



Office of

Attorney's Matters 02/20/2024

INDIAN RIVER COUNTY ATTORNEY

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MEMORANDUM

TO: Indian River County Board of County Commissioners

THROUGH: John A. Titkanich, Jr., County Administrator

FROM: William K. DeBaal, County Attorney

DATE: February 12, 2024

SUBJECT: Opioid Settlement Proceeds to 19th Judicial Circuit Drug Court Program

BACKGROUND. On June 15, 2021, the Indian River County Board of County Commissioners ("Board") approved a proposed Memorandum of Understanding ("MOU") with the State of Florida Attorney General's Office that serves as the allocation agreement between the State of Florida and the local governments on the settlement of various opioid cases.

As part of the MOU, money would go into a City/County Fund, a Regional Fund and a State Fund. In December 2022, Indian River County received \$139,604.16 from the State of Florida for its portion of the City/County Fund. The County received an additional \$158,000 later that summer. These two sums of money were from the smaller class action settlement with the retail distributors of the opioids, including Walmart, Walgreens and CVS. The large class action settlement recently allotted by the Board at its meeting of January 9, 2024, was from the manufacturers of the various opioids, namely Purdue Pharma.

On April 4, 2023, the Board voted to have the County Attorney's Office work with Commissioner Loar as a liaison and focus using the proceeds from the opioid settlements on the alternative court programs, mental health court and drug court, and coordinate with other sister agencies, such as the Hospital District. Subsequent meetings with Judge Cox, Judge Menz and Judge Stone were held and as a result of those meetings, the judges recommended using the proceeds on assessment, treatment, testing and wrap around services, such as housing and transportation for participants in the alternative court programs.

On May 17, 2023, the Indian River County Hospital District Board of Trustees discussed this matter and voted unanimously in agreement with the recommendation to use the proceeds on assessment, treatment, testing and wrap around services for the alternative court programs.

The County has again received funds from the Walmart/Walgreens/CVS class action

settlement in the amount of \$305,751.08. In conversation with Chief Judge Schwab and Wendy Parent, 19th Judicial Circuit Senior Court Operation Consultant, the need for opioid assessment, treatment, testing and wrap around services, remain in great demand. The Drug Court has spent approximately 90% of last year's funding with a very satisfactory success rate. The 19th Judicial Circuit has again requested that the retail settlement funds be distributed to them and staff agrees with the request. Any amount of the opioid settlement proceeds directed to the alternative courts will directly offset the local tax dollars necessary to support these services.

The County will continue to receive this funding into the near future on an annual basis until the settlement funding ends. Given the satisfactory success rate that the 19th Judicial Circuit has had with the previous year's funds and their request to receive the funds again this year staff is seeking to have the annual allotment be approved for distribution to the 19th Judicial Circuit upon receipt of the funds on a continual basis. This can be changed or brought up on review by the Board at any time the Board would wish to review the matter and the annual allotment could be changed by the Board at a future time if it would be desirable at that time for there to be an alternative recipient of the funds.

FUNDING. Funding for the Drug Court assessment, treatment, testing and wrap around services in the amount of \$305,751.08 for the current year will be available from the retail opioid class action settlement proceeds and a future budget amendment will be submitted to the Board allocating the funds.

RECOMMENDATION. The County Attorney's Office recommends that the Board approve allocation of \$305,751.08 for the current year as well as the future annual funds to the 19th Judicial Circuit Drug Court program for assessment, treatment, testing and wrap around services, such as housing and transportation until said time the Board chooses to change the funding recipient or the funds from the settlement should come to an end.

Attachment: Account detail of settlement funds

Copies sent by email to:

Hon. Charles A. Schwab, schwabc@circuit19.org

Wendy Parent, ParentW@circuit19.org