

FOR CONSIDERATION By the Committee on Appropriations

576-02468A-22

20222520pb

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.

12  
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.