

By the Committee on Appropriations

576-02893-22

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1 A bill to be entitled
2 An act relating to trust funds; creating s. 17.42,
3 F.S.; creating the Department of Financial Services
4 Opioid Settlement Clearing Trust Fund; providing for
5 sources of moneys; providing an exemption from
6 specified service charges; providing for the use of
7 such moneys; providing for disbursement of funds to
8 the opioid settlement trust funds of the various
9 agencies; prohibiting the investment of such moneys;
10 exempting the trust fund from constitutional
11 termination; providing an effective date.

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

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

17 17.42 Department of Financial Services Opioid Settlement
18 Clearing Trust Fund.—

19 (1) The Department of Financial Services Opioid Settlement
20 Clearing Trust Fund is created within the department.

21 (2) Funds to be credited to the Opioid Settlement Clearing
22 Trust Fund shall consist of payments received by the state from
23 settlements reached with distributors as part of In re
24 Mallinckrodt PLC, No. 20-12522 (JTD) (Bankr. D. Del.) and any
25 other such similar settlements in opioid-related litigation or
26 bankruptcy. Moneys received from such settlements and deposited
27 into the trust fund are exempt from the service charges imposed
28 under s. 215.20.

29 (3) Monies disbursed or transferred from the Opioid

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30 Settlement Clearing Trust Fund must be used by the state, its
31 agencies, its contractors, and its subdivisions and their
32 contractors in accordance with any applicable settlement
33 agreement.

34 (4) The department shall disburse funds by nonoperating
35 transfer from the Opioid Settlement Clearing Trust Fund to the
36 opioid settlement trust funds of the various agencies, as
37 appropriate, in amounts equal to the annual appropriations made
38 from those agencies' trust funds in the General Appropriations
39 Act.

40 (5) Moneys in the fund may not be invested pursuant to s.
41 17.61. Moneys shall be retained in the trust fund for
42 investment. Any gains, profits, or interests accrued shall be
43 deposited or retained in the trust fund.

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

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