

ALACHUA COUNTY  
BOARD OF COUNTY COMMISSIONERS

**ORDINANCE NO. 2022-\_\_**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA PERTAINING TO PROTECTIONS FOR VICTIMS OF DOMESTIC AND INTIMATE PARTNER VIOLENCE; AMENDING TITLE 7 OF THE ALACHUA COUNTY CODE TO ADD CHAPTER 85 ENTITLED ‘DOMESTIC VIOLENCE PROTECTIONS’; PROVIDING FOR DEFINITIONS; PROVIDING FOR TENANTS UNDER CREDIBLE THREAT OF VIOLENCE TO CHANGE THE LOCKS TO THEIR RESIDENTIAL DWELLING UNIT WITH NOTICE TO THE OWNER; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR MODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES AND CORRECTION OF SCRIVERNER’S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, domestic violence rates locally since the beginning of the COVID-19 pandemic have increased; and

**WHEREAS**, the Board of County Commissioners of Alachua County, Florida (the “Board”) has an interest in reducing domestic, dating, sexual violence and stalking in the Alachua County community; and

**WHEREAS**, the Board desires to establish a mechanism to enable victims and their families to achieve safety and minimize injury from violence; and

**WHEREAS**, the Board now amends Title 7 of the Alachua County Code of Ordinances to establish Chapter 85 of the Code of Ordinance “Domestic Violence Protections.”

**NOW, THEREFORE, BE IT DULY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1.** Amendment. Title 7 of the Alachua County Code of Ordinances, entitled “Health and Safety” is hereby amended to add Chapter 85 to be entitled “Domestic Violence Protections,” new Section 85.01-85.05, state as follows:

## **Chapter 85 DEOMESTIC VIOLENCE PROTECTIONS**

### **Section 85.01. Intent.**

It is the intent of this chapter to protect tenants and their minor children who are victims of actual or threatened domestic violence, dating violence, sexual violence, or stalking and to facilitate changing the locks on their residential rental dwelling units for protection.

### **Section 85.02. Applicability and Jurisdiction.**

The provisions of this chapter shall apply to all persons in the unincorporated areas of Alachua County.

### **Section 85.03. Definitions.**

The definitions as defined in Chapter 111 of the Alachua County Code, the “Human Rights Ordinance” shall be used in this chapter.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

*Tenant* means any person entitled to occupy a residential dwelling unit under a written or oral rental agreement, excluding “Public lodging establishment” as defined in Florida Statute Section 509.013 or any unit used as a short-term vacation unit.

### **Section 85.04. Changing of Locks.**

#### **A. Rental Agreement.**

1. Upon written notice from all Tenants, the Tenants may request that an owner change the locks of a dwelling unit in which they live if one or more of the Tenants reasonably believes that they or another individual domiciled at the residence are under a credible threat to be a Victim of Domestic Violence, Victim of Dating Violence, or Victim of Stalking at the premises.
2. If the threat of violence is from a person who is not a Tenant, notice to the owner requesting a change of locks shall be accompanied by one of the following:
  - a. A copy of a valid Order for Injunction for Protection Against Domestic, Dating, or Sexual Violence; or Stalking issued by a court in favor of any person domiciled at the residence;
  - b. A copy of a federal agency, state, or local police, court, or medical report regarding an act of Domestic, Dating, or Sexual Violence; or Stalking against any person domiciled at the residence;
  - c. A copy of a conviction of any person for an act of Domestic, Dating, or Sexual Violence; or Stalking against any person domiciled at the residence;
  - d. A statement from a law enforcement officer that a person domiciled at the residence has reported an act of Domestic, Dating, or Sexual Violence; or Stalking
  - e. A statement by a licensed health professional or victim advocate from certified domestic violence center stating any person domiciled at the residence has reported

- 1 an act of Domestic, Dating, or Sexual Violence; or Stalking; or  
2 f. Any other equivalent written document evidencing a credible threat of violence.  
3 3. If the threat of violence is from a person who is a Tenant, notice to the owner requesting  
4 a change of locks shall be accompanied by a Final Order for Injunction for Protection  
5 Against Domestic, Dating, or Sexual Violence, or Stalking, or a criminal no-contact  
6 order granting the Tenant exclusive possession of the premises. A Tenant requesting a  
7 change of locks shall not be required to obtain written notice from the person posing a  
8 threat who is also a Tenant, provided that the notice to the owner is accompanied by a  
9 Final Order of Injunction for Protection Against Domestic, Dating, or Sexual Violence  
10 or Stalking, or a criminal no-contact order granting the Tenant exclusive possession of  
11 the premises.  
12 B. Once a written request to change the locks has been made, an owner must change the locks  
13 or permit the Tenants to change them within 48 hours of the request. Otherwise, the  
14 Tenants can change the locks without the owner's permission with locks of equal or  
15 greater value.  
16 C. An owner may charge reasonable actual costs associated with the lock change if the owner  
17 completes the change.  
18 D. Whichever party changed the locks should make a good faith effort to deliver the new  
19 keys within 48 hours. If either the owner or the tenant fails to make a good faith effort to  
20 deliver the keys within 48 hours that person is liable to the other for any damages for any  
21 harms caused by lack of access.  
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23

#### 24 **Section 85.05. Enforcement.**

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26 Persons cited for violations of this chapter may be subject to the penalties as  
27 provided in section 10.08 of the Alachua County Code, or any other remedy available at law or  
28 equity.  
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30 **SECTION 2. Repealing Clause.** All ordinances or portions thereof in conflict herewith  
31 are, to the extent of such conflict, hereby repealed.

32 **SECTION 3. Modification.** It is the intent of the Board of County Commissioners that  
33 the provisions of this ordinance may be modified as a result of considerations that may arise  
34 during public hearings. Such modifications shall be incorporated into the final version of the  
35 ordinance adopted by the Board and filed by the Clerk to the Board.

36 **SECTION 4. Severability.** If any word, phrase, clause, paragraph, section or provision  
37 of this ordinance or the application hereof to any person or circumstance is held invalid or  
38 unconstitutional, such finding shall not affect the other provisions or applications of the

1 ordinance which can be given effect without the invalid or unconstitutional provisions or  
2 application, and to this end the provisions of this ordinance are declared severable.

3 **SECTION 5. Inclusion in the Code.** It is the intent of the Board of County  
4 Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this  
5 ordinance shall become and be made a part of the Code of Ordinances of Alachua County,  
6 Florida; that the section of this ordinance may be renumbered or re-lettered to accomplish such  
7 intent and that the word “ordinance” may be changed to “section”, “article”, or other appropriate  
8 designation.

9 **SECTION 6. Effective Date.** A certified copy of this ordinance shall be filed with the  
10 Department of State by the Clerk of the Board within ten (10) days after enactment by the  
11 Board and shall take effect upon filing with the Department of State.

12 **DULY ADOPTED** in regular session, this \_\_\_\_ day of\_\_\_\_, 2022.

13  
14 **BOARD OF COUNTY COMMISSIONERS OF**  
15 **ALACHUA COUNTY, FLORIDA**

16  
17 ATTEST:

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20 \_\_\_\_\_  
21 J.K. “Jess” Irby, Esq.  
22 Clerk  
23

BY: \_\_\_\_\_  
Marihelen Wheeler, Chair  
Board of County Commissioners

APPROVED AS TO FORM

24  
25  
26 (SEAL)

\_\_\_\_\_  
County Attorney