

By Senator Jones

13-541-06

See HB 3

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A bill to be entitled

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

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

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

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

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

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

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

1 administrative law judge has had the exclusive jurisdiction to  
2 make factual determinations as to whether the notice  
3 requirements in s. 766.316, Florida Statutes, are satisfied.

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

6 766.315 Florida Birth-Related Neurological Injury  
7 Compensation Association; board of directors.--

8 (5)

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

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