



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3436, **Version:** 1

Subject:

National Opioid Settlement - County Approval and Authorization to Sign Two Nationwide Settlement Agreements Under Florida's Opioid Settlement Plan

Fiscal Impact:

Final amount from the various settlements is unable to be determined at this time. The Florida Attorney General has estimated approximately \$2.2 million in potential settlement funds for opioid abatement in Brevard County.

Dept/Office:

Housing and Human Services

Requested Action:

It is requested that the Board of County Commissioners (1) provide approval to Register, Execute, and Submit Settlement Documentation required by the State of Florida to participate in the Florida's Opioid Settlement Plan; (2) authorize the Housing and Human Services Department Director as the individual designated to electronically sign (docu-sign) the formal and binding documents on behalf of Brevard County upon approval of Outside Counsel, the County Attorney's Office, and the County Manager; and, (3) authorize the Housing and Human Services Department Director to take all other actions necessary to ensure the successful distribution of settlement funds to Brevard County upon approval of Outside Counsel, the County Attorney's Office, and the County Manager.

Summary Explanation and Background:

On May 18, 2021, the Board of County Commissioners authorized Resolution 21-071, which committed the County to participating in the State of Florida's Memorandum of Understanding regarding the use and distribution of opioid settlement funds (the Florida Plan).

The State of Florida has agreed to national level opioid settlements with McKesson, Cardinal Health and Amerisource Bergen and one manufacturer, Janssen Pharmaceuticals, Inc. and its parent company, Johnson & Johnson. The Settlement requires the subdivisions in the State of Florida to take affirmative steps to participate in the Settlements. The more subdivisions that sign the Settlements, the more funds will flow through the Florida Plan. Non-participating sub-divisions cannot receive settlement funds.

The State of Florida is recommending that its sub-divisions participate in the Settlements by registering and effectuating the Settlement Documentation. By participating, the County will be agreeing to release its claims, and by the terms of the Agreement, this will lead to dismissing with prejudice any claims the County has filed that are released under the settlement. As to the Distributor settlement, the County will also be agreeing to an arbitration provision.

Currently, to participate in the Settlements, Brevard County must complete three steps before January 2, 2022:

(a) the County must register on the settlement website to receive the information and documents required to participate; (b) the County must identify and provide the email address for the individual who will be authorized to sign formal and binding documents on behalf of the County; and, (c) the County must execute and submit all required documentation electronically.

Clerk to the Board Instructions:

Copy of the Clerk's Memorandum to CAO and Housing & Human Services