

1                   A bill to be entitled  
 2           An act relating to the Florida Birth-Related Neurological  
 3           Injury Compensation Plan; amending s. 766.309, F.S.;  
 4           requiring the administrative law judge to determine  
 5           whether factual determinations regarding required notice  
 6           to obstetrical patients of participation in the plan are  
 7           satisfied; providing exclusive jurisdiction to make such  
 8           determinations; providing legislative intent; amending s.  
 9           766.315, F.S.; authorizing the State Board of  
 10          Administration to invest and reinvest funds held on behalf  
 11          of the plan pursuant to certain requirements; providing an  
 12          effective date.

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 14   Be It Enacted by the Legislature of the State of Florida:

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 16           Section 1. Paragraph (d) is added to subsection (1) of  
 17           section 766.309, Florida Statutes, to read:

18           766.309 Determination of claims; presumption; findings of  
 19           administrative law judge binding on participants.--

20           (1) The administrative law judge shall make the following  
 21           determinations based upon all available evidence:

22           (d) Whether, if raised by the claimant or other party, the  
 23           factual determinations regarding the notice requirements in s.  
 24           766.316 are satisfied. The administrative law judge has the  
 25           exclusive jurisdiction to make these factual determinations.

26           Section 2. It is the intent of the Legislature that the  
 27           amendment to s. 766.309, Florida Statutes, contained in this  
 28           act, clarifies that since July 1, 1998, the administrative law

29 judge has had the exclusive jurisdiction to make factual  
 30 determinations as to whether the notice requirements in s.  
 31 766.316, Florida Statutes, are satisfied.

32 Section 3. Paragraph (e) of subsection (5) of section  
 33 766.315, Florida Statutes, is amended to read:

34 766.315 Florida Birth-Related Neurological Injury  
 35 Compensation Association; board of directors.--

36 (5)

37 (e) Funds held on behalf of the plan are funds of the  
 38 State of Florida. The association may only invest plan funds in  
 39 the investments and securities described in s. 215.47, and shall  
 40 be subject to the limitations on investments contained in that  
 41 section. All income derived from such investments will be  
 42 credited to the plan. The State Board of Administration may  
 43 invest and reinvest funds held on behalf of the plan in  
 44 accordance with the trust agreement approved by the association  
 45 and the State Board of Administration and within the provisions  
 46 of ss. 215.44-215.53.

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