

1 A bill to be entitled

2 An act relating to insurance; amending s. 627.351,
3 F.S.; revising membership of the Joint Underwriting
4 Association; amending s. 766.315, F.S.; revising
5 membership of the Florida Birth-Related Neurological
6 Injury Compensation Association; providing an
7 effective date.

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

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11 Section 1. Paragraph (c) of subsection (4) of section
12 627.351, Florida Statutes, is amended to read:

13 627.351 Insurance risk apportionment plans.—

14 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

15 (c) The Joint Underwriting Association shall operate
16 subject to the supervision and approval of a board of governors
17 consisting of representatives of five of the insurers
18 participating in the Joint Underwriting Association, an attorney
19 to be named by The Florida Bar, a physician to be named by the
20 Florida Medical Association, a dentist to be named by the
21 Florida Dental Association, and a hospital representative to be
22 named by the Florida Hospital Association. The Chief Financial
23 Officer shall select the representatives of the five insurers.
24 One insurer representative shall be selected from
25 recommendations of the American Insurance Association. One
26 insurer representative shall be selected from recommendations of

27 the Property Casualty Insurers Association of America Alliance
28 ~~of American Insurers~~. One insurer representative shall be
29 selected from recommendations of the Florida Insurance Council
30 ~~National Association of Independent Insurers~~. Two insurer
31 representatives shall be selected to represent insurers that are
32 not affiliated with these associations. The board of governors
33 shall choose, during the first meeting of the board after June
34 30 of each year, one of its members to serve as chair of the
35 board and another member to serve as vice chair of the board.
36 There shall be no liability on the part of, and no cause of
37 action of any nature shall arise against, any member insurer,
38 self-insurer, or its agents or employees, the Joint Underwriting
39 Association or its agents or employees, members of the board of
40 governors, or the office or its representatives for any action
41 taken by them in the performance of their powers and duties
42 under this subsection.

43 Section 2. Paragraph (a) of subsection (2) of section
44 766.315, Florida Statutes, is amended to read:

45 766.315 Florida Birth-Related Neurological Injury
46 Compensation Association; board of directors.—

47 (2) (a) The Chief Financial Officer may select the
48 representative of the participating physicians from a list of at
49 least three names to be recommended by the American Congress of
50 Obstetricians and Gynecologists, District XII ~~Florida Obstetric~~
51 ~~and Gynecologic Society~~; the representative of hospitals from a
52 list of at least three names to be recommended by the Florida

53 Hospital Association; the representative of casualty insurers
54 from a list of at least three names, one of which is recommended
55 by the American Insurance Association, one by the Florida
56 Insurance Council Alliance of American Insurers, and one by the
57 Property Casualty Insurers Association of America ~~National~~
58 ~~Association of Independent Insurers~~; and the representative of
59 physicians other than participating physicians from a list of
60 three names to be recommended by the Florida Medical Association
61 and a list of three names to be recommended by the Florida
62 Osteopathic Medical Association. In no case shall the Chief
63 Financial Officer be bound to make any appointment from among
64 the nominees of such respective associations.

65 Section 3. This act shall take effect upon becoming a law.