



603264

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/01/2022	.	
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The Committee on Appropriations (Rodriguez) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 1494 and 1495

insert:

Section 19. Effective upon this act becoming a law, paragraph (d) of subsection (1) of section 766.31, Florida Statutes, is amended to read:

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

(1) Upon determining that an infant has sustained a birth-



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11 related neurological injury and that obstetrical services were  
12 delivered by a participating physician at the birth, the  
13 administrative law judge shall make an award providing  
14 compensation for the following items relative to such injury:

15 (d)1.a. Periodic payments of an award to the parents or  
16 legal guardians of the infant found to have sustained a birth-  
17 related neurological injury, which award may not exceed  
18 \$100,000. However, at the discretion of the administrative law  
19 judge, such award may be made in a lump sum. Beginning on  
20 January 1, 2021, the award may not exceed \$250,000, and each  
21 January 1 thereafter, the maximum award authorized under this  
22 paragraph shall increase by 3 percent.

23 b. Parents or legal guardians who received an award  
24 pursuant to this section before January 1, 2021, ~~and whose child~~  
25 ~~currently receives benefits under the plan~~ must receive a  
26 retroactive payment in an amount sufficient to bring the total  
27 award paid to the parents or legal guardians pursuant to sub-  
28 subparagraph a. to \$250,000. This additional payment may be made  
29 in a lump sum or in periodic payments as designated by the  
30 parents or legal guardians and must be paid by July 1, 2021.

31 2.a. Death benefit for the infant in an amount of \$50,000.

32 b. Parents or legal guardians who received an award  
33 pursuant to this section, and whose child died since the  
34 inception of the program, must receive a retroactive payment in  
35 an amount sufficient to bring the total award paid to the  
36 parents or legal guardians pursuant to sub-subparagraph a. to  
37 \$50,000. This additional payment may be made in a lump sum or in  
38 periodic payments as designated by the parents or legal  
39 guardians and must be paid by July 1, 2021.



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41 Should there be a final determination of compensability, and the  
42 claimants accept an award under this section, the claimants are  
43 ~~shall not be~~ liable for any expenses, including attorney  
44 ~~attorney's~~ fees, incurred in connection with the filing of a  
45 claim under ss. 766.301-766.316 other than those expenses  
46 awarded under this section.

47 Section 20. The amendment made to s. 766.31(1)(d)1.b.,  
48 Florida Statutes, by this act applies retroactively. The Florida  
49 Birth-Related Neurological Injury Compensation Plan must provide  
50 the additional payment required under s. 766.31(1)(d)1.b.,  
51 Florida Statutes, to parents and legal guardians who are  
52 eligible for the additional payment under that sub-subparagraph  
53 as a result of the amendment made by this act. The additional  
54 payment may be made in a lump sum or in periodic payments as  
55 designated by the parents or legal guardians and must be paid by  
56 July 1, 2022. This section shall take effect upon this act  
57 becoming a law.

58  
59 ===== T I T L E A M E N D M E N T =====

60 And the title is amended as follows:

61 Between lines 66 and 67

62 insert:

63 amending s. 766.31, F.S.; revising eligibility  
64 requirements for certain retroactive payments to  
65 parents or legal guardians under the Florida Birth-  
66 Related Neurological Injury Compensation Plan;  
67 providing retroactive applicability; requiring the  
68 plan to make certain retroactive payments to eligible



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69 parents or guardians; authorizing the plan to make  
70 such payments in a lump sum or periodically as  
71 designated by eligible parents or legal guardians;  
72 requiring the plan to make the payments by a specified  
73 date;