

**PROPOSED**

RESOLUTION NO. 2017-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, EXPRESSING SUPPORT FOR RECENTLY SIGNED HOUSE BILL 477, WHICH PROVIDES MANDATORY MINIMUM SENTENCES FOR THE POSSESSION OF FENTANYL, INCLUDES FENTANYL DERIVATIVES AS SCHEDULE I CONTROLLED SUBSTANCES, AND EXPANDS THE DEFINITION OF MURDER IN THE FIRST DEGREE TO INCLUDE UNLAWFUL KILLING RESULTING FROM THE UNLAWFUL DISTRIBUTION OF FENTANYL OR SCHEDULE I CONTROLLED SUBSTANCES; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the opioid epidemic has had a devastating effect on the United States, including the State of Florida and Broward County; and

WHEREAS, according to the Broward County Office of the Medical Examiner and Trauma Services, 582 people lost their lives to drug overdoses in Broward County in 2016; and

WHEREAS, according to the National Institute on Drug Abuse, in 2015, opioids were responsible for over 33,000 deaths nationwide; and

WHEREAS, according to the Florida Medical Examiners Commission, opioids were responsible for nearly 3,900 deaths in the State of Florida in 2015, and are estimated to account for over 5,300 deaths in the State of Florida in 2016; and

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), fentanyl is a synthetic opioid 50 times more potent than heroin and 100 times more potent than morphine; and

WHEREAS, according to the CDC, synthetic opioid death rates, including from fentanyl and its derivatives, increased by 72.2% from 2014 to 2015; and

1           WHEREAS, on May 3, 2017, via Executive Order 17-147, Governor Rick Scott  
2 directed the State Surgeon General to declare a Public Health Emergency across the  
3 state in response to the opioid epidemic in Florida; and

4           WHEREAS, Governor Scott recently signed into law House Bill 477 (HB 477),  
5 taking effect October 1, 2017, which provides mandatory minimum sentences for the  
6 possession of specified quantities of fentanyl, includes fentanyl derivatives as Schedule I  
7 controlled substances, and amends the definition of murder in the first degree to include  
8 the unlawful killing of a human being which resulted from the unlawful distribution of  
9 fentanyl Schedule I controlled substances as amended; and

10           WHEREAS, HB 477 empowers local and state law enforcement officials to combat  
11 the opioid epidemic in Florida by using Florida's murder statute to prosecute drug dealers  
12 of fentanyl and its derivatives in overdose cases; and

13           WHEREAS, the Broward County Board of County Commissioners supports this  
14 initiative to arm and empower local and state authorities with the power to investigate and  
15 prosecute dealers of illicit drugs, especially potent synthetic opioids such as fentanyl and  
16 its derivatives, to the fullest extent permitted by law, NOW, THEREFORE,

17           BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
18 BROWARD COUNTY, FLORIDA:

19           Section 1.   The Board hereby expresses its support for the provisions of HB 477  
20 that provide stiffer penalties for dealers and distributors of illicit drugs contributing to the  
21 opioid crisis, specifically fentanyl and its derivatives, and permit prosecution to the fullest  
22 extent permissible by the Constitution of the United States of unlawful distribution of  
23 fentanyl and its derivatives that lead to the unlawful killing of a human being.

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1 Section 2. The Board supports this initiative to arm and empower local and state  
2 law enforcement officials with the tools needed to combat the opioid epidemic.

3 Section 3. SEVERABILITY.

4 If any portion of this Resolution is determined by any Court to be invalid, the invalid  
5 portion shall be stricken, and such striking shall not affect the validity of the remainder of  
6 this Resolution. If any Court determines that this Resolution, or any portion hereof, cannot  
7 be legally applied to any individual(s), group(s), entity(ies), property(ies), or  
8 circumstance(s), such determination shall not affect the applicability hereof to any other  
9 individual, group, entity, property, or circumstance.

10 Section 4. EFFECTIVE DATE.

11 This Resolution shall become effective upon adoption.

12  
13 ADOPTED this day of , 2017.

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15 Approved as to form and legal sufficiency:  
16 Joni Armstrong Coffey, County Attorney

17  
18 By /s/ Neil K. Sharma 09/06/17  
19 Neil K. Sharma (date)  
20 Assistant County Attorney

**PROPOSED**

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Prosecution of Opioid Dealers Reso.doc  
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