

By the Committee on Banking and Insurance; and Senator Braynon

597-02848-14

20141344c1

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

10  
 11 Be It Enacted by the Legislature of the State of Florida:

12  
 13       Section 1. Paragraph (c) of subsection (4) of section  
 14       627.351, Florida Statutes, is amended to read:

15       627.351 Insurance risk apportionment plans.—

16       (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

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

597-02848-14

20141344c1

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

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

47 766.315 Florida Birth-Related Neurological Injury  
48 Compensation Association; board of directors.—

49 (2) (a) The Chief Financial Officer may select the  
50 representative of the participating physicians from a list of at  
51 least three names ~~to be~~ recommended by the American Congress of  
52 Obstetricians and Gynecologists, District XII ~~Florida Obstetric~~  
53 ~~and Gynecologic Society;~~ the representative of hospitals from a  
54 list 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 three names, one of which is recommended  
57 by the American Insurance Association, one of which is  
58 recommended by the Florida Insurance Council ~~Alliance of~~

597-02848-14

20141344c1

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

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