

Florida



Total Funds

\$1.6 billion¹

Allocation

38-50% to the state, 35-47% to regions, and 15% to cities and counties

Mechanism

Allocation agreement between the state and local governments ([Florida Opioid Allocation and Statewide Response Agreement](#)), legislation ([Fla. Stat. § 17.42](#), [HB 783](#), [SB 7030](#))^{2,3}

Key Takeaways

Regional sliding scale. Percentage allocations to the Regional Fund vary depending on the year. From 2022 to 2027, 47% of funds are deposited into the Regional Fund. The percentage decreases incrementally until 2037, when 35% of funds are deposited into the Fund.⁴ With the City/County Fund receiving a stable 15% share, the proportion of settlement monies going to the State Fund changes proportionally with the Regional Fund sliding scale.⁵

Statewide Council on Opioid Abatement. This body is required by the Agreement but [legislation](#) to establish it was not enacted until June 2023.⁶

Public reporting. The Statewide Council on Opioid Abatement must publish an annual report describing how monies were spent at the state and local levels, along with recommendations for future spend. This report will be posted on the websites of the [Department of Children and Families](#) and the [Department of Legal Affairs](#) in the Attorney General's Office.⁷

Background

The [Florida Opioid Allocation and Statewide Response Agreement](#) (Agreement) and [state law](#) establish the state's opioid settlement allocation.⁸ The Opioid Settlement Clearing Trust Fund is housed in the Department of Financial Services and holds funds⁹ that are divided into a Regional Fund (35-47%, depending on the year)¹⁰ and a State Fund (38-50%, depending on the year).¹¹ Fifteen percent (15%) of monies go directly to a City/County Fund.¹² Aside from monies used for administrative costs, the Expense Fund,¹³ and payments due to the federal government, all opioid funds must be spent on Approved Purposes.¹⁴ Approved Purposes include but are not limited to strategies listed in the Agreement's [Exhibit A](#) and [Exhibit B](#),¹⁵ which are copies of the national settlement agreements' [Approved Uses](#) list and include treatment, prevention, harm reduction, and support for first responders.

This resource is current as of 6/2/2023. For the most up-to-date information, please visit <https://www.opioidsettlementtracker.com/settlementspending>.



Decision- Making Process

ALLOCATION OF SETTLEMENT FUNDS

15%

City/County Fund

35-47%

Regional Fund

38-50%

State Fund

15% CITY/COUNTY FUND

Fifteen percent (15%) of settlement monies are allocated to the City/County Fund for participating local governments only.¹⁶ Shares that would have gone to non-participating local governments are instead distributed to their counties.¹⁷ Funds must be spent on approved purposes,¹⁸ with no more than 5% of funding going to administrative costs.¹⁹ The share of monies going to each county and municipality from this Fund can be found in [Exhibit C](#) of the state's Agreement. In the annual report, the Statewide Council on Opioid Abatement must make recommendations to local governments on spending priorities for the upcoming fiscal year.²⁰ Counties and municipalities may pool their monies or transfer them by establishing a written agreement and notifying the state.²¹ Beyond ensuring compliance with certain program requirements focused on reporting, performance monitoring, and oversight,²² localities will likely use their normal budgeting and decision-making processes to expend these funds.

35-47% REGIONAL FUND

The Regional Fund receives 35-47% of settlement monies²³ and is divided two ways:²⁴

- Qualified counties' regional shares are distributed to them directly for spending on approved purposes within their counties,²⁵ with no more than 5% spent on administrative fees.²⁶ A qualified county is a county with at least 300,000 citizens, a taskforce, opioid abatement plan, the ability to provide substance use disorder services, and an intra-county agreement with its municipalities.²⁷
- All the other counties' (i.e., non-qualifying counties') regional shares are paid by the Department of Children and Families (DCF) to counties' "managing entities,"²⁸ which are organizations contracted by DCF to deliver behavioral health services through a coordinated system of care.^{29,30} These funds also must be spent on approved purposes,³¹ with the state able to take no more than 5% for administrative costs on non-qualified counties' behalf.³² Managing entities must strive to spend in non-qualified counties the money that those counties would have received had they qualified.³³

REGIONAL PLANNING EXAMPLE

Escambia County, a qualified county, established an [interlocal agreement](#) with its cities in order to receive its regional funding allocation. The agreement establishes the Opioid Abatement Funding Advisory Board, which approves recommendations and presents them to the County Commission.³⁴

Florida



Decision- Making Process

(Continued)

38-50% STATE FUND

After the 15% City/County share and the sliding scale Regional share are deducted,³⁵ and less any amounts that must be repaid to the Federal government,³⁶ remaining settlement monies sit in the Opioid Settlement Clearing Trust Fund created within the [Department of Financial Services](#).³⁷ These monies are spent by the state on approved purposes,³⁸ with no more than 5% going to administrative costs.³⁹ Contracted providers and “any government entity” receiving funds must comply with certain program requirements as well, including performance monitoring and oversight.⁴⁰ The Department of Financial Services is responsible for disbursement of monies from the State Fund to state agencies via legislative appropriation,⁴¹ for use by the state, its agencies, subdivisions, and their contractors for opioid abatement purposes.⁴²

THE STATEWIDE COUNCIL ON OPIOID ABATEMENT (COUNCIL)

The Council was called for in the 2021 Agreement but not ultimately established until [legislation](#) was approved by the governor in June 2023. The Council is required by law to hold its first meeting by August 31, 2023 and otherwise must meet quarterly or upon the call of the chair or two other members.⁴³ Housed within the Department of Children and Families, the Council will include 10 members who serve 2-year terms.⁴⁴ Members will include municipality representatives appointed by the [Florida League of Cities](#), representatives appointed by the [Florida Association of Counties](#), and state appointments made by the Governor and legislative leadership.⁴⁵ The Attorney General or their designee will chair the group⁴⁶ and the Secretary of the Department of Children and Families serves as vice chair.⁴⁷ The Council's duties include the provision of advice to state and local governments on settlement spending, data monitoring, coordination with the [Statewide Drug Policy Advisory Council](#), the development of metrics to assess programs' success, the publication of its annual report on settlement spending at the state, regional and local levels, as well as recommended priorities for future investment.⁴⁸

Florida



Tracking Funds and Accountability

- By August 31 of each year, state agencies, counties, municipalities, and managing entities that have received settlement funds must report to the Council on “expenditure of settlement funds and the results obtained from those expenditures.”⁴⁹ While these entities are also required to report annually on intended use of settlement funds and planned data collection to the Council,⁵⁰ that information is not required to be published. However, the Council must post annual settlement spending reports on the websites of the [Department of Children and Families](#) and the [Department of Legal Affairs](#) in the Attorney General’s Office, which will capture spending by the state, managing entities, and localities.⁵¹
- State and local governments must follow existing reporting and [public records laws](#).⁵² Contracted providers and “any governmental entity” must comply with oversight and program monitoring requirements as well.⁵³
- The state and local governments can hold each other responsible for misspent settlement funds.⁵⁴ These rights are limited to the state and local governments; non-profit organizations and community advocates do not have the power to enforce the terms of the state’s Agreement.

Engaging in the Process

- Attend a meeting of the Statewide Council on Opioid Abatement. Meetings must occur quarterly,⁵⁵ but public access to the meetings is not assured by official documents. Demand it!
- Make sure to review the Council’s annual report on settlement spending, which you can expect to be released by December 1 of each year and posted on the websites of the Department of Children and Families and the Department of Legal Affairs.⁵⁶
- Watch for future funding opportunities from the state, regional, and city/county shares. The Agreement references the ability of all three to work with contracted third parties.⁵⁷
- Florida has fewer obvious channels to engage on settlement spending than many states. Push for that to change! Reach out to your local government representatives for more information about how settlement funds will be spent in your community.

Florida



Additional Resources

FLORIDA OFFICE OF THE ATTORNEY GENERAL

Opioid Settlements: Who's In?

Florida Opioid Settlements Portal

STATE OF FLORIDA

Plans to use \$205.7 million from opioid settlement for state and local programs (February 2023)

FLORIDA OFFICE OF THE GOVERNOR

Coordinated Opioid Recovery (CORE) Program

Opioid Settlement Fund Spending One-Pager

FLORIDA DEPARTMENT OF HEALTH

Community Health Assessment Resource Tool Set (CHARTS)

Substance Use Dashboard

FLORIDA STATEWIDE DRUG POLICY ADVISORY COUNCIL 2022 ANNUAL REPORT

UF HEALTH FROST DATA DASHBOARD

FLORIDA HARM REDUCTION COLLECTIVE



References

Last updated June 2, 2023.

1. From settlements with distributors McKesson, AmerisourceBergen, Cardinal Health and manufacturer Johnson & Johnson only. Florida is also participating in several settlements that are likely to be finalized later this year, e.g., CVS, Walgreens, Walmart, Allergan, and Teva. See AG's "[Who's in?](#)" page, KHN's "[The Right to Know: Where Does Your State Stand on Public Reporting of Opioid Settlement Cash?](#)" interactive transparency map (located mid-article; click "information"), OpioidSettlementTracker.com's [Global Settlement Tracker](#) for more information. Florida" for state-specific participation
2. Florida's Agreement is not limited by its definitions to the Distributor and Janssen Settlements (see Agreement B.1, A.9,14,18), and state law establishing the Opioid Settlement Clearing Trust Fund encompasses proceeds from "payments received by the state from settlements reached with distributors as part of *In re Mallinckrodt PLC*, Case No. 20-12522 (Bankr. D. Del. 2021) and any other similar settlements in opioid-related litigation or bankruptcy." See Fla. Stat. § 17.42(2). Note that many states' mechanisms for opioid settlement spending were designed to comply with the requirements of the [Distributor](#) and [Janssen](#) settlement agreements, which require (among other provisions) that a minimum of 85% of settlement funds be spent on opioid remediation expenditures. *Section V.B.1*. Subsequent settlements require varying thresholds of opioid remediation spend; the [CVS](#) and [Walgreens](#) agreements, for instance, require a minimum of 95.5% and 95% opioid remediation spending, respectively. *Section V.B.1*. Keep an eye out for the ways states will amend their spending mechanisms, if at all, to comply with subsequent settlement terms.
3. [HB 783](#) was approved by Governor DeSantis on June 2, 2023, with an effective date of July 1, 2023. [SB 7030](#) was approved by Governor DeSantis with an effective date of July 1, 2023.
4. Fla. Stat. § 17.42(3)(a)(1)-(5). The percentages in the Agreement, which predate the state statute creating the Opioid Settlement Clearing Trust Fund, are slightly different, beginning with 40% of funds in Years 1-6 and declining incrementally to 30% in Years 16-18. Agreement B.5.
5. Agreement B.4(a), B.4(c).
6. Agreement B.6; [HB 783](#) was approved by Governor DeSantis on June 2, 2023, with an effective date of July 1, 2023.
7. 2023 HB 783 § 2(4)(j); Agreement B.6(h).
8. Agreement B.4 and B.5. The Allocation Agreement was signed in November 2021 and created the basic framework of three shares (City/County fund, Regional fund, and State fund). However, the Agreement's sliding scale for the Regional Fund (Agreement B.5) was subsequently superseded by [HB 5013](#) in 2022 (codified at Fla. Stat. § 17.42).
9. Fla. Stat. § 17.42(1)-(2).
10. Fla. Stat. § 17.42(3)(a); Agreement B.4(b)(i)
11. Fla. Stat. § 17.42(3)(b); Agreement B.4(c).
12. Agreement B.4(a).
13. Agreement B.12. The Expense Fund is sourced exclusively from the City/County Fund (see Agreement B.12(a)) and is intended to cover local government attorneys' fees. Although it is calculated based on the entirety of payments due to the City/County Fund, it is funded with payments from the first two payments of the settlement. To offset this frontloaded deduction from the City/County Fund, counties or municipalities may borrow from the Regional Fund during the first two years and pay this back in years 3, 4, or 5. Agreement B.12(c).
14. Agreement B.1. In order to limit the federal governments' ability to claw back Medicaid-related funds, the state and local governments are also required to spend a portion of their monies on [Exhibit A's](#) core strategies. If the state is unable to reach an agreement with certain federal agencies, states and localities will not be subject to this requirement. Agreement B.2.
15. Agreement A.1.
16. Agreement B.3. Those municipalities with populations of 10,000 or more. Agreement A.6.
17. Agreement B.3.
18. Agreement B.1.
19. Agreement B.7. Note also that the Expense Fund is sourced exclusively from the City/County Fund (see Agreement B.12(a)) and is intended to cover local government attorneys' fees.
20. 2023 HB 783 § 2(4)(i); Agreement B.6(h).
21. Agreement B.4(e)
22. Agreement B.10.
23. Fla. Stat. § 17.42(3)(a). From 2022 to 2027, 47% of funds are deposited into the Regional Funds. The percentage declines incrementally until 2037, at which point 35% of funds are deposited into the



References

(Continued)

- Fund. See § 17.42(3)(a)(1)-(5). The percentages in the Agreement, which predate the state law creating the Opioid Settlement Clearing Trust Fund, are slightly different, beginning with 40% of funds in Years 1-6 and declining incrementally to 30% in Years 16-18. Agreement B.5. Note that any funds due the federal government are subtracted from the Regional and State shares prior to distribution from Opioid Settlement Clearing Trust Fund the their respective funds. Agreement B.4.
24. Agreement B.4(b).
 25. Agreement B.4(b)(ii) and [presentation by John Guard, Chief Deputy Attorney General](#) (“Large counties, defined as counties with populations greater than 300,000 receive the money directly and are to spend it in their counties (applies currently to 15 counties). These are called qualified counties”).
 26. Agreement B.7.
 27. Agreement A.16. See *also* Fla. Stat. § 17.42(4)(a)-(e).
 28. Agreement B.4(b)(iii).
 29. Agreement A.3 (“Managing Entities’ shall mean the corporations selected by and under contract with the Florida Department of Children and Families or its successor (‘DCF’) to manage the daily operational delivery of behavioral health services through a coordinated system of care. The singular “Managing Entity” shall refer to a singular of the Managing Entities”).
 30. Since the execution of Florida’s Agreement, a presentation from the Office of the Attorney General stated that the share of the Regional Fund for non-qualified counties “will be spent by [the] legislature by region using SAMHSA regions.” See [presentation by John Guard, Chief Deputy Attorney General](#) (February 2023). These SAMHSA regions can be found [here](#). Based on the presentation, it is unclear whether this means the money will be directed toward Managing Entities on a regional basis or that the legislative appropriation on a regional basis will replace the process outlined in the Agreement.
 31. Agreement B.4(b)(iii). The Agreement also states in the same provision that Managing Entities shall expend monies on “Core Strategies as directed by the Opioid Abatement Task Force or Council.” This may be referring to the core strategies listed in the Agreement’s [Exhibit A](#). “Core strategies” are otherwise not defined in the Agreement. Moreover, the Statewide Council on Opioid Abatement is not empowered to define core strategies or to direct particular spending, though it can make recommendations. See 2023 HB 783 § 2(4)(i).
 32. Agreement B.7.
 33. Agreement B.4(b)(iii).
 34. [Escambia County interlocal agreement F](#).
 35. Fla. Stat. § 17.42(3)(b).
 36. Agreement B.4.
 37. Fla. Stat. § 17.42(1). Specifically, from the Mallinckrodt’s bankruptcy and “and any other similar settlements in opioid-related litigation or bankruptcy.” Sec. 17.42(2). B. Legislation signed by the governor in June 2023 created the State Opioid Settlement Trust Fund within the Department of Children and Families. Each year the Department of Financial Services will transfer the amount specified by General Appropriations Act to the State Opioid Settlement Trust Fund. Monies in the Fund will be spent on opioid abatement and the Fund will sunset in 2027. [2023 SB 7030](#).
 38. Agreement B.4(c). If any settlement funds are not spent by the state, the state must identify how funds will be invested. Agreement B.4(d)
 39. Agreement B.7.
 40. Agreement B.10.
 41. Fla. Stat. § 17.42(5).
 42. Fla. Stat. § 17.42(6).
 43. 2023 HB 783 § 2(3)(a). Although state statute will mirror some provisions of the Agreement in terms of the Council, there are also important differences. For example, while the Agreement stipulates 4-year terms for Council members, the state law establishes 2-year terms. Whereas the Agreement provided for two appointments by the governor, state law will authorize only one such appointee. When there are discrepancies of this kind, state statute will likely control.
 44. 2023 HB 783 § 2(2)(a)-(b).
 45. 2023 HB 783 § 2(2)(a).
 46. 2023 HB 783 § 2(2)(a)(1).
 47. 2023 HB 783 § 2(2)(a)(2).
 48. 2023 HB 783 § 2(4)(a)-(j).

Florida



References

(Continued)

49. 2023 HB 783 § 4(f).
50. 2023 HB 783 § 2(4)(e).
51. 2023 HB 783 § 2(4)(i)-(j).
52. Agreement B.11, C.5.
53. Agreement B.10.
54. Agreement B.13.
55. 2023 HB 783 § 2(3)(b); Agreement B.6(g).
56. 2023 HB 783 § 2(4)(i)-(j).
57. Agreement B.10(a).