

2022-574 – Pedestrian and Vehicle Safety

Florida was recently named as the second worst state in the country for pedestrian injuries and deaths associated with motor vehicle crashes. In the same study, Jacksonville was named the sixth most dangerous city in the country. Florida statutes and guidance from various Florida local and state transportation authorities encourage local governments to enact legislation geared toward improving pedestrian and motor vehicle safety. While no single solution is possible to eliminate all threats to pedestrians and users of the rights-of-way, studies have indicated that a large percentage of pedestrian injuries and fatalities occur while pedestrians are in the roadway while not in a designated crosswalk or other appropriate crossing point. Additionally, a dangerous trend is developing with the increase in instances of distracted driving becoming a leading cause of pedestrian accidents. Furthermore, designs for high volume, high-capacity roadways encourage higher motor vehicle speeds along multi-lane roads which enhance the danger associated with an improper pedestrian presence. This legislation is offered to assist in reducing pedestrian injuries by eliminating instances of the unsafe presence of unpermitted individuals within the roadway areas.

Ban on certain uses of the right-of-way

Prohibits use of traveled portion of public rights-of-way of interstate and intrastate highways and arterial and collector roadways in a manner that interferes with the safe and efficient movement of people and property from place to place on a public road or right-of-way by:

(1) *Occupancy of median* - stopping, standing, or otherwise occupying or remaining in a median on any designated roadway when not in the process of lawfully crossing the road through two consecutive opportunities to cross.

(2) *Physical interaction on roadway* - engaging in any physical interaction between a pedestrian and an occupant of a motor vehicle, including but not limited to the transfer of any product or material, while the motor vehicle is not legally parked and is located on the traveled portion of a designated roadway.

(3) *Commercial use of public rights-of-way* - using any public right-of-way for commercial activity, including, but not limited to, vending or sale of goods, display of goods for sale, storage of goods for sale in connection with commercial activity, or repair or manufacturing of goods. Signage is not "commercial activity" regulated by this chapter; however, there shall be no signage placed or displayed in any median, except for required safety signage pursuant to an issued solicitation permit.

The ban does not apply to:

(1) Law Enforcement, fire and rescue, or other government employees or contractors acting within the scope of their lawful authority;

(2) A person lawfully conducting inspection, construction, maintenance, repair, survey, or other similarly authorized services;

(3) A person responding to lend aid during an emergency situation or who is within the roadway due to a mechanical or physical defect in his or her vehicle that occurred while driving in the roadway;

(4) Entering or exiting a bus or other public transit system;

(5) Use of public roads and rights-of-way that have been closed to vehicular traffic for a special event permitted by the appropriate governmental entity; and

(6) A person or entity engaged in charitable solicitations while in possession of a valid permit issued pursuant to section 804.807, so long as such person is in compliance with the requirements of that section and the terms of the permit and safety plan, and any person engaged in donating to such permitted organization or individual.

(7) Use of the right-of-way on any roadway that is not within the definition of "designated roadway" (interstate, intrastate, arterial and collector roadways).

(8) Use of the sidewalks or any other areas designated in any right-of-way for pedestrian use or for designated roadways, areas outside of 4-feet from the edge of the roadway surface, shoulder or curb, whichever is farthest.

Charitable solicitation permit.

A permit may be obtained from Public Works for solicitation in the rights-of-way for any charitable purpose. Permits may be issued only for designated roadways.

Permit applications must include the applicant's contact information and charitable solicitation registration number, if applicable, a safety plan, the location of the proposed solicitation, indemnification agreement and liability insurance unless determined to be indigent.

Permit duration not to exceed 36 total hours in any 72 consecutive hour period.

No person under age 21 shall conduct solicitation in rights-of-ways. (18)

Solicitation shall only occur during daylight hours.

No permit shall be issued for commercial or other non-charitable purposes.

No more than one permit shall be issued for any intersection or roadway segment at any time.

A copy of the issued permit must be present at all solicitation times.

All solicitors must have valid identification.

No more than two permits per year per applicant.

Violations

Violators may include pedestrians and occupants of motor vehicles.

For first 30 days, JSO must conduct a public education campaign and may only issue warnings.

Thereafter:

First offense – educational notice.

Second offense – official warning and may be trespassed from non-pedestrian area of roadway.

Third offense – may be either given additional warning if appropriate or civil citation issued.

Fourth offense – civil citation issued and may be subject to arrest or notice to appear (max. 10 days if convicted).

Separate violations occur if violations occur 20 minutes apart or longer.

1 Introduced by Council Member Carrico & Co-Sponsored by Council
2 Members Ferraro & DeFoor and substituted by the Neighborhoods,
3 Community Services, Public Health and Safety Committee;

4
5 **ORDINANCE 2022-**

6 AN ORDINANCE AMENDING CHAPTER 804
7 (JACKSONVILLE TRAFFIC CODE), ORDINANCE CODE TO
8 AMEND SECTION 804.806. (PEDESTRIANS WALKING
9 WHERE SIDEWALKS NOT PROVIDED; NOT TO SOLICIT
10 RIDES; CERTAIN CHARITABLE SOLICITATIONS
11 ALLOWED) TO CLARIFY CERTAIN TERMS AND
12 PURPOSES; TO AMEND SECTION 804.807.
13 (CHARITABLE SOLICITATIONS BY PERMIT) TO MODIFY
14 THE PERMITTING PROCESS AND TO AUTHORIZE
15 PERSONAL CHARITABLE SOLICITATION PERMITS; AND
16 TO CREATE A NEW PART 17 (PEDESTRIAN AND
17 VEHICLE SAFETY); PROVIDING A STATEMENT OF
18 LEGISLATIVE INTENT; PROVIDING PROCEDURES FOR
19 ENFORCEMENT; PROVIDING FOR PENALTIES;
20 REPEALING SECTION 250.118 (NEWSPAPER STREET
21 SALES ALLOWED), ORDINANCE CODE; PROVIDING AN
22 EFFECTIVE DATE.

23
24 **WHEREAS**, in a report issued on July 12, 2022, Jacksonville was
25 identified as the sixth worst municipality in the country for
26 pedestrian deaths as a result of being struck by vehicles on
27 Jacksonville streets; and

28 **WHEREAS**, in data from the Florida Department of
29 Transportation, from the time period of January 1, 2018 through
30 December 31, 2018, Duval County experienced a total of 471

1 vehicle/pedestrian crashes, from which there were 34 fatalities;
2 and

3 **WHEREAS**, in the most recent data from the Florida Department
4 of Transportation, from the time period of January 1, 2021 through
5 December 31, 2021, Duval County experienced a total of 492
6 vehicle/pedestrian crashes, from which there were 48 fatalities;
7 and

8 **WHEREAS**, the North Florida Transportation Planning
9 Organization has conducted studies and made recommendations
10 regarding Duval County's pedestrian/vehicle safety issues and
11 remedies in 2018 and 2019; and

12 **WHEREAS**, the City has implemented a number of the
13 recommendations through its Context Sensitive Streets Standards
14 Committee and the Bicycle and Pedestrian Advisory Committee; and

15 **WHEREAS**, the Jacksonville Sheriff's Office has conducted a
16 detailed intersection analysis to identify site conditions that
17 might contribute to vehicle/pedestrian safety concerns; and

18 **WHEREAS**, in a study dated September 2021, the Florida
19 Department of Transportation evaluated Florida pedestrian and
20 bicycle safety strategies to combat the comparatively high
21 percentage (Florida is the second highest ranked state in the
22 country for vehicle/pedestrian deaths) and recommended enhanced
23 "legislation, regulations, policies and programs to support the
24 overall goal of eliminating fatal and serious injury crashes
25 involving people walking and biking"; and

26 **WHEREAS**, pursuant to section 337.406 (1), Florida Statutes, it
27 is unlawful to use any state road right-of-way in any manner that
28 interferes with the safe and efficient movement of traffic, and the
29 failure to prohibit activities that violate this principle "will
30 endanger the health, safety, and general welfare of the public by
31 causing distractions to motorists, unsafe pedestrian movement

1 within travel lanes, sudden stoppage or slowdown of traffic, rapid
2 lane changing and other dangerous traffic movement, increased
3 vehicular accidents, and motorist injuries and fatalities; and

4 **WHEREAS**, section 337.406 (1), Florida Statutes specifically
5 prohibits on all state roads distribution or sale of any
6 merchandise, goods, property or services and solicitation for
7 charitable purposes unless such activities are permitted for a
8 limited duration by a local government "if it is determined that
9 the use will not interfere with the safe and efficient movement of
10 traffic and the use will cause no danger to the public."; now,
11 therefore

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

13 **Section 1.** The foregoing "WHEREAS" clauses are true and correct
14 and incorporated herein by this reference.

15 **Section 2. Amending Chapter 804 (Jacksonville Traffic Code),**
16 **Ordinance Code.** Chapter 804 (Jacksonville Traffic Code), *Ordinance*
17 *Code* is hereby amended to amend Part 8 (Pedestrians' Rights and
18 Duties), section 804.806 (Pedestrians walking where sidewalks not
19 provided; not to solicit rides; certain charitable solicitations
20 allowed), *Ordinance Code* and section 804.807 (Charitable
21 solicitations by permit), *Ordinance Code*; to create a new Part 17
22 (Pedestrian and Vehicle Safety) to read as follows:

23 **CHAPTER 804. JACKSONVILLE TRAFFIC CODE**

24 * * *

25 **PART 8. PEDESTRIANS' RIGHTS AND DUTIES**

26 * * *

27 **Sec. 804.806. Pedestrians walking where sidewalks not**
28 **provided; not to solicit rides; certain charitable**
29 **solicitations allowed.**

1 (a) Pedestrians walking along a street or roadway where
2 sidewalks are not provided shall walk on the left side of the
3 street or roadway facing approaching traffic.

4 (b) No person shall stand or be upon or go upon any
5 roadway for the purpose of soliciting a ride or the sale of
6 any thing or service or for charitable contributions or for
7 the purpose of soliciting any business or employment from the
8 occupant of any vehicle. ~~unless said~~ Charitable solicitation
9 ~~is~~ may be permitted pursuant to Section 804.807 herein.

10 (c) Subsection (a) shall also be applicable to riders of
11 animals.

12 (d) No person shall stand or be upon or go upon any
13 shoulder or berm or any ~~neutral ground~~ median of any Designated
14 roadway for the purpose of soliciting a ride, employment,
15 business, ~~or charitable contribution~~ or for the purpose of
16 soliciting the sale of any thing or service from the occupant
17 of any vehicle. ~~unless said~~ Charitable solicitation is may be
18 permitted pursuant to Section 804.807 herein. ~~Neutral ground~~
19 ~~mean and include any area which divides a roadway or divides~~
20 ~~the roadway for vehicles driving in opposite~~
21 ~~directions.~~ "Median" and "Designated roadway" shall have those
22 definitions found in section 804.1701.

23 (e) Violation of this Section shall constitute a class A
24 offense.

25 **Sec. 804.807. Charitable solicitations by permit.**

26 (a) A permit for charitable solicitation on the right-
27 of-way of any ~~public street or highway~~ Designated roadway, as
28 defined in section 804.1701, in the City, as required pursuant to
29 Chapter 804, Part 17, may be obtained from the ~~Neighborhoods~~ Public
30 Works Department, provided the applicant meets the following
31 criteria:

1 (1) The applicant's name and address ~~in the City,~~
2 ~~including the name and address of the charitable organization to~~
3 ~~receive funds from the solicitation.~~

4 (2) The applicant shall provide a plan for review
5 and comment by the City Traffic Engineer, which plan will maximize
6 the safety of the applicant's representatives, as well as the
7 motoring public, at the locations where the solicitation will take
8 place. The plan shall include, but is not limited to, safety
9 methods to identify and provide visibility to all individuals who
10 will be operating in the right-of-way and to alert traffic
11 approaching the intersection(s) or road segment(s) where such
12 charitable solicitations will be occurring.

13 (3) The applicant shall indicate in specific detail
14 the location of such solicitation, together with the hours thereof,
15 not to exceed 2436 total hours in any 4872 consecutive hour period.

16 (4) The applicant shall provide an indemnification
17 and hold harmless for the organization, if applicable, and all
18 solicitors in favor of the City in a form satisfactory to the City
19 attorney.

20 (5) No person under the age of 21 years shall
21 participate in any solicitation in the right-of-way pursuant to a
22 permit granted under this Section.

23 (6) All solicitation shall occur during daylight
24 hours only.

25 (7) Unless determined to be indigent, the applicant
26 shall provide proof of commercial general liability insurance
27 against claims for bodily injury and property damage occurring on
28 City roadways and rights-of-way or arising from the applicant's
29 solicitation activities or use of the City roadways and rights-of-
30 way by applicant or the applicant's agents, contractors or
31 employees having limits of not less than \$1,000,000 per occurrence

1 for the general aggregate (per location). The certificate of
2 insurance shall name the City of Jacksonville as an additional
3 insured and shall be filed with the Neighborhoods Department by no
4 later than 48 hours before the date of solicitation. If an
5 applicant seeks an indigency determination, he or she must provide
6 an application for determination of civil indigent status, such
7 application being the same application used by the Clerk of Court.
8 A complete application for determination of civil indigent status
9 must be submitted with the permit application and shall be reviewed
10 and evaluated using the same methodology and criteria as the Clerk
11 of Court. Each permit application shall be approved only if it is
12 determined that the use will not interfere with the safe and
13 efficient movement of traffic and the use will cause no danger to
14 the public. Decisions on permits and indigency determinations must
15 be made within five (5) business days from the date of submission
16 of a completed application. The decision on the permit and
17 indigency determination shall be the final action of the City. A
18 copy of all approved permits shall be forwarded to the Sheriff's
19 Office of Blight and to the Chief of Patrol, or to their successor
20 individuals or others as designated by the Sheriff.

21 No permit shall be issued for any commercial or other non-
22 charitable activities. No more than one (1) permit shall be issued
23 for any intersection or road segment at any one time.

24 ~~(8) All funds raised from the solicitation shall be~~
25 ~~donated to a not for profit charitable organization licensed and~~
26 ~~registered to do business in the State of Florida.~~

27 (b) The applicant shall comply with all other laws, City
28 codes and regulations pertaining to public safety, traffic and
29 solicitation, including
30 Sections 614.117, 614.138, 614.143 and 614.144, Ordinance Code.

1 (c) The ~~Neighborhoods~~Public Works Department may decline
2 to issue subsequent permits to any individual or group violating
3 the parameters of a previously issued permit or violating any
4 requirements of this Section, or any other City ordinance or any
5 state statute involving traffic safety.

6 (d) During active solicitation, at least one solicitor at
7 each location shall be in possession of a copy of the authorizing
8 permit and the certificate of insurance and shall display the copy
9 to any law enforcement officer upon request. All solicitors shall
10 possess picture or other form of government-issued identification.

11 (e) Permits issued pursuant to this Section shall be for
12 a specific time period not to exceed 4872 consecutive hours.

13 (f) No individuals or group shall be granted more than
14 two permits per calendar year.

15 (g) For purposes of this Section only, the term *right-of-*
16 *way* shall have that definition for "public rights-of-way" provided
17 in section 804.1701~~be deemed to include all portions of any public~~
18 ~~roadway normally available for use by motor vehicles and all~~
19 ~~medians or traffic islands within such roadways, but shall not~~
20 ~~include sidewalks or other areas adjacent to the roadway.~~

21 (h) Soliciting in the right-of-way without a valid permit
22 issued pursuant to this Section shall be punished by a fine not
23 exceeding \$50 for a first offense and \$250 for a second or
24 subsequent offense.

25 * * *

26 **PART 17. PEDESTRIAN AND VEHICLE SAFETY.**

27 **Sec. 804.1701. Pedestrian and Vehicle Safety.**

28 (a) *Definitions.* The following words, terms and phrases, when
29 used in this section, shall have the meanings ascribed to them in
30 this subsection, except where the context clearly indicates a
31 different meaning:

1 (1) *Designated roadways* means the interstate/intrastate
2 system (including interstate/intrastate entrance and exit
3 ramps), and arterial and collector roadways and rights-of-way.
4 For purposes of this definition, collector and arterial
5 roadways and rights-of-way shall be those roadways (and their
6 rights-of-way) classified as a collector or higher on the
7 Functional Highway Classification Map of the Comprehensive
8 Plan. It also encompasses the first 440 feet of local roadways
9 intersecting with these designated roadways and any areas
10 within the rights-of-way not designated or intended for
11 pedestrian use. The portions of these designated roadways
12 subject to this section include the portions within the area
13 open for vehicular traffic (including medians), plus four feet
14 outside of the shoulders and/or curbs.

15 (2) *Legally parked* means a vehicle that is standing,
16 stopped, or parked in an area designated, or legally
17 authorized, for parking.

18 (3) *The traveled portion of a designated roadway* means
19 any portion of a designated roadway (including travel lanes,
20 turn lanes, bike lanes and shoulders) that is normally used by
21 moving motor vehicle traffic that is not an area designated
22 for or routinely used as a parking area for the general
23 public.

24 (4) *Median* means any area separating traffic lanes on a
25 roadway. A median includes, but is not limited to, any paved
26 or unpaved, marked or unmarked, landscaped or non-landscaped,
27 portions of a roadway which exist between lanes of traffic.

28 For the purpose of this section, the phrase "public rights-of-
29 way" shall be defined as set forth in section 334.03(21), *Florida*
30 *Statutes* and section 711.103, *Ordinance Code* and they may be
31 amended from time to time.

1 (b) *Prohibitions.* Except as provided herein, or as otherwise
2 permitted by law or through a valid permit issued pursuant to
3 section 804.807, it is unlawful to make any use of the public
4 rights-of-way in a manner that interferes with the safe and
5 efficient movement of people and property from place to place on a
6 public road or right-of-way. Such prohibited activity includes:

7 (1) *Occupancy of median.* It is unlawful for any person
8 to stop, stand, or otherwise occupy or remain in a median on any
9 designated roadway when that person is not in the process of
10 lawfully crossing the road in accordance with applicable traffic
11 and safety laws. Stopping, standing, or otherwise occupying a
12 median through two consecutive opportunities to cross in accordance
13 with applicable traffic and safety laws is prima facie evidence of
14 a violation of this subsection.

15 (2) *Physical interaction on roadway.* It is unlawful for
16 any person to engage in any physical interaction between a
17 pedestrian and an occupant of a motor vehicle, including but not
18 limited to the transfer of any product or material, while the motor
19 vehicle is not legally parked and is located on the traveled
20 portion of a designated roadway.

21 (3) *Commercial use of public rights-of-way.* It is
22 unlawful to use any public right-of-way for commercial activity.
23 Commercial activity prohibited by this section includes, but is not
24 limited to, vending or sale of goods, display or goods for sale,
25 storage of goods for sale in connection with commercial activity,
26 or repair or manufacturing of goods. Signage is not "commercial
27 activity" regulated by this chapter; however, there shall be no
28 signage placed or displayed in any median.

29 (c) *Exemptions.* Nothing in this section shall prohibit the
30 following:

1 (1) Law Enforcement, fire and rescue, or other
2 government employees or contractors acting within the
3 scope of their lawful authority;

4 (2) A person conducting inspection, construction,
5 maintenance, repair, survey, or other legally authorized
6 services;

7 (3) A person responding to lend aid during an emergency
8 situation or who is within the roadway due to a
9 mechanical or physical defect in his or her vehicle that
10 occurred while driving in the roadway;

11 (4) Entering or exiting a bus or other public transit
12 system;

13 (5) Use of public roads and rights-of-way that have been
14 closed to vehicular traffic for a special event permitted
15 by the appropriate governmental entity;

16 (6) A person or entity engaged in charitable
17 solicitations while in possession of a valid permit
18 issued pursuant to section 804.807, and any person
19 engaged in donating to such organization, so long as such
20 person is in compliance with the requirements of that
21 section and the terms of the permit and safety plan.

22 (d) *Penalties.* The following civil and criminal penalties may
23 be assessed by administrative or judicial process.

24 (1) In addition to other penalties authorized herein, a
25 person who violates this section may be administratively or
26 judicially assessed a civil penalty of up to \$100 for each
27 violation, provided:

28 (a) For the first offense, the offender is given
29 an educational notice from the Sheriff's Office educating
30 the offender, and the notice shall be documented in the

1 Sheriff's information system for due process and
2 recordkeeping.

3 (b) For the second violation, the offender shall
4 also be given an official warning and may be trespassed
5 as applicable from the non-pedestrian part of the hundred
6 block of the right-of-way.

7 (c) For the third violation, if an additional
8 warning is not appropriate, a civil citation shall be
9 issued.

10 (d) For the fourth violation, in conjunction with
11 the civil penalties, the offender may be arrested or
12 given a notice to appear, as applicable, with a maximum
13 of 10 days penalty if the violator is arrested and
14 convicted.

15 (2) A person who aids or participates in a violation for
16 which a civil penalty may be assessed under this Part
17 shall be considered a principal in the violation and may
18 be assessed a civil penalty of up to the maximum amount
19 prescribed for that violation.

20 (3) Due to the transient nature of these activities, each
21 incident occurring more than every twenty (20) minutes
22 after the violation has been corrected shall constitute a
23 separate violation.

24 Section 4. Repealing Section 250.118 (Newspaper street
25 sales allowed), Part 1 (In General), Chapter 250 (Miscellaneous
26 Business Regulations), Ordinance Code. Section 250.118
27 (Newspaper street sales allowed), Part 1 (In General), Chapter 250
28 (Miscellaneous Business Regulations), Ordinance Code is hereby
29 repealed. A copy of the repealed section 250.118 is attached
30 hereto as Exhibit 1.

1 **Section 5. Effective Date.** This Ordinance shall become
2 effective upon signature by the Mayor or upon becoming effective
3 without the Mayor's signature; however, for the first thirty (30)
4 days after the effective date, the Sheriff shall conduct a public
5 education campaign and only issue warnings to violators.

6
7

8 Form Approved:

9

10 _____

11 Office of General Counsel

12 Legislation prepared by: Gaby Young

13 GC-#1509468-v1-Pedestrian_Vehicle_Safety_Ordinance.doc

1 Council Member Salem offers the following Substitute to File No.
2 2022-575:

3
4 Introduced by the Council President at the request of the Mayor:
5

6
7 **ORDINANCE 2022-575**

8 AN ORDINANCE APPROPRIATING \$388,083.85 IN
9 NORTHBANK TAX INCREMENT DISTRICT REVENUE
10 (\$290,052.27 DERIVED FROM INVESTMENT POOL
11 EARNINGS AND \$98,031.58 DERIVED FROM INTEREST
12 INCOME) WITHIN THE NORTHBANK COMMUNITY
13 REDEVELOPMENT AGENCY ("CRA") TRUST FUND TO
14 FUTURE YEAR DEBT REDUCTION (\$100,000.00) AND THE
15 COMMERCIAL REVITALIZATION PROGRAM
16 (\$288,083.85), AS INITIATED BY REVISED B.T. 22-
17 094; PROVIDING AN EFFECTIVE DATE.
18

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

20 **Section 1. Appropriation.** For the 2022-2023 fiscal year,
21 within the City's budget, there is hereby appropriated the indicated
22 sum(s) from the account(s) listed in subsection (a) to the account(s)
23 listed in subsection (b):

24 (Revised B.T. 22-094, attached hereto as **Revised Exhibit 1** and
25 incorporated herein by this reference)

26 (a) Appropriated from:

27 See Revised B.T. 22-094 \$388,083.85

28 (b) Appropriated to:

29 See Revised B.T. 22-094 \$388,083.85

30 (c) Explanation of Appropriation:

31 The funding above comprises an appropriation of \$388,083.85

1 in Northbank CRA Trust Fund revenue, consisting of
2 Investment Pool Earnings (\$290,052.27) and Interest Income
3 (\$98,031.58) accumulated through fiscal year 2021-2022 to
4 be allocated to future year debt reduction and the
5 Commercial Revitalization Program.

6 **Section 2. Purpose.** The purpose of the appropriation in
7 Section 1 is to allocate \$388,083.85 in funds accumulated in the
8 Northbank CRA Trust Fund derived from Investment Pool Earnings and
9 Interest Income to future year debt reduction (\$100,000.00) and the
10 Commercial Revitalization Program (\$288,083.85). This appropriation
11 was approved by the Downtown Investment Authority Board on January
12 18, 2023 pursuant to Resolution 2023-01-01, a copy of which is
13 attached hereto as **Exhibit 2** and incorporated herein by this
14 reference.

15 **Section 3. Effective Date.** This Ordinance shall become
16 effective upon signature by the Mayor or upon becoming effective
17 without the Mayor's signature.

18
19 Form Approved:

20
21 _____
22 Office of General Counsel

23 Legislation prepared by: Mary E. Staffopoulos

24 GC-#1547293-v2-2022-575_Sub_(Salem).docx

**City of Jacksonville, Florida
Request for Budget Transfer Form**

Downtown Investment Authority
Department or Area Responsible for Contract / Compliance / Oversight

7
Council District(s)

Reversion of Funds: N/A
(if applicable) Fund / Center / Account / Project * / Activity / Interfund / Future

All - Years
Fiscal Yr(s) of carry over (all-years funds do not require a carryover)

Section of Code Being Waived (if applicable): _____

CIP (yes or no): No

Justification for Waiver

Justification for / Description of Transfer:

To appropriate un-appropriated revenue within the Northbank CRA Trust Fund as of September 30, 2022 in the amount of \$388,083.85 to Future Years Debt Reduction (\$100,000) and the Commercial Revitalization Program (\$288,083.85), per Board Approved Resolution 2023-01-01.

Net Amount Appropriated and/or Transferred: \$388,083.85

* This element of the account string is titled project but it houses both projects and grants.

CITY COUNCIL

Requesting Council Member: _____

CM's District: _____

Requesting Council Member: _____

CM's District: _____

Prepared By: _____

Ordinance: _____

OFFICE OF THE MAYOR

BUDGET ORDINANCE TRANSFER DIRECTIVE

TD / BT Number: _____

	Date Rec'd.	Date Fwd.	Approved	Disapproved
Department Head				
Mayor's Office				
Accounting Division				
Budget Division				

Date of Action By Mayor: _____

Approved: _____

Division Chief: _____

Date Initiated: _____

Prepared By: _____

Phone Number: _____

Initiated / Requested By (if other than Department): _____

Budget Transfer Line Item Detail

* This element of the account string is titled project but it houses both projects and grants.

TRANSFER FROM: (Revenue line items in this area are being appropriated and expense line items are being de-appropriated.)

Rev Exp	Fund Title	Activity / Grant / Project Title	Line Item / Account Title	Amount	Accounting Codes						
					Fund	Center	Account	Project *	Activity	Interfund	Future
				Total: \$388,083.85							
Rev	Downtown Northbank CRA Trust	JXSF - Citywide Industry Development	Investment Pool Earnings	\$290,052.27	10801	191021	361101	000000	00000000	00000	0000000
Rev	Downtown Northbank CRA Trust	NB CRA - Interest Earnings	Interest Income	\$98,031.58	10801	191021	361105	000000	00001643	00000	0000000

TRANSFER TO: (Revenue line items in this area are being de-appropriated and expense line items are being appropriated.)

Rev Exp	Fund Title	Activity / Grant / Project Title	Line Item / Account Title	Amount	Accounting Codes						
					Fund	Center	Account	Project *	Activity	Interfund	Future
				Total: \$388,083.85							
Exp	Downtown Northbank CRA Trust	NB Future Debt Reduction	Trust Fund Authorized Expenditures	\$100,000.00	10801	191021	549006	000000	00001658	00000	0000000
Exp	Downtown Northbank CRA Trust	Commercial Revitalization Program CRA	Subsidies & Contributions to Private Org.	\$288,083.85	10801	135115	582001	000000	00001807	00000	0000000

RESOLUTION 2023-01-01

A RESOLUTION OF THE DOWNTOWN INVESTMENT AUTHORITY ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY BOARD OF THE COMBINED NORTHSIDE EAST AND NORTHWEST CRA'S MODIFYING RESOLUTIONS 2020-09-01, 2021-08-04 AND 2022-08-10; REQUESTING THAT CITY COUNCIL APPROPRIATE AVAILABLE REVENUE IN THE CRA FUND BALANCE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, within the Combined Northside East and Northwest CRA funds there is more than \$100,000 of available revenue; and

WHEREAS, pursuant to 106.364, additional revenue in excess of \$100,000.00 requires City Council appropriation; and

WHEREAS, within the Combined Northside East and Northwest CRA fund, the City Council Auditors and the Accounting Division have reconciled the fund balance and have determined that there exists unappropriated revenue in the amount of **\$388,083.85** in the fund at year end FY 22; and

WHEREAS, Resolution 2020-09-01 was only partially recognized in the accounting system in that the transfer to Two Way streets was recorded but not the transfer to Future Years Financial Obligations; and

WHEREAS, Resolutions 2020-09-01 and 2022-08-10 have never been recognized in the accounting system; and

WHEREAS, the Finance and Budget Committee of the DIA has recommended that the full available Fund Balance in the Northbank CRA be appropriated as follows: to Future Years Debt Reduction/Financial Obligations in the amount of \$100,000; and to the Commercial Revitalization Program in the amount of \$288,083.85; and

WHEREAS, the DIA has recommended that the previously unbudgeted and unappropriated fund balance be appropriated by City Council for the uses described on Exhibit 'A' and the DIA budget for FY 22-23 be amended accordingly.

NOW THEREFORE, BE IT RESOLVED by the Downtown Investment Authority:

Section 1. The DIA finds that the recitals set forth above are true and correct and are incorporated herein by this reference.

Section 2. The DIA requests that City Council appropriate the total available Fund Balance of unappropriated revenue as of September 2022, for the uses described on Exhibit 'A' and amend the Northbank CRA FY 22-23 budget accordingly.

Section 3. The DIA rescinds Resolutions (copies attached): R 2021-08-04; R 2020-09-01; and R2022-08-10 to the extent of any conflict, and this Resolution replaces the previously indicated transfers to Commercial Revitalization Program and Future Years Debt Reduction aka Future Years Financial Obligation with the amounts herein.

Section 4. The DIA Board hereby authorizes the CEO to take all actions necessary to effectuate the intent of this Resolution.

Section 5. This Resolution shall become effective on the date it is signed by the Chair of the DIA Board.

WITNESS:

DOWNTOWN INVESTMENT AUTHORITY

[Signature]

Carol C Worsham
Carol Worsham, Chair

1/18/23
Date

VOTE: In Favor: 6 Opposed: 0 Abstained: 0

RESOLUTION 2023-01-01
PAGE 3 OF 4

RESOLUTION 2023-01-01
EXHIBIT 'A'

FROM: TRANSFER FROM FUND BALANCE	\$388,083.85
TO: FUTURE YEARS DEBT REDUCTION	\$100,000.00
TO: COMMERCIAL REVITALIZATION PROGRAM	\$288,083.85
TOTAL TO:	\$388,083.85

PREVIOUS RESOLUTION 2022-08-10 (*Note: Transfers were not processed in the Accounting System)

FROM: ADDITIONAL PROPERTY TAX REVENUES- NE	\$ 10,374.00
ADDITIONAL PROPERTY TAX REVENUES- NW	\$ 12,568.00
COURTHOUSE GARAGE TENANT REVENUE	\$ 11,034.60
MPS GARAGE OPERATING REVENUES	\$ 316,307.88
IGUANA PAYMENTS	\$ 70,319.17
CHURCHWELL LOFTS	\$ 2,122.96
HARPER STREET PURCHASE	\$ 16,139.00
E'CLATE, LLC – SATISFACTION OF JUDGEMENT	\$ 76,403.62

TOTAL FROM Additional Revenue **\$ 515,269.23**

TO: Commercial Revitalization Program **\$ 515,269.23**

PREVIOUS RESOLUTION 2021-08-04 (*Note: Transfers of year end Investment Pool Earnings (amount tbd) was not processed in the Accounting System)

PREVIOUS RESOLUTIONS 2020-09-01 (*Note: Transfer from Investment Pool earnings was not processed in the Accounting System)

Amending the FY 19/20 adopted budget:
 Appropriate additional revenue:

Proceeds from the sale of property	\$ 2,600,000.00
Investment Pool Earning through 7/31/20	\$ 119,056.77
Investment Pool Earnings 8/1/20 - year end	<u>\$ tbd</u>
TOTAL	\$

TO:

Two Way Street Conversion	\$2,600,000.00
Future Years Financial Obligations	\$ 119,056.77 <u>plus tbd amount</u>

- Accounting recorded the \$2.6mil. transfer from the Sale of Property Proceeds to the Two Way Street Conversion project. However, there was no recording of the transfer of the \$119,056.77 plus any additional earnings from Investment Pool Earnings to Future Years Financial Obligations by the Accounting Division.

RESOLUTION 2021-08-04

A RESOLUTION OF THE DOWNTOWN INVESTMENT AUTHORITY ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY BOARD OF THE COMBINED NORTHSIDE EAST AND NORTHWEST CRA'S REQUESTING THAT CITY COUNCIL APPROPRIATE PREVIOUSLY UNAPPROPRIATED FY 20-21 INVESTMENT POOL EARNINGS TO FUTURE YEARS DEBT REDUCTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, within the Combined Northside East and Northwest CRA funds there are unappropriated FY 20-21 Investment Pool Earnings; and

WHEREAS, the DIA has requested that Interest and Investment Pool Earnings from FY 20/21 be budgeted as part of the FY 21/22 budget process; however the actual amount is unavailable to use as they have not been posted in the accounting system; and

WHEREAS, there will exist at fiscal year-end an as yet undetermined balance of Interest and Investment Pool Earnings within the CRA trust fund available for designation by the CRA and appropriation; and

WHEREAS, the Finance and Budget Committee of the DIA has recommended that the previously unbudgeted Investment Pool Earnings through fiscal year end be appropriated to the Future Years Debt Reduction as authorized by state statute.

NOW THEREFORE, BE IT RESOLVED by the Downtown Investment Authority:

Section 1. The DIA finds that the recitals set forth above are true and correct and are incorporated herein by this reference.

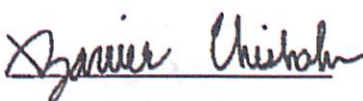
Section 2. The DIA requests that City Council appropriate any unappropriated Investment Pool Earnings to Future Years Debt Reduction.

Section 3. The DIA Board hereby authorizes the CEO to take all actions necessary to effectuate the intent of this Resolution.

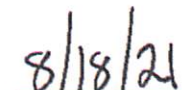
Section 4. This Resolution shall become effective on the date it is signed by the Chair of the DIA Board.

WITNESS:

DOWNTOWN INVESTMENT AUTHORITY




W. Braxton Gillam, Esq., Chair


Date

VOTE: In Favor: 7 Opposed: 0 Abstained: 0

RESOLUTION 2020-09-01

A RESOLUTION OF THE DOWNTOWN INVESTMENT AUTHORITY ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY BOARD OF THE COMBINED NORTHSIDE EAST AND NORTHWEST CRA'S RECOMMENDING TO CITY COUNCIL AN AMENDMENT TO THE FY 2019-2020 TAX INCREMENT DISTRICT ("TID") BUDGET FOR THE COMBINED NORTHSIDE EAST AND NORTHWEST CRA'S IN ORDER TO BUDGET AND APPROPRIATE PREVIOUSLY UNBUDGETED REVENUE TO PLAN AUTHORIZED PROJECTS AND PROGRAMS PURSUANT TO SEC. 163.387, F.S.; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the CRA trust fund has received proceeds from the sale of property in the amount of \$2,600,000.00; and

WHEREAS, it has been determined that there now exists a balance of \$119,056.77 of Investment Pool Earnings within the CRA trust fund as of July 31, 2020 available for appropriation; and

WHEREAS, additional investment pool earnings have accrued through September, however the amount is unavailable to us as they have not been posted in the accounting system; and

WHEREAS, the Finance and Budget Committee of the DIA has recommended that the previously unbudgeted Proceeds from the Sale of Property and Investment Pool Earnings through fiscal year end be appropriated to the CRA plan authorized programs and projects described on Exhibit A attached hereto,

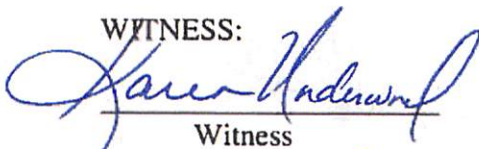
NOW THEREFORE, BE IT RESOLVED by the Downtown Investment Authority:

Section 1. The Combined Northside East and Northwest TID FY 2019-2020 Budget is requested to be amended to appropriate the additional revenue currently identified as Proceeds from the Sale of Property, and Investment Pool Earnings, including all Investment Pool Earnings through FY year end, to the projects and programs identified on Exhibit A attached hereto.

Section 2. The staff of DIA is hereby directed to prepare and file legislation with the City Council requesting the appropriation of said funds in accordance with Exhibit A and amending the FY 19-20 approved CRA budget accordingly.

Section 3. This Resolution shall become effective on the date it is signed by the Chair of the DIA Board.

WITNESS:


Witness

DOWNTOWN INVESTMENT AUTHORITY


Ron Moody, Chairman

9/16/2020
Date

VOTE: In Favor: 9 Opposed: 0 Abstained: 0

RESOLUTION 2020-09-01

EXHIBIT A to RESOLUTION 2020-09-01

Amending the FY 19/20 adopted budget:

Appropriate additional revenue:

Proceeds from the sale of property	\$ 2,600,000.00
Investment Pool Earning through 7/31/20	\$ 119,056.77
Investment Pool Earnings 8/1/20 - year end	<u>\$ tbd</u>
TOTAL	\$

TO:

Two Way Street Conversion	\$2,600,000.00
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Future Years Financial Obligations	\$ 119,056.77 <u>plus tbd amount</u>
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RESOLUTION 2022-08-10

A RESOLUTION OF THE DOWNTOWN INVESTMENT AUTHORITY ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY BOARD OF THE COMBINED NORTHSIDE EAST AND NORTHWEST CRA'S REQUESTING THAT CITY COUNCIL APPROPRIATE PREVIOUSLY UNAPPROPRIATED FY 21-22 REVENUE AND INVESTMENT POOL EARNINGS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, within the Combined Northside East and Northwest CRA funds there is more than \$100,000 of unappropriated FY 21-22 Revenue; and

WHEREAS, pursuant to 106.364, additional revenue in excess of \$100,000.00 requires City council appropriation; and

WHEREAS, in addition to known revenue as of July 2022, there is additional anticipated revenue to be received from MPS garage operations and retail tenants as well as additional Churchwell Lofts revenue that DIA request be appropriated for use within the CRA; and

WHEREAS, within the Combined Northside East and Northwest CRA funds there may be unappropriated FY 21-22 Investment Pool Earnings; and

WHEREAS, in the event there exists at fiscal year-end a balance of Interest and Investment Pool Earnings within the CRA trust fund available for designation by the CRA and appropriation, the Board wishes to direct the use of those funds in accordance with state statute; and

WHEREAS, the Finance and Budget Committee of the DIA has recommended that the previously unbudgeted Investment Pool Earnings through fiscal year end be appropriated to the Future Years Debt Reduction as authorized by state statute; and

WHEREAS, the Finance and Budget Committee of the DIA has recommended that the previously unbudgeted and unappropriated revenue be appropriated by City Council for the uses described on Exhibit 'A' and the DIA budget for FY 22-23 be amended accordingly.

NOW THEREFORE, BE IT RESOLVED by the Downtown Investment Authority:

Section 1. The DIA finds that the recitals set forth above are true and correct and are incorporated herein by this reference.

Section 2. The DIA requests that City Council appropriate the FY 21-22 unappropriated revenue, together with any additional revenue received prior to fiscal year end from MPS garage operations and retail tenants and Churchwell Lofts lease payments, identified on Exhibit 'A' for the uses described on Exhibit 'A' and amend the Northbank CRA FY 22-23 budget accordingly.


Section 3. The DIA requests that City Council appropriate any unappropriated Investment Pool Earnings to Future Years Debt Reduction.

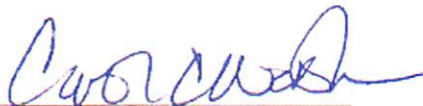
Section 4. The DIA Board hereby authorizes the CEO to take all actions necessary to effectuate the intent of this Resolution.

Section 5. This Resolution shall become effective on the date it is signed by the Chair of the DIA Board.

WITNESS:

DOWNTOWN INVESTMENT AUTHORITY




Carol Worsham, Chair

8/17/22
Date

VOTE: In Favor: 6 Opposed: 0 Abstained: 0

RESOLUTION 2022-08-10
EXHIBIT 'A'

FROM: ADDITIONAL PROPERTY TAX REVENUES- NE	\$ 10,374.00
ADDITIONAL PROPERTY TAX REVENUES- NW	\$ 12,568.00
COURTHOUSE GARAGE TENANT REVENUE	\$ 11,034.60*
MPS GARAGE OPERATING REVENUES	\$ 316,307.88*
IGUANA PAYMENTS	\$ 70,319.17
CHURCHWELL LOFTS	\$ 2,122.96*
HARPER STREET PURCHASE	\$ 16,139.00
E'CLATE, LLC - SATISFACTION OF JUDGEMENT	\$ 76,403.62
TOTAL FROM Additional Revenue	<u>\$ 515,269.23</u>

TO: Commercial Revitalization Program **\$ 515,269.23**

- Monthly payments received through June; additional revenue received prior to FY year-end to be appropriated to *Shipyards West Park CRA Portion*

**Council Auditor's Office
Contract Garbage Haulers Rate Review
Bills 2023-22 and 2023-23**

Rate Review Results		
Ordinance	Ord. 2023-22	Ord. 2023-23
Contract Hauler	Waste Management	Waste Pro
Term of Contract	9/30/2023	9/30/2023
Mid-Point Premise Count	77,778	79,788
Agreed Estimated FY 2022/23 Expense Before Profit, Interest, & Taxes *	\$11,073,729	\$15,829,069
Mark-Up Rate on Expenses	18.00%	15.00%
Estimated FY 2022/23 Income Before Interest and Taxes	\$1,993,271	\$2,374,360
Projected Hauler Operating Revenue	\$13,067,000	\$18,203,429
Monthly Base Rate on September 30, 2022	\$10.65	\$14.33
FY 2022/23 Proposed Monthly Per Premise Base Rate Effective 10/1/2022	\$14.00	\$19.01
Change in Monthly per Premise Base Rate	\$3.35	\$4.68
*Agreed Estimated Expenses differ between haulers based on proximity to the landfill, types of equipment, and efficiencies of each hauler.		

Budget Impact			
Contract Hauler	FY 2022/23 Original Budget	Budget Based on Rate Review Results	Budget Shortfall
Waste Management	\$10,285,749	\$13,067,000	\$(2,781,251)
Waste Pro	\$14,494,358	\$18,203,429	\$(3,709,071)
Totals	\$24,780,107	\$31,270,429	\$(6,490,322)

Comments:

1. Currently, in Waste Management's contract it states,

"The Base Rate adopted for fiscal year 2022/23 shall be the lower of agreed expenses for fiscal year 2022/23 with a markup between 15% to 20% or the 2021/22 rate as adjusted by the contractual CPI Rate Adjustment provisions (Section 7.2.4)."

The FY 2022/23 rate adjusted by CPI capped at 3% would be \$10.97. The rate recommended by the Rate Review Committee was \$14.00 and requires a language change in Waste Management's contract as proposed below:

"For fiscal year 2022/23, the Base Rate shall be set using the contractual Rate Review process. The Base Rate adopted for Fiscal Year 2022/23 shall be the agreed expenses for FY 2022/23 with a markup between 15% and 20%. However, at the City's discretion, the Base Rate adopted for the Contractor for FY 2022/23 shall be no greater than the highest Base Rate for Service Areas III and II."

2. The Waste Pro contract expires 9/30/2023. This contract is not being extended in this legislation, nor has Public Works requested authorization from the City Council to issue an RFP for the service area.
3. The budgeted deficit in Solid Waste operations for FY 2022/23 is \$11.9 million. The Rate Review results in an additional \$6.5 million needed bringing the budgeted operational deficit for FY 2022/23 to \$18.4 million. With these proposed base rate increases, the current solid waste fee of \$12.65 per month does not even cover the per premise rates for the hauler service areas, which does not include the fuel or disposal costs.