

CHAPTER 2022-161

House Bill No. 5013

An act relating to the Opioid Settlement Clearing Trust Fund; creating s. 17.42, F.S.; creating the Opioid Settlement Clearing Trust within the Department of Financial Services; providing sources of funds; providing that the funds are exempt from specified service charges; providing for subdivisions of the funds; authorizing uses of the funds; specifying the purpose of the funds; exempting the trust fund from termination provisions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 17.42, Florida Statutes, is created to read:

17.42 Opioid Settlement Clearing Trust Fund.—

(1) The Opioid Settlement Clearing Trust Fund is created within the department.

(2) Funds to be credited to the Opioid Settlement Clearing Trust Fund shall consist of payments received by the state from settlements reached with distributors as part of *In re: Malinckrodt PLC, Case No. 20-12522 (Bankr. Del.)* and any other similar settlements in opioid-related litigation or bankruptcy. Funds received from such settlements and deposited into the trust fund are exempt from the service charges imposed under s. 215.20.

(3) Funds deposited into the Opioid Settlement Clearing Trust Fund shall be subdivided as follows:

(a) Regional subfund.—The following amounts shall be deposited into the regional subfund each year:

1. From 2022 to 2027, inclusive, 47 percent.

2. From 2028 to 2030, inclusive, 41 percent.

3. From 2031 to 2033, inclusive, 40 percent.

4. From 2034 to 2036, inclusive, 39 percent.

5. From 2037 to any subsequent year, inclusive, 35 percent.

(b) State subfund.—The state subfund shall be funded with all remaining funds after funds allocated for the regional subfund are deposited.

(4) The department is authorized to draw warrants for amounts for which the Department of Legal Affairs notifies the Chief Financial Officer to draw warrants and withdraw such amounts from the regional subfund to

pay amounts due pursuant to the terms of any allocation agreement or settlement to a county within the state that:

(a) Has a population of at least 300,000 according to the United States Census Bureau population estimates as of July 1, 2019, released March 2020, or the United States Decennial Census of 2020, released August and September 2021;

(b) Has an opioid task force of which the county is a member or operates in connection with its municipalities or others on a local or regional basis. As used in this subparagraph, the term “task force” includes any department, committee, commission, or bureau established by the county to collect information related to substance abuse disorders in the county and provide that information to the county, along with recommendations on responding to the opioid epidemic, so long as the department, committee, commission, or bureau allows municipalities and others to participate in whatever process is undertaken;

(c) As of December 31, 2021, has an abatement plan that has been adopted or is being used to respond to the opioid epidemic;

(d) As of December 31, 2021, provides or contracts with others to provide substance abuse prevention, recovery, and treatment services to its citizens; and

(e) Enters or has entered into an interlocal written agreement with a majority of the municipalities located within the county’s boundaries. As used in this subparagraph, the term “majority” means more than 50 percent of the population of the municipalities located within the boundaries of a county. For purposes of calculating a majority, individuals living in unincorporated portions of a county may not be counted.

(5) The department shall disburse funds from the state subfund, by nonoperating transfer, of the Opioid Settlement Clearing Trust Fund to the opioid settlement trust funds of the various agencies, as appropriate, as provided in the General Appropriations Act.

(6) Funds disbursed or transferred under this section shall be used by the state, its agencies, its contractors, and its subdivisions and their contractors to abate the opioid epidemic.

(7) Pursuant to s. 19(f)(3), Art. III of the State Constitution, the Opioid Settlement Clearing Trust Fund is exempt from the termination provisions of s. 19(f)(2), Art. III of the State Constitution.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 2, 2022.

Filed in Office Secretary of State June 2, 2022.