

By Senator Jones

13-734A-05

1 A bill to be entitled
 2 An act relating to the Florida Birth-Related
 3 Neurological Injury Compensation Plan; amending
 4 s. 766.309, F.S.; authorizing an administrative
 5 law judge to determine if the notice
 6 requirements have been satisfied when a claim
 7 is made under the Florida Birth-Related
 8 Neurological Injury Compensation Plan;
 9 providing legislative intent with respect to a
 10 provision clarifying the jurisdiction of an
 11 administrative law judge; amending s. 766.315,
 12 F.S.; authorizing the State Board of
 13 Administration to invest funds held on behalf
 14 of the Florida Birth-Related Neurological
 15 Injury Compensation Plan; providing an
 16 effective date.
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 18 Be It Enacted by the Legislature of the State of Florida:
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 20 Section 1. Paragraph (d) is added to subsection (1) of
 21 section 766.309, Florida Statutes, to read:
 22 766.309 Determination of claims; presumption; findings
 23 of administrative law judge binding on participants.--
 24 (1) The administrative law judge shall make the
 25 following determinations based upon all available evidence:
 26 (d) Whether, if raised by the claimant or other party,
 27 the factual determinations regarding the notice requirements
 28 in s. 766.316 are satisfied. The administrative law judge has
 29 the exclusive jurisdiction to make these factual
 30 determinations.
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1 Section 2. The amendment to section 766.309, Florida
2 Statutes, contained in this act, is intended to clarify that
3 since July 1, 1998, the administrative law judge has had the
4 exclusive jurisdiction to make factual determinations as to
5 whether the notice requirements in section 766.316, Florida
6 Statutes, are satisfied.

7 Section 3. Paragraph (e) of subsection (5) of section
8 766.315, Florida Statutes, is amended to read:

9 766.315 Florida Birth-Related Neurological Injury
10 Compensation Association; board of directors.--

11 (5)

12 (e) Funds held on behalf of the plan are funds of the
13 State of Florida. The association may only invest plan funds
14 in the investments and securities described in s. 215.47, and
15 shall be subject to the limitations on investments contained
16 in that section. All income derived from such investments will
17 be credited to the plan. The State Board of Administration may
18 invest and reinvest funds held on behalf of the plan in
19 accordance with the trust agreement approved by the
20 association and the State Board of Administration and within
21 the provisions of ss. 215.44-215.53.

22 Section 4. This act shall take effect upon becoming a
23 law.

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26 SENATE SUMMARY

27 Authorizes an administrative law judge to determine if
28 the notice requirements have been satisfied when a claim
29 is made under the Florida Birth-Related Neurological
30 Injury Compensation Plan. Authorizes the State Board of
31 Administration to invest funds held on behalf of the
Florida Birth-Related Neurological Injury Compensation
Plan.