ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 2026-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING THE ALACHUA COUNTY CODE OF ORDINANCES, PART II, TITLE 2, CHAPTER 23 ON PERSONNEL, ARTICLE III ENTITLED "WHISTLE-BLOWER PROVISIONS;" AMENDING ARTICLE III TO CLARIFY AND EXPLICITLY PROVIDE THAT VOLUNTEERS ARE PROTECTED BY THE ORDINANCE; PROVIDING FOR MODIFICATION; PROVIDING FOR ORDINANCE TO BE LIBERALLY CONSTRUED; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Alachua County recognizes that its mission is supported not only by employees, but also by the dedicated volunteers who generously contribute their time, skills, and service to the community, often working alongside staff in ways that give them unique insight into government operations; and

WHEREAS, the County deeply values the essential role volunteers play in enhancing public programs, strengthening civic engagement, and expanding the capacity of local government to serve residents; and

WHEREAS, because volunteers may observe or become aware of violations or suspected violations of law and improper conduct, and of suspected acts of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty, the County finds it necessary to clarify and explicitly provided that volunteers who report such concerns in good faith are protected from retaliation; and

WHEREAS, including volunteers in whistleblower protections is consistent with the intent and public-policy objectives of the County's Whistle-Blower Ordinance and promotes

transparency, accountability, and public trust in local government; and

WHEREAS, the County has complied with the notice and public hearing requirements of Chapter 125 (for counties), Florida Statutes, including the requirement that proposed ordinances be advertised at least 10 days prior to adoption; and

WHEREAS, the County finds that clarifying and explicitly providing volunteers in whistleblower protections serves a valid public purpose and is in the best interest of the residents of County.

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

Section 1. Legislative Findings of Fact. The Board of County Commissioners of Alachua County, Florida, declares that all the statements set forth in the preamble of this ordinance are true and correct.

Section 2. Amendment. Alachua County Code, Part II, Title 2, Chapter 23 on Personnel, Article III entitled "Whistle-Blower Provisions," specifically Section 23-30, Section 23-31, Section 23-32, Section 23-33, and Section 23-34 are amended as follows:

Sec. 23.30. - Procedure for disclosing certain information.

(a) The board adopts by reference as part of this chapter, Section 112.3187, Florida Statutes, as amended from time to time, including any definitions except to the extent they conflict herein.

(b) Employees<u>, volunteers,</u> or other persons who have information concerning the following categories are required to disclose that information to either the county manager or the county attorney:

(1) Any violation or suspected violation of any federal, state, or local law, rule or regulation committed by an employee or agent of an agency or independent contractor which creates and presents a substantial and specific danger to the public's health, safety, or welfare; or

(2) Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor.

(c) The information must be disclosed on the employee's, volunteer's, or person's own initiative, be in writing, and be signed by the employee, volunteer, or person making the disclosure. Alternatively, the information may be disclosed to the equal opportunity office directly in person, or by any other reporting mechanism established by the equal opportunity manager.

Sec. 23-31. - Procedure for investigating disclosures.

(a) Once a disclosure has been made, the county manager and county attorney shall confer to determine whether any investigation is warranted and, if so, an appropriate course of investigation of the disclosure, in light of the specifics of the disclosure, the laws and regulations which may apply, the complexity or sophistication of the matters involved in the disclosure, whether criminal violations may be present, and any other relevant factors. Should the county manager or county attorney be the subject of a disclosure, then the remaining un-accused official shall confer with the chair of the board on a proper course of action, including, if necessary, the use of an outside organization to conduct the investigation.

(b) The level of formality and documentation of any investigation of disclosures made may vary depending on the nature and severity of the disclosure. In any event, the chair and members of the board should be kept updated as appropriate on the progress of any investigation. Investigations shall be completed within 90 days of disclosure. If due to the nature of the disclosure or other extenuating circumstances, additional time is necessary, the county manager or county attorney shall seek approval from the chair with subsequent notice to all other members of the board of the granted extension and rational for the necessary additional time.

(c) Once a determination has been made with respect to how any investigation will proceed, such investigation will be conducted in an expeditious manner. The county manager or county attorney, as the case may be, shall make any criminal or regulatory referrals, recommend modified policies to the board, or take any other actions which are deemed necessary as a result of the investigation.

(d) Nothing in this article shall impact any independent authority vested in the clerk of courts.

Sec. 23-32. - Retaliation prohibited.

The county, including any official thereof, shall neither dismiss, discipline, or take any other adverse employment action against any employee, nor take any adverse action that affects the rights or interests of an employee, volunteer, or person, who discloses, in good faith, the information categorized in section 23.30.

Sec. 23-33. - Persons protected.

(a) Any employee, volunteer, or other person who discloses information on their

own initiative and in the manner prescribed in section 23.30(b), is protected from retaliation based on such disclosure. Any employee, volunteer, or person requested to participate in any investigation or hearing concerning a disclosure is protected from retaliation based on such participation. Any employee, volunteer, or person who refuses to participate in any prohibited retaliatory actions is protected from retaliation for such refusal.

(b) Employees, volunteers, or other persons are not afforded any protections as noted herein where such employees, volunteers, or persons:

(1) Commit or intentionally participate in committing the violation or suspected violation for which protection from retaliation is being sought;

(2) Violate any personnel rule or policy in connection with or related to the subject of the disclosure; or

(3) Violate any contractual or regulatory provision applicable to county contracts which are the subject of or related to the disclosure.

(c) The provisions of this article shall not be applicable when an employee, volunteer, or person discloses information known by the employee or person to be false.

(d) Nothing herein precludes the county from taking any personnel, contractual, or other action against any employee, volunteer, or other person which is predicated upon grounds other than, and would have been taken absent, the employee's, volunteer's, or person's disclosure of information under section 23.30.

(e) The provisions of this section may not be used by a person while he or she is under the care, custody, or control of the state correctional system or the county's sheriff, or after release therefrom, with respect to circumstances that occurred during any period of incarceration.

Sec. 23-34. - Procedure for reviewing complaint of retaliation.

(a) Any complaint of retaliation prohibited under section 23.33 must be filed with the human resources director within 60 days after the alleged retaliatory action. Such complaint must be submitted in writing, setting forth the facts which constitute the alleged retaliation. Once a retaliation complaint has been received, the human resources director or designee shall investigate the complaint and submit a report to the county manager and county attorney, if applicable, making findings of fact and a conclusion as to whether retaliation has occurred. A copy of the report shall be provided to the person making the complaint. Should the county manager or county attorney be the subject of the complaint, then the remaining un-accused official shall receive a copy of the report.

(b) Should the employee, volunteer, or person making the complaint of retaliation not

agree with the report's conclusions, then the matter shall be heard by a panel of persons consisting of the county manager, the equal opportunity manager, and a third department director chosen by those two. After hearing the matter, the panel shall deliberate and render a written decision making findings of fact and a conclusion as to whether prohibited retaliation has occurred. The office of the county attorney shall provide such legal advice and support to the panel as may be required. If the county manager is the subject of the complaint or the accusation of retaliation, the equal opportunity manager shall select a second department director to stand in the place of the county manager. If the county attorney is the subject of the complaint or the accusation of retaliation, another attorney from that office may provide legal support to the panel or the panel choose to obtain outside counsel.

(c) If it is determined that retaliation has occurred, the county manager, or county attorney where appropriate, shall take such actions as would remedy the effects thereof, including, if necessary, reinstatement and payment of lost wages or profits. The county manager is authorized to promulgate any procedures, not inconsistent with these provisions, to facilitate the complaint review process.

(d) Notwithstanding any of the foregoing, the authority of any county constitutional officer to adopt and administer policies and procedures concerning whistle-blower complaints with respect to their employees shall not be diminished by this article and such officers may adopt any such policies and procedures as may be deemed necessary and appropriate.

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

Section 4. Inclusion in the Code. It is the intent of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Alachua County, Florida; that the section of this ordinance may be renumbered or re-lettered to accomplish such intent and that the word may be changed.

Section 5. Ordinance to be Liberally Construed. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 6. Severability. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

Section 7. Effective Date. A certified copy of this ordinance shall be filed with the

Department of State by the Clerk of the Board within ten days after enactment by the Board and shall take effect upon filing with the Department of State

DULY ADOPTED in regular session, this ___ day of _____, 2026.

BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA

ATTEST:

BY: _____
Ken Cornell, Chair
Board of County Commissioners

_____
J.K. "Jess" Irby, Esq.
Clerk

APPROVED AS TO FORM

_____
County Attorney

(SEAL)