



*Office of*  
**INDIAN RIVER COUNTY  
ATTORNEY**

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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:** March 29, 2023  
**SUBJECT:** Opioid Settlement Proceeds

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**BACKGROUND.**

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. I had a conversation with Janna Barineau, Senior Operations Manager, with the Attorney General's Office on March 8<sup>th</sup> and was told that Indian River County should also anticipate receiving roughly \$158,000 as a one-time payment as part of the Walmart opioid settlement in the next 30 to 90 days. She also stated that Indian River County should expect to receive year 2 funds in the amount of roughly \$140,000 in August or September.

Earlier this year, the County Attorney's Office reached out to the Sheriff's Office and the Emergency Service District with respect to proposed uses of the funds that were received in December. The Sheriff's Office was interested in using funds for addressing opioid use disorders in the jail. The Emergency Services Director recommended using funds for the Substance Abuse Center and the Mental Health Association and also using funds to assist the District with the increased cost of drugs used to resuscitate opioid overdose victims, along with enhanced training opportunities for the District crews.

On February 24, 2023, the issue of the use of the funds was discussed at the Public Safety Council for Criminal Justice, Mental Health and Substance Abuse ("Council") meeting. Although there was not a quorum, the Council discussed the use of funds for expanded programs and facilities at the jail to treat inmates with substance abuse problems. It was also suggested using funds for a new device that could scan substances inside of sealed packages, avoiding the need for law enforcement to open the packages and expose themselves to dangerous drugs. And funds could be used to increase accessibility to the drug court and the hiring of a screener who could meet with clients at the time of intake to determine who is eligible for the various problem-solving courts. Finally, the Council discussed the Sheriff's Office need for Narcan (a medication used to reverse or reduce the effects of opioids) in auto-injectors, citing the difficulty of using nasal applicators on some people deputies encounter.

It is important to note that per my discussion with Ms. Barineau the City of Sebastian has not entered into an agreement with the State with respect to the non-Walmart settlement agreements. She informed me that since Sebastian has not signed the agreements and is over 10,000 in population, the money allocated to Sebastian will not come to our community. She told me that the City of Vero Beach has signed the agreements and that the City of Fellsmere, Town of Indian River Shores and Town of Orchid had not, but due to their size their allocation automatically transfers to the County. Since the conversation with Ms. Barineau, it is my understanding that the City of Sebastian has verbally committed to County staff to signing the agreements.

### **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 provide guidance as to the use of the opioid settlement funds, which could include using funds for 1) addressing opioid use disorders in the jail, 2) the Substance Abuse Center, 3) the Mental Health Association, 4) assisting the District with the increased cost of drugs used to resuscitate opioid overdose victims, along with enhanced training opportunities for the District crews, 5) obtaining a new device that could scan substances inside of sealed packages, 6) increasing accessibility to the drug court and the hiring of a screener who could meet with clients at the time of intake to determine who is eligible for the various problem-solving courts, and 7) for Narcan (a medication used to reverse or reduce the effects of opioids) in auto-injectors. The County Attorney's Office also recommends that the Board direct staff to coordinate with the various entities, and develop a more specific spending plan setting forth a range of percentage allocations for each of the approved uses.

### **ATTACHMENT(S).**

Memorandum of Understanding