



*Office of*

Attorney's Matters 12/12/2023

# INDIAN RIVER COUNTY ATTORNEY

William K. DeBaal, County Attorney  
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## MEMORANDUM

TO: Board of County Commissioners

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

FROM: William K. DeBaal, County Attorney

DATE: November 30, 2023

SUBJECT: Approval of Opioid Settlement Proceeds

On June 15, 2021, the Indian River County Board of County Commissioners 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 should expect to receive year 2 funds in the amount of roughly \$140,000 later this month. These funds have been earmarked for treatment of Indian River County residents who have entered into the Drug Court program operated by the 19<sup>th</sup> Judicial Circuit Court. These settlements have come from some of the smaller opioid manufacturers and retailers in the class action suit.

The larger manufacturers and retailers (Purdue and Walgreens, for example) have recently settled their portions of the class action suit and submitted the first payment of funds to be distributed via the MOU with the Attorney General. The funds from the larger Defendants will be paid out over 17 years and are to be used only for opioid use disorder (OUD) treatment and mental health issues related to OUD. The County will receive approximately \$1.2 million for FY 2023-24. Because the County is small in population, under 300,000 residents, the terms of the settlement call for a third party, approved by the Florida Department of Children and Family Services, to receive the funds from the settlement and distribute those funds as directed by the government entity. For our County, the Southeast Florida Behavioral Health Network (Southeast) was selected to be the recipient of funds from the larger settlement. Southeast has their office in Okeechobee. They will distribute the funds as approved by the Board of County Commissioners and submit the required reports of how the funds were spent.

The Board created the Public Safety Council for Criminal Justice, Mental Health and Substance Abuse ("Council") to make recommendation as to the distribution of the large settlement funds. The Council met several times this year and at their November 17, 2023 meeting heard presentations from groups requesting funds. Those groups and a brief overview of their requests are as follows:

**Indian River County Sheriff's Office** The Sheriff seeks to convert a wing at the jail that is currently vacant to house people with opioid use disorder (OUD) that have been arrested on drug crimes or drug related offenses. Those jail inmates who suffer from OUD are in need of more intense medical treatment due to withdrawal and detox symptoms that cannot be provided in the regular medical section of the jail. The request was for \$350,000 for construction plans.

**Substance Awareness Center (SAC)** The SAC conducts a multi-faceted approach to those with OUD, including a treatment program at the County Jail, training and outreach programs. Included in their request was a van for mobile outreach to homeless camps and high use areas. In the future, the van could dispense Medication Assisted Treatment or MAT. The request was for \$1.1 million.

**Indian River County Mental Health Collaborative** The Collaborative offers education, training and awareness for OUD patients who have a mental health related condition. In the presentation to the Council, they offered to do a needs assessment study for the County. Their request was for \$40,000.

**19<sup>th</sup> Judicial Circuit Court Drug Court** Chief Judge Schwab attended on behalf of the drug court program. Qualifying candidates in the program can be sent for inpatient treatment, often up to 90 days with intensive follow up care, usually at out-patient facilities. There are current candidates that want to enter an inpatient program, but funds are unavailable. He asked for \$205,000 in funding for treatment for the waiting candidates.

**Indian River County/Florida Department of Health** Miranda Swanson from FDOH proposed a planning and monitoring program that would study the results of the various groups receiving opioid funds, the success/failure of the programs and to set goals and priorities for training and recruitment of needed employees. FDOH's request was for \$224,500.

**Treasure Coast Homeless Services Council** Treasure Coast offered to provide housing for opioid use disorder patients after they have completed inpatient rehab or have been released from incarceration after participating in jail treatment programs. Treasure Coast claimed they could provide up to 10 units housing two people each for a year in a very short time span. They requested \$455,040 as a base but \$758,400 if more housing were to come available.

Attached to this memorandum are two exhibits from the MOU entered into with the Attorney General. Schedule A describes the Core Strategies to abate opioid addiction. Schedule B is the extensive list of Approved Uses for the funds disbursed from the lawsuit settlement.

After hearing the presentation made by the six groups, the Council made the following recommendations for fund distribution:

<b><i>Organization</i></b>	<b><i>Award Amount</i></b>	<b><i>Purpose</i></b>
Indian River County Sheriff	\$350,000	for improvements to the treatment wing
Substance Awareness Center	\$200,000	consisting of \$150,000 for jail treatment program and \$50,000 for a needs assessment study
IRC Mental Health Collaborative	\$40,000	for education, training and public awareness
19 <sup>th</sup> Judicial Circuit Drug Court	\$305,000	for in and out patient treatment
Treasure Coast Homeless Council	\$282,000	for housing out-patient and jail release housing
Total	\$1,177,000	

It should be made clear to the Board and all applicants for the settlement funds that these funds shall be used solely for opioid related abatement and for no other purposes. Schedules A and B attached provide great detail and guidance for proper fund expenditures.

**FUNDING**: Upon the Board of County Commissioners approving a spending plan, a budget amendment will be submitted allocating the funds.

**RECOMMENDATION**: The County Attorney's Office recommends that the Indian River County Board of County Commissioners discuss the recommended allotments made by the Public Safety Council for Criminal Justice, Mental Health and Substance Abuse and adopt the authorizing Resolution and authorize the Chairman to execute the Resolution on behalf of the Board.

**ATTACHMENTS**: Resolution and Schedules A and B from the Memorandum of Understanding with the Attorney General

Copies to:

Indian River County Sheriff  
Captain Angela Rosado-Jones  
4055 41st Avenue  
Vero Beach, FL 32960

Substance Awareness Center  
Carrie Maynard-Lester  
1507 20th St, 1507 20th Street  
Vero Beach, FL 32960

IRC Mental Health Collaborative  
Wes Samons  
2345 14th Avenue, Suite 5  
Vero Beach, Florida 32960

19th Judicial Circuit Drug Court  
Chief Judge Charles A. Schwab  
218 South Second Street  
Fort Pierce, FL 34950

Treasure Coast Homeless Council  
Rayme Knuckles  
2525 St. Lucie Avenue  
Vero Beach, FL 32960

Southeast Florida Behavioral Health Network  
Amanda Busbin  
1070 East Indiantown Road, Suite 408  
Jupiter, FL 33477

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