

RESOLUTION NO. 21-45

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA SUPPORTING A UNIFIED PLAN FOR THE ALLOCATION AND USE OF OPIOID SETTLEMENT PROCEEDS AND DELEGATING AUTHORITY TO THE COUNTY ADMINISTRATOR TO EXECUTE FORMAL AGREEMENTS AS MAY BE NECESSARY TO IMPLEMENT A UNIFIED PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pinellas County has suffered harm from the opioid epidemic; and

WHEREAS, the Pinellas County Board of County Commissioners recognize that the entire State of Florida has suffered harm as a result from the opioid epidemic; and

WHEREAS, Pinellas County is a litigating public entity with claims pending in the federal district court in In re: National Prescription Opiate Litigation, MDL No. 2804 (N.D. Ohio) (“multidistrict litigation”); and

WHEREAS, three municipalities within Pinellas County, Clearwater, Pinellas Park and St. Petersburg, are also litigating participants in the multidistrict litigation along with a number of other Florida counties and cities; and

WHEREAS, the State of Florida is not a litigating participant in the multidistrict litigation, but has filed an action pending in Pasco County, Florida, relating to the opioid epidemic; and

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

WHEREAS, the Florida Attorney General has set forth a general framework of a unified plan for the proposed allocation and use of opioid settlement proceeds (the “Florida Plan”) 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 is expected to materially increase the amount of funds to Florida and improve Florida’s relative bargaining position during additional settlement negotiations; and

WHEREAS, failure to participate in the Florida Plan is anticipated to reduce funds available to the State, Pinellas County, and every other Florida county and city.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, AT A DULY ASSEMBLED MEETING HELD ON THIS 13th DAY OF JULY, 2021, AS FOLLOWS:

Section 1. The Pinellas County Board of County Commissioners finds that participation in the Florida Plan would be in the best interest of Pinellas County and its residents 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 county and city receives funds for the harm that it has suffered.

Section 2. Pinellas County hereby acknowledges 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 1.

Section 3. That the County Administrator is authorized, if necessary, to execute the Florida Memorandum of Understanding in substantially the form contained in the attached Exhibit 1.

Section 4. That the County Administrator is hereby authorized to execute the any formal agreements implementing a unified plan for the allocation and use of opioid settlement proceeds that is not substantially inconsistent with the Florida Memorandum of Understanding and this Resolution, subject to approval as to form by the County Attorney's Office.

Section 5. Nothing herein delegates authority to accept or reject any settlement offer relating to the National Prescription Opiate Litigation.

Section 6. This Resolution shall become effective upon its adoption.

Commissioner Flowers offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner Justice, and upon roll call the vote was:

Ayes: Eggers, Justice, Flowers, Gerard, and Long.

Nays: None.

Absent and not voting: Peters and Seel.

APPROVED AS TO FORM
By: Christy Donovan Pemberton
Office of the County Attorney