

1 A bill to be entitled
 2 An act relating to payments for birth-related
 3 neurological injuries; amending s. 766.31, F.S.;
 4 increasing the amount that may be awarded to the
 5 parents or legal guardians of an infant found to have
 6 sustained a birth-related neurological injury;
 7 requiring that such amount be revised annually;
 8 providing for retroactive application; providing an
 9 effective date.

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

12
 13 Section 1. Paragraph (b) of subsection (1) of section
 14 766.31, Florida Statutes, is amended to read:

15 766.31 Administrative law judge awards for birth-related
 16 neurological injuries; notice of award.—

17 (1) Upon determining that an infant has sustained a birth-
 18 related neurological injury and that obstetrical services were
 19 delivered by a participating physician at the birth, the
 20 administrative law judge shall make an award providing
 21 compensation for the following items relative to such injury:

22 (b)1. Periodic payments of an award to the parents or
 23 legal guardians of the infant found to have sustained a birth-
 24 related neurological injury, which award may ~~shall~~ not exceed
 25 \$100,000. However, at the discretion of the administrative law

HB 1165

2021

26 | judge, such award may be made in a lump sum. Beginning on
27 | January 1, 2021, the award may not exceed \$250,000 and each
28 | January 1 thereafter, the award authorized under this paragraph
29 | shall increase by 3 percent.

30 | 2. Death benefit for the infant in an amount of \$10,000.

31 | Section 2. The amendments made to s. 766.31, Florida
32 | Statutes, by this act, apply to petitions pending or filed under
33 | s. 766.305, Florida Statutes, on or after January 1, 2021.

34 | Section 3. This act shall take effect July 1, 2021.