bargain the 1995 change, it and the other unions later acquiesced in the change. In doing so, however, the unions did not relinquish the right to bargain future changes. “[T]he burden of proving waiver by a preponderance of the evidence is on the City, which must show that the waiver was clear and unmistakable.” Hillsborough Cnty. Police Benevolent Ass’n, Inc. v. City of New Port Richey, 12 F.P.E.R. 17040 at 61 (1985). As explained in Southern Nuclear Operating Company:

“A waiver occurs when a union knowingly and voluntarily relinquishes its right to bargain about a matter [W]hen a union waives its right to bargain about a

particular matter, it surrenders the opportunity to create a set of contractual rules that bind the employer, and instead cedes full discretion to the employer on that matter. For that reason, the courts require 'clear and unmistakable' evidence of waiver and have tended to construe waivers narrowly."

524 F.3d at 1357 (quoting Dep't of the Navy, Marine Corps Logistics Base v. FLRA, 962 F.2d 48, 57 (D.C. Cir. 1992)). The unions in the present case did not waive their right to bargain based on their acquiescence or agreement to changes to retiree health insurance benefits in 1995. The prefatory language of the 1995 ordinance ("Whereas, the City Commission of the City of Gainesville, Florida, has in the past chosen to pay some of the premium costs for continued health insurance coverage for retirees and/or their dependents, the percentage or amount of which payment for either the retirees or dependent coverage has varied over the years and may continue to do so in the future . . .") does not alter this fact.

PERC has repeatedly recognized this principle. See Royal Palm Beach Prof'l Fire Fighters Ass'n, IAFF, Local 2886 v. Vill. of Royal Palm Beach, 14 F.P.E.R. 19304 (1988) (employer's unilateral change to work schedule on November 19, 1987 was an unfair labor practice despite the union's failure to object to prior changes in July 1985 and October 1986); United Faculty of Fla. v. Univ. of Cent. Fla. Bd. of Tr., 30 F.P.E.R. 229 (2004) (holding that, although UFF waived right to bargain over out-of-cycle wage increases paid for first six weeks, Board committed an unfair labor practice when it continued to grant out-of-cycle wage increases after UFF notified the Board that it desired to negotiate over the increases); Fire Fighters of Boca Raton, Local 1560 v. City of Boca Raton, 12 F.P.E.R. 17051 (1986) (union did not waive right to contest change to city's rules and regulations even though it had not objected to other recent changes); Escambia Educ. Ass'n, FTP-NEA v. Sch. Bd. of Escambia Cnty., 10 F.P.E.R. 15160 (1984) (that the employee organization in prior years did not assert its contractual or status quo right to receive salary experience increments held not to waive its right to challenge School Board's unilateral discontinuance of payment of salary experience increments for current year).

Nor did the unions waive their rights to bargain changes to the City's past practice formula by not objecting to the ordinances, summary plan descriptions and plan descriptions containing or referring to the reservation of rights language. The unions never "consciously explored" or "fully discussed" the City's reservation of rights language with the City. See S. Nuclear Operating Co., 524 F.3d at 1357-58; see also Ga. Power Co., 325 N.L.R.B. 420, 421 (1998), aff'd without opinion, 176 F.3d 494 (11th Cir. 1999) (finding no waiver where the contract did not refer to

The ordinance, and the formula it embodied, remained unchanged until 2008, when the City adopted a superseding ordinance, again changing its method of contributing to retirees' health benefits, this time by underwriting health insurance premiums up to a set dollar amount (rather than paying a percentage of the premiums). The 2008 change, which shifts to retirees the full amount (not merely a percentage) of any increase in premiums occurring in retirement, gave rise to the present controversy, and to unfair labor practice charges, because the City refused to bargain over the change.

When the unions filed unfair labor practice charges under sections 447.501(1)(a) and (c), Florida Statutes (2008), alleging the City's refusal to bargain, a PERC hearing officer conducted an evidentiary hearing. Eventually, the hearing officer recommended that PERC find that the City had engaged in an unfair labor practice by unilaterally changing the health insurance benefits employees would receive as retirees, without negotiating the changes with the unions. PERC rejected the hearing officer's recommendation, however, and dismissed the unfair labor practice charges. The unions then brought the present appeal.

medical or life insurance benefits and the reservation of rights language in the benefit plans was never the subject of collective bargaining). Whatever the effect of the City's reservation of rights language on its non-unionized employees and retirees, it did not affect the rights of employees represented by the unions. City Attorney Hauck and various City documents recognized that any changes that might occur remained subject to the City's collective bargaining obligations.

Like PERC itself, we are “bound to honor a hearing officer’s findings of fact unless they are not supported by competent, substantial evidence.” City of Winter Springs v. Winter Springs Prof’l, 885 So. 2d 494, 497 (Fla. 1st DCA 2004) (citing Belleau v. Dep’t of Env’tl. Prot., 695 So. 2d 1305, 1307 (Fla. 1st DCA 1997)). In reviewing PERC’s decisions, moreover, we must not lose sight of the fact that public employees have a constitutional right to bargain collectively. Art. I, § 6, Fla. Const. (“The right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged.”). The Florida Supreme Court has made it clear that “with the exception of the right to strike, public employees have the same rights of collective bargaining as are granted private employees by Section 6 [of Article 1 of the Florida Constitution].” City of Tallahassee v. Pub. Emps. Relations Comm’n, 410 So. 2d 487, 490 (Fla. 1981) (quoting Dade Cnty. Classroom Teachers’ Ass’n, Inc. v. Ryan, 225 So. 2d 903, 905 (Fla. 1969)). See also Chiles v. State Emps. Attorneys Guild, 734 So. 2d 1030, 1036 (Fla. 1999) (Article 1, section 6 of the Florida Constitution “expressly applies to ‘employees’ without limitation, except that public employees do not have the right to strike.”).

Implementing this constitutional right, the Public Employees Relations Act, Chapter 447, Part II (PERA), provides:

The public policy of this state, and the purpose of this part, is to provide statutory implementation of s. 6, Art. 1 of the State Constitution, with respect to public employees . . . This state’s public policy is best

effectuated by . . . [r]equiring the state, local governments, and other political subdivisions to negotiate with bargaining agents duly certified to represent public employees.

§ 447.201, Fla. Stat. (2008). Section 447.309(1), Florida Statutes (2008), requires a public employer to bargain collectively the wages, hours, and other terms and conditions of employment for employees in each certified bargaining unit.²

Job-related benefits, although not catalogued in an existing bargaining agreement, may nevertheless constitute terms and conditions of employment which are not subject to change by the employer unilaterally. See Palowitch v. Orange Cnty. Sch. Bd., 3 F.P.E.R. 280 at 282 (1977), approved 367 So. 2d 730 (Fla. 4th DCA 1979). “It is settled law that a public employer’s unilateral alteration of the status quo of a mandatory subject of bargaining, i.e., wages, hours, and terms and conditions of employment of its employees, is a per se violation of Section 447.501(1)(a) and (c), Florida Statutes, absent a clear and unmistakable waiver, legislative body action taken after impasse, or extraordinary circumstances requiring immediate action.” Miami Beach Fraternal Order of Police. William Nichols Lodge No. 8 v. City of Miami Beach, 36 F.P.E.R. 127 at 275-76 (2010). The status quo depends both on the provisions of collective bargaining agreements

² A public employer’s refusal to bargain violates §§ 447.501(1)(a) and (c), Florida Statutes (2008), which prohibit employers from “[i]nterfering with, restraining, or coercing public employees in the exercise of any rights guaranteed them under this part” and “[r]efusing to bargain collectively . . . with the certified bargaining agent for the public employees in the bargaining unit.”

and on the content of established past practices. At issue here is the City's allegedly established past practice of defraying a percentage of municipal employees' health insurance premiums upon retirement.

Like private employees,³ public employees have the right to bargain for changes to established past practices, even though they are not mentioned in collective bargaining agreements. See Sch. Bd. of Orange Cnty. v. Palowitch, 367 So. 2d 730, 731 (Fla. 4th DCA 1979) (school board's unilateral increase of length of work year, as established by past practice, was a per se violation). In Palowitch, the Fourth District adopted PERC's order, which explained:

The same policy considerations underlying the prohibition of unilateral changes during negotiations are equally applicable to unilateral changes in subjects not covered by an existing agreement. Terms and conditions not discussed by the parties in negotiations nevertheless continue to be terms and conditions of employment and, by virtue of Section 447.309(1), an employer must negotiate with the certified bargaining agent prior to changing them. The obligation to bargain imposed by

³ PERC should look to the construction of the National Labor Relations Act when construing the Public Employees Relations Act, inasmuch as the latter is modeled on the former, and PERC is patterned after the NLRB. See United Faculty of Fla. v. Pub. Emps. Relations Comm'n, 898 So. 2d 96, 101 (Fla. 1st DCA 2005); Sch. Bd. of Dade Cnty. v. Dade Teachers Ass'n, FTP-NEA, 421 So. 2d 645, 647 (Fla. 3d DCA 1982). See also Pasco Cnty. Sch. Bd. v. Fla. Pub. Emps. Relations Comm'n, 353 So. 2d 108, 116 (Fla. 1st DCA 1977) ("If a Florida statute is patterned after a federal law, on the same subject, it will take the same construction in the Florida courts as its prototype has been given in the federal courts insofar as such construction is harmonious with the spirit and policy of Florida legislation on the subject.").

Section 447.309(1), extends to all terms and conditions of employment. To conclude that terms and conditions of employment upon which the parties fail to reach agreement lose their status as such and somehow become management prerogatives leads to an absurd and fruitless result.

Adoption of the School Board's argument would require a bargaining agent for employees to bargain and reach agreement on every conceivable item falling within the scope of "wages, hours, and terms and conditions of employment" or suffer immediate waiver upon the execution of an agreement.

Palowitch, 367 So. 2d at 731-32 (emphasis supplied). Public employees' right to bargain for changes to established past practices includes the right to bargain for changes to the employer's contribution to current employees' health care premiums upon retirement⁴ where the union contract is silent on this issue. See

⁴ Specifically, public employees have the right to bargain over retirement matters including the employer's contribution to current employees' health care premiums upon retirement. See City of Tallahassee v. Pub. Emps. Relations Comm'n, 410 So. 2d 487, 491 (Fla. 1981) ("Retirement benefits have become an important and integral part of employment agreements. . . . [R]etirement provisions are necessarily a part of the collective bargaining process . . ."); Leon Cnty. Police Benevolent Ass'n, Inc. v. City of Tallahassee, 8 F.P.E.R. 13400 at 724 (1982), aff'd 445 So. 2d 604 (Fla. 1st DCA 1984) ("a public employer's payment of insurance premiums has been consistently held to be a term and condition of employment subject to negotiations"); City of New Port Richey, 12 F.P.E.R. 17040 at 60 ("In light of our precedent requiring a broad scope of negotiations, it is appropriate to consider the various aspects of a retirement plan such as the vesting schedule, the procedure for claim filing and the plan administration as well as obvious emoluments of value like benefits and contributions as falling within the definition of terms and conditions of employment.").

Hillsborough Cnty. Police Benevolent Ass'n, Inc. v. City of New Port Richey, 12 F.P.E.R. 17040 at 61 (1985).

In City of New Port Richey, PERC held that the city had committed an unfair labor practice, in violation of §§ 447.501 (1)(a) and (c), by amending its ordinance to reduce its required contribution to the retirement fund where the city's contribution had been established by ordinance for four years and the union contract was silent on the matter. PERC explained that:

an employer's unilateral alteration of terms and conditions of employment established by past practice will give rise to an unfair labor practice when it is established that the past practice had been unequivocal, had existed substantially unvaried for a significant period of time prior to the change, and could reasonably have been expected by the employees to have continued unchanged.

Id. PERC went on to say that "... the City's rate and ratio of contribution to the pension fund had, through past practice [four years], ripened into an extra-contractual term and condition of employment which was unilaterally changed by the City." Id. Surprisingly, PERC made no mention of its decision in City of New Port Richey in the order under review.

The formula under which the City made its contribution toward retirees' health insurance premiums in the present case remained in effect from 1995 to 2008. "To constitute an established practice, it must be demonstrated that the practice was unequivocal, that it existed substantially unvaried for a significant

period of time, and that the bargaining unit employees could reasonably have expected the practice to continue unchanged.” Clay Educ. Staff Prof'l Ass'n v. Sch. Dist. of Clay Cnty., 34 F.P.E.R. 139 at 275 (2008) (citing Hillsborough Cnty. Police Benevolent Ass'n, Inc. v. City of Tampa, 15 F.P.E.R. 20028 (1988); Manatee Educ. Ass'n v. Manatee Cnty. Sch. Bd., 7 F.P.E.R. 12017 (1980)). The hearing officer found as a fact that appellants' members reasonably expected the City's contributions to the health insurance premiums that they would pay when they retired would continue, based in no small part on the length of time that the formula for the City's contributions had already remained in place.

This finding of fact has ample support in the evidence, and should not have been overturned. See Green v. Fla. Dep't of Bus. & Prof'l Regulation, 49 So. 3d 318-19 (Fla. 1st DCA 2010) (determining that ALJ's determinations that an appraisal report was not misleading or insufficient were factual findings, “susceptible to ordinary methods of proof and, thus, the Board was not permitted to reject these findings unless they were not supported by competent substantial evidence”); City of Winter Springs, 885 So. 2d at 497 (“Agencies are bound to honor a hearing officer's findings of fact unless they are not supported by competent, substantial evidence.” (citing Belleau, 695 So. 2d at 1307)). PERC has in the past found that practices lasting much shorter periods of time gave public employees sufficient reason to expect the practice to persist. For example, in City

of New Port Richey, PERC found that the city committed an unfair labor practice when it unilaterally reduced its contribution to a pension plan. PERC found that New Port Richey's employees could reasonably have expected the practice to remain unchanged where the city's rate of contribution to the plan had lasted from 1981 to 1985, or, as PERC said, "remained substantially unvaried for an extended period of time." 12 F.P.E.R. 17040 at 61. There the contribution rates and ratios remained unchanged for a period of four years, while the period here lasted thirteen years.

PERC has, indeed, held that such a past practice can develop over the course of only two years. See Cent. Fla. Prof'l Firefighters, Local 2057 v. Bd. of Cnty. Comm'rs of Orange Cnty., 9 F.P.E.R. 14372 at 775-76 (1983) (employees had reasonable expectation that June 1, 1981 to May 2, 1983 practice allowing firefighters to leave the station to purchase food and eat at restaurants would continue). An agency's interpretation of a statute it is charged with administering is normally entitled to judicial deference. But

"[a]n agency's construction of a statute is not entitled to deference where the agency has erroneously interpreted a provision of law." PERC must itself comply with statutes it administers that are intended to implement state constitutional provisions forbidding the abridgment of public employees' collective bargaining rights. See Art. I, § 6, Fla. Const.

United Faculty of Fla. v. Pub. Emps. Relations Comm'n, 898 So. 2d 96, 100-01 (Fla. 1st DCA 2005) (quoting City of Safety Harbor v. Commc'ns Workers of Am., 715 So. 2d 265, 266 (Fla. 1st DCA 1998)) (reversing PERCs dismissal of unfair labor practice charges). Deference is particularly inappropriate where, as here, PERC has suddenly changed its interpretation of a statute with little or no explanation. See Fla. Cities Water Co. v. State, 705 So. 2d 620, 625-26 (Fla. 1st DCA 1998); cf. Smith v. Crawford, 645 So. 2d 513, 521 (Fla. 1st DCA 1994) ("Deference to an agency's interpretation is even more compelling where an agency's interpretation, as here, is consistent with its prior published opinions."). The unequivocal past practice in the present case remained in place over the course of thirteen years, and was clearly well established, as the hearing officer found.

An employer's unratified reservation of rights, whether in a retirement plan or in other documents not expressly incorporated into the collective bargaining agreement, does not abridge employees' right to bargain collectively. See S. Nuclear Operating Co. v. NLRB, 524 F.3d 1350 (D.C. Cir. 2005); Midwest Power Systems, Inc., 335 NLRB 237, 238 (2001). Where the employer is a city, a municipal ordinance cannot abridge public employees' constitutional and statutory rights⁵ to bargain collectively over past practices. See City of New Port Richey, 12 F.P.E.R. 17040 at 61. As explained by the Florida Supreme Court:

⁵ In City of New Port Richey, the Commission held that the City violated

Sections 447.501 (1) (a) and (c) by amending the city ordinance and thereby unilaterally altering the City's rate of contribution to the pension fund. There, neither the general management rights clause nor the zipper clause clearly and unmistakably waived the union's right to bargain. 12 F.P.E.R. 17040 at 62-63.

The zipper clause stated: "All terms and conditions of employment not covered by this agreement shall continue to be subject to the City's sole discretion and control." *Id.* at 63. PERC stated that "[b]ecause zipper clauses are generally interpreted as closing out bargaining during the contract term and maintaining the status quo of a contract, they are not to be used to allow an employer to make unilateral changes in working conditions without bargaining." *Id.* PERC explained:

to infer a waiver from a provision that is ostensibly and preeminently a "zipper clause," the operative language must not only contain a significant quantum of specificity as to the subject matter of the purported waiver, which we do not encounter here, but it must also include wording that expressly delineates a yielding of the right to negotiate with respect to changes in the subject terms or conditions of employment. The fact that Section 3 of Article 26 provides that the City shall possess sole discretion and control over conditions of employment not covered by the collective bargaining agreement does not persuade us that the PBA thereby explicitly waived its right to bargain over changes in the rates of contribution to the pension fund.

Id. (emphasis supplied). As in City of New Port Richey, the "Entire Agreement" zipper clause here is general and does not specifically and explicitly waive the Unions' right to bargain changes to the City's contribution for retiree health insurance premium payments. There is no clear and unmistakable waiver.

The zipper clauses in the present case do not waive the unions' bargaining rights. "A waiver of this type [contractual] must be stated with such precision that simply by reading the pertinent contract provision employees will be reasonably alerted that the employer has the power to change certain terms and conditions of employment unilaterally." Int'l Ass'n of Fire Fighters, Local 754 v. City of Tampa, 13 F.P.E.R. 18129 at 317 (1987) (quoting Fraternal Order of Police Miami Lodge 20 v. City of Miami, 12 F.P.E.R. 17029 at 40 (1985)). Neither broadly worded zipper clause nor management rights clause constitute a clear and unmistakable waiver of the right to bargain. See Finellas Cnty. Police Benevolent Ass'n, Inc. v. City of Dunedin, 8 F.P.E.R. 13102 (1982) (zipper clause and

Municipal ordinances are inferior in stature and subordinate to the laws of the state. Accordingly, an ordinance must not conflict with any controlling provision of a state statute, and if any doubt exists as to the extent of a power attempted to be exercised which may affect the operation of a state statute, the doubt is to be resolved against the ordinance and in favor of the statute. A municipality cannot forbid what the legislature has expressly licensed, authorized or required, nor may it authorize what the legislature has expressly forbidden. In order for a municipal ordinance to prohibit that which is allowed by the general laws of the state there must be an express legislative grant by the state to the municipality authorizing such prohibition.

Rinzler v. Carson, 262 So. 2d 661, 668 (Fla. 1972) (citations omitted). An employer's published claim that it has retained the right to change a past practice without bargaining, does not give the employer the legal right to make the unbargained for change. See Pasco Cnty. Prof'l Firefighters, Local 4420, IAFF v. Pasco Cnty. Bd. of Cnty. Comm'rs, 33 F.P.E.R. 225 (2007) (holding annual wage increase following a wage study was an established past practice subject to collective bargaining despite the county's inherent discretion not to follow wage study recommendations).⁶

management rights clause did not waive union's right to bargain over employer's increased health insurance payroll deductions).

⁶ In Southern Nuclear Operating Company, the employers (subsidiaries of an electric utility) unsuccessfully appealed the decision by the NLRB that they unlawfully changed the employees' retiree healthcare and life insurance benefits without bargaining. Benefit-plan guides which described the healthcare and life insurance benefits were provided to the employees and unions. Some of these guides had a reservation of rights clause that granted the employer the right to

The key is the parties' reasonable expectation that a past practice will continue. See Seminole Cnty. Prof'l Firefighters, Local 3254 v. Seminole Cnty., 31 F.P.E.R. 197 at 457-58 (2005) (finding employees had a reasonable expectation that the practice of providing take-home vehicles would continue despite the County's generally unknown and amorphous policy that allowed County to eliminate take-home vehicles upon an annual review); Daytona Beach Fire/Rescue, Local 1162 v. City of Daytona Beach, 19 F.P.E.R. 24068 at 138-39 (1993), aff'd, 630 So. 2d 194 (Fla. 5th DCA 1993) (holding an annual wage increase was a past practice despite City's discretion); Fla. Nurses Ass'n v. Pub. Health Trust-Metro. Dade Cnty., 14 F.P.E.R. 19312 at 700-06 (1988) (finding employees whose collective bargaining agreement did not contain express provision regarding employer's contribution to employee health insurance premium had a reasonable expectation that employer's nine-year practice of subsidizing the cost of certain HMO family coverage would continue, notwithstanding this statement in the employer's insurance booklet: "You . . . must pay the cost of your family's coverage"). The past practice in the present case was substantially unvaried for more than a decade. The hearing officer understandably found that the parties

"terminate or amend this Plan in whole or in part, including but not limited to any Benefit Option described herein, at any time so long as any participant is reimbursed for any covered expenses already incurred under this Plan." 524 F.3d at 1355.

expected it to continue. PERC erred in overturning the hearing officer's recommendation to treat the City's unilateral change of this established past practice as an unfair labor practice.

Reversed and remanded.

THOMAS, J., CONCURS; DAVIS, J., DISSENTS WITH OPINION.

DAVIS, J. dissenting.

I respectfully dissent and would affirm PERC's order. In reversing, the majority primarily focuses on the length of time that the City of Gainesville used the 1995 formula in calculating its contribution toward retiree health insurance premiums. However, to constitute an established past practice, it must not only be shown that a practice has existed substantially unvaried for a significant period of time, it must also be shown that the practice was unequivocal and that the bargaining unit employees could reasonably have expected the practice to remain unchanged. United Faculty of Fla. v. Univ. of Cent. Fla. Bd. of Trs., 30 F.P.E.R. ¶ 229 (2004). This case turns on whether the employees had a reasonable expectation that the 1995 formula would remain unchanged. In my opinion, PERC was correct in concluding that they did not. Although the employees may have believed that the City's contribution amount would remain unchanged, whether a practice has created a reasonable expectation must be analyzed on an objective, rather than a subjective, basis. See Daytona Beach Fire/Rescue, Local 1162 v. City of Daytona Beach, 19 F.P.E.R. ¶ 24068 (1993).

As PERC noted, the City has, on multiple occasions throughout the years, warned all of its employees of its reservation of rights with respect to its contribution toward retiree health care premiums. For instance, in the 1995 ordinance, wherein the City adopted its contribution formula, the City set forth:

WHEREAS, the City Commission . . . has in the past chosen to pay some of the premium costs for continued health insurance coverage for retirees and/or their dependents, the percent or amount of which payment for either the retiree or dependent coverage has varied over the years and may continue to do so in the future

The same or similar language was included in subsequent ordinances, as well as in memoranda, employee health care handbooks, and policy statements. This express reservation of rights distinguishes this case from the many PERC decisions cited by the majority. Had this case dealt only with a thirteen-year practice, those decisions would support reversal. However, in this case, the employees were continuously notified that the City could alter its contribution at any time, including in 1995, the point at which the unions argue that the status quo or past practice began. As PERC concluded, the employees could not reasonably expect that the City's 1995 contribution formula would remain unchanged.

Accordingly, I would affirm.