



Agenda Item Summary

File ID: 21-0765

DEPT-3

Meeting Date: 6/22/2021

PLACEMENT: Departmental

TITLE:

DISCUSSION ON PARTICIPATION IN PROPOSED MEMORANDUM OF UNDERSTANDING REGARDING OPIOID LITIGATION

EXECUTIVE SUMMARY:

The State of Florida and many counties and cities within the State of Florida have filed lawsuits against entities engaged in the manufacture, marketing, promotion, distribution or dispensing of opioids. Florida's Office of the Attorney General ("Attorney General") has been negotiating a global settlement of the opioid litigation for the State of Florida and its counties and cities. The State is proposing a unified plan, which is memorialized in a Memorandum of Understanding ("MOU"), to settle the opioid litigation in Florida and is asking for participation from all counties in an effort to achieve the highest settlement possible.

DEPARTMENT: County Attorney

PREPARED BY: **Name:** Elysse A. Elder
Title: Senior Assistant County Attorney

REQUESTED BY:

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

Opioids carry a serious risk of addiction and overdose. Currently, there is an epidemic in the State of Florida, including Martin County, for opioid drug overdoses. Martin County has the sixth highest rate of fatal drug overdoses in Florida. The State of Florida, as well as numerous counties and cities within the State of Florida, have filed lawsuits against various entities engaged in the manufacture, marketing, promotion, distribution or dispensing of opioids. The Attorney General has been negotiating a global settlement of the opioid litigation for the State of Florida and its counties and cities. The Attorney General is proposing a unified plan to settle the opioid litigation in Florida and is asking for participation from all counties, including those not involved in opioid litigation, in an effort to achieve the highest settlement possible. The majority of the funds from the settlement will be used specifically for opioid abuse abatement. Martin County is not a participant in the opioid litigation and has no immediate plan to participate in the opioid litigation.

The MOU provided by the Attorney General is a draft of the anticipated unified plan and may change

before it is finalized. The Attorney General is requesting that Boards authorize their chairs to sign the final MOU and any related documents which are substantially the same as the example provided prior to finalization of the MOU.

Under the current proposal, the settlement funds will be allocated into three different funds: (1) the City/County Fund; (2) the Regional Fund; and (3) the State Fund. The City/County fund consists of 15% of the total settlement amount. The allocation of the City/County funds is based on a model referred to as the Negotiation Class Metrics. The allocation for counties and cities in Florida is based on historical federal data showing how the specific county and the cities within it have made opioids-related expenditures in the past. The Regional Fund is a sliding scale between 30% and 40% of the total settlement. The State Fund will be approximately 45%-55% of the total settlement and will be spent on approved purposes. Qualifying counties will receive the funds directly, while non-qualifying counties' share will go to a Managing Entity and will be spent on approved purposes within the region that the county is a part. At this time, the definition of qualifying county is not finalized, but based on the current definition in the MOU, Martin County would not be a qualifying county because its population is less than 300,000.

The Attorney General provided a sample resolution for each County's approval authorizing future participation in the unified plan. Specifically, the attached Resolution finds that participation in the settlement would be in the best interests of Martin County; expressly supports the unified plan to resolve the opioid litigation; authorizes the Chair to execute a Memorandum of Understanding that is substantially consistent with the draft provided after review and recommendation by the County Attorney; and authorizes the Chair to execute any necessary formal agreements implementing the unified plan after review and recommendation from the County Attorney.

ISSUES:

None

LEGAL SUFFICIENCY REVIEW:

This item has been reviewed for legal sufficiency to determine if it is consistent with applicable law, has identified and addressed legal risks and has developed strategies for legal defensibility.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board approve the proposed Resolution.

ALTERNATIVE RECOMMENDATIONS

None

FISCAL IMPACT:

RECOMMENDATION

None

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment ☐ Chair Letter ☐ Contract / Agreement
☐ Grant / Application ☐ Notice ☐ Ordinance ☒ Resolution
☐ Other:

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