

By Senator Braynon

36-01159-14

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1                   A bill to be entitled  
2       An act relating to insurance association appointments;  
3       amending ss. 627.351 and 766.315, F.S.; substituting  
4       the Property Casualty Insurers Association of America  
5       for other insurance associations that make  
6       recommendations to the Chief Financial Officer for  
7       appointment to the board of governors of the Joint  
8       Underwriting Association and the board of directors of  
9       the Florida Birth-Related Neurological Injury  
10       Compensation Association; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14       Section 1. Paragraph (c) of subsection (4) of section  
15       627.351, Florida Statutes, is amended to read:

16       627.351 Insurance risk apportionment plans.—

17       (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

18       (c) The Joint Underwriting Association shall operate  
19       subject to the supervision and approval of a board of governors  
20       consisting of representatives of five of the insurers  
21       participating in the Joint Underwriting Association, an attorney  
22       to be named by The Florida Bar, a physician to be named by the  
23       Florida Medical Association, a dentist to be named by the  
24       Florida Dental Association, and a hospital representative to be  
25       named by the Florida Hospital Association. The Chief Financial  
26       Officer shall select the representatives of the five insurers.  
27       One insurer representative shall be selected from  
28       recommendations of the American Insurance Association. One  
29       insurer representative shall be selected from recommendations of

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30 the Property Casualty Insurers Association of America Alliance  
31 ~~of American Insurers. One insurer representative shall be~~  
32 ~~selected from recommendations of the National Association of~~  
33 ~~Independent Insurers. Three~~ Two insurer representatives shall be  
34 selected to represent insurers that are not affiliated with  
35 these associations. ~~The board of governors shall choose,~~ During  
36 the first meeting of the board after June 30 of each year, the  
37 board shall choose one of its members to serve as chair of the  
38 board and another member to serve as vice chair of the board.  
39 There ~~is shall be~~ no liability on the part of, and no cause of  
40 action ~~of any nature~~ shall arise against, any member insurer,  
41 self-insurer, or its agents or employees, the Joint Underwriting  
42 Association or its agents or employees, members of the board of  
43 governors, or the office or its representatives for any action  
44 taken by them in the performance of their powers and duties  
45 under this subsection.

46 Section 2. Paragraph (a) of subsection (2) of section  
47 766.315, Florida Statutes, is amended to read:

48 766.315 Florida Birth-Related Neurological Injury  
49 Compensation Association; board of directors.—

50 (2) (a) The Chief Financial Officer may select the  
51 representative of the participating physicians from a list of at  
52 least three names ~~to be~~ recommended by the Florida Obstetric and  
53 Gynecologic Society; the representative of hospitals from a list  
54 of at least three names ~~to be~~ recommended by the Florida  
55 Hospital Association; the representative of casualty insurers  
56 from a list of at least two ~~three~~ names, one of which is  
57 recommended by the American Insurance Association, ~~one by the~~  
58 ~~Alliance of American Insurers,~~ and one of which is recommended

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59 by the Property Casualty Insurers Association of America  
60 ~~National Association of Independent Insurers~~; and the  
61 representative of physicians, other than participating  
62 physicians, from a list of three names ~~to be~~ recommended by the  
63 Florida Medical Association and a list of three names ~~to be~~  
64 recommended by the Florida Osteopathic Medical Association.  
65 ~~However, In no case shall~~ the Chief Financial Officer is not  
66 required ~~be bound~~ to make an any appointment from among the  
67 nominees of the ~~such~~ respective associations.

68 Section 3. This act shall take effect July 1, 2014.