

Senate Bill No. 542

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

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

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

(5)

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

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

Approved by the Governor May 2, 2006.

Filed in Office Secretary of State May 2, 2006.