

HB 5013

2022

A bill to be entitled

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.

26 215.20.

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

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

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

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

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

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

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

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

40 (4) The department is authorized to draw warrants for
 41 amounts for which the Department of Legal Affairs notifies the
 42 Chief Financial Officer to draw warrants and withdraw such
 43 amounts from the regional subfund to pay amounts due pursuant to
 44 the terms of any allocation agreement or settlement to a county
 45 within the state that:

46 (a) Has a population of at least 300,000 according to the
 47 United States Census Bureau population estimates as of July 1,
 48 2019, released March 2020, or the United States Decennial Census
 49 of 2020, released August and September 2021;

50 (b) Has an opioid task force of which the county is a

51 member or operates in connection with its municipalities or
52 others on a local or regional basis. As used in this
53 subparagraph, the term "task force" includes any department,
54 committee, commission, or bureau established by the county to
55 collect information related to substance abuse disorders in the
56 county and provide that information to the county, along with
57 recommendations on responding to the opioid epidemic, so long as
58 the department, committee, commission, or bureau allows
59 municipalities and others to participate in whatever process is
60 undertaken;

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

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

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

74 (5) The department shall disburse funds from the state
75 subfund, by nonoperating transfer, of the Opioid Settlement

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76 Clearing Trust Fund to the opioid settlement trust funds of the
77 various agencies, as appropriate, as provided in the General
78 Appropriations Act.

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

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

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