



Legislation Details (With Text)

<b>File #:</b>	RES 2021-084	<b>Name:</b>	Opioid Litigation Settlement Funds Distribution
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	4/19/2021	<b>In control:</b>	City Commission
<b>On agenda:</b>	5/13/2021	<b>Final action:</b>	5/13/2021

**Title:** A RESOLUTION AUTHORIZING THE CITY OF COCONUT CREEK TO JOIN WITH THE STATE OF FLORIDA AND OTHER GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FLORIDA MEMORANDUM OF UNDERSTANDING AND FORMAL AGREEMENTS IMPLEMENTING A UNIFIED PLAN REGARDING DISTRIBUTION OF CERTAIN SETTLEMENT FUNDS AS PART OF THE OPIOID LITIGATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY AGREEMENTS.

**Sponsors:**

**Indexes:** City Attorney, Litigation, Resolution

**Code sections:**

**Attachments:** 1. RESOLUTION 2021-084-Opioid Litigation Settlement, 2. EXHIBIT A-Proposed MOU-Settlement Distribution Plan

Date	Ver.	Action By	Action	Result
5/13/2021	1	City Commission		

AGENDA ITEM REPORT

**TITLE:**

A RESOLUTION AUTHORIZING THE CITY OF COCONUT CREEK TO JOIN WITH THE STATE OF FLORIDA AND OTHER GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FLORIDA MEMORANDUM OF UNDERSTANDING AND FORMAL AGREEMENTS IMPLEMENTING A UNIFIED PLAN REGARDING DISTRIBUTION OF CERTAIN SETTLEMENT FUNDS AS PART OF THE OPIOID LITIGATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY AGREEMENTS.

**BACKGROUND:**

The City of Coconut Creek is a litigating participant in the action that the State of Florida has filed 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”). 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 prospective settlement dollars from opioid related litigation. The amounts that pertain to Coconut Creek referenced in the proposed Memorandum of Understanding settlement, range from approximately \$10,000-\$19,000 in an annual payment to the City over a period of 18 years. The amount depends on what the final settlement total is, but for now, the assumptions are that the settlement bucket to the Cities and Counties will either be \$130,000,000; \$100,000,000; or \$70,000,000. The monies ultimately received from the City can only be used for the following Core

Strategies related to abating the harm: a. Naloxone or other FDA-approved drug to reverse opioid overdoses; b. Medication-Assisted Treatment ("MAT") Distribution and other opioid-related treatment; c. Pregnant and Postpartum Women; d. Expanding Treatment for Neonatal Abstinence Syndrome; e. Expansion of Warm Hand-Off Programs and Recovery Services; f. Treatment for Incarcerated Population; g. Prevention Programs; h. Expanding Syringe Service Programs; and i. Evidence-based data collection and research analyzing the effectiveness of the abatement strategies within the State.

**DISCUSSION:**

The City's outside counsel in this matter has advised that participation in the plan by signing off in support of the proposed settlement allocation will materially increase the amount of funds to Florida and should improve all of Florida's bargaining position during the final settlement negotiations. Further, participation in the plan will increase the funds available to the state, the City of Coconut Creek, and every other Florida city and county since at least two of the defendants (Purdue and Mallinckrodt) have filed for bankruptcy already and all of the states are vying for monies from the same pot of funds. Currently, Florida is likely to receive the second largest amount of funds of any state in the country due to the impact of the opioid epidemic on Florida.

**RECOMMENDATION:**

Staff recommends approval of this resolution.

**FISCAL IMPACT:**

<b>REVENUES:</b>	Approximately \$10,000 - \$19,000 per year for 18 years
<b>EXPENDITURES:</b>	\$ 0
<b>BUDGETED?</b>	No
<b>NOTES:</b>	