

By Senator Burgess

20-01693-21

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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.

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

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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 legal
23 guardians of the infant found to have sustained a birth-related
24 neurological injury, which award may ~~shall~~ not exceed \$100,000.
25 However, at the discretion of the administrative law judge, such
26 award may be made in a lump sum. Beginning on January 1, 2021,
27 the award may not exceed \$250,000, and each January 1 thereafter
28 the award authorized under this paragraph shall increase by 3
29 percent.

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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 claims filed under s. 766.305,
33 Florida Statutes, on or after January 1, 2021.

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