

**PROPOSED  
CITY OF DELRAY BEACH POLICY FOR  
THE USE OF OPIOID LITIGATION SETTLEMENT FUNDS**

**August 19, 2024**

A. Purpose.

The City of Delray Beach, in addition to other municipalities and counties located throughout the State of Florida, has experienced the devastating effects of the opioid epidemic which arose as a result of the manufacture, distribution, and over-prescribing of opioid analgesics and resulted in opioid overdoses, addictions, and in many cases, death. In response to this epidemic, and to hold manufacturers and distributors of prescription opioids accountable for their respective contributions to the opioid crisis, legal action was filed by the State of Florida and a number of Florida cities and counties seeking damages from the resulting opioid epidemic. As a result of the Opioid Litigation, several named defendants agreed to payment of proceeds to settle various claims, much of which will be distributed over multiple years as part of a global settlement. The City of Delray Beach is expected to receive distributions from the Opioid Litigation settlements. This policy will govern the basics of the receipt of such funds.

B. Receipt of Funds.

1. The City will create a separate account within the City's Budget entitled "Opioid Litigation Fund". All revenue received as a result of the Opioid Litigation will be deposited in this Fund.
2. Deposits into the Opioid Litigation Fund will only be utilized for approved uses outlined in the Florida Opioid Allocation and Statewide Response Agreement.

C. Reporting.

1. Prior to July 1<sup>st</sup> of each year the City shall report to the Florida Department of Children and Families ("DCF") how it intends to expend Opioid Litigation Funds in the upcoming fiscal year.
2. No later than August 31<sup>st</sup> of each year, the City shall report its expenditures for the previous fiscal year in a manner acceptable to the DCF.

D. Use of Opioid Litigation Funds.

The City may utilize funds from the Opioid Litigation Fund for those uses allowable by the Florida Opioid Allocation and Statewide Response Agreement and pursuant to the City's annual report of its intended use of funds to the State. Funds may be utilized by the City or disbursed to outside organizations with a positive history of undertaking the types of projects, programs, or training for which the City intends the funds to be used. These uses may include:

- a. Administrative Costs as incurred by the City (not to exceed 5% of funds received)
- b. Treatment:
  - i. Treatment of Opioid Use Disorder.
  - ii. Support individuals in Treatment and Recovery.
  - iii. Connect individuals who need help to obtain the help they need.
  - iv. Address the needs of criminal justice involved persons.

- v. Address the needs of pregnant or parenting women and their families including babies with neonatal abstinence syndrome, defined as a group of conditions caused when a baby withdraws from certain drugs exposed to in the womb.
- c. Prevention.
  - i. Prevent overprescribing and ensure appropriate prescribing and dispensing of opioids.
  - ii. Prevent misuse of opioids.
  - iii. Prevent overdose deaths and other harms.
- d. Other Strategies.
  - i. First Responders:
    - 1. Educate law enforcement and other first responders in dealing with fentanyl and other drugs.
    - 2. Provide wellness and support services for first responders and others who experienced secondary trauma associated with opioid related emergency events.
  - ii. Leadership, Planning and Coordination:
    - 1. Support efforts to provide leadership, planning coordination, facilitation, training and technical assistance to abate the opioid epidemic through activities, programs, or other strategies.
  - iii. Training:
    - 1. Support training to abate the opioid epidemic through activities, programs, or other strategies.
  - iv. Research:
    - 1. Support opioid abatement research.

#### E. Establishment of Advisory Committee.

1. The City Commission shall establish an Advisory Committee to recommend to the Commission how to expend Opioid Litigation funds (determination of who and how many on this Committee to be established later).
2. The Advisory Committee shall meet to review the needs of the community and recommend the uses the City may wish to pursue over time and annually.
3. The Advisory Committee may also review applications for funding from outside agencies through any process deemed appropriate by the City Commission.

#### F. Annual Planning

In anticipation of the City's July 1<sup>st</sup> date to report its intended use of Opioid Litigation Funds for the upcoming fiscal year, the Advisory Committee shall establish the intended uses and percentage of the annual revenue to be deposited into the Opioid Litigation Fund.

1. Before June 1<sup>st</sup> of each year, the Advisory Committee shall submit a recommendation to the City Commission as to the use of Opioid Litigation Funds for the upcoming fiscal year. This recommendation may be based on the

Committee's review of past strategies, strategies of other communities or programs, outcomes from the disbursement of funds to the community, and the potential success of new, allowable strategies.

2. No later than its second meeting in June of each year, the City Commission shall adopt an Annual Intent of Use for Opioid Litigation Funds to be submitted to the Florida Department of Children and Families before the July 1<sup>st</sup> deadline for such submittal.

G. City Commission as Final Determiner.

1. The City Commission shall be the final determiner of how the City will utilize the Opioid Litigation Funds (provided the uses are within the allowable confines according to any settlement or the Florida Opioid Allocation and Statewide Response Agreement).
2. The City Commission shall establish any guidelines, reporting requirements, methods of selection or disbursements for any City Department or outside agency or organization to which it chooses to disburse Opioid Litigation Funds.