

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.