

RESOLUTION NO. 2021-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, AUTHORIZING INDIAN RIVER COUNTY TO JOIN WITH THE STATE OF FLORIDA AND OTHER LOCAL GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FLORIDA MEMORANDUM OF UNDERSTANDING AND FORMAL AGREEMENTS IMPLEMENTING A UNIFIED PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Indian River County (herein referred to as this “Governmental Unit”) has suffered harm from the opioid epidemic; and

WHEREAS, the Governmental Unit recognizes that the entire State of Florida has suffered harm as a result from the opioid epidemic; and

WHEREAS, the State of Florida has filed an action pending in Pasco County, Florida, and a number of Florida cities and counties have also filed an action *In re: National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio) (the “Opioid Litigation”) and the Governmental Unit is not a litigating participant in that action; and

WHEREAS, the State of Florida and lawyers representing certain various local governments involved in the Opioid Litigation have proposed a unified plan for the allocation and use of a prospective settlement dollars from opioid related litigation; and

WHEREAS, the Florida Memorandum of Understanding (the “Florida Plan”) sets forth a framework of a unified plan for the proposed allocation and use of opioid settlement proceeds and it is anticipated that formal agreements implementing the Florida Plan will be entered into at a future date; and

WHEREAS, participation in the Florida Plan by a large majority of Florida cities and counties will materially increase the amount of funds to Florida and should improve Florida’s relative bargaining position during additional settlement negotiations; and

WHEREAS, failure to participate in the Florida Plan will reduce funds available to the State, Governmental Unit, and every other Florida city and county.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, THAT:

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Section 1. That this Governmental Unit finds that participation in the Florida Plan would be in the best interest of the Governmental Unit and its citizens in that such a plan ensures that almost all of the settlement funds go to abate and resolve the opioid epidemic and each and every city and county receives funds for the harm that it has suffered.

Section 2. That this Governmental Unit hereby expresses its support of a unified plan for the allocation and use of opioid settlement proceeds as generally described in the Florida Plan, attached hereto as Exhibit “A.”

Section 3. That the Board of County Commissioners of Indian River County is hereby expressly authorized to execute the Florida Plan in substantially the form contained in Exhibit “A.”

Section 4. That the Board of County Commissioners of Indian River County is hereby authorized to execute any formal agreements implementing a unified plan for the allocation and use of opioid settlement proceeds that is not substantially inconsistent with the Florida Plan and this Resolution.

Section 5. That the Clerk be and hereby is instructed to record this Resolution in the appropriate record book upon its adoption.

Section 6. The Clerk of this Governmental Unit is hereby directed to furnish a certified copy of this resolution to the Florida Association of Counties and

Attorney General Ashley Moody
c/o John M. Guard
The Capitol
PL-01
Tallahassee, FL 32399-1050

Section 7. This resolution shall become effective immediately upon adoption.

The foregoing Resolution was offered by Commissioner _____ and seconded by Commissioner _____, and, upon being put to a vote, the vote was as follows:

Chairman Joseph E. Flescher	_____
Vice-Chairman Peter D. O’Bryan	_____
Commissioner Susan Adams	_____
Commissioner Joseph H. Earman	_____
Commissioner Laura Moss	_____

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The Chairman thereupon declared the Resolution duly passed and adopted this ____ day of _____, 2021.

Attest: Jeffrey R. Smith, Clerk of
Court and Comptroller

INDIAN RIVER COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

By _____
Deputy Clerk

By _____
Joseph E. Flescher, Chairman

Approved as to form and legal
sufficiency:

By _____
Dylan Reingold
County Attorney