The Rules Committee offers the following substitute for file No. 2014-548:

Introduced by the Council President at the request of the Mayor & Co-sponsored by Council Members Gulliford, Jones, Brown & Daniels:

**ORDINANCE 2014-548**

AN ORDINANCE AMENDING CHAPTER 118 (CITY GRANTS), PART 1 (GENERAL PROVISIONS), *ORDINANCE CODE*, BY CREATING A NEW SECTION 118.107, *ORDINANCE CODE*, TO FUND ELEMENTS OF THE STATE COURT SYSTEM, AS PROVIDED BY SECTION 29.008, F.S., IN ORDER TO PROVIDE LEGAL AID PROGRAMS TO LOW-INCOME PERSONS THROUGH CONTRIBUTIONS TO JACKSONVILLE AREA LEGAL AID, INC.; ESTABLISHING SPENDING LIMITS; PROVIDING AN EFFECTIVE DATE.

 **WHEREAS**, during the 2004 legislative session the Florida Legislature enacted section 63 of Ch. 2004-265, Laws of Florida, creating Section 939.185, F.S., which authorized local governments to impose a $65 court cost for felonies, misdemeanors, delinquent acts, and criminal traffic violations; and;

 **WHEREAS**, in 2004-609-E, the City of Jacksonville exercised its authority under Section 939.185, F.S., and directed the Circuit and County Courts to impose the additional $65 court cost; and

 **WHEREAS**, Section 29.008, F.S., which governs state attorneys, public defenders, criminal conflict and criminal regional counsel, and legal aid programs, requires counties to pay reasonable and necessary salaries, costs, and expenses of the state court systems in order to meet local requirements, including the requirement that legal aid programs be funded at a level equal to or greater than the amount provided from filing fees and surcharges to legal aid programs from October 1, 2002, to September 30, 2003; and

 **WHEREAS**, Jacksonville Area Legal Aid, Inc. (“JALA”) was founded in Jacksonville in 1937 and has a long and extensive history of service to low-income individuals in the City; and

 **WHEREAS**, JALA as a result of its direct legal advocacy on behalf of low-income and disadvantaged residents of the City, has generated substantial direct and indirect economic impact to the benefit of the citizens of the City in an amount consistently and substantially greater than the amounts allocated to JALA by the City and Duval County in the past; and

 **WHEREAS**, for Fiscal Year 2015, the City intends to provide funding to JALA in the amount of $236,000 as a public service grant through the City’s annual budget ordinance for JALA to provide services to low-income and disadvantaged residents of the City; and

 **WHEREAS**, the City finds that legal services to the poor and low-income are critical and necessary services, and City funding should be provided to JALA consistently through the City’s annual budget ordinance to meet the City’s local requirement set forth in Section 29.008(3)(a), F.S.; now therefore

 **BE IT ORDAINED** by the Council of the City of Jacksonville:

 **Section 1. Amending Chapter 118 (City Grants), Part 1 (General Provisions), *Ordinance Code*, to create a newSection 118.107, *Ordinance Code***. Chapter 118 (City Grants), Part 1 (General Provisions), *Ordinance Code*, is hereby amended to create a new Section 118.107 to fund elements of the state court system, as provided by Section 29.008, F.S., in order to provide legal aid programs to low-income persons through contributions to JALA , and as amended shall read as follows:

# CHAPTER 118

**CITY GRANTS**

# Part 1. General Provisions

## \* \* \*

 **Sec. 118.107 Funding Legal Services for Low-income Citizens through Jacksonville Area Legal Aid, Inc**.

(a) No later than June 1, 2015, and in each successive year thereafter, Jacksonville Area Legal Aid, Inc. (“JALA”) shall provide to the Chief Financial Officer and City Council Auditor a copy of its OMB-A133 audit from the preceding year, which shall identify by separate line item the sum total raised by JALA from the local bar and from other donors representing non-taxpayer funds donated to JALA during the audit period.

(b) No later than June 1, 2015, and in each successive year thereafter, the City shall determine the total amount allocated to JALA as a result of the surcharge imposed pursuant to Section 939.185(1)(a), F.S., and allocated to JALA as mandated by Section 111.385 of the Ordinance Code during the same audit period referenced in subsection (a) above.

(c) Subject to the limitation in subsection (d)below and in each successive year thereafter, the Mayor, based on the information provided by the JALA in subsection (a) and the amount allocated by the City in subsection (b), shall recommend to City Council and include in the proposed annual budget for the upcoming fiscal year a lump sum appropriation to be made to JALA equaling or exceeding the sum of the amounts in subsections (a) and (b) above (the “matching funds”). Upon City Council’s approval of the annual budget, the matching funds shall be provided to JALA no later than December 1, 2015, and thereafter by December 1 of each successive year.

(d) Commencing on or about October 1, 2015, the matching funds, if any, provided by the City pursuant to subsection (c) above shall not exceed $1,000,000.00, even if the total of the amounts in subsections (a) and (b) exceeds $1,000,000.00, except as may be specifically provided by the City.

(e) The matching funds shall be utilized to provide legal services for the disadvantaged through JALA, including but not limited to services to domestic violence victims, the mentally ill and/or disabled, the under- or unemployed, residents facing landlord/tenant issues or homelessness, foreclosure related educational, mediation, and defense programs, and the elderly.

(f) Upon approval of the annual budget by the City Council, an Agreement will be prepared and administered by the Intra-Governmental Services Department, or applicable Department, which will reflect the total amount of the lump sum appropriation for JALA pursuant to this section. Notwithstanding the provisions to the contrary in [Section 118.201](https://library.municode.com/HTML/12174/level3/TITVADPE_CH118CIGR_PT2DIGR.html%22%20%5Cl%20%22TITVADPE_CH118CIGR_PT2DIGR_S118.201REAP)(f)(7), the Agreement shall be subject to all other requirements in this Chapter.

(g) JALA may apply for and receive other City funding, including Public Service Grants and the City’s Foreclosure Registry Fund, in addition to the matching funds received under subsection (c) above. All City funding received by JALA shall assist the City with meeting the local requirement under Chapter 29, Florida Statutes, to the extent such funding is used by JALA to provide legal aid programs and services to “low-income persons” as defined in the City’s priority population/need legislation under Part 8 of this Chapter or as defined under applicable federal law.

 **Section 2. Effective Date.** This ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor’s signature.

Form Approved:

\_\_\_/s/ Lawsikia J. Hodges\_\_\_\_\_\_\_\_

Office of General Counsel

Legislation Prepared By: James R. McCain, Jr.

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