



717574

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: 2/AD/2R	.	Floor: C
03/06/2024 05:27 PM	.	03/07/2024 08:41 PM
	.	

Senator Trumbull moved the following:

Senate Amendment (with title amendment)

Between lines 1347 and 1348
insert:

Section 26. Paragraph (c) of subsection (10) of section
766.302, Florida Statutes, is amended to read:

766.302 Definitions; ss. 766.301-766.316.—As used in ss.
766.301-766.316, the term:

(10) "Family residential or custodial care" means care
normally rendered by trained professional attendants which is
beyond the scope of child care duties, but which is provided by



717574

12 family members. Family members who provide nonprofessional
13 residential or custodial care may not be compensated under this
14 act for care that falls within the scope of child care duties
15 and other services normally and gratuitously provided by family
16 members. Family residential or custodial care shall be performed
17 only at the direction and control of a physician when such care
18 is medically necessary. Reasonable charges for expenses for
19 family residential or custodial care provided by a family member
20 shall be determined as follows:

21 ~~(c) The award of family residential or custodial care as~~
22 ~~defined in this section shall not be included in the current~~
23 ~~estimates for purposes of s. 766.314(9)(c).~~

24 Section 27. Paragraph (c) of subsection (9) of section
25 766.314, Florida Statutes, is amended to read:

26 766.314 Assessments; plan of operation.—

27 (9)

28 (c) If the total of all current estimates equals or exceeds
29 100 ~~80~~ percent of the funds on hand and the funds that will
30 become available to the association within the next 12 months
31 from all sources described in subsection ~~subsections~~ (4) and
32 paragraph (5) (a) ~~(5) and paragraph (7) (a)~~, the association may
33 not accept any new claims without express authority from the
34 Legislature. ~~Nothing in~~ This section does not preclude ~~precludes~~
35 the association from accepting any claim if the injury occurred
36 18 months or more before the effective date of this suspension.
37 Within 30 days after the effective date of this suspension, the
38 association shall notify the Governor, the Speaker of the House
39 of Representatives, the President of the Senate, the Office of
40 Insurance Regulation, the Agency for Health Care Administration,



717574

41 and the Department of Health of this suspension.

42 Section 28. The Florida Birth-Related Neurological Injury
43 Compensation Association shall, in consultation with the Office
44 of Insurance Regulation and the Agency for Health Care
45 Administration, provide a report to the Governor, the Chief
46 Financial Officer, the President of the Senate, and the Speaker
47 of the House of Representatives by September 1, 2024, which must
48 include, but is not limited to, all of the following
49 recommendations for:

50 (1) Defining actuarial soundness for the association,
51 including options for phase-in, if appropriate.

52 (2) Timing of reporting actuarial soundness and to whom it
53 should be reported.

54 (3) Ensuring a revenue level to maintain actuarial
55 soundness, including options for phase-in, if appropriate.

56 ===== T I T L E A M E N D M E N T =====

57 And the title is amended as follows:

58 Delete line 183

59 and insert:

60 adopt, amend, or repeal certain rules; amending s.
61 766.302, F.S.; revising the manner in which reasonable
62 charges for expenses for family residential or
63 custodial care are determined; amending s. 766.314,
64 F.S.; revising the prohibition relating to the Florida
65 Birth-Related Neurological Injury Compensation Plan
66 accepting new claims; requiring the Florida Birth-
67 Related Neurological Injury Compensation Association,
68 in consultation with specified entities, to submit, by
69 a specified date, a specified report to the Governor,



717574

70
71

the Chief Financial Officer, and the Legislature;
specifying requirements for the report; amending ss.