

1 Introduced by Council Member Salem and amended by the Neighborhoods,  
2 Community Services, Public Health and Safety Committee:

3  
4  
5 **ORDINANCE 2023-350-E**

6 AN ORDINANCE REPEALING CHAPTER 84 (OPIOID ABUSE  
7 MITIGATION), *ORDINANCE CODE*, IN ITS ENTIRETY;  
8 CREATING A NEW CHAPTER 84 (OPIOID SETTLEMENT  
9 PROCEEDS GRANTS), *ORDINANCE CODE*, TO CREATE THE  
10 OPIOID AND SUBSTANCE USE DISORDER GRANTS  
11 COMMITTEE AND TO ESTABLISH A PROCESS FOR  
12 APPLICATION AND AWARD OF OPIOID SETTLEMENT  
13 PROCEEDS GRANTS; PROVIDING FOR SEVERABILITY;  
14 PROVIDING FOR CODIFICATION INSTRUCTIONS;  
15 PROVIDING AN EFFECTIVE DATE.

16  
17 **BE IT ORDAINED** by the Council of the City of Jacksonville:

18 **Section 1. Repealing Chapter 84 (Opioid Abuse Mitigation),**  
19 ***Ordinance Code, in its entirety.*** Chapter 84 (Opioid Abuse  
20 Mitigation), *Ordinance Code*, a copy of which is attached hereto as  
21 **Exhibit 1**, is hereby repealed in its entirety.

22 **Section 2. Creating a new Chapter 84 (Opioid Settlement**  
23 **Proceeds Grants), *Ordinance Code.*** A new Chapter 84 (Opioid Settlement  
24 Proceeds Grants), *Ordinance Code*, is hereby created to read as  
25 follows:

26 **CHAPTER 84 - OPIOID SETTLEMENT PROCEEDS GRANTS**

27 **PART 1. - GENERAL PROVISIONS**

28 **Sec. 84.101. - Purpose.**

29 The City of Jacksonville, as well as the entire state of Florida,  
30 has experienced the devastating effects of the opioid epidemic which  
31 arose as a result of the manufacture, distribution, and over-

1 prescribing of opioid analgesics and resulted in opioid overdoses,  
2 addictions, and in many cases, death. In response to this epidemic,  
3 and to hold manufacturers and distributors of prescription opioids  
4 accountable for their respective contributions to the opioid crisis,  
5 the State of Florida filed an action in Pasco County, Florida, and a  
6 number of Florida cities and counties, including the City of  
7 Jacksonville, also filed an action In re: National Opiate Litigation,  
8 MDL No. 2804 (N.D. Ohio) (the "Opioid Litigation") seeking damages  
9 resulting from the opioid epidemic. As a result of the Opioid  
10 Litigation, the defendants to said actions agreed to payment of  
11 certain proceeds in settlement of the various claims (the "Opioid  
12 Settlement Proceeds"), much of which will be distributed over multiple  
13 years as part of a global settlement. The City of Jacksonville has  
14 entered into the Florida Memorandum of Understanding with the state  
15 of Florida (the "MOU") as authorized by Ordinance 2021-659-E, which  
16 sets forth the framework of a unified plan for the proposed allocation  
17 and use of the Opioid Settlement Proceeds. As part of the settlement,  
18 the City of Jacksonville will receive an estimated \$80,000,000 over  
19 the course of approximately 18 years.

20 **PART 2. - OPIOID AND SUBSTANCE USE DISORDER GRANTS COMMITTEE**

21 **Sec. 84.201. - Establishment.**

22 To ensure the Opioid Settlement Proceeds are utilized in a way  
23 that maximizes the impact of these dollars in addressing the  
24 devastating effects of the opioid epidemic, there is hereby  
25 established the Opioid and Substance Use Disorder Grants Committee  
26 to act as an advisory body for the City of Jacksonville and to review,  
27 evaluate, and score grant applications to fund projects and programs  
28 aimed at combatting the opioid crisis ("Opioid Settlement Proceeds  
29 Grants").

30 **Sec. 84.202. - Composition; City Council Liaison; Terms; Removal.**

31 (a) *Composition.* The Opioid and Substance Use Disorder Grants

1 Committee (the "OSUD Grants Committee") shall consist of seven  
2 voting members, three of whom shall be appointed by the Mayor  
3 and confirmed by Council and three of whom shall be appointed  
4 by the Council President and confirmed by Council. The seventh  
5 voting member shall be the Health Administrator or Medical  
6 Director of the Florida Department of Health, Duval County, who  
7 shall be a continuous, standing member. The Mayor and Council  
8 President shall each appoint one member from each of the  
9 following categories:

- 10 (1) Mental Health Professional
- 11 (2) Peer Specialist
- 12 (3) Healthcare Professional

13 Members of the OSUD Grants Committee shall be chosen to provide  
14 knowledge of needed services, shall demonstrate an interest in  
15 the impact of opioid-related programs in the community, and a  
16 willingness to participate fully in the process.

17 (b) *Liaison*. The City Council President shall annually appoint a  
18 City Council Member to serve as a liaison to the Opioid and  
19 Substance Use Disorder Grants Committee. This is a non-voting  
20 position and shall not be considered a member of the OSUD Grants  
21 Committee for Sunshine purposes.

22 (c) *Terms*. Members shall be appointed for staggered three-year  
23 terms commencing July 1 or upon confirmation by Council,  
24 whichever is earlier, but shall serve until their successor is  
25 appointed and confirmed by the City Council. Of the initial  
26 appointments, three members shall serve for two-year first full  
27 terms and three members shall serve for three-year first full  
28 terms. The Council President's initial appointments shall  
29 include two members to serve an initial three-year first full  
30 term and one member to serve an initial two-year first full  
31 term. The Mayor's initial appointments shall include two

1 members to serve an initial two-year first full term and one  
2 member to serve an initial three-year first full term. No member  
3 shall serve more than two consecutive full terms; but  
4 appointments to fill vacancies for partial terms (less than 50  
5 percent of a full term) and initial appointments under the  
6 preceding sentence for less than three years, shall not be deemed  
7 to be full terms and may be reappointed for up to two additional  
8 consecutive full terms.

9 (d) *Removal.* OSUD Grants Committee members appointed by the Mayor  
10 shall serve and be removed at the pleasure of the Mayor. Members  
11 appointed by the City Council shall serve and be removed at the  
12 pleasure of the Council President.

13 **Sec. 84.203. - Functions, powers and duties.**

14 In addition to such powers, duties and authority as may be set  
15 forth elsewhere in the Ordinance Code, the OSUD Grants Committee is  
16 hereby authorized to:

- 17 (a) Review and assess the annual needs of the City for programs and  
18 services related to the opioid epidemic not otherwise funded by  
19 City funds, based on presentations, studies, and reports  
20 submitted to the OSUD Grants Committee;
- 21 (b) Recommend assigned percentage of funding for each Opioid  
22 Settlement Proceeds funded category;
- 23 (c) Recommend the process by which recipients of Opioid Settlement  
24 Proceeds Grants are selected each year, which process shall be  
25 by request for proposal pursuant to Chapter 126, *Ordinance Code*,  
26 or through the grant application procedures outlined in this  
27 Chapter;
- 28 (d) Review, evaluate and score each Opioid Settlement Proceeds Grant  
29 application;
- 30 (e) Participate in on-site evaluations of recipient programs;
- 31 (f) Attend orientation meetings, training courses, and any other

1 meetings related to this Chapter, ethics, public records and  
2 open meetings laws for OSUD Grants Committee members; and

- 3 (g) Award and allocate the annual Opioid Settlement Proceeds  
4 appropriation for Opioid Settlement Proceeds Grants contained  
5 in the annual budget ordinance to requesting agencies based on  
6 the review, evaluation and scoring of each requesting agency  
7 pursuant to this Chapter.

8 **Sec. 84.204. - Organization and proceedings.**

- 9 (a) *Officers.* The OSUD Grants Committee shall select a chairperson  
10 and any other positions from among its members to serve for a  
11 one-year term commencing in July and may create and fill such  
12 other offices as it may deem necessary or desirable.

- 13 (b) *Rules of procedure.* The OSUD Grants Committee shall establish  
14 rules of procedure necessary to its governing and the conduct  
15 of its affairs, consistent with the applicable provisions of the  
16 Ordinance Code.

- 17 (c) *Voting; quorum.* All decisions and recommendations of the OSUD  
18 Grants Committee shall require a concurring vote of a majority  
19 of the members present. Four members shall constitute a quorum.  
20 Tie votes shall result in the subject agenda item being continued  
21 to the next meeting of the OSUD Grants Committee.

- 22 (d) *Administrative support.* The OSUD Grants Committee shall receive  
23 staff support from the Jacksonville Fire and Rescue Department.

- 24 (e) *Meetings.* The OSUD Grants Committee shall meet at least monthly  
25 with the exception that the Committee may meet once between  
26 November and December each year so long as it timely meets all  
27 deadlines and obligations outlined in this Part. All meetings  
28 shall be open to the public, but these are not public hearings.  
29 The public does not have a right to speak but may be invited to  
30 speak by the Chair or any member of the OSUD Grants Committee.

- 31 (f) *Notice.* Notice of regular meetings shall be posted at least

1 seven days in advance on the City of Jacksonville web events  
2 calendar. Notice of special meetings shall be posted at least  
3 two days in advance on the City of Jacksonville web events  
4 calendar. No other advertisement or notification is required.

5 (g) *Compensation.* Members shall serve without compensation, pension  
6 or retirement benefits; however, members may be compensated for  
7 travel expenses as provided in Chapter 106, Part 7, *Ordinance*  
8 *Code.*

9 (h) *Compliance.* The OSUD Grants Committee shall be subject to the  
10 provisions of Chapter 112, Part III, *Florida Statutes*, and  
11 Chapters 50, 58 and 602, *Ordinance Code*, except as may be set  
12 forth in this Chapter.

### 13 **PART 3. - OPIOID SETTLEMENT PROCEEDS GRANTS**

#### 14 **Sec. 84.301. - Opioid Settlement Proceeds Allocation for Opioid** 15 **Settlement Proceeds Grants.**

16 The City of Jacksonville shall make an initial appropriation to  
17 the OSUD Grants Committee in an amount equal to 40 percent of total  
18 Opioid Settlement Proceeds deposited in the Opioid Settlement Special  
19 Revenue Fund created by Section 111.265, *Ordinance Code*, as of July  
20 1, 2023. Thereafter, on or before April 1 of each year, the Finance  
21 and Administration Department shall calculate the total Opioid  
22 Settlement Proceeds deposited in the Opioid Settlement Special  
23 Revenue Fund during the immediately preceding calendar year. The  
24 annual funding amount for Opioid Settlement Proceeds Grants shall,  
25 at a minimum, be equal to 40 percent of the total Opioid Settlement  
26 Proceeds deposited in the Opioid Settlement Special Revenue Fund  
27 during the immediately preceding calendar year. This appropriation  
28 shall be included in the Mayor's proposed annual budget for the  
29 upcoming fiscal year. The Opioid and Substance Use Disorder Grants  
30 Committee shall not award or allocate funding to requesting agencies  
31 under this Chapter until after the City Council has approved the

1 annual budget ordinance. Any Opioid Settlement Proceeds appropriated  
2 to the OSUD Grants Committee for Opioid Settlement Proceeds Grants  
3 that are not awarded or that remain unencumbered at the end of a  
4 fiscal year shall not be returned to the Opioid Settlement Special  
5 Revenue Fund but shall carry forward to the next fiscal year for  
6 subsequent award by the OSUD Grants Committee. The City appropriation  
7 for the next fiscal year shall not be reduced by the amount of any  
8 unencumbered or unawarded residual funds from prior fiscal years.

9 **Sec. 84.302. - Manager of Opioid Abatement; Responsibilities.**

10 (a) *Staff Support; Mandatory Application Workshop.* The Manager of  
11 Opioid Abatement shall provide staff support to the Opioid and  
12 Substance Use Disorder Grants Committee. In addition, the  
13 Manager of Opioid Abatement, or his or her designee, shall  
14 conduct a mandatory application workshop ("Mandatory Application  
15 Workshop") for requesting agencies within 30 days following the  
16 effective date of the Opioid Settlement Proceeds funded  
17 categories adopted by the City Council. In order for requesting  
18 agencies to be eligible to apply for an Opioid Settlement  
19 Proceeds Grant, a requesting agency must attend and complete the  
20 Mandatory Application Workshop. The Mandatory Application  
21 Workshop shall be noticed to the public in the same manner in  
22 which OSUD Grants Committee meetings are noticed. The Mandatory  
23 Application Workshop for grants awarded in Fiscal Year 2023-  
24 2024 shall be conducted twice in August of 2023. Thereafter, the  
25 Mandatory Application Workshop shall be conducted twice in May  
26 and a requesting agency may attend either workshop to meet the  
27 requirement under this Section.

28 (b) *Courtesy Review of Application Checklist.* Annually from the  
29 effective date of the legislation establishing the funding  
30 amount for each Opioid Settlement Proceeds funded category  
31 established by the City Council for the upcoming fiscal year and

1 until five business days prior to the grant application  
2 deadline, the Manager of Opioid Abatement, or his or her  
3 designee, shall provide courtesy reviews of a requesting  
4 agency's application to confirm whether the application has  
5 complied with the eligibility and application requirements in  
6 Sections 84.304 and 84.305. The Manager of Opioid Abatement  
7 shall conduct courtesy reviews in person with the requesting  
8 agency upon request and appointments shall be scheduled on a  
9 first come, first served basis.

10 (c) *Annual Report to the City Council.* The Manager of Opioid  
11 Abatement shall provide the OSUD Grants Committee with  
12 assistance in providing an annual report required in Chapter 58,  
13 *Ordinance Code.*

14 (d) *Quarterly Report to the City Council.* The Manager of Opioid  
15 Abatement, in coordination with the Chair of the OSUD Grants  
16 Committee, shall provide a quarterly report to the City Council  
17 committee of reference charged to review public health and  
18 safety matters regarding the programs supported by Opioid  
19 Settlement Proceeds Grants and the manner in which such grant  
20 funds are being utilized.

21 **Sec. 84.303. - Opioid Settlement Proceeds Funded Categories.**

22 (a) *Annual Recommendations.* On or before March 1 of each year, the  
23 OSUD Grants Committee shall assess the needs of the community  
24 and recommend to the City Council the percentage of Opioid  
25 Settlement Proceeds Grants funds appropriated by the City  
26 Council to be allocated to each of the following Opioid  
27 Settlement Proceeds funded categories:

- 28 (1) Prevention
- 29 (2) Treatment
- 30 (3) Recovery Support

31 The OSUD Grants Committee shall also recommend whether the



1 OSUD Grants Committee shall award funding to requesting agencies  
2 under this Part via a Request for Proposal pursuant to Chapter  
3 126, *Ordinance Code*, or through the grant application process  
4 outlined in this Part. For the initial year of this Opioid  
5 Settlement Proceeds Grants program (Fiscal Year 2023-2024), the  
6 allocation of funding to each Opioid Settlement Proceeds funding  
7 category shall be: Prevention - 34 percent, Treatment - 33  
8 percent, and Recovery Support - 33 percent. The services  
9 provided to each category should be evaluated through the  
10 application.

11 (b) *Annual Establishment.* The City Council shall review the  
12 recommendations of the OSUD Grants Committee and establish the  
13 percentage of funding allocation for each Opioid Settlement  
14 Proceeds funded category on or before May 1 of each year with  
15 the exception that the funding allocations for Fiscal Year 2023-  
16 2024 shall be as established in Section 84.303(a). The grant  
17 recipients awarded under this Part shall provide services to the  
18 established Opioid Settlement Proceeds funded categories.

19 **Sec. 84.304. - Eligibility to Apply for Opioid Settlement Proceeds**  
20 **Grants.**

21 (a) *Certain Programs Ineligible.* A requesting agency's opioid  
22 program shall be ineligible to receive an Opioid Settlement  
23 Proceeds Grant if the requesting agency's same opioid program  
24 receives funding through another City grant program, including  
25 but not limited to, the programs listed below:

- 26 (1) Public Service Grant program pursuant to Chapter 118, Part  
27 8;
- 28 (2) Kids Hope Alliance program pursuant to Chapter 77;
- 29 (3) Downtown Investment Authority and Office of Economic  
30 Development programs pursuant to Chapter 55 and Chapter  
31 26, respectively;

1 (4) Housing and Community Development Division programs  
2 pursuant to Chapter 34, Part 2; and

3 (5) Social Services Division programs pursuant to Chapter 28,  
4 Part 5.

5 In addition, opioid programs receiving an Opioid Settlement  
6 Proceeds Grant will be ineligible to receive funding for the  
7 same opioid program through any other City program, including  
8 but not limited to those listed above.

9 (b) *Eligible Programs.* In order to be eligible to apply for or  
10 receive an Opioid Settlement Proceeds Grant a requesting agency  
11 must meet the following qualifications:

12 (1) All requesting agencies must operate programs that tangibly  
13 affect and improve an Opioid Settlement Proceeds funded  
14 category.

15 (2) The requesting agency must perform services or operate the  
16 program(s) in Duval County, Florida. Grant funds awarded  
17 pursuant to this Part shall be used solely to serve  
18 residents of Duval County and all expenditures of grant  
19 funds shall be in compliance with the obligations set forth  
20 in Chapter 118, Parts 1 - 5, this Chapter, and the MOU  
21 authorized by Ordinance 2021-659-E.

22 (c) *Eligibility Documents.* Notwithstanding the prohibition in  
23 subsection (a) above, a requesting agency shall include the  
24 following eligibility documents listed in subsections (1) - (5)  
25 below (collectively, the "Eligibility Documents") in its Opioid  
26 Settlement Proceeds Grant application submittal. If a requesting  
27 agency fails to include the Eligibility Documents in the form  
28 and manner prescribed below, the requesting agency shall be  
29 ineligible to apply for an Opioid Settlement Proceeds Grant and  
30 such requesting agency's application shall not be reviewed and  
31 evaluated by the OSUD Grants Committee. The Eligibility

1 Documents are as follows:

2 (1) A copy of a good standing certificate issued within the  
3 last 12 months by the Florida Division of Corporations  
4 evidencing that the requesting agency is in good standing  
5 and has been in existence for three years prior to the  
6 Opioid Settlement Proceeds Grant application deadline; and

7 (2) Either:

8 a. A copy of the requesting agency's current Charitable  
9 Solicitation Permit issued by the State of Florida  
10 evidencing that the requesting agency is current on  
11 state charitable permitting fees; or

12 b. A state letter of exemption indicating that the agency  
13 is exempt pursuant to Section 496.406(3), *Florida*  
14 *Statutes*; and

15 (3) The following financial information as applicable:

16 a. Copies of the requesting agency's fiscal balance sheets  
17 and statements of income and expenses for the last two  
18 fiscal years of the requesting agency; and

19 b. Copies of the requesting agency's completed and filed  
20 federal tax returns for the last three tax years; or

21 c. Agencies exempt from filing federal tax returns shall  
22 file:

23 i. IRS certification of exemption and copy of the  
24 agency's completed Form 1023; and

25 ii. Copies of audit reports for the last three  
26 years. Audit reports shall be conducted in  
27 accordance with both GAAS and Government  
28 Auditing Standards (GAS) issued by the  
29 Comptroller General of the United States, and if  
30 applicable the provisions of the Office of  
31 Management and Budget Circular A-133 "Audits of

1 States, Local Governments and Non-Profit  
2 Organizations" made by a certified public  
3 accountant; or

4 d. If the Agency does not have the financial information  
5 requested in subsections (3)a – c above, then the agency  
6 must submit its financial information in form and  
7 substance reasonably acceptable to the Department of  
8 Finance and Administration. The form shall be identified  
9 by the department prior to the commencement of the  
10 application cycle and be uniform for all agencies  
11 completing the form.

12 (4) A copy of the completed Mandatory Application Workshop  
13 certificate issued by the Manager of Opioid Abatement  
14 evidencing the requesting agency's compliance with the  
15 Mandatory Application Workshop pursuant to Section 84.302  
16 herein; and

17 (5) An original affidavit, in the form provided by the Office  
18 of General Counsel, executed by the requesting agency's  
19 executive director, chief executive or operating officer,  
20 president, vice president or board chairman certifying  
21 that:

22 a. The requesting agency's program will be operated in  
23 Duval County, Florida and serve the people of the City;

24 b. The requesting agency's program will serve an Opioid  
25 Settlement Proceeds Grant funded category for the grant  
26 application cycle in which the requesting agency is  
27 applying for;

28 c. The requesting agency's program is not eligible to  
29 receive funding from any of the City programs listed in  
30 Section 84.304(a);

31 d. The requesting agency's appropriation request for

1 multiple or single programs does not exceed in the  
2 aggregate 24 percent of the requesting agency's annual  
3 revenue (as shown on filed tax returns) averaged over  
4 the previous three tax years;

5 e. The requesting agency is in compliance with the terms  
6 of all existing City agreements in which the requesting  
7 agency is a party; and

8 f. The requesting agency is in compliance with all  
9 applicable federal, state, local laws, rules,  
10 regulations and ordinances, as the same may exist and  
11 may be amended from time to time.

12 (c) *Eligibility Notification.* The Manager of Opioid Abatement shall  
13 notify requesting agencies in writing within three business days  
14 of the Manager's decision to deem a requesting agency eligible  
15 or ineligible to apply for an Opioid Settlement Proceeds Grant.  
16 In the instances where a requesting agency is deemed ineligible,  
17 such notice shall specify the reasons for the requesting  
18 agency's ineligibility and information regarding the appeals  
19 procedure set forth in Section 84.309. The OSUD Grants Committee  
20 shall be informed by the Manager of Opioid Abatement of the  
21 requesting agencies deemed to be ineligible pursuant to this  
22 Section at the earliest OSUD Grants Committee meeting following  
23 the Manager's determination.

24 (d) *Waiver of Eligibility Requirements.* The eligibility requirements  
25 set forth in this Section may not be waived except by two-thirds  
26 vote of the City Council.

27 **Sec. 84.305. - Application Requirements.**

28 (a) *Application Deadline.* A requesting agency may submit an Opioid  
29 Settlement Proceeds Grant application after the date that the  
30 City Council approves the percentage of funds allocated to each  
31 Opioid Settlement Proceeds Grant funded category pursuant to

1 this Chapter, but no later than July 1 of each fiscal year, with  
2 the exception that applications for the initial Opioid  
3 Settlement Proceeds Grants cycle (Fiscal Year 2023-2024) shall  
4 be due no later than September 30, 2023. Applications may be  
5 submitted in person or electronically as prescribed by the  
6 Manager of Opioid Abatement.

7 (b) *Application Contents.* Each application for an Opioid Settlement  
8 Proceeds Grant submitted by a requesting agency pursuant to this  
9 Part shall contain the following information:

10 (1) The Eligibility Documents pursuant to Section 84.304  
11 herein.

12 (2) A Cover Page containing the following information:

13 a. Name of the requesting agency;

14 b. Name of the program;

15 c. The Opioid Settlement Proceeds Grant funded category  
16 that the program will serve;

17 d. Amount of the appropriation request;

18 e. The fiscal year that the requesting agency is submitting  
19 an appropriation request for;

20 f. The following certification executed (electronically or  
21 manually) by the executive director, chief executive or  
22 operating officer, president, vice president or board  
23 chairman in the form below:

24 "I, name/title , hereby certify that the information  
25 and representations contained in this fiscal year  
26 \_\_\_\_\_ Opioid Settlement Proceeds Grant application is  
27 true and correct."

28 By: \_\_\_\_\_

29 Print Name/Title: \_\_\_\_\_

30 Date: \_\_\_\_\_

31 (3) A section entitled "Agency Background and Experience"

1 containing a description of the agency's board (number of  
2 members, length of service of each member, and professional  
3 experience of each member), executive staff (e.g.,  
4 executive director, chief executive or operating officer,  
5 chief financial officer), and the agency's experience and  
6 accomplishments addressing and/or treating opioid  
7 addictions, overdoses, and related mental, physical and  
8 familial matters arising from the opioid use, abuse and  
9 treatment. This section may without limitation describe  
10 the agency's mission, future plans, major programs,  
11 licensure, certification or accreditation (maximum three  
12 pages).

13 (4) A section entitled "Program Overview" containing a  
14 description of the program and how the program will address  
15 the prevention, treatment or recovery support related to  
16 opioid use and/or abuse for the applicable Opioid  
17 Settlement Proceeds Grant funded category applied under.  
18 This Section may include without limitation partnerships  
19 with other programs or agencies as applicable (maximum  
20 three pages).

21 (5) A section entitled "Program Activities" containing a list  
22 of all activities that the program will offer or provide  
23 and a brief description of each activity (maximum one  
24 page).

25 (6) A section entitled "Program Management and General  
26 Overhead" containing a description of the management and  
27 staff positions that will be needed to successfully operate  
28 the program and the general overhead of the agency. This  
29 section may include without limitation potential  
30 fundraising capacity, plan, strategy and funding partners  
31 for the program as well as how the program will be sustained

1 in future years (maximum three pages).

2 (7) A Section entitled "Operating Budget and Budget Narrative"  
3 which lists all line-item expenses and revenues to operate  
4 the program during the fiscal year and contains a brief  
5 description of each line item expense. The expenses and  
6 revenues must balance (maximum two pages, not including  
7 the approved form).

8 (8) A section entitled "Program Impact and Effectiveness"  
9 containing a description of: (i) the program's goals and  
10 objectives and how attainment of the goals and objectives  
11 will be measured; (ii) the program's achievements during  
12 the year immediately preceding the application or, for new  
13 programs, a description of national studies, qualitative  
14 measures, best practices and successes of similar programs,  
15 citing the sources and national standards relied upon for  
16 this information; (iii) the projected program impact on  
17 the Opioid Settlement Proceeds Grant funded category and  
18 the anticipated number of people to be served by the  
19 program; and (iv) a listing of each noncompliance incident  
20 within the past three years that has resulted in the  
21 requesting agency being placed on the Council Auditor's  
22 Chapter 118 noncompliance list. Such list shall set forth  
23 with respect to each noncompliance incident: (a) the  
24 noncompliance dates (e.g., the start date and end date),  
25 and (b) an explanation for the noncompliance (maximum four  
26 pages, not including the information required in subsection  
27 (iv) above).

28 (c) *Application Format.* The application shall have one-inch margins  
29 and contain no more than 16 single-sided double-spaced 8½" by  
30 11" pages. The font style shall be Times New Roman or Arial with  
31 a minimum font size of 11 points and a maximum font size of 12.



1 The Cover Page and Eligibility Documents will not be counted as  
2 part of the 16-page limit. The Eligibility Documents may be  
3 included as appendices. The OSUD Grants Committee may create a  
4 form application consistent with the requirements of this Part,  
5 provided that the OSUD Grants Committee may not add to or remove  
6 any of the application contents prescribed in subsection (b)  
7 above without City Council approval. Opioid Settlement Proceeds  
8 Grant applications submitted electronically shall approximate  
9 the format required in this subsection (c) to the greatest extent  
10 possible.

11 (d) *Interviews.* The OSUD Grants Committee may, in its sole  
12 discretion, conduct interviews of requesting agencies in a  
13 funding category regarding their respective Opioid Settlement  
14 Proceeds Grant applications. If the OSUD Grants Committee elects  
15 to interview one requesting agency in an Opioid Settlement  
16 Proceeds Grant funded category, the OSUD Grants Committee shall  
17 also interview the other requesting agencies in said category.  
18 Any interviews conducted by the OSUD Grants Committee pursuant  
19 to this Section shall be after the grant application deadline  
20 but prior to October 1, with the exception that the OSUD Grants  
21 Committee may conduct such interviews through October 31, 2023  
22 for the first cycle of grant applications for Fiscal Year 2023-  
23 2024. The OSUD Grants Committee shall notify the requesting  
24 agency of the place and time of the interviews. Such interviews  
25 shall be conducted in the sunshine and for the sole purpose of  
26 the requesting agency verbally explaining, clarifying or  
27 justifying to the OSUD Grants Committee any information  
28 contained in the requesting agency's application. A requesting  
29 agency shall not add any new written information or materials  
30 to its application, or present any new written information or  
31 materials to the OSUD Grants Committee regarding its

1 application, during such interviews.

2 (e) *Certain Communications Prohibited During the Application Scoring*  
3 *Period.* During the Application Scoring Period, a requesting  
4 agency shall be prohibited from communicating with OSUD Grants  
5 Committee members, the Manager of Opioid Abatement, and other  
6 City employees involved in the Opioid Settlement Proceeds Grants  
7 process regarding an application submitted by such agency  
8 pursuant to this Section. For purposes of this Section, the  
9 "Application Scoring Period" shall mean the period each fiscal  
10 year commencing on the day immediately following the OSUD Grants  
11 Committee application deadline in Section 84.305 and ending on  
12 the day that the Manager of Opioid Abatement has received the  
13 scoring for all eligible applications pursuant to Section  
14 84.306. This prohibition also includes communications by a  
15 requesting agency with the City's Office of General Counsel  
16 unless the Manager of Opioid Abatement has authorized such  
17 communications in advance. This prohibition shall not apply to  
18 the following communications:

19 (1) Communications to the Manager of Opioid Abatement regarding  
20 matters of process or procedure contained in Chapter 84,  
21 *Ordinance Code*, including, but not limited to, the grant  
22 appeals procedure in Section 84.309;

23 (2) Communications during any publicly noticed meeting under  
24 Chapter 286, *Florida Statutes*, including, but not limited  
25 to, OSUD Grants Committee meetings and subcommittee  
26 meetings; and

27 (3) Communications that are necessary and solely related to  
28 the ordinary course of business concerning a requesting  
29 agency's existing Opioid Settlement Proceeds Grant  
30 contract(s), if any.

31 (f) *Disqualification; Notification.* If a requesting agency's

1 application fails to include the items and section headings  
2 specified in this Section 84.305, or fails to meet the format  
3 requirements of 84.305(c) above, such application shall not be  
4 considered and reviewed by the OSUD Grants Committee. As long  
5 as an application contains the required section headings  
6 outlined above, together with some information describing the  
7 same, and is properly formatted, such application shall be  
8 deemed to have complied with the requirements of this Section.  
9 Failure by a requesting agency to provide adequate information  
10 under each required section may result in a lower application  
11 score and ranking.

12 The Manager of Opioid Abatement shall notify requesting  
13 agencies in writing within three business days of the Manager's  
14 decision to qualify or disqualify such requesting agency's  
15 application from consideration and review by the OSUD Grants  
16 Committee. Such notice shall specify the reasons for the  
17 disqualification and the requesting agency's right to appeal the  
18 decision pursuant to the procedures set forth in Section 84.309.  
19 The Manager shall inform the OSUD Grants Committee of the  
20 requesting agencies deemed by the Manager to be disqualified  
21 pursuant to this Section at the earliest OSUD Grants Committee  
22 meeting following the staff's determination.

23 **Sec. 84.306. - Review, Evaluation and Scoring of Applications by OSUD**  
24 **Grants Committee.**

25 (a) *Scoring Committees; Deadline.* The OSUD Grants Committee may  
26 create a scoring subcommittee for each Opioid Settlement Proceeds  
27 Grant funded category and all grant applications belonging to  
28 such category shall be reviewed, scored and evaluated by said  
29 scoring subcommittee, provided however that no application shall  
30 be scored by fewer than three members of the OSUD Grants  
31 Committee. Members may be assigned by the Chair to more than one

1 scoring subcommittee established for a given category; however,  
2 the same group of members (three or more) assigned to a scoring  
3 subcommittee must score each application assigned to the  
4 committee for review. If a Member is unable to review, score and  
5 evaluate all of the applications assigned to a scoring  
6 subcommittee, the Chair shall assign a new Member to replace such  
7 Member. The score sheets for any application completed by any  
8 such replaced Member shall not be used and the new assigned  
9 Member shall independently review, evaluate and score the  
10 applications assigned to such scoring subcommittee. In the event  
11 that the OSUD Grants Committee membership is less than five  
12 members, all members of the OSUD Grants Committee shall be  
13 required to score each grant application. Members shall review,  
14 score and evaluate applications and forward completed score  
15 sheets for each application to the Manager of Opioid Abatement  
16 on or before October 1 of each year with the exception that the  
17 score sheets for the first round of grant applications for Fiscal  
18 Year 2023-2024 shall be completed and submitted to the Manager  
19 of Opioid Abatement on or before November 1, 2023.

20 (b) *Scoring and Rankings.* A score sheet containing the evaluation  
21 criteria, together with the maximum points assigned to each  
22 criterion pursuant to Section 84.306(c) below, shall be used to  
23 evaluate applications. Each Member shall record the scores given  
24 to each criterion on the score sheet. The score sheet shall be  
25 retained by the Manager of Opioid Abatement and made available  
26 for review as public record at such time that the scoring for  
27 all eligible applications is completed. City staff shall not  
28 score applications nor provide scoring suggestions to members  
29 of the OSUD Grants Committee. The Manager of Opioid Abatement  
30 shall rank each application belonging to an Opioid Settlement  
31 Proceeds Grant funded category from highest to lowest (e.g.,

1 first, second, third, etc.) based on the average of the scores  
2 contained on the score sheets for each application. Upon  
3 determining the average score for each application, the Manager  
4 of Opioid Abatement shall discard any individual application  
5 score that is 20 points more or less than such average score and  
6 recalculate the average score for said application based on the  
7 remaining scores. The OSUD Grants Committee shall establish a  
8 uniform procedure for breaking tied scores.

9 (c) *Evaluation Criteria.* The OSUD Grants Committee shall evaluate  
10 and score Sections 84.305(b) (3) - (8) of each Opioid Settlement  
11 Proceeds Grant application based upon the following evaluation  
12 criteria and maximum assigned points to each criterion:

- 13 (1) Quality of the program (maximum 20 points);
- 14 (2) Strength of staff and board (maximum five points);
- 15 (3) Requesting agency's ability to administratively manage the  
16 program and budget (maximum ten points);
- 17 (4) Need for the program within the applicable Opioid  
18 Settlement Proceeds Grant funded category (maximum 15  
19 points);
- 20 (5) Impact of the program (maximum 15 points) on the applicable  
21 Opioid Settlement Proceeds Grant funded category;
- 22 (6) Accuracy and appropriateness of the program budget (maximum  
23 15 points);
- 24 (7) Ability of the requesting agency to perform the program  
25 (maximum 15 points); and
- 26 (8) Ability of the proposed measures to evaluate the  
27 effectiveness of the program (maximum five points).

28 (d) *Tentative Adoption of Rankings by OSUD Grants Committee.* The  
29 OSUD Grants Committee shall announce the rankings for each  
30 application belonging to an Opioid Settlement Proceeds Grant  
31 funded category at a meeting in the first full week of October

1 of each year and adopt a tentative ranking and funding allocation  
2 list. For the Fiscal Year 2023-2024 grant cycle, the OSUD Grants  
3 Committee shall announce the rankings for each application  
4 belonging to an Opioid Settlement Proceeds grant funded category  
5 at a meeting in the first full week of November. Copies of each  
6 requesting agency's completed score sheets, together with any  
7 other supporting information or justification from the  
8 application scorer regarding the application score, shall be  
9 made available to requesting agencies at such meeting. A  
10 requesting agency will also be notified in writing by the Manager  
11 of Opioid Abatement of its application score and ranking. A  
12 requesting agency may appeal a score sheet or ranking decision  
13 made pursuant to this Part through the appeals procedure set  
14 forth in Section 84.309.

15 **Sec. 84.307. - Funding Allocations by OSUD Grants Committee; Grant**  
16 **Award Limitations.**

17 (a) *Limitations on Grant Awards.* Individual grants within each  
18 Opioid Settlement Proceeds funded category shall be based on the  
19 high score model for funding purposes. The high score model  
20 shall award 100 percent of requested funding for the highest-  
21 ranked score up to the maximum amount of \$250,000. The next  
22 highest-ranked score shall be awarded 100 percent of the  
23 requested funding up to \$250,000 and so on until the funds are  
24 exhausted.

25 (b) *Final Funding Allocations.* After the City Council adopts the  
26 annual budget ordinance and on November 1 of each year, the OSUD  
27 Grants Committee shall allocate funding to requesting agencies  
28 based on the application scoring and rankings pursuant to this  
29 Part in an amount not to exceed the appropriation for Opioid  
30 Settlement Proceeds Grants contained in the annual budget  
31 ordinance with the exception that the OSUD Grants Committee

1 shall allocate funding for Fiscal Year 2023-2024 grant cycle on  
2 or before December 1, 2023. The OSUD Grants Committee's final  
3 funding allocations shall be adopted by the OSUD Grants  
4 Committee at a public meeting following the tentative adoption  
5 required in Section 84.306(d) and the appeals procedures  
6 outlined in Section 84.309. Upon final adoption of the funding  
7 allocations by the OSUD Grants Committee, the Opioid Settlement  
8 Proceeds Grant recipients shall execute an agreement between the  
9 recipient and the City in accordance with Section 118.201,  
10 *Ordinance Code*. The OSUD Grants Committee shall forward a  
11 complete list of Opioid Settlement Proceeds Grant recipients and  
12 funding allocations to the Council Auditor's Office, the Office  
13 of the Mayor, the City Council and the Director of the Finance  
14 and Administration Department.

15 **Sec. 84.308. - Amendments to Opioid Settlement Proceeds Grant Budgets**  
16 **by Recipients; Approval by Manager of Opioid Abatement.**

17 The Manager of Opioid Abatement may approve budget changes to  
18 the recipient Opioid Settlement Proceeds Grant agreement so long as  
19 such budget changes are within ten percent of approved budget line  
20 items contained in the recipient's Opioid Settlement Proceeds Grant  
21 application.

22 **Sec. 84.309. - Opioid Settlement Proceeds Grant Appeals Board; Appeals**  
23 **Procedure.**

24 (a) *Appeals Board Responsibility; Composition.* The Opioid Settlement  
25 Proceeds Grants Appeals Board (the "OSPG Appeals Board") shall  
26 hear and make final determinations on all appeals made by  
27 requesting agencies pursuant to this Section. The OSPG Appeals  
28 Board shall consist of three members: (i) the Chair of OSUD  
29 Grants Committee, (ii) the Manager of Opioid Abatement, and  
30 (iii) the Chief of Procurement, or his or her designee. The  
31 Manager of Opioid Abatement shall be the Chair of the OSPG

1 Appeals Board.

2 (b) *Notice of Meetings; Standard of Review.* All meetings of the  
3 OSPG Appeals Board shall be quasi-judicial, noticed and open to  
4 the public. The standard of review for the OSPG Appeals Board  
5 shall be de novo as to the specific matters contained in the  
6 requesting agency's Notice of Appeal.

7 (c) *Appealable Matters.* A requesting agency may only appeal a  
8 tentative funding allocation or eligibility decision regarding  
9 the requesting agency's application to the OSPG Appeals Board  
10 for one or more of the application or scoring defects stated  
11 below:

12 (1) Mathematical errors contained on the application score  
13 sheet or tentative funding allocation spreadsheet;

14 (2) An error by the application scorer in deducting points from  
15 a requesting agency's application score for not including  
16 a required application item or attachment that was included  
17 in the requesting agency's application submittal and such  
18 error was determinative in the requesting agency's  
19 inability to receive a funding allocation;

20 (3) A minor irregularity in the application contents or  
21 requirements which (i) is not prohibited under Section  
22 84.305; (ii) adversely impacts a requesting agency's  
23 eligibility or application score and ranking; and (iii)  
24 will not result in an unfair competitive advantage to the  
25 requesting agency if such irregularity is waived;

26 (4) An error made by the Manager of Opioid Abatement in the  
27 eligibility determination or disqualification of a  
28 requesting agency's application from consideration  
29 pursuant to Sections 84.304 and 84.305, respectively; and

30 (5) A determination made by the Manager of Opioid Abatement  
31 that a requesting agency application is ineligible or



1           disqualified due to such agency being on the Council  
2           Auditor's Chapter 118 noncompliance list.

3 (d) *Appeals Deadline; Contents; Procedures.* A requesting agency  
4 shall have five business days from the decision date of the OSUD  
5 Grants Committee or Manager of Opioid Abatement, as applicable,  
6 to deem a requesting agency ineligible to apply for an Opioid  
7 Settlement Proceeds Grant under Section 84.304, disqualify an  
8 application under Section 84.305 or tentative funding allocation  
9 under Section 84.306 to file a Notice of Appeal. The Notice of  
10 Appeal shall be addressed to the Manager of Opioid Abatement and  
11 must:

- 12           (1) Identify one or more of the stated reasons in Section  
13           84.309(c) above for the appeal and include any supporting  
14           documentation or information evidencing the same;  
15           (2) State the timeliness of the appeal; and  
16           (3) State the amount of the requesting agency's application  
17           grant request and the OSUD Grants Committee's tentative  
18           funding allocation.

19           The OSPG Appeals Board shall meet as soon as practicable  
20           to hear appeals and render final decisions to grant or deny the  
21           same. The OSPG Appeals Board shall afford requesting agencies,  
22           and as applicable the OSUD Grants Committee Member(s) pertinent  
23           to the appeal, an opportunity to comment at the Notice of Appeal  
24           meeting, and the board shall notify the OSUD Grants Committee  
25           of the results and final determinations regarding each appeal.

26 (e) *Remedy.* Any appeals filed under Sections 84.309(c)(4) and (5)  
27 above and granted in favor of the requesting agency by the OSPG  
28 Appeals Board shall be immediately allowed into the grant review  
29 and evaluation process and the Chair shall assign such  
30 application to the OSUD Grants Committee or scoring subcommittee  
31 for review, as applicable. In instances where the OSUD Grants

1 Committee must make adjustments to tentative funding allocations  
2 based on the appeal outcome, the Chair shall call a special  
3 meeting of the OSUD Grants Committee to make adjustments to the  
4 tentative funding allocations and adopt final funding  
5 allocations pursuant to this Part.

6 (f) *Additional Procedures.* The OSPG Appeals Board may promulgate  
7 additional appeals procedures consistent with the procedures  
8 contained in this Section.

9 (g) *OSPG Appeals Board Decisions to be Final.* All decisions of the  
10 OSPG Appeals Board shall be final and non-appealable.

11 **Sec. 84.310. - Dates and Times.**

12 In the event that any of the dates referenced in this Chapter  
13 falls on a Saturday, Sunday or City-observed holiday, such date shall  
14 be extended automatically until the next business day. Requesting  
15 agencies shall have until the close of business based on the City's  
16 normal operating hours to submit any applications, information or  
17 documentation, including appeals, under this Chapter.

18 **Section 3. Severability.** The provisions of this Ordinance,  
19 including sections and subsections within the Ordinance, are intended  
20 to be severable and if any provision is declared invalid or  
21 unenforceable by a court of competent jurisdiction, such provision  
22 shall be severed and the remainder shall continue in full force and  
23 effect, with the Ordinance being deemed amended to the least degree  
24 legally permissible.

25 **Section 4. Codification Instructions.** The Codifier and the  
26 Office of General Counsel are authorized to make all chapter and  
27 division "table of contents" consistent with the changes set forth  
28 herein. Such editorial changes and any other necessary to make the  
29 *Ordinance Code* consistent with the intent of this legislation are  
30 approved and directed herein, and the changes to the *Ordinance Code*  
31 shall be made forthwith and when inconsistencies are discovered.

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.

4  
5 Form Approved:

6  
7                     /s/ Mary E. Staffopoulos          

8 Office of General Counsel

9 Legislation Prepared By: Mary E. Staffopoulos

10 GC-#1573920-v1-2023-350-E.docx