

## Chapter 84 OPIOID ABUSE MITIGATION

### ***PART 1. GENERAL PROVISIONS***

#### **Sec. 84.101. Intent.**

Florida has seen a dramatic increase in the number of deaths due to opioid-related overdose deaths, including those related to synthetic opioids. In 2017, the State of Florida declared a state of emergency in response to the state's epidemic of opioid addiction. The City of Jacksonville has also seen a spike in the number of opioid deaths in recent years and has taken proactive steps to provide funding and treatment for opioid addiction in Ordinance 2017-426-E, and further continued by Ordinances 2018-253-E, 2018-504-E and 2018-683-E. The Council finds that ongoing measures are necessary to address this public health and safety emergency. The Council is committed to innovative programs and treatment which can provide a holistic and multi-pronged approach to addiction - including counseling, assistance and access to treatment. The Council desires to establish a committee of professionals who can make recommendations on treatment and funding levels and also to establish a separate committee which can review, evaluate and score organizations providing the necessary services to recommend award of funding received in the Opioid Abuse Program Trust Fund in Section 111.250, Ordinance Code.

(Ord. 2019-56-E , § 2)

#### **Sec. 84.102. Sunset Provision.**

This Chapter shall sunset on October 1, 2021, unless, prior to the Sunset date, the City Council shall pass legislation to extend the Chapter.

(Ord. 2019-56-E , § 2)

### ***PART 2. OPIOID ABUSE PREVENTION COMMITTEE***

#### **Sec. 84.201. Establishment.**

There is hereby established a committee to be known as the Opioid Abuse Prevention Committee (hereinafter known as the Committee).

(Ord. 2019-56-E , § 2)

#### **Sec. 84.202. Membership; appointment and removal; terms of office.**

- (a) *Composition.* The Committee shall consist of nine members to be appointed by the Mayor within the following categories:
- (1) Medical Professional, Program Treatment;
  - (2) Medical Professional, Emergency Department;
  - (3) Mental Health Professional;

- 
- (4) Addiction Treatment Provider;
  - (5) Certified Recovery Peer Specialist or Certified Recovery Support Specialist;
  - (6) Member from a Veteran Services Organization;
  - (7) Member from the Health Department;
  - (8) Member from a Homeless Advocacy Organization; and
  - (9) Member from Jacksonville Sheriff's Office or Jacksonville Fire and Rescue Department.

The appointees shall be confirmed by City Council.

- (b) There shall also be a Council Member Liaison to the committee appointed annually by the Council President. This is a non-voting position and shall not be considered a member of the Committee for Sunshine purposes.
- (c) *Terms.* Members shall be appointed for three-year staggered terms, expiring September 30; but shall serve until their successor shall be appointed and confirmed. Of the initial appointments, three members shall serve for one-year terms, three members shall serve two-year terms, and three members shall serve for three years. No member shall serve for more than two consecutive full terms; but appointments to fill vacancies for partial terms (less than 50 percent of a full term) and initial appointments under the preceding sentence for less than 18 months shall not be deemed to be full terms.
- (d) *Removal.* Members shall serve at the pleasure of the Mayor and may be removed at any time.

(Ord. 2019-56-E , § 2)

### **Sec. 84.203. Functions, powers and duties.**

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

- (a) Review and assess the annual needs of the City as to opioid addiction and opioid recovery for funding opioid programs not otherwise funded by City grants or funds, based on presentations, studies, and reports submitted to the Committee;
- (b) Recommend programs for award of grants under Sections 84.403, 84.404, and 84.405, Ordinance Code, to the Grant Administrator and include in such recommendation a suggested amount of funding for each program recipient; recommendations may be made annually following appropriations by Council, for Sections 84.404 and 84.405, or as needed, but need not be awarded annually if the Committee determines that the funding would be more meaningfully used upon accumulation over more than one fiscal year;
- (c) Participate in on-site evaluations of recipient programs;
- (d) Attend orientation meetings, the annual training course required in Section 84.204(h), Ordinance Code, and any other meetings related to ethics, public records and open meetings laws for Committee members;
- (e) Recommend awards and the allocation of annual lump sum appropriations for Opioid Abuse Program funding based on the review, evaluation and scoring of each requesting recipient pursuant to Part 4 of this Chapter.

(Ord. 2019-56-E , § 2)

---

**Sec. 84.204. Organization and proceedings.**

- (a) *Officers.* The Committee shall select a chairperson and vice-chairperson from among its members to serve for a one-year term commencing in October of each year and may create and fill such other offices as it may deem necessary or desirable.
- (b) *Rules of procedure.* The Committee shall establish rules of procedure necessary to its governing and the conduct of its affairs, consistent with the applicable provisions of the Ordinance Code.
- (c) *Voting; quorum.* All decisions and recommendations of the Committee shall require a concurring vote of a majority of the members present. Five members shall constitute a quorum. Tie votes shall result in the subject agenda item being continued to the next meeting of the Committee.
- (d) *Administrative support.* The Committee shall receive staff support from the Office of the Grant and Contract Compliance.
- (e) *Meetings.* The Committee shall meet as often as necessary to effectuate its purpose, but at least two times a year. All meetings shall be open to the public. The Committee shall comply with law regarding receiving public comment and public participation, where applicable.
- (f) *Notice.* Notice of meetings shall be posted at least two days in advance on the City of Jacksonville web events calendar. No other advertisement or notification is required.
- (g) *Compensation.* Members shall serve without compensation, pension or retirement benefits; however members may be compensated for travel expenses as provided in Chapter 106, Part 7, Ordinance Code.
- (h) *Compliance.* The Committee shall be subject to the provisions of Chapter 112, Part III, *Florida Statutes*, and Chapters 50, 58, and 602 of the Ordinance Code, except as may be otherwise set forth in this Chapter.

(Ord. 2019-56-E , § 2)

**PART 3. OPIOID TRUST FUND GRANTS COMMITTEE**

**Sec. 84.301. Purpose.**

The Opioid Trust Fund Grants Committee is created to review, evaluate and score applications submitted pursuant to this Chapter. The Opioid Trust Fund Grants Committee's scoring recommendations shall be forwarded to the Opioid Abuse Prevention Committee for recommendation of award to recipients consistent with the scoring and evaluation done herein.

(Ord. 2019-56-E , § 2)

**Sec. 84.302. Composition of Opioid Trust Fund Grants Committee.**

The Mayor shall appoint the members of the Opioid Trust Fund Grants Committee. The Opioid Trust Fund Grants Committee shall consist of five members to be appointed by the Mayor from within the following categories:

- (1) A representative of the Medical Examiner's Office;
- (2) A representative of the Duval County Health Department;
- (3) A representative from Jacksonville Sheriff's Office or Jacksonville Fire and Rescue Department; and

---

(Supp. No. 57)

Created: 2023-03-24 11:07:09 [EST]

---

(4) & (5) Two members of the Public Service Grants Council with experience or specializing in substance abuse issues.

(Ord. 2019-56-E , § 2)

## ***PART 4. OPIOID TRUST FUND GRANT PROCESS***

### **Sec. 84.401. Award by Rolling Appropriations.**

The funds awarded under this Part shall be disbursed on a rolling basis as needed to effectuate the purpose of the Opioid Abuse Program Trust Fund and consistent with the annual budget. The Opioid Trust Fund Grants Committee shall set the time frames for submission of applications and deadlines for grant funding annually, or as needed. The Opioid Abuse Prevention Committee may determine pursuant to Section 84.203(b) above that funding resources are better utilized cumulatively by not funding opioid programs each fiscal year but in accumulating funds within the Opioid Abuse Program Trust Fund in Section 111.250 over more than a one year period. In this case, the Opioid Abuse Prevention Committee shall notify the Opioid Trust Fund Grants Committee their recommendations as to when the funding of the Opioid Abuse Program Trust Fund is at the appropriate level for distribution.

(Ord. 2019-56-E , § 2)

### **Sec. 84.402. Grants Awarded.**

The procedure for grants awarded to eligible recipients shall be contingent upon the value of the award. There shall be separate procedures set for (1) grants valued at \$20,000 or less for a single award; (2) grants valued at more than \$20,000 but less than \$150,000 for a single award; and (3) grants of \$150,000 or more for a single award.

(Ord. 2019-56-E , § 2)

### **Sec. 84.403. Eligibility for grants of \$20,000 or less for a single award.**

Applicants seeking a grant in the amount of \$20,000 or less are required to be (1) a non-profit organization registered with the Florida Department of State, Division of Corporations; and (2) have less than \$100,000 in total annual revenues as an organization. The total grants awarded annually pursuant to this Section shall not exceed \$200,000.00 unless a greater amount is appropriated by the Council.

(Ord. 2019-56-E , § 2)

### **Sec. 84.404. Eligibility for grants more than \$20,000 but less than \$150,000 for a single award.**

Applicants seeking a grant in an amount more than \$20,000 but less than \$150,000 for a single award are required to provide the following with their application:

- (1) a copy of a good standing certificate issued within the last 12 months by the Florida Division of Corporations evidencing that the applicant is in good standing and has been in existence for three years prior to the application deadline;

- 
- (2) Either a copy of the applicant's current Charitable Solicitation Permit issued by the State of Florida evidencing that the applicant is current on state charitable permitting fees or a State letter of exemption indicating that the applicant is exempt under F.S. § 496.406(3);
  - (3) Provide the following financial information: (i) copies of applicant's completed and filed federal tax returns for the last three years; or (ii) an IRS certification of exemption and copies of audit reports for the last three years. Audit reports shall be conducted in accordance with both GAAS and Government Auditing Standards (GAS) issued by the Comptroller General of the United States, and if applicable the provisions of the Office of Management and Budget Circular A-133 "Audits of States, Local Governments and Non-Profit Organizations" made by a certified public accountant; or (iii) if the applicant does not have the financial information requested in 3(i) or 3(ii), then the applicant must submit its financial information in form and substance reasonably acceptable to the Department of Finance and Administration. The form shall be identified by the Department of Finance and Administration prior to the commencement of the application cycle and be uniform for all agencies completing the form;
  - (4) An original affidavit, in the form provided by the Office of General Counsel, executed by the applicant's executive director, chief executive or operating officer, president, vice president or board chairman certifying that:
    - (i) The applicant's program will be operated in Duval County and serve the people of the City of Jacksonville;
    - (ii) The applicant's program will serve people with substance abuse issues, particularly addiction to opioid-related drugs;
    - (iii) The applicant is not receiving funding for its opioid-based program from any of the City programs listed in Section 118.805(a)(1)-(6), Ordinance Code;
    - (iv) The applicant's appropriation request for multiple or single programs does not exceed in aggregate 24 percent of the applicant's annual revenue (as shown on filed tax returns) averaged over the previous three tax years;
    - (v) The applicant is in compliance with the terms of all existing City agreements in which the applicant is a party; and
    - (vi) The applicant is in compliance with all applicable federal, state, and local laws, rules, regulations and ordinances, as the same may exist and may be amended from time to time.
    - (vii) The contract approving such grant shall require Council approval through legislation, unless such grant has been previously authorized by Council as a lump-sum or other appropriation which would allow the Committee to award funds.

(Ord. 2019-56-E, § 2)

#### **Sec. 84.405. Eligibility for grants in an amount of \$150,000 or more for a single award.**

The same eligibility requirements in Section 84.404 above shall apply for grants in the amount of \$150,000 or more for a single award except that the financial information required must consist of either: (i) copies of applicant's completed and filed federal tax returns for the last three years; or (ii) an IRS certification of exemption and copies of audit reports for the last three years. Audit reports shall be conducted in accordance with both GAAS and Government Auditing Standards (GAS) issued by the Comptroller General of the United States, and if applicable the provisions of the Office of Management and Budget Circular A-133 "Audits of States, Local Governments and Non-Profit Organizations" made by a certified public accountant. The contract approving such grant shall require Council approval through legislation.

---

Created: 2023-03-24 11:07:09 [EST]

(Supp. No. 57)

---

(Ord. 2019-56-E , § 2)

**Sec. 84.406. Application Requirements.**

A subcommittee of three members of the Opioid Abuse Prevention Committee, selected by the Chair, shall create a standard application and process for each of the three types of awards provided above, which application and process shall be approved by a majority of the members of the Opioid Abuse Prevention Committee. These standard applications and processes may be occasionally modified or adjusted to meet changes in the Opioid Trust Fund Grants Committee's focus or goals, with the approval of a majority of the members of the Opioid Abuse Prevention Committee. Applications may be submitted in person or electronically as prescribed by the Grant Administrator.

(Ord. 2019-56-E , § 2)

**Sec. 84.407. Review, evaluation and scoring of applications by the Opioid Trust Fund Grants Committee.**

Each of the members of the Opioid Trust Fund Grants Committee shall score every application made pursuant to this Part. Upon review, evaluation and scoring of each application, the completed score sheets shall be transmitted to the Chair of the Opioid Abuse Prevention Committee.

- (a) *Scoring and Rankings.* A score sheet containing the evaluation criteria together with the maximum points assigned to each criterion pursuant to subsection (b) below shall be used to evaluate applications. Each member of the Opioid Trust Fund Grants Committee shall record scores given to each criterion on the score sheet. The score sheet shall be retained by the Opioid Trust Fund Grants Committee and made available for review as a public record at such time that the scoring for all eligible applications is completed. No staff shall score applications or provide scoring suggestions to the Opioid Trust Fund Grants Committee. The Grants Administrator shall rank each application from highest to lowest (e.g., first, second, third, etc.) based on the average of the scores contained on the score sheets for each application. Upon determining the average score for each application, the Grants Administrator shall discard any individual score that is 20 points more or less than such average score and recalculate the average score for said application based on the remaining scores.
- (b) *Evaluation Criteria.* The Opioid Trust Fund Grants Committee shall evaluate and score the applications based upon the following evaluation criteria and maximum assigned points to each criterion:
  - (1) Quality of the program (maximum 20 points);
  - (2) Strength of staff and board (maximum five points);
  - (3) Applicant's ability to administratively manage the program and budget (maximum ten points);
  - (4) Need for the program within the Jacksonville community (maximum 15 points);
  - (5) Impact of the program (maximum 15 points) on the Jacksonville community;
  - (6) Accuracy and appropriateness of the program budget (maximum 15 points);
  - (7) Ability of the applicant to perform the program (maximum 15 points); and
  - (8) Ability of the proposed measures to evaluate the effectiveness of the program (maximum five points).
- (c) *Results of Scoring.* The Opioid Trust Fund Grants Committee shall establish a uniform procedure for breaking tied scores. Rankings shall be announced by the Chair and submitted to the Opioid Abuse

---

Created: 2023-03-24 11:07:09 [EST]

(Supp. No. 57)

---

Prevention Committee at its next noticed meeting. Copies of each applicant's completed score sheets, together with any other support information or justification from the application scorer regarding the application score, shall be made available to the applicants at such meeting. An applicant will also be notified in writing by the Opioid Trust Fund Grants Committee of its score and ranking. An applicant may appeal a score sheet or ranking decision made pursuant to this Part thorough the appeals procedure set forth in Section 84.501.

(Ord. 2019-56-E , § 2)

**Sec. 84.408. Final recommendations of opioid trust fund grants committee forwarded to opioid abuse prevention committee.**

All final recommendations and evaluations recommending funding made by the Opioid Trust Fund Grants Committee shall be forwarded to the Chair of the Opioid Abuse Prevention Committee for distribution and recommendation of award funding consistent with the scoring of the applicants' applications.

(Ord. 2019-56-E , § 2)

**Sec. 84.409. Eligibility to apply for other grants.**

Participation in the grant programs created herein shall not limit the applicant from applying for any other city-sponsored grant programs for non-opioid programs including but not limited to: (i) Public Service Grant pursuant to Chapter 118, Part 6 or Part 8, (ii) Arts in Public Places Program pursuant to Chapter 126, Part 9, (iii) Kids Hope Alliance program pursuant to Chapter 77, (iv) Downtown Investment Authority and Office of Economic Development Programs pursuant to Chapter 55 and Chapter 26, (v) Housing and Community Development Division programs pursuant to Chapter 30, Part, 7, or (vi) Social Services Division programs pursuant to Chapter 28, Part 5. However, the applicant is not eligible to receive funding for its opioid-based program from any of the City programs listed above.

(Ord. 2019-56-E , § 2)

**Sec. 84.410. Applicability of Chapter 118 Provisions.**

Unless otherwise provided in this Part 4, the provisions of Chapter 118, Parts 1 through 5 shall apply to grants awarded as provided herein. The annual reporting requirement pursuant to Section 118.201(f)(3) is modified herein for recipients receiving funding pursuant to this Chapter so that the annual report required shall be due as provided for in the written agreement corresponding with the annual term of the agreement. In addition, the appropriation of funds may be expended over a term greater than the City's Fiscal year contrary to Section 118.301(a)(5) provided that the legislation appropriating the grant funding, if applicable, and the written agreement concerning same provides for a term other than the City's Fiscal year.

(Ord. 2019-56-E , § 2)

**PART 5. APPEALS**

**Sec. 84.501. Opioid Trust Fund Grants Appeals Board; Appeals Procedure.**

- (a) *Appeals Board Responsibility; Composition.* The Opioid Trust Fund Grants Committee Appeals Board (the "Grant Appeals Board") shall hear and make final determinations on all appeals made by applicants pursuant

---

(Supp. No. 57)

Created: 2023-03-24 11:07:09 [EST]

---

to this section, except for those provided under (f) below. The Grants Appeals Board shall consist of three members: (i) the Chair of Opioid Trust Fund Grants Committee, (ii) the Chair of the Opioid Abuse Prevention Committee, and (iii) the Grant Administrator, as that term is used in Chapter 118, Ordinance Code, or his or her designee. The Grant Administrator, or his or her designee, shall be the Chair of the Grant Appeals Board.

- (b) *Notice of Meetings; Standard of Review.* All meetings of the Grant Appeals Board shall be quasi-judicial, noticed and open to the public. The standard of review for the Grants Appeals Board shall be de novo as to the specific matters contained in the applicant's Notice of Appeal.
- (c) *Appealable Matters.* An applicant may only appeal a scoring, ranking or eligibility decision regarding the applicant's application to the Grants Board for one or more of the application or scoring defects stated below:
  - (1) Mathematical errors contained on the application score sheet or ranking spreadsheet;
  - (2) An error by the application scorer in deducting points from an applicant's application score for not including a required application item or attachment that was included in the applicant's application submittal and such error was determinative in the applicant's scoring;
  - (3) A minor irregularity in the application contents or requirements which (i) adversely impacts an applicant's eligibility or application score and ranking; and (ii) will not result in an unfair competitive advantage to the applicant if such irregularity is waived; and
  - (4) An error made by the staff in the eligibility determination or disqualification of an applicant's application from consideration pursuant to Sections 84.407, 84.408, and 84.409 respectively; and
  - (5) A determination made by the staff that an applicant's application is ineligible or disqualified due to such entity or agency being on the Council Auditor's Chapter 118, Ordinance Code noncompliance list.
- (d) *Appeals Deadline; Contents; Procedures.* An applicant shall have five business days from the decision date of the Opioid Grant Review Committee or staff, as applicable, to deem an applicant ineligible to apply for a grant under this Part, disqualify an application under this Part or the notification of an award this Part to file a Notice of Appeal. The Notice of Appeal shall be addressed to the Opioid Grant Review Committee staff and must:
  - (i) Identify one or more of the stated reasons in subsection (c) above for the appeal and include any supporting documentation or information evidencing the same;
  - (ii) State the timeliness of the appeal; and
  - (iii) State the amount of the applicant's application grant request and the proposed award amount.

The Grant Appeals Board shall meet as soon as practicable to hear appeals and render final decisions to grant or deny the same. The Grant Appeals Board shall afford all applicants, and as applicable the Opioid Grant Review Committee Member(s) pertinent to the appeal, an opportunity to comment at the Notice of Appeal meeting, and the Grant Appeals Board shall notify the Opioid Grant Review Committee of the results and final determinations regarding each appeal.

- (e) *Remedy.* Any appeals filed under subsections (4) and (5) above and granted in favor of the applicant by the Grant Appeals Board shall be immediately allowed into the grant review and evaluation process and the Chair shall assign such application to the Opioid Grant Review Committee for review, as applicable. In instances where the Opioid Grant Review Committee must make adjustments to tentative awards based on the appeal outcome, the Chair shall call a special meeting of the Opioid Grant Review Committee to make adjustments to the tentative awards and adopt final awards pursuant to this Part.
- (f) *Procedures for Appeal of Awards less than \$20,000.* Where an appeal is filed regarding a grant or award of less than \$20,000, the applicant shall follow the deadlines and process set forth herein but rather than the Grant Appeals Board meeting and rendering a decision, the Grant Administrator shall review the evidence



---

and appeal materials from the appellant and make a recommendation to the Grant Appeals Board. The Grant Appeals Board may follow the recommendation of the Grant Administrator and render a final decision thereon or it can meet pursuant to subsection (d) and then render a decision based thereon.

- (g) *Additional Procedures.* The Grant Appeals Board may promulgate additional appeals procedures consistent with the procedures contained in this section.
- (h) *Grant Appeals Board Decisions to be Final.* All decisions of the Grant Appeals Board, including that set forth in (f) above, shall be final and non-appealable.

(Ord. 2019-56-E , § 2)