



Rule 5.1-1(g) IOTA Implementation Policy and Guidelines
June 26, 2025

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Rev July 2024 (revised to reflect adoption of fictitious name only)

Rev December 2024 (revised to reflect objective standards and fair distribution updates adopted 11/13/24)

Rev June 2025 (revised to reflect full review, update and conversion of Work Plan to Policy and Guidelines)

Rev February 2026 (revised to update and clarify)

Rule 5.1-1(g) IOTA Implementation Policy and Guidelines (“Policy”)

June 26, 2025

BACKGROUND

Rule 5.1-1(g) (the Rule) was amended by the Florida Supreme Court on June 18, 2021, effective at 12:01 a.m. on July 1, 2021 (the first day of FY 21-22). The Rule created new requirements for both FFLA and its grantees. Serious and thoughtful consideration by FFLA and its grantees is required to successfully comply with and implement the Rule as amended.

The Executive Committee’s initial Work Plan was ratified and approved by the Board on November 8, 2021. Subsequent to that date, FFLA staff and Board members continued working on the development of a Work Plan for the distribution of IOTA funds collected pursuant to the Rule. This included further research and review, gathering input from and meeting with grantees and other persons and programs¹, and developing and administering a trial run distribution using a prototype developed for the general distribution of IOTA funds. It also included a second draft of the Work Plan which was reviewed by the Executive Committee’s Work Group who then met on September 8, 2022.

On September 9, 2022, in conjunction with its quarterly meeting, the full Board received comments from numerous grantee organizations and their representatives about the distribution of IOTA funds pursuant to the Rule, along with their experiences relating to the previous trial run distribution.

Thereafter, the Executive Committee Work Group met on October 12, 2022, and October 18, 2022. Two subcommittee groups also met on October 17, 2022, to review weighting factors associated with general distributions and a request for proposals, respectively. This document reflects all efforts to date by the Executive

¹ All existing grantees were (and are) invited to supplement or provide input regarding a) suggested demographic data from appropriate governmental agencies with explanation as to why such data should be considered; b) data provided by the qualified grantee organization on the use of any IOTA funds previously received; and c) their thoughts and ideas relating to funding distribution standards and formulas, suggested grantee qualifications; and timing preferences.

Committee Work Group with resulting recommendations and changes to the initial Work Plan.

Annually since 2022, FFLA has reviewed and updated the Work Plan. Most recently, FFLA updated the Work Plan via a Work Group and five subcommittees from 2024 to 2025, culminating in this final version which was converted to an Implementation Policy and Guidelines.

PRIMARY OBJECTIVES

This Policy's primary focus is on the establishment of objective standards for the selection of Qualified Grantee Organizations and the development of a Fair Distribution Plan. It also briefly discusses some basic principles and touches on other aspects of the Rule's requirements relating to reporting and compliance.

BASIC PRINCIPLES

Specific Application

This Policy applies only to the distribution of IOTA collections pursuant to the Rule. It may, however, serve as guidance for other grant programs, awards and program-related expenses provided by FFLA using other sources of income and revenues.

Core Values

The Rule does not change FFLA's mission, which remains intact. Similarly, FFLA's controlling corporate and governance documents are not changed by the Rule.²

² Article 3.1 of FFLA's Amended and Restated Articles of Corporation state that the purpose of FFLA is, "exclusive for charitable, educational, and scientific purposes under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code (the "Code") which include, but are not limited to, funding, administering, implementing, operating and assisting programs that:

- a. Expand and improve representation and advocacy on behalf of low-income persons in civil legal matters
- b. Improve the administration of justice; and

FFLA's current mission statement is, "To increase access to the justice system for people of limited means, FFLA funds legal services, develops innovative tools and programs, and supports legal aid providers and the courts."³ Stated succinctly, FFLA funds, develops, and promotes services to meet the legal needs of people in Florida. In doing so, FFLA helps increase access to the justice system for the protection and preservation of individual rights, especially Due Process.⁴

Budget, Funding & Expenses

FFLA's process and duty to establish a reasonable and responsible annual budget remains fully intact. Its duty is to adopt a budget that provides sufficient resources for FFLA to carry out its mission while considering all reasonable cost-savings measures, maximizing efficiencies, and being careful not to incur

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- c. Promote service to the public by members of the legal profession by making public service an integral component of the law school experience."

³ The entire mission statement that appears on FFLA's website reads,

"The mission of FFLA, a charitable organization established in 1956 by The Florida Bar Board of Governors and the Florida Supreme Court, is to increase access to the justice system for people of limited means, FFLA funds legal services, develops innovative tools and programs, and supports legal aid providers and the courts.

FFLA accomplishes its mission through grant programs and initiatives that expand and improve representation and advocacy on behalf of low-income persons in civil legal matters; improve the fair and effective administration of justice; and promote public service among lawyers by making it an integral component of the law school experience.

⁴ Procedural due process serves as a vehicle to ensure fair treatment through the proper administration of justice where substantive rights are at issue. Dep't of Law Enforcement v. Real Prop., 588 So.2d 957, 960 (Fla.1991). Procedural due process requires that each litigant be given proper notice and a full and fair opportunity to be heard. *See, e.g.,* Vollmer v. Key Dev. Props., Inc., 966 So.2d 1022, 1027 (Fla. 2d DCA 2007); Cnty. of Pasco v. Riehl, 635 So.2d 17, 18–19 (Fla.1994). The same protection is provided by both the Florida and United States Constitutions. N.C. v. Anderson, 882 So.2d 990, 993 (Fla.2004). In layman's terms, Encyclopedia Britannica defines Due Process as, "a course of legal proceedings according to rules and principles that have been established in a system of jurisprudence for the enforcement and protection of private rights. In each case, due process contemplates an exercise of the powers of government as the law permits and sanctions, under recognized safeguards for the protection of individual rights."

unreasonable expenses or engage in wasteful spending. Equally as important, these duties extend to its grantees and FFLA shall remain diligent in considering, awarding and evaluating all of the grants and awards expenses it incurs.

The budget must also meet the requirements of the Rule. Importantly, the Rule limits the portion of IOTA funds that may be used by FFLA for costs of administration, general overhead, and reserves, absent a specific allowance by the Supreme Court for additional funds or reserves drawn from IOTA collections to 15%. If direct expenses required to administer the IOTA program exceed 15% of the total amount of IOTA funds collected, FFLA will have to fund those expenses from other sources unless the Court grants an additional allowance.⁵

IOTA Administration and Operations

The Rule impacts FFLA's overall operations and increases FFLA's duties as Florida's IOTA administrator. Consequently, FFLA initially focused on meeting the Rule's requirements and, through multiple meetings of its Executive Committee Work Group, worked on creating, modifying, and implementing the processes necessary to do so. In addition to those multiple meetings, FFLA:

- a. Created a separate account to hold IOTA funds until distribution;
- b. Expanded its Financial Dashboard reports to include IOTA collections;
- c. Implemented a policy related to the separate investment of IOTA collections;
- d. Identified and quantified all direct expenses, actual costs and overhead expenses of FFLA related to fulfilling its obligations under the Rule;⁶

⁵ Notably, the Rule does not disturb FFLA's ability to carry out its mission using funds from other sources, including its pre-existing funds. The largest threat to FFLA's existence and ability to carry out its mission was the surprise downturn in the Federal Funds rate and accompanying near-zero interest rates because of COVID-19. Prior to that, the Great Recession kept interest rates at near-zero for nearly a decade. A close second is the fact that civil legal aid and FFLA are virtually invisible to, and misunderstood by, most people.

⁶ Section (g)(1)(l) of the Rule provides,

(l) "Direct expenses required to administer the IOTA funds" means those actual costs directly incurred by FFLA in performing the obligations imposed by this rule. Direct expenses required to administer the IOTA funds must not exceed 15% of collected IOTA funds in any fiscal year without the court's prior approval. These costs include preparation of FFLA's annual audit on

- e. Implemented timekeeping records to assist in the analysis, functional allocations, and computations involved; and
- f. Continued to maintain a separate IOTA department in its budget.

Prospective Application

The Rule has been applied prospectively from its effective date, July 1, 2021. As such, IOTA funds collected on or after July 1, 2021, are subject to the Rule, while IOTA funds collected prior to that date are not.

Annual Review and Publication

These eligibility requirements and objective standards are reviewed by either the Executive or Grants Committee on an annual basis and amended as needed. They are also published annually on FFLA's public platforms and provided to the Court, The Florida Bar and all FFLA's then-current grantees.

SELECTION OF QUALIFIED GRANTEE ORGANIZATIONS - OBJECTIVE STANDARDS

The Rule provides the basic framework and minimum requirements of objective standards for selecting recipients of IOTA collections.

First, it defines a qualified grantee as “a charitable or other nonprofit organization that facilitates or directly provides qualified legal services by qualified legal services providers and that has experience in successfully doing so.”⁷

IOTA funds, compensation of staff who exclusively perform the required collection, distribution, and reporting obligations imposed by this rule and overhead expenses of FFLA directly related to fulfilling its obligations under this rule. Direct expenses required to administer the IOTA funds also include:

- (i) actual costs and expenses incurred by FFLA to increase the amount of IOTA funds available for distribution;
- (ii) funding of reserves deemed by FFLA to be reasonably prudent to promote stability in distribution of IOTA funds to qualified grantee organizations;
- (iii) direct costs related to providing training and technology to qualified grantee organizations, as specified below; and
- (iv) direct costs to administer the Loan Repayment Assistance Program and to distribute funds in connection with the program (but not the program funds themselves).

⁷ See Section (g)(1)(F) of the Rule.

Secondly, the qualified grantee definition encompasses two more material terms, “qualified legal services”⁸ and “qualified legal services providers.”⁹

Lastly, Section (g)(8) of the Rule provides, “[t]he FFLA must select qualified grantee organizations based on objective standards it develops.... The standards must require that IOTA funds be used to facilitate or directly provide qualified legal services by qualified legal services providers....”

Therefore, grantees must satisfy these minimum requirements.

In addition, all grantees who meet these minimum requirements are eligible for IOTA funding consideration, provided they:

- a. Agree to fully comply with the rule and these objective standards, as revised from time to time;
- b. Have a primary mission to provide, or facilitate the provision of, qualified legal services by qualified legal services providers;
- c. Can demonstrate at least three years of experience in providing qualified legal services;
- d. Agree to adhere to FFLA policies, application process, grant assurances, procedures, and performance requirements;
- e. If they are not a previously approved qualified grantee organization, apply for and receive approval by FFLA’s Board as an organization qualified to receive FFLA funding; and
- f. Show upon request:
 - i. Satisfactory proof of financial stability and independence apart from FFLA funding;
 - ii. Satisfactory proof of proper governance and internal controls; and

⁸ “Qualified legal services” are free legal services provided directly to low-income clients for their civil legal needs in Florida, and includes post-conviction representation, programs that assist low-income clients in navigating legal processes, and the publication of legal forms or other legal resources for use by pro se litigants. *Id.* at (G).

⁹ A “qualified legal services provider” is a member of The Florida Bar or other individual authorized by the Rules Regulating The Florida Bar or other law to provide qualified legal services. *Id.* at (H).

- iii. Satisfactory proof of subject matter expertise and competency required for a particular grant, award or project.

There shall be a preference for programs excelling in results, efficiencies, timeliness, collaboration, cooperation, and uniqueness of services provided. While not required, extended services, as defined by Legal Services Corporation¹⁰ and commonly understood by existing FFLA grantees and FCLAA members to be full-service representation involving the entirety of a client's legal matter to resolution through either settlement or final judgment, not including appeals, will be preferred over other services directly provided.

FFLA will continue to utilize the existing legal service-provider network while simultaneously expanding the network to include more providers.¹¹

Even if ineligible for, or not initially awarded IOTA funding, existing grantees remain eligible for other FFLA funding and support, including non-IOTA funds available, Program Related Expenses, LRAP participation by their employees, technical assistance and support (subject to available funding or accommodation under contracts [e.g., Legal Server and Westlaw]), and recognition awards and contests (e.g., Law School Challenge).

Previous receipt of IOTA funds is not a prerequisite for consideration of IOTA funding, provided a grantee meets the requirements stated herein.

After each year's distribution of IOTA funding under the Rule, additional data may be requested from grantees. This data may seek information including but not limited to:

- a. Reporting metrics required by the Florida Supreme Court;
- b. Case types, results and statistics relating to targeted/specific populations;
- c. Program efficiencies;
- d. Collaboration and cooperation;
- e. Timely performance and reporting; and

¹⁰ See Chapter VIII, Section 8.3, CSR Handbook 2017, Legal Services Corporation which can be found here: <https://www.lsc.gov/i-am-grantee/lsc-reporting-requirements/case-service-reporting/csr-handbook-2017>

¹¹ FFLA is affirmatively seeking new potential qualified grantee organizations and asking them to apply.

- f. Uniqueness of services provided.

OBJECTIVE STANDARDS FOR FUNDING CIVIL LEGAL AID GRANTS

Purpose of Funding

Funds must be used exclusively for civil legal aid services that assist low-income individuals and underserved communities in non-political legal matters.

Statement of Priorities/Eligible Legal Areas

Recent studies indicate that the level of unmet civil legal needs (the “Justice Gap”) in the United States is as high as 92%.¹² FFLA recognizes the vast degree of unmet civil legal needs facing low-income Floridians in underserved communities and is committed to reducing the Justice Gap and increasing access to Florida’s civil justice system.

As such, FFLA will prioritize and focus its funding on those subject matter areas affecting the most low-income Floridians in need, on a population and per capita basis as identified by FFLA’s current grantees. These funding areas include:

- a. Family law (e.g., domestic violence, support, custody, divorce)
- b. Housing law (e.g., eviction defense, tenant rights, mortgage foreclosure)
- c. Public benefits (e.g., food assistance, housing, disaster-related claims, disability claims)
- d. Consumer protection (e.g., debt collection, fraud, unfair and deceptive trade practices)
- e. Children, Elders, Veterans, Immigrants with legal status, Individuals with mental or physical disabilities.

¹² The Justice Gap, Legal Services Corporation (2022) (“The justice gap is the difference between the civil legal needs of low-income Americans and the resources available to meet those needs.”). Link: <https://justicegap.lsc.gov/the-report/>

Grantees may represent clients to protect that person's legal status but may not accept matters to establish a person's legal status or rights not otherwise recognized.

By using these standards, civil legal aid funds can be allocated effectively while ensuring that they are not misused for political purposes. It's essential to strike a balance that allows for the provision of critical civil legal services without engaging in speech, advocacy, or actions that are political in nature.

Prohibited Areas

Funds must not be used for:

- a. Political speech involving matters of substantial public concern.
- b. Election Law matters.
- c. Lobbying.
- d. Education or training activities for anything other than the provision of civil legal services, enforcement of established legal rights, programs that assist low-income clients in navigating legal processes, and the publication of legal forms or other legal resources for use by pro se litigants.
- e. Systematic advocacy for policy reform, legal reform, or civil rights initiatives unrelated to the representation of a specific low-income client.
- f. Representing persons residing in the United States without legal status or persons under a deportation order.
- g. Any lawsuit or litigation that names a political candidate or elected official in an individual capacity seeking redress for anything done by that individual in their political or official capacity. These standards do not prohibit suing or defending an individual for that individual's personal actions or inactions unrelated to their political or official capacity.
- h. Class actions where the government is a party.
- i. Amicus briefs in cases where the government is a party.

- j. Suits against state agencies and local government, other than matters seeking remedies for individual clients in eligible legal areas listed herein.
- k. Facial challenges to existing laws or statutes; however, as-applied challenges for individuals in subject matters not otherwise prohibited are allowed.

Objective Evaluation Criteria

When applying for funding, each applicant must include:

- a. A detailed description of the proposed legal services and the client population served.
- b. A clear plan for ensuring compliance with the prohibition on political matters.
- c. Metrics for evaluating service effectiveness (e.g., number of cases handled, outcomes achieved).

Reporting and Accountability

Grantees must:

- a. Provide regular reports that, at a minimum: detail activities funded using FFLA funds; list types of cases addressed; list outcomes of legal assistance provided; and confirm no FFLA funding was used for prohibited matters, with a focus on compliance with standards.
- b. Obtain audits using outside auditors to confirm whether FFLA funding received was used in compliance with Rule 5-1.1(g), Rules Regulating The Florida Bar and these objective standards. (“Use of IOTA Funds Audit”)
- c. Provide FFLA copies of all Use of IOTA Funds Audits on or before June 30 of each year for all FFLA funding containing IOTA collections spent in the preceding calendar year.
- d. Furnish copies of grantee’s independent audited financial statements and all required communications, including any

independent auditor's report/management letter(s), from the auditor within one hundred and twenty (120) days after the end of grantee's fiscal year.

FFLA will not fund or permit the use of unprofessional, uncivil, or derogatory language in any matter funded by FFLA.

Any grantee or recipient of FFLA funds who fails to comply with Rule 5-1.1 (g), Rules Regulating The Florida Bar, or these objective standards may be deemed ineligible to receive FFLA funding and no longer considered as a qualified legal services provider.

Review Committee

Should any recipient of FFLA funding have questions or concerns relating to their proposed use of FFLA funding, that recipient should - before using any FFLA funding in question - reach out to FFLA and request review of its proposed funding. This request should specifically identify and detail the proposed funding plan and explain any concerns or questions regarding the use of such funding.

Upon receipt of such request, FFLA will immediately convene a review committee that will meet and provide a report and recommendation in time for the next upcoming FFLA Board meeting or Executive Committee meeting. The review committee shall be empowered to review any material and request from such grantee any information it deems relevant to the matter. The review committee shall list all sources of information it reviewed when providing its report and recommendation. The requesting party shall be advised of the Board or Executive Committee's decision within 5 business days of such final decision.

NOTE: A document that compiles questions and answers is located [here](#). It is revised periodically based on ongoing inquiries presented to FFLA.

Definitions

Legal Services:

“Work done by a lawyer for a client.” (Cambridge Business English Dictionary.)

“Legal services” refers to the work produced by an [attorney](#) for a client. These services include any advice, counsel, or assistance involving law-related matters that helps clients navigate the [legal system](#) and protect their rights. Specific examples of services are drafting documents, reviewing [contracts](#), [negotiating](#) business arrangements, or [representing](#) clients in court. (Cornell Law School, Legal Information Institute).

Qualified Legal Services:

“Qualified legal services” are free legal services provided directly to low-income clients for their civil legal needs in Florida, and includes post-conviction representation, programs that assist low-income clients in navigating legal processes, and the publication of legal forms or other legal resources for use by pro se litigants. Rule 5-1.1(g)(1)(G), Rules Regulating The Florida Bar.

Political:

“Of or relating to government, a government or the conduct of government.” (Merriam-Webster)

- 1) “Relating to the government or the public affairs of a country”
 - 2) “relating to the ideas or strategies of a particular party or group in politics.”
- (Oxford Dictionary).

Non- political:

“Not influenced by or interested in political issues.” (Britannica Dictionary).

“Not relating to or motivated by politics.” (Oxford Dictionary).

Political speech

Any expression that deals with the governance of society, public issues, or criticism of the government. Political speech includes:

- Advocacy or criticism of public policies,
- Support or opposition to political candidates.
- Commentary on the conduct of elected officials.

See e.g., *Citizens United v. Federal Election Com'n*, 558 U.S. 310, 130 S.Ct 876 (2010).

“Political speech means speech relating to the state government, body politic, or public administration as it relates to governmental policymaking. The term includes speech by the government or a candidate for office and any discussion of social issues. The term does not include speech concerning the administration, law, or civil aspects of government.”
<https://www.lawinsider.com/dictionary/political-speech>).

Public Concern

Speech on a matter of public concern relates to topics that are of general interest and importance to the community or society as a whole. It includes broad issues of public interest that affect the public at large and usually involves:

- Political, social, or community issues.
- Topics related to government policies, public safety, education, or corruption.
- Matters that inform or affect public debate.

See e.g. *Snyder v. Phelps*, 562 U.S. 443; 131 S.Ct 1207 (2011) (“Speech deals with matters of public concern when it can ‘be fairly considered as relating to any matter of political, social, or other concern to the community,’ ...or when it ‘is a subject of legitimate news interest; that is, a subject of general interest and of value and concern to the public,’ *San Diego, supra*, at 83–84, 125 S.Ct. 521. See *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469, 492–494, 95 S.Ct. 1029, 43 L.Ed.2d 328 (1975); *Time, Inc. v. Hill*, 385 U.S. 374, 387–388, 87 S.Ct. 534, 17 L.Ed.2d 456 (1967).”)

Private Concern

Speech that addresses purely private concerns typically involves personal grievances or disputes.

Examples of private concern include:

- Personal workplace disputes.
- Personal landlord/tenant disputes
- Personal causes of action seeking damages or protection or restoration of private or personal rights.

Lobbying

“Lobbying” means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature. Fla. Stat. Ann. § 11.045.

“Lobbyist” means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. Fla. Stat. Ann. § 11.045.

Lobbyist does not include (1) an attorney who represents a client in a judicial proceeding or in a formal administrative proceeding or any other formal hearing before an agency, board, commission, or authority of this state; (2) an employee of an agency or legislative or judicial branch entity acting in the normal course of his or her duties; (3) a confidential informant providing confidential information to be used for law enforcement purposes; a person who lobbies to procure a contract less than \$20,000. Fla. Stat. Ann. § 112.3215 & 287.017.

Election Law matters

Election law is the "branch of law dealing with the regulation of the electoral process, which includes the rights of voters, political parties, and candidates, as well as the conduct of elections themselves. It also covers matters related to campaign finance, districting, voting systems, and election challenges." (Encyclopedia Britannica).

It also includes federal laws such as the Voting Rights Act, the Federal Election Campaign Act, as well as state election laws. (Cornell Law School's Legal Information Institute).

Chapters 97–106 of the Florida Statutes encompass the Florida Election Code, which regulates all aspects of elections in the state.

FAIR DISTRIBUTION PLAN

Section (g)(8) of the Rule requires FFLA to consider data from appropriate governmental agencies and grantees before developing a fair distribution plan regarding IOTA collections.¹³

Data review

FFLA reviews among other things, U.S. Bureau of Labor Statistics and data, information and input provided by the American Bar Association Commission on IOLTA, other IOTA programs, members of the National Association of IOLTA programs, and the United Way. It also reviews data provided by FCLAA and grantees submitted to FFLA per its requests and surveys it sends to all grantees and FCLAA.¹⁴ It reviews and updates the data on file annually and considers if other data points are available and should be considered going forward.

¹³ "[t]o ensure fair distribution of IOTA funds across Florida, [the objective standards] must consider relevant data, including: (A) demographic data provided by an appropriate governmental agency, such as the U.S. Bureau of Labor Statistics; and (B) data provided by the qualified grantee organization on the use of any IOTA funds previously received." *Id.* at (g)(8).

¹⁴ Attached as Exhibit A is a compilation of some of the data sources reviewed and considered.

Overall funding objective

FFLA's primary objective for IOTA collections funding is to increase and improve client services through responsible funding decisions that promote growth, sustainability and accountability. FFLA expects grantee performance to be commensurate with the funding provided, especially during funding increases.

FFLA will employ all means available and necessary to accomplish its primary funding objective. For instance, it seeks to increase and expand its network to serve more clients, especially in underserved areas ("legal deserts"), and it reserves the right to reduce¹⁵ or discontinue funding for grantees not complying with the IOTA rule or FFLA's objective standards, grants assurances and overall performance expectations¹⁶.

There are several approaches available for implementing a fair distribution plan regarding IOTA collections with the understanding that FFLA must distribute no later than 6 months after the end of the preceding fiscal year all IOTA funds collected that fiscal year, except for direct expenses required to administer the IOTA funds, funds required to fund the Loan Repayment Assistance Program, and an additional reserve if requested by FFLA and approved by the Court.

General Process

FFLA constantly monitors and tracks all IOTA collections and prepares a monthly report indicating the total amount of collections for the previous month and fiscal year to date. This information is provided in a quarterly dashboard report prepared by FFLA's finance department. It is published on FFLA's website and is available upon request.

All IOTA funds are kept separate until distribution.¹⁷ Currently, these accounts are invested in short term funds per FFLA's investment policy for IOTA funds, which is published on FFLA's website and is available upon request.

¹⁵ This may include neutralized or diminished funding based on previous year's performance or requiring applications for specific direct hires, subject to salary analysis and conditioned on actual hirings.

¹⁶ Attached as Exhibit B is a basic checklist for Grantee performance evaluation.

¹⁷ 85% of monthly IOTA collections are deposited into a separate fund solely for the grantees' benefit. The remaining 15% is placed in another fund ("Direct Expenses") subject to fiscal year end allocation.

Within 60 days after the end of each fiscal year, FFLA prepares and publishes an IOTA Collections Public Notice.¹⁸

LRAP Distributions and Calendar Year Grants, not including December general distributions.

LRAP loans and some other grants, but not December general distribution grants,¹⁹ are made per calendar year with two payments typically made during that calendar year. As such, payment and administration of these programs span more than one fiscal year. To avoid a potential violation of the amended rule's distribution deadline, LRAP loans and other calendar year loans funded with IOTA collections are allocated and administered on FFLA's current schedule but paid with IOTA funds collected during the fiscal year in which the applications were received and awarded. IOTA funds will not be held back from one fiscal year's collection for payment during the following fiscal year. Thus, LRAP loans and other calendar year grants are awarded subject to available funding collected in the fiscal year in which the applications were received and awarded.

Distribution of Remaining Funds

After the principal amount of LRAP loans to be awarded is deducted from the net IOTA distribution, the remaining amount is allocated by applying either a specific amount or percentage of such remaining amount to be distributed toward one or more of the following distribution initiatives identified as A-D below.

FFLA may employ one or more of these approaches and may create more or discontinue some of them with notice to the Court and all grantees.

A. General distribution by subject matter

General distribution by subject matter consists of allocated IOTA funds distributed to:

¹⁸ This Public Notice will generally include total IOTA collections received in the previous fiscal year, the upcoming grantee distribution amount, including the percentage coming from the Direct Expenses account, and the account balances for the grantee reserves and the operations reserve.

¹⁹ General distribution by subject matter grants are paid in one lump sum payment.

- a. One or more qualified grantee organization(s);
- b. Fund the direct provision or facilitation of qualified legal services by qualified legal services providers; and
- c. Increase access to the justice system to protect and preserve individual rights in matters seeking remedies for individual clients in eligible legal areas listed in the funding standards listed above.

Grantees receiving this funding must satisfactorily prove present ability and capacity to provide such service(s) in their selected eligible legal areas.

Qualified grantees receive pro rata distribution of available IOTA funds based on 1) a regional basis²⁰ 2) using both poverty and working poor populations; and 3) based on current grantee FTE attorney capacity weighted by size to reflect regional need and/or dependence on FFLA funding and to promote overall sustainability of the delivery model (qualified grantee network) with special attention to percentage of poverty and working poor population in region/service area and availability of other resources.

This distribution formula is subject to change on a periodic basis to reflect updates in available data and information. Previous funding templates and weighting guides used are available upon request, with the most current versions found [here](#).

B. Pro Bono Support and Enhancement

When approved by the Board, Pro Bono funding is made available to non-LSC grantees²¹ in accordance with the objectives and terms contained in FFLA's Pro Bono Support and Enhancement Grants Program (PBS&E) which focuses on qualified grantee organizations that have:

- a. An established and operating pro bono program;

²⁰ Florida is divided into 7 regions by The Legal Services Corporation as reflected in Exhibit C.

²¹ LSC organizations are required to dedicate 12.5% of basic field grants to Private Attorney Involvement. LSC also offers Pro Bono Innovation Fund grants "to collaboratively engage more lawyers and non-legal professionals in pro bono service and address gaps in legal services and persistent challenges in the pro bono delivery system." Go to: <https://www.lsc.gov/grants/pro-bono-innovation-fund> for more information.

- b. Dedicated pro bono budgets and written policies and procedures;
and
- c. Placed, within the 12 months preceding the distribution, at least the same number of pro bono assignments to private attorneys as the grantee has total FTE lawyers.

Initially, potential funding amounts will be allocated to each region on a pro-rated amount based on statewide poverty and/or working poor population, but the actual amounts funded may be determined on a case-by-case basis through an application process.

Any IOTA funds allocated²² but not awarded for pro bono funding will be rolled over into the IOTA general distribution by subject matter allocation and disbursed on or before December 31 of that same calendar year to meet the distribution requirements of the Rule.

C. Annual Competitive grants

Annual Competitive grants are identified and allocated per FFLA's existing policies and practices. Applications are processed, scored and awarded per FFLA's existing policies during the first six months of each Calendar Year, with payment contingent upon available and existing funds.

These grants may be funded from all sources, provided that if any grant or award is funded in any part with IOTA collections, this grant or award will be paid in full on or before December 31 of that same calendar year.

Any IOTA funds allocated but not used for these grants are rolled over into the IOTA general distribution by subject matter allocation and disbursed on or before December 31 of that same calendar year.

D. Periodic Grants for limited purposes

²² Although IOTA funds may be allocated for use, they are kept separate until actual disbursement.

Periodic Grants for limited purposes are awarded on an as-needed basis as determined by the Board and processed in accordance with FFLA's established practice related to competitive grants, except that Disaster relief grants may be awarded differently depending on exigent circumstances. Otherwise, applications are processed, scored and awarded per each grant's policy. Except for Disaster Relief grants, these grants are allocated on a quarterly basis, and if not awarded, do not roll over to the following quarter.

Such grants may be funded from all sources, provided that if any grant or award is funded in any part with IOTA collections, such grant or award is paid in full on or before December 31 of that same calendar year.

Any IOTA funds allocated but not used for these grants are rolled over into the IOTA general distribution by subject matter allocation and disbursed on or before December 31.

COMPLIANCE AND REPORTING

FFLA's obligations

In addition to providing the Court with a copy of an annual audit of IOTA funds, FFLA annually certifies to the Court its compliance with the Rule's requirements on the use of IOTA funds. This certification will include, but not be limited to:

- a. the amount of IOTA funds received;
- b. a detailed breakdown of direct expenses required to administer the IOTA funds;
- c. the name of each qualified grantee organization to which distributions were made;
- d. the amount of distribution received by each qualified grantee organization;
- e. a description of the process for determining eligibility and selection of each qualified grantee organization, including the objective standards developed for that purpose;

- f. the total amount received from sources other than IOTA funds;
- g. a detailed summary of the information provided to FFLA from qualified grantee organizations as required by subdivision (11) of the Rule;
- h. the total amount distributed under the Loan Repayment Assistance Program and the number of qualified legal services providers to whom distributions were made; and
- i. any other information the court requests that it determines is relevant.

FFLA's separate IOTA audit

In addition to FFLA's annual audited financial statements, each year a separate audit per agreed upon procedures is obtained from an independent auditor who provides recommendations regarding the scope and purpose of the separate review and thereafter conducts such review and provides a separate report detailing its findings. The purpose of the review is to determine FFLA's specific compliance with section (g)(10) of the Rule.

Reporting and Certification Dates

Reporting and certification dates are determined by distribution dates. Because of the timing associated with the distribution of IOTA funds, FFLA and grantees were not in a position to fully comply with subdivision (10) of the Rule until 2025.

For grantees, the following dates and provisions shall apply:

- a. Grantees will receive grants and awards containing IOTA collections received during FFLA's immediately preceding fiscal year no later than December 31 of that same calendar year.
- b. Grantees are given one calendar year from the date of their receipt of such funds to use such funds in accordance with the Rule.

- c. Grantees are required to provide their annual certification and report pursuant to subdivision (11)²³ regarding their use of all IOTA funds received and spent in each calendar year on or before March 31 of the following calendar year; and every year thereafter on that date unless such date falls on a day that Florida courts are not open to the public, then the next day thereafter on which the courts are open to the public.
- d. Grantees shall provide FFLA copies of their Use of IOTA Funds Audits on or before June 30 of each year for all FFLA funding containing IOTA collections spent in the preceding calendar year.
- e. Grantees must furnish copies of grantee's independent audited financial statements and all required communications, including any independent auditor's report/management letter(s), from the auditor within one hundred and twenty (120) days after the end of grantee's fiscal year.
- f. Failure to timely provide such report(s) may disqualify grantees from further funding by and from FFLA.

²³ Rule 5-1.1(g)(11) provides,

“Qualified grantee organizations must annually certify to FFLA their compliance with this rule's requirements on the use of IOTA funds. This certification must include, but not be limited to:

(A) the number of qualified legal services providers compensated or facilitated by the use of IOTA funds;

(B) the number of clients receiving qualified legal services paid for or facilitated by the use of IOTA funds;

(C) the number of low-income Floridians who, while not directly represented, are nevertheless assisted by qualified legal services paid for or facilitated by the use of IOTA funds;

(D) the number of hours expended delivering qualified legal services paid for or facilitated by the use of IOTA funds;

(E) the types of matters for which clients received qualified legal services paid for or facilitated by the use of IOTA funds;

(F) an accounting of the use of IOTA funds, including the amount used to establish reserves and pay for overhead and other general administrative expenses;

(G) the total amount received from sources other than IOTA funds by the qualified grantee organization; and (H) any other information the court determines is relevant.”

Thereafter, FFLA provides its annual certification and report to the Court each year after it has received and processed all certifications and reports from qualified grantee organizations receiving IOTA funds pursuant to the amended rule.

FFLA's Due Diligence Responsibilities

While FFLA monitors grantees' performance for determining continuing eligibility, it will not certify grantees' compliance with the Rule. Similarly, FFLA does not comment on the information provided by grantees or the grantees' use of funds per subdivision 9 of the Rule. Neither will it recommend or decide the merits of written justifications provided by grantees per subdivision 9, unless specifically asked to do so by the Court. It will report to the Court all written justifications submitted.

FFLA reminds grantees of the annual certification requirement, but it will not interfere with the Court's order in terms of enforcement. Compliance with reporting requirements will be a factor in determining a grantee's continuing eligibility to receive IOTA funds.

FFLA believes the Rule requires reports by all grantees that qualify for IOTA distributions, including those that may not or have not received IOTA distributions.²⁴ However, reports from such qualified grantee organizations are expected to be understandably shorter.

FFLA internally assesses and evaluates the quality of work performed by grantees when determining continuing eligibility but does not anticipate providing the Court any qualitative analysis of the work performed by grantees receiving IOTA funds, unless asked to do so by the Court.

²⁴Section (g)(11) of the Rule provides,

“Qualified grantee organizations must annually certify to FFLA their compliance with this rule's requirements on the use of IOTA funds.” Section (g)(1)(F) defines a qualified grantee organization as “a charitable or other nonprofit organization that facilitates or directly provides qualified legal services by qualified legal service providers and that has experience in successfully doing so.” There is no provision that states a qualified grantee is exempt from the reporting and certification requirements of the Rule if they do not receive IOTA collections funding directly from FFLA. For instance, all existing Grantees receive program related expenses from FFLA such as Westlaw and Legal Server case management subsidies. These subsidies are paid for by FFLA using IOTA collections per the Rule. A copy of the current FFLA network showing existing grantees and the recent types of awards they have received are attached as Exhibit D.

Annual Review

This Policy is reviewed, at minimum, on an annual basis and is subject to change pending further work by applicable work groups and committees, further research, and consultation with grantees and other resources.

END OF TEXT

Exhibit A – Data points.

Subject	Link
Extended service legal representation to low-income Floridians as defined in § 3.4 of the FBF Case Service Report (CSR) Guide	https://www.dropbox.com/s/rcwtieubl1lin2/FBF%20CSR%20Guide%20ReIssue%202017%20with%20Outcomes.pdf?dl=0
A 3-year average of the Legal Services Corporation (LSC) allocations to each region	https://lsc-live.app.box.com/s/7fwyj3kxukm9aafnhoesjezeqfggvkhk
American Community Survey	https://www.census.gov/programs-surveys/acs
The U.S. DOJ's Bureau of Justice provides data on incarceration rates	https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/cpus19st.pdf
Working Poor – United Way of Florida publishes the ALICE IN FLORIDA: A Financial Hardship Study	https://www.uwof.org/sites/uwof.org/files/2020ALICEHighlightsReport_FL_FINAL-4.15.20.pdf
DHS, Office of Immigration Statistics. PEW Research Center	https://www.pewresearch.org/hispanic/interactives/u-s-unauthorized-immigrants-by-state/ https://www.pewresearch.org/fact-tank/2021/04/13/key-facts-about-the-changing-u-s-unauthorized-immigrant-population/
Data on children in Florida's child welfare system and generally	https://datacenter.kidscount.org/data#FL/2/0/char/0 https://myflfamilies.com/programs/childwelfare/dashboard/index.shtml
LGBTQ - Williams Institute at UCLA data by state.	https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT&area=12#density
Homeless: US Interagency Council on Homelessness	https://www.usich.gov/homelessness-statistics/fl

Florida's Population in Poverty	https://www.census.gov/quickfacts/fact/table/FL/IPE120221
Florida's Working Poor (Asset Limited, Income Constrained, Employed AKA Alice)	https://www.unitedforalice.org/state-overview/florida
Persons in Poverty & Poverty Rate	https://data.census.gov/cedsci/table?hidePreview=true&table=S1701&tid=ACSST5Y2020.S1701&g=0500000US12001,12003,12005,12007,12009,12011,12013,12015,12017,12019,12021,12023,12027,12029,12031,12033,12035,12037,12039,12041,12043,12045,12047,12049,12051,12053,12055,12057,12059,12061,12063,12065,12067,12069,12071,12073,12075,12077,12079,12081,12083,12085,12086,12087,12089,12091,12093,12095,12097,12099,12101,12103,12105,12107,12113,12115,12117,12109,12111,12119,12121,12123,12125,12127,12129,12131,12133&moe=false
ALICE: A Study of Financial Hardship in Florida	https://uwcf.org/2020-alice-report/#:~:text=ALICE%20in%20Florida%3A%20A%20Financial,an%20infant%20and%20a%20preschooler
% of Population with Income < 125% Poverty	https://data.census.gov/cedsci/table?hidePreview=true&table=S1703&tid=ACSST5Y2020.S1703&g=0500000US12001,12003,12005,12007,12009,12011,12013,12015,12017,12019,12021,12023,12027,12029,12031,12033,12035,12037,12039,12041,12043,12045,12047,12049,12051,12053,12055,12057,12059,12061,12063,12065,12067,12069,12071,12073,12075,12077,12079,12081,12083,12085,12086,12087,12089,12091,12093,12095,12097,12099,12101,12103,12105,12107,12113,12115,12117,12109,12111,12119,12121,12123,12125,12127,12129,12131,12133&moe=false
FACTS ABOUT FLORIDA'S PRISONERS	https://www.project180reentry.org/statistics/
About the Florida Department of Corrections	http://www.dc.state.fl.us/about.html#:~:text=The%20Florida%20Department%20of%20Corrections%20(FDC)%20is%20the%20third%20largest,active%20community%20supervision%20(probat)ion
Migrant Farmworker Housing	https://www.floridahealth.gov/environmental-health/migrant-farmworker-housing/index.html#:~:text=150%2C000%20to%20200%2C000%20migrant%20and,travel%20and%20work%20in%20Florida.
Immigration and Agriculture	https://research.newamericaneconomy.org/report/immigration-and-agriculture/

Exhibit B – Evaluation of Grantee performance: Basic checklist

FFLA may assess various performance metrics to determine if its qualified grantee organizations provide qualified legal services in an adequate manner. These metrics may include, but are not limited to:

1) **Client Reach and Demographics**

- a) **Number of Clients Served:** Evaluate the total number of individuals or families assisted.
- b) **Demographics:** Assess the demographics of clients served (e.g., income level, age, race, ethnicity) to ensure the organization is reaching diverse populations in need.

2) **Case Outcomes**

- a) **Successful Resolutions:** Measure the percentage of cases that resulted in favorable outcomes for clients.
- b) **Impact on Clients' Lives:** Gather qualitative data on how legal assistance has improved clients' situations (e.g., housing stability, access to existing or available benefits, protection against domestic violence, foster care, guardianships, etc.).

3) **Capacity and Resource Utilization**

- a) **Staffing Levels:** Assess whether the organization has sufficient legal staff and volunteers to meet the demand for services.
- b) **Funding Utilization:** Evaluate how effectively the organization is using its financial resources to expand services and reach more clients.

4) **Community Engagement**

- a) **Outreach Efforts:** Review the organization's community outreach and education programs to raise awareness about available services.
- b) **Partnerships and Collaborations:** Assess the extent to which the organization collaborates with other community groups, legal aid organizations, and governmental agencies to enhance service delivery.

5) **Program Diversity and Adaptability**

- a) **Range of Services Offered:** Evaluate the variety of legal services provided (e.g., immigration, housing, family law, consumer rights) and the ability to adapt to emerging community needs.
- b) **Innovative Approaches:** Look for creative solutions or new models implemented to address access to justice more effectively.

6) **Quality of Service**

- a) **Client Satisfaction:** Conduct surveys or interviews with clients to measure their satisfaction with legal services received.
- b) **Feedback Mechanisms:** Implement processes for clients to provide feedback on their experiences and suggest improvements.

7) **Performance Evaluation**

- a) **Data Collection and Analysis:** Assess how the organization collects and analyzes data to evaluate performance, identify trends, and improve services.
- b) **Benchmarking:** Compare success and impact metrics against those of similar organizations or industry standards.

8) **Staff Development and Retention**

- a) **Training and Professional Development:** Evaluate how the organization invests in ongoing training and professional development for staff and volunteers.
- b) **Staff Turnover Rates:** Assess staff retention rates to gauge organizational stability and employee satisfaction.

9) **Long-Term Sustainability**

- a) **Funding Diversity:** Evaluate the organization's ability to secure diverse funding sources, including grants, donations, and partnerships, to ensure long-term sustainability.
- b) **Strategic Planning:** Review the organization's strategic plan and its alignment with community needs and goals for the future.
- c) **Financial reserves:** Existence of sufficient reserves.

Exhibit C – LSC Regions – Florida

Florida's Regional Legal Services Delivery System

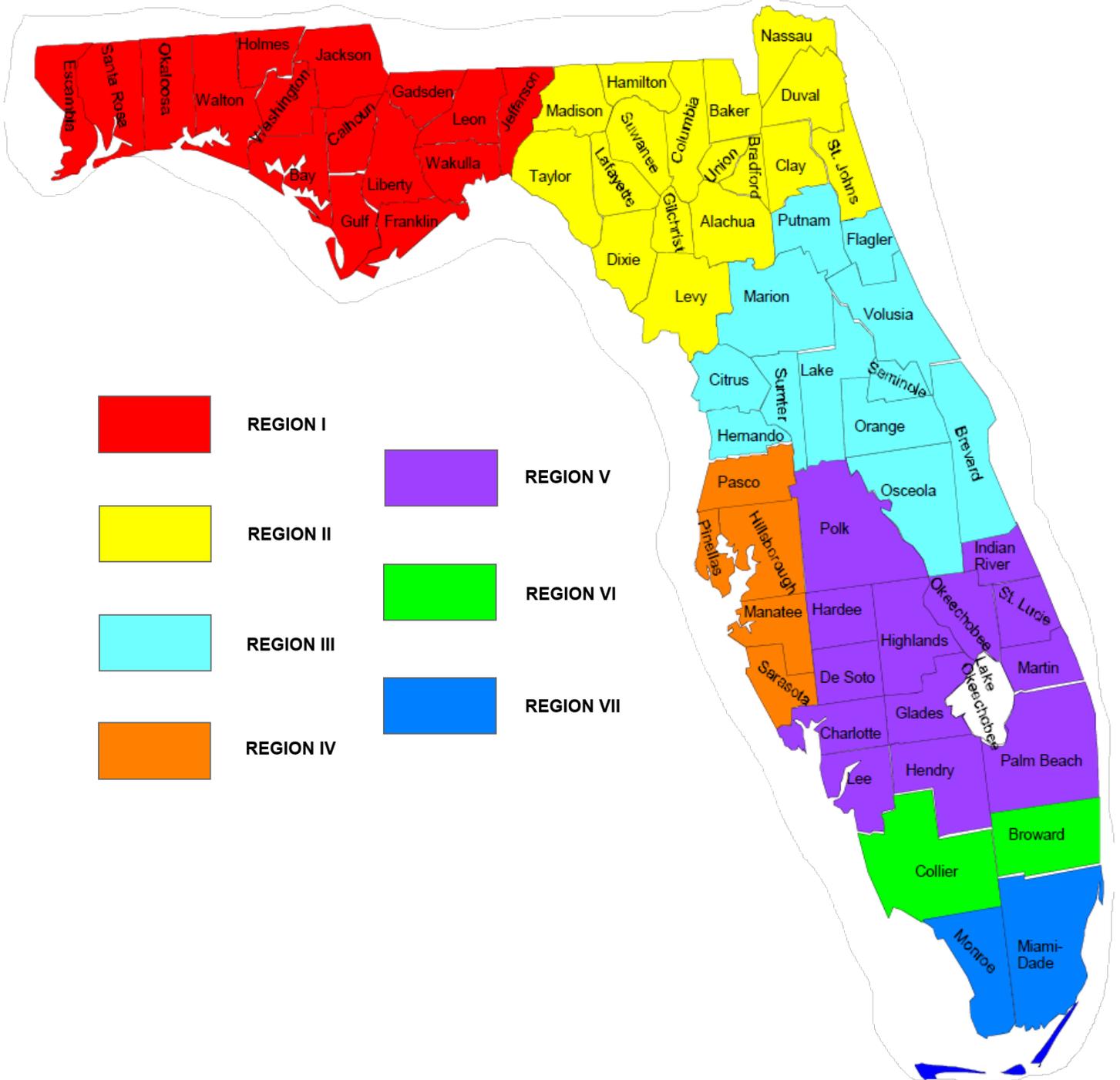


Exhibit D - Existing FFLA network – May 2025

Current FFLA Grantees

- Grants funded with IOTA collections
- Grants funded with other collections
- Carryover funds from previous cycle

	IOTA Distribution CY 2025	Children's Legal Services July 1, 2024 - June 30, 2025	Administration of Justice April 1, 2025 - March 31, 2026	Pro Bono Sup. & Enhncmnt. Oct. 1, 2024 - Sept. 30, 2025	Summer Fellow Host May - August, 2025
Americans for Immigrant Justice	●			●	●
Bay Area Legal Services	●				
Brevard County Legal Aid	●	●		●	
Catholic Legal Services	●	●			
Coast to Coast Legal Aid	●				● ●
Community Justice Project	●				
Community Law Program	●			● ●	
Community Legal Services	●				
Crossroads for Florida Kids		●	●		
CABA Pro Bono Legal Services	●	●	●	●	●
Dade Legal Aid	●	●		●	●
Emerald Coast Legal Aid	●			●	
Florida Health Justice Project	●			●	
Florida Justice Institute	●				●
Florida Legal Services	●	●		●	●
Florida Rural Legal Services	●				
Florida State University College of Law		●			
Florida's Children First	●		●		
Gulfcoast Legal Services	●			●	●
Heart of Florida Legal Aid Society	●				
IDignity	●			● ●	
Innocence Project of Florida	●			●	
Jacksonville Area Legal Aid	●			●	●
Lawyers for Children America	●	●			
Lee County Legal Aid Society	●				
Legal Aid Foundation of Tallahassee	●			●	
Legal Aid of Manasota	●			●	
Legal Aid Service of Broward County	●			● ●	
Legal Aid Service of Collier County	●				
Legal Aid Society of Orange County Bar Assoc.	●	●		●	●
Legal Aid Society of Palm Beach County	●			● ●	●
Legal Services of Greater Miami	●				●
Legal Services of North Florida	●				●
Seminole County Bar Assoc. Legal Aid Society	●	●		●	●
St. Michael's Legal Center	●				
Southern Legal Counsel	●			●	
Three Rivers Legal Services	●				
United Way of Indian River County			●		

Blue programs are federally funded by Legal Services Corporation. Visit our [Grant Database](#) online for detailed information.

Updated May 2025

Current FFLA Grantees

- Grants funded with IOTA collections
- Grants funded with other collections
- Carryover funds from previous cycle

	IOTA Distribution CY 2025	Children's Legal Services July 1, 2024 - June 30, 2025	Administration of Justice April 1, 2025 - March 31, 2026	Pro Bono Sup & Enhncmnt. Oct. 1, 2024 - Sept. 30, 2025	Summer Fellow Host May - August, 2025	
Legal Aid Foundation of Tallahassee	●			●		REGION I
Legal Services of North Florida	●				●	
Emerald Coast Legal Aid	●			●		
Florida State University College of Law		●				REGION II
Jacksonville Area Legal Aid	●			●	●	
Three Rivers Legal Services	●					REGION III
Brevard County Legal Aid	●	●		●		
Community Legal Services	●					
Legal Aid Society of Orange County Bar Assoc.	●	●		●	●	REGION III
Seminole County Bar Assoc. Legal Aid Society	●	●		●	●	
Bay Area Legal Services	●					REGION IV
Community Law Program	●			●	●	
Crossroads for Florida Kids		●	●			
Gulfcoast Legal Services	●			●	●	
Legal Aid of Manasota	●			●		
St. Michael's Legal Center	●					REGION V
Florida Rural Legal Services	●					
Heart of Florida Legal Aid Society	●					
Lee County Legal Aid Society	●					
Legal Aid Society of Palm Beach County	●			●	●	
United Way of Indian River County			●			REGION VI
Catholic Legal Services	●	●				
Coast to Coast Legal Aid	●				●	
Legal Aid Service of Broward County	●			●	●	REGION VI
Legal Aid Service of Collier County	●					
Catholic Legal Services	●	●				REGION VII
Community Justice Project	●					
CABA Pro Bono Legal Services	●	●	●	●	●	
Dade Legal Aid	●	●		●	●	
Legal Services of Greater Miami	●				●	
Americans for Immigrant Justice	●			●	●	STATEWIDE
Florida Health Justice Project	●			●		
Florida Justice Institute	●				●	
Florida Legal Services	●	●		●	●	
Florida's Children First	●		●			
IDignity	●			●	●	
Innocence Project of Florida	●			●		
Lawyers for Children America	●	●				
Southern Legal Counsel	●			●		

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