



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
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MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney
DATE: June 7, 2021
SUBJECT: Opioid Litigation

BACKGROUND.

On April 13, 2021, the Office of the Attorney General wrote a letter to Indian River County concerning the ongoing opioid litigation and the several different negotiations with defendants in that litigation. The Office of the Attorney General has provided similar letters to local governments across the State of Florida. The Office of the Attorney General is seeking approval of a Memorandum of Understanding that will serve as the allocation agreement between the State of Florida and the local governments. This would govern the distribution of settlement proceeds obtained from Purdue Pharma, L.P., Mallinckrodt PLC, Cardinal Health, Inc., McKesson Corp., AmerisourceBergen Corp. and Johnson & Johnson and any potential settlements with other parties. Please note that Indian River County has not hired outside counsel or filed a lawsuit in any of the opioid litigation cases.

As part of the proposed Memorandum of Understanding, money would go into a City/County Fund, a Regional Fund and a State Fund. Depending on the amount of the settlements, Indian River County could receive an estimated \$65,000 to \$121,000 from the City/County Fund. The other local governments in Indian River County would receive money as well. The amount of the allocation was determined using a model based upon the amount of opioids shipped to the county, the number of opioid deaths in a county, and the number of people who suffer opioid use disorder in the county.

It is estimated that the Regional Fund would receive \$184,000 to \$342,000. Since Indian River County has less than 300,000 people, the money would go to the Managing Entity in our region, Southeast Florida Behavioral Health Network. Southeast Florida Behavioral Health Network would then use that money to support programs in our community. Currently, Southeast Florida Behavioral Health Network is involved in Indian River County through the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant.

After attending conference calls with the Office of the Attorney General, the County Attorney's Office recommends that the Indian River County Board of County Commissioners vote to approve the proposed Memorandum of Understanding and the related resolution. Since Indian River County has not filed litigation or hired attorneys, this is an effective way for Indian River County to provide additional money for services in our community.

If and when the County receives a distribution per the Memorandum of Understanding, County staff will present a spending plan determined on needs and the amount of funds being allocated to the County.

FUNDING.

There is no funding at this time.

RECOMMENDATION.

The County Attorney's Office recommends that the Indian River County Board of County Commissioners vote to approve the proposed Memorandum of Understanding and the related resolution and authorize the chair to execute a Memorandum of Understanding substantially similar to that presented to the Board, and any and all other documents necessary to effectuate the Memorandum of Understanding.

ATTACHMENT(S).

Letter to Chairman Joseph Flescher, dated April 13
Memorandum of Understanding Proposal
Resolution