

1 Introduced by Council Member Salem:  
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4 **ORDINANCE 2022-90**

5 AN ORDINANCE APPROPRIATING \$600,000 FROM THE  
6 MENTAL HEALTH OFFENDER TRUST FUND TO PROVIDE  
7 FUNDING FOR THE MENTAL HEALTH OFFENDER PROGRAM  
8 ("MHOP"); PROVIDING FOR A CARRYOVER OF FUNDS  
9 INTO FISCAL YEAR 2022-2023; APPROVING, AND  
10 AUTHORIZING THE MAYOR, OR HIS DESIGNEE, AND  
11 CORPORATION SECRETARY TO EXECUTE AND DELIVER, AN  
12 AGREEMENT BETWEEN THE CITY OF JACKSONVILLE AND  
13 THE I.M. SULZBACHER CENTER FOR THE HOMELESS,  
14 INC. ("SULZBACHER CENTER") FOR \$407,850;  
15 INVOKING THE EXCEPTION IN SECTION 126.107(G),  
16 *ORDINANCE CODE*, TO ALLOW DIRECT CONTRACT WITH  
17 I.M. SULZBACHER CENTER FOR THE HOMELESS, INC. TO  
18 PROVIDE SERVICES TO THE MHOP AND MANAGE THE  
19 MHOP; WAIVING SECTION 118.107 (NONPROFITS TO  
20 RECEIVE FUNDING THROUGH A COMPETITIVE EVALUATED  
21 AWARD PROCESS), PART 1 (GENERAL PROVISIONS),  
22 CHAPTER 118 (CITY GRANTS), *ORDINANCE CODE*, TO  
23 ALLOW DIRECT CONTRACT WITH SULZBACHER CENTER;  
24 WAIVING SECTION 118.201(F)(7) (RELEASE OF  
25 APPROPRIATIONS), *ORDINANCE CODE*, TO ALLOW FOR  
26 ADVANCE PAYMENTS IN EXCESS OF 10% TO SULZBACHER  
27 CENTER; APPROVING, AND AUTHORIZING THE MAYOR, OR  
28 HIS DESIGNEE, AND CORPORATION SECRETARY TO  
29 EXECUTE AND DELIVER, AN AGREEMENT BETWEEN THE  
30 CITY OF JACKSONVILLE AND THE FOURTH JUDICIAL  
31 CIRCUIT COURTS OF FLORIDA TO PROVIDE FOR A

1 MENTAL HEALTH JAIL INITIATIVE COORDINATOR FOR  
2 \$78,750; INVOKING THE EXCEPTION IN SECTION  
3 126.107(G), *ORDINANCE CODE*, TO ALLOW DIRECT  
4 CONTRACT WITH THE FOURTH JUDICIAL CIRCUIT COURTS  
5 OF FLORIDA TO PROVIDE FOR A MENTAL HEALTH JAIL  
6 INITIATIVE COORDINATOR; WAIVING SECTION 118.107  
7 (NONPROFITS TO RECEIVE FUNDING THROUGH A  
8 COMPETITIVE EVALUATED AWARD PROCESS), PART 1  
9 (GENERAL PROVISIONS), CHAPTER 118 (CITY GRANTS),  
10 *ORDINANCE CODE*, TO ALLOW DIRECT CONTRACT WITH  
11 THE FOURTH JUDICIAL CIRCUIT COURTS OF FLORIDA;  
12 WAIVING SECTION 118.201(F)(7) (RELEASE OF  
13 APPROPRIATIONS), *ORDINANCE CODE*, TO ALLOW FOR  
14 ADVANCE PAYMENTS IN EXCESS OF 10% TO THE FOURTH  
15 JUDICIAL CIRCUIT COURTS OF FLORIDA; APPROVING,  
16 AND AUTHORIZING THE MAYOR, OR HIS DESIGNEE, AND  
17 CORPORATION SECRETARY TO EXECUTE AND DELIVER, AN  
18 AGREEMENT BETWEEN THE CITY OF JACKSONVILLE AND  
19 THE PUBLIC DEFENDER OF THE FOURTH JUDICIAL  
20 CIRCUIT, TO PROVIDE FOR .54 OF A FTE PUBLIC  
21 DEFENDER FOR THE MHOP PROGRAM AT \$56,700;  
22 INVOKING THE EXCEPTION IN SECTION 126.107(G),  
23 *ORDINANCE CODE*, TO ALLOW DIRECT CONTRACT WITH  
24 THE PUBLIC DEFENDER OF THE FOURTH JUDICIAL  
25 CIRCUIT, TO PROVIDE FOR SERVICES FROM THE PUBLIC  
26 DEFENDER'S OFFICE; WAIVING SECTION 118.107  
27 (NONPROFITS TO RECEIVE FUNDING THROUGH A  
28 COMPETITIVE EVALUATED AWARD PROCESS), PART 1  
29 (GENERAL PROVISIONS), CHAPTER 118 (CITY GRANTS),  
30 *ORDINANCE CODE*, TO ALLOW DIRECT CONTRACT WITH  
31 THE PUBLIC DEFENDER OF THE FOURTH JUDICIAL

1           CIRCUIT; WAIVING SECTION 118.201(F) (7) (RELEASE  
2           OF APPROPRIATIONS), *ORDINANCE CODE*, TO ALLOW FOR  
3           ADVANCE PAYMENTS IN EXCESS OF 10% TO THE FOURTH  
4           JUDICIAL CIRCUIT COURTS OF FLORIDA; APPROVING,  
5           AND AUTHORIZING THE MAYOR, OR HIS DESIGNEE, AND  
6           CORPORATION SECRETARY TO EXECUTE AND DELIVER, AN  
7           AGREEMENT BETWEEN THE CITY OF JACKSONVILLE AND  
8           THE STATE ATTORNEY'S OFFICE OF THE FOURTH  
9           JUDICIAL CIRCUIT, TO PROVIDE FOR .54 OF A FTE  
10          STATE ATTORNEY FOR THE MHOP PROGRAM AT \$56,700;  
11          INVOKING THE EXCEPTION IN SECTION 126.107(G),  
12          *ORDINANCE CODE*, TO ALLOW DIRECT CONTRACT WITH  
13          THE STATE ATTORNEY'S OFFICE, FOURTH JUDICIAL  
14          CIRCUIT, TO PROVIDE SERVICES OF THE STATE  
15          ATTORNEY'S OFFICE; WAIVING SECTION 118.107  
16          (NONPROFITS TO RECEIVE FUNDING THROUGH A  
17          COMPETITIVE EVALUATED AWARD PROCESS), PART 1  
18          (GENERAL PROVISIONS), CHAPTER 118 (CITY GRANTS),  
19          *ORDINANCE CODE*, TO ALLOW DIRECT CONTRACT WITH  
20          THE STATE ATTORNEY'S OFFICE, FOURTH JUDICIAL  
21          CIRCUIT; WAIVING SECTION 118.201(F) (7) (RELEASE  
22          OF APPROPRIATIONS), *ORDINANCE CODE*, TO ALLOW FOR  
23          ADVANCE PAYMENTS IN EXCESS OF 10% TO THE STATE  
24          ATTORNEY'S OFFICE, FOURTH JUDICIAL CIRCUIT;  
25          PROVIDING FOR OVERSIGHT BY THE OFFICE OF GRANTS  
26          AND CONTRACT COMPLIANCE; PROVIDING AN EFFECTIVE  
27          DATE.

28  
29           **BE IT ORDAINED** by the Council of the City of Jacksonville:

30           **Section 1.        Appropriation.** For the 2021-2022 fiscal year,  
31           within the City's budget, there are hereby appropriated the indicated

1 sum(s) from the account(s) listed in subsection (a) to the account(s)  
2 listed in subsection (b):

3 (The account information is attached hereto as **Exhibit 1**, and  
4 incorporated herein by this reference)

5 (a) Appropriated from:

6 See attached **Exhibit 1** \$600,000

7 (b) Appropriated to:

8 See attached **Exhibit 1** \$600,000

9 (c) **Explanation of Appropriation** - The funding above is being  
10 appropriated from Mental Health Offender Program Trust Fund  
11 to provide funding for a jail diversion program for  
12 mentally ill misdemeanor offenders to be managed by the  
13 Sulzbacher Center (\$407,850) to fund a Mental Health  
14 Initiative Jail Coordinator ("Coordinator"), to be housed  
15 in the court system, to oversee the MHOP (\$78,750); to fund  
16 .54 FTE of an attorney from the Public Defender's Office  
17 (\$56,700); and to fund .54 FTE of an attorney from the  
18 State Attorney's Office (\$56,700).

19 **Section 2. Purpose.** The purpose of the appropriation in  
20 Section 1 is to provide funding for the Mental Health Offender Program  
21 (MHOP), which is a jail diversion program for mentally ill misdemeanor  
22 offenders, services and a program coordinator and related state  
23 attorney and public defenders lawyers need for the program, as more  
24 fully described in **Exhibit 2** attached hereto. The MHOP operational  
25 services will be managed by the Sulzbacher Center. The Mental Health  
26 Initiative Jail Coordinator will be managed by the court system.

27 **Section 3. Carryover.** The funds appropriated in this  
28 Ordinance shall not lapse but shall carryover to fiscal year 2022-  
29 2023.

30 **Section 4. Agreement approved and execution authorized**  
31 **(I.M. Sulzbacher Center for the Homeless, Inc.) for \$407,850.** There

1 is hereby approved, and the Mayor, or his designee, and Corporation  
2 Secretary are hereby authorized to execute and deliver, the Funding  
3 Agreement between the City of Jacksonville and the I.M. Sulzbacher  
4 Center for the Homeless, Inc. for a MHOP Program Manager and two  
5 Intensive Care Managers, totaling \$407,850, in substantially the form  
6 as attached hereto as **On File**, and incorporated herein by this  
7 reference (the "Agreement"). The Agreement may include such  
8 additions, deletions and changes as may be reasonable, necessary and  
9 incidental for carrying out the purposes thereof, as may be acceptable  
10 to the Mayor, or his designee, with such inclusion and acceptance  
11 being evidenced by execution of the Agreement by the Mayor, or his  
12 designee; provided however, no modification to the Agreement may  
13 increase the financial obligations or liability of the City to an  
14 amount in excess of the amount stated in the Agreement or decrease  
15 the duties and obligations of the Sulzbacher Center as stated in the  
16 Agreement, and any such modification shall be technical only and  
17 shall be subject to appropriate legal review and approval by the  
18 Office of General Counsel. For the purposes of this Ordinance, the  
19 term "technical changes" is defined as those changes having no  
20 financial impact to the City and any other non-substantive changes  
21 that do not substantively increase the duties and responsibilities  
22 of the City under the provisions of the Agreement.

23 **Section 5. Invoking the exception to Section 126.107(g),**  
24 **Ordinance Code.** The City is hereby authorized to procure the use of  
25 the professional services of the Sulzbacher Center, to manage the  
26 jail diversion program for mentally ill misdemeanor offenders.  
27 Pursuant to Section 126.107(g) (Exemptions), Part 1 (General  
28 Regulations), Chapter 126 (Procurement Code), *Ordinance Code*, such  
29 procurement is exempted from competitive solicitation because the  
30 supplies or services are to be provided by those specifically  
31 prescribed within authorizing legislation that appropriates the same.

1 With the exception of the foregoing, all other provisions of Chapter  
2 126, Ordinance Code, shall remain in full force and effect.

3 **Section 6. Waiver of Section 118.107 (Nonprofits to receive**  
4 **funding through a competitive evaluated award process), Part 1**  
5 **(General Provisions), Chapter 118 (City Grants), Ordinance Code.** The  
6 provisions of Section 118.107 (Nonprofits to receive funding through  
7 a competitive evaluated award process), Part 1 (General Provisions),  
8 Chapter 118 (City Grants), *Ordinance Code*, are hereby waived to allow  
9 for a direct contract with the Sulzbacher Center and the City of  
10 Jacksonville. The MHOP is designed in response to the burden that  
11 mentally ill offenders place on the criminal justice system. MHOP is  
12 a jail diversion program for misdemeanor offenders with mental health  
13 issues, intended to break the cycle of repeated misdemeanor arrests  
14 and provide them the wrap-around support they need to successfully  
15 treat their illness and reintegrate back into the community. The City  
16 Council finds that Sulzbacher Center is a justified direct contract.  
17 Sulzbacher began the nine-month pilot project, and a continuum of  
18 this service is desired to continue the program which has been tried  
19 and proven during the 9-month pilot program.

20 **Section 7. Waiver of Section 118.201(f) (7) (Release of**  
21 **Appropriations), Ordinance Code.** Section 118.201(f) (7) (Release of  
22 Appropriations), Chapter 118 (City Grants), *Ordinance Code*, is hereby  
23 waived as to the disbursement of funds based upon draws for services  
24 performed or reimbursements for work done. Waiver of Section  
25 118.201(f) (7), *Ordinance Code*, is requested to allow advance payments  
26 in excess of 10% to Sulzbacher Center.

27 **Section 8. Agreement approved and execution authorized**  
28 **(Fourth Judicial Circuit Courts of Florida) for \$78,750.** There is  
29 hereby approved, and the Mayor, or his designee, and Corporation  
30 Secretary are hereby authorized to execute and deliver, the Funding  
31 Agreement between the City of Jacksonville and the Fourth Judicial

1 Circuit Courts of Florida, in substantially the form as attached  
2 hereto as **On File**, and incorporated herein by this reference (the  
3 "Agreement") to provide for a Mental Health Initiative Coordinator  
4 at \$78,750. The Agreement may include such additions, deletions and  
5 changes as may be reasonable, necessary and incidental for carrying  
6 out the purposes thereof, as may be acceptable to the Mayor, or his  
7 designee, with such inclusion and acceptance being evidenced by  
8 execution of the Agreement by the Mayor, or his designee; provided  
9 however, no modification to the Agreement may increase the financial  
10 obligations or liability of the City to an amount in excess of the  
11 amount stated in the Agreement or decrease the duties and obligations  
12 of the Fourth Judicial Circuit Courts of Florida as stated in the  
13 Agreement, and any such modification shall be technical only and  
14 shall be subject to appropriate legal review and approval by the  
15 Office of General Counsel. For the purposes of this Ordinance, the  
16 term "technical changes" is defined as those changes having no  
17 financial impact to the City and any other non-substantive changes  
18 that do not substantively increase the duties and responsibilities  
19 of the City under the provisions of the Agreement.

20 **Section 9. Invoking the exception to Section 126.107(g),**  
21 **Ordinance Code.** The City is hereby authorized to procure the use of  
22 the professional services of the Fourth Judicial Circuit Courts of  
23 Florida to provide for a Mental Health Initiative Coordinator.  
24 Pursuant to Section 126.107(g) (Exemptions), Part 1 (General  
25 Regulations), Chapter 126 (Procurement Code), *Ordinance Code*, such  
26 procurement is exempted from competitive solicitation because the  
27 supplies or services are to be provided by those specifically  
28 prescribed within authorizing legislation that appropriates the same.  
29 With the exception of the foregoing, all other provisions of Chapter  
30 126, *Ordinance Code*, shall remain in full force and effect.

31 **Section 10. Waiver of Section 118.107 (Nonprofits to**

1 **receive funding through a competitive evaluated award process), Part**  
2 **1 (General Provisions), Chapter 118 (City Grants), Ordinance Code.**

3 The provisions of Section 118.107 (Nonprofits to receive funding  
4 through a competitive evaluated award process), Part 1 (General  
5 Provisions), Chapter 118 (City Grants), *Ordinance Code*, are hereby  
6 waived to allow for a direct contract with the Fourth Judicial Circuit  
7 Courts of Florida and the City of Jacksonville. The City Council finds  
8 that direct contracting with the Courts to oversee the MHOP  
9 coordinator. There is only one State Court system through which this  
10 program is administered, which is the Fourth Judicial Circuit Court  
11 of Florida. Furthermore, there are only three MHOP programs in the  
12 State of Florida: Jacksonville, Daytona, and Miami. Based on the  
13 structure of the pilot program, it is an impossibility to have another  
14 vendor with which to direct contract.

15 **Section 11. Waiver of Section 118.201(f)(7) (Release of**  
16 **Appropriations), Ordinance Code.** Section 118.201(f)(7) (Release of  
17 Appropriations), Chapter 118 (City Grants), *Ordinance Code*, is hereby  
18 waived as to the disbursement of funds based upon draws for services  
19 performed or reimbursements for work done. Waiver of Section  
20 118.201(f)(7), *Ordinance Code*, is requested to allow advance payments  
21 in excess of 10% to the Fourth Judicial Circuit Courts of Florida.

22 **Section 12. Agreement approved and execution authorized**  
23 **(Public Defender of the Fourth Judicial Circuit) for \$56,700.** There  
24 is hereby approved, and the Mayor, or his designee, and Corporation  
25 Secretary are hereby authorized to execute and deliver, the Funding  
26 Agreement between the City of Jacksonville and the Public Defender  
27 of the Fourth Judicial Circuit, in substantially the form as attached  
28 hereto as **On File**, and incorporated herein by this reference (the  
29 "Agreement") to provide for .54 of a FTE Public Defender for the MHOP  
30 Program at \$56,700. The Agreement may include such additions,  
31 deletions and changes as may be reasonable, necessary and incidental



1 for carrying out the purposes thereof, as may be acceptable to the  
2 Mayor, or his designee, with such inclusion and acceptance being  
3 evidenced by execution of the Agreement by the Mayor, or his designee;  
4 provided however, no modification to the Agreement may increase the  
5 financial obligations or liability of the City to an amount in excess  
6 of the amount stated in the Agreement or decrease the duties and  
7 obligations of the Public Defender of the Fourth Judicial Circuit as  
8 stated in the Agreement, and any such modification shall be technical  
9 only and shall be subject to appropriate legal review and approval  
10 by the Office of General Counsel. For the purposes of this Ordinance,  
11 the term "technical changes" is defined as those changes having no  
12 financial impact to the City and any other non-substantive changes  
13 that do not substantively increase the duties and responsibilities  
14 of the City under the provisions of the Agreement.

15 **Section 13. Invoking the exception to Section 126.107(g),**  
16 **Ordinance Code.** The City is hereby authorized to procure the use of  
17 the professional services of the Public Defender of the Fourth  
18 Judicial Circuit to provide for services from the Public Defender's  
19 Office. Pursuant to Section 126.107(g) (Exemptions), Part 1 (General  
20 Regulations), Chapter 126 (Procurement Code), *Ordinance Code*, such  
21 procurement is exempted from competitive solicitation because the  
22 supplies or services are to be provided by those specifically  
23 prescribed within authorizing legislation that appropriates the same.  
24 With the exception of the foregoing, all other provisions of Chapter  
25 126, *Ordinance Code*, shall remain in full force and effect.

26 **Section 14. Waiver of Section 118.107 (Nonprofits to**  
27 **receive funding through a competitive evaluated award process), Part**  
28 **1 (General Provisions), Chapter 118 (City Grants), Ordinance Code.**  
29 The provisions of Section 118.107 (Nonprofits to receive funding  
30 through a competitive evaluated award process), Part 1 (General  
31 Provisions), Chapter 118 (City Grants), *Ordinance Code*, are hereby

1 waived to allow for a direct contract with the Public Defender of the  
2 Fourth Judicial Circuit and the City of Jacksonville. The City Council  
3 finds that the Public Defenders Office are the only Public Defenders  
4 offered in the Fourth Judicial Circuit. These are the attorneys  
5 authorized to defend individuals in the Court system and are able to  
6 determine defender eligibility.

7       **Section 15. Waiver of Section 118.201(f) (7) (Release of**  
8 **Appropriations), Ordinance Code.** Section 118.201(f) (7) (Release of  
9 Appropriations), Chapter 118 (City Grants), *Ordinance Code*, is hereby  
10 waived as to the disbursement of funds based upon draws for services  
11 performed or reimbursements for work done. Waiver of Section  
12 118.201(f) (7), *Ordinance Code*, is requested to allow advance payments  
13 in excess of 10% to the Public Defender of the Fourth Judicial  
14 Circuit.

15       **Section 16. Agreement approved and execution authorized**  
16 **(State Attorney's Office, Fourth Judicial Circuit) for \$56,700.** There  
17 is hereby approved, and the Mayor, or his designee, and Corporation  
18 Secretary are hereby authorized to execute and deliver, the Funding  
19 Agreement between the City of Jacksonville and the State Attorney's  
20 Office, Fourth Judicial Circuit, in substantially the form as attached  
21 hereto as **On File**, and incorporated herein by this reference (the  
22 "Agreement") to provide for .54 of an FTE State Attorney for the MHOP  
23 at \$56,700. The Agreement may include such additions, deletions and  
24 changes as may be reasonable, necessary and incidental for carrying  
25 out the purposes thereof, as may be acceptable to the Mayor, or his  
26 designee, with such inclusion and acceptance being evidenced by  
27 execution of the Agreement by the Mayor, or his designee; provided  
28 however, no modification to the Agreement may increase the financial  
29 obligations or liability of the City to an amount in excess of the  
30 amount stated in the Agreement or decrease the duties and obligations  
31 of the State Attorney's Office, 4<sup>th</sup> Judicial Circuit, as stated in the

1 Agreement, and any such modification shall be technical only and  
2 shall be subject to appropriate legal review and approval by the  
3 Office of General Counsel. For the purposes of this Ordinance, the  
4 term "technical changes" is defined as those changes having no  
5 financial impact to the City and any other non-substantive changes  
6 that do not substantively increase the duties and responsibilities  
7 of the City under the provisions of the Agreement.

8       **Section 17. Invoking the exception to Section 126.107(g),**  
9 **Ordinance Code.** The City is hereby authorized to procure the use of  
10 the professional services of the State Attorney's Office, Fourth  
11 Judicial Circuit, to provide for services from the State Attorney's  
12 Office. Pursuant to Section 126.107(g) (Exemptions), Part 1 (General  
13 Regulations), Chapter 126 (Procurement Code), *Ordinance Code*, such  
14 procurement is exempted from competitive solicitation because the  
15 supplies or services are to be provided by those specifically  
16 prescribed within authorizing legislation that appropriates the same.  
17 With the exception of the foregoing, all other provisions of Chapter  
18 126, *Ordinance Code*, shall remain in full force and effect.

19       **Section 18. Waiver of Section 118.107 (Nonprofits to receive**  
20 **funding through a competitive evaluated award process), Part 1**  
21 **(General Provisions), Chapter 118 (City Grants), Ordinance Code.** The  
22 provisions of Section 118.107 (Nonprofits to receive funding through  
23 a competitive evaluated award process), Part 1 (General Provisions),  
24 Chapter 118 (City Grants), *Ordinance Code*, are hereby waived to allow  
25 for a direct contract with the State Attorney's Office, Fourth  
26 Judicial Circuit, and the City of Jacksonville. The City Council finds  
27 that the State Attorney's Office are the only State Attorney's offered  
28 in the Fourth Judicial Circuit. These are the attorneys authorized  
29 to defend individuals in the Court system and can determine defender  
30 eligibility.

31       **Section 19. Waiver of Section 118.201(f) (7) (Release of**

1 **Appropriations), Ordinance Code.** Section 118.201(f)(7) (Release of  
2 Appropriations), Chapter 118 (City Grants), *Ordinance Code*, is hereby  
3 waived as to the disbursement of funds based upon draws for services  
4 performed or reimbursements for work done. Waiver of Section  
5 118.201(f)(7), *Ordinance Code*, is requested to allow advance payments  
6 in excess of 10% to the State Attorney's Office, Fourth Judicial  
7 Circuit.

8 **Section 20. Oversight.** The Mayor is requested to appoint the  
9 Office of Grants and Contract Compliance to oversee the project in  
10 Section 2 above and to ensure compliance with all other appropriate  
11 laws.

12 **Section 21. Effective Date.** This Ordinance shall become  
13 effective upon signature by the Mayor or upon becoming effective  
14 without the Mayor's signature.

15  
16 Form Approved:

17  
18           /s/ Margaret M. Sidman          

19 Office of General Counsel

20 Legislation prepared by: Margaret M. Sidman

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