

ENROLLED

HB 5013

2022 Legislature

1  
 2 An act relating to the Opioid Settlement Clearing  
 3 Trust Fund; creating s. 17.42, F.S.; creating the  
 4 Opioid Settlement Clearing Trust within the Department  
 5 of Financial Services; providing sources of funds;  
 6 providing that the funds are exempt from specified  
 7 service charges; providing for subdivisions of the  
 8 funds; authorizing uses of the funds; specifying the  
 9 purpose of the funds; exempting the trust fund from  
 10 termination provisions; providing an effective date.

11  
 12 Be It Enacted by the Legislature of the State of Florida:

13  
 14 Section 1. Section 17.42, Florida Statutes, is created to  
 15 read:

16 17.42 Opioid Settlement Clearing Trust Fund.—

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

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

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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

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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.