

**FLORIDA DEPARTMENT OF FINANCIAL SERVICES
OFFICE OF THE CHIEF FINANCIAL OFFICER
Chief Financial Officer Directive 2021-02**

WHEREAS, the Legislature created the Florida Birth-Related Neurological Injury Compensation Plan, (hereinafter referred to as “NICA”), in 1989 for the purpose of providing compensation, irrespective of fault, for birth-related neurological injury claims.

WHEREAS, section 627.0613, Florida Statutes, designates the Consumer Advocate as representative of the interests of the general public and the state before the Division of Administrative Hearings and the Office of Insurance Regulation, (herein after referred to as “OIR”), on behalf of the Chief Financial Officer.

WHEREAS, section 766.304, Florida Statutes, grants the Division of Administrative Hearings exclusive authority to determine whether a claim filed with NICA is compensable.

WHEREAS, section 766.315(5)(d), Florida Statutes, requires NICA to annually provide audited financial reports to OIR, and empowers OIR to audit NICA at any time determined to be necessary.

WHEREAS, section 766.314(2)(a) specifies that NICA shall be administered in accordance with a Plan of Operation, which must include provisions specifying the manner in which NICA processes claims.

WHEREAS, section 766.314(2)(b), authorizes the NICA Board of Directors to amend its Plan of Operation and requires such amendments to be approved by OIR.

WHEREAS, participants in the NICA Program have a substantial interest in the provisions of the NICA Plan of Operations and determinations by the Division of Administrative Hearings as to whether claims submitted to NICA are compensable as provided in section 766.304, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED THAT I, JIMMY PATRONIS, in accordance with the authority vested in me by Article IV, Section 4 of the Florida Constitution, and Sections 17.30 and 20.121(1), Florida Statutes, hereby issue the following Directive to the Department of Financial Services' Office of Insurance Consumer Advocate:

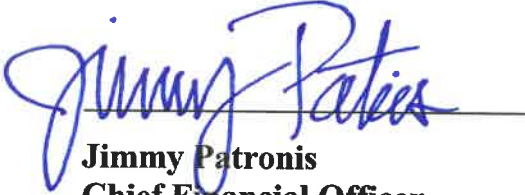
Section 1. The Insurance Consumer Advocate shall coordinate with NICA participants to advocate on their behalf before the Division of Administrative Hearings.

Section 2. The Insurance Consumer Advocate shall advocate for NICA participants before OIR during deliberations, by OIR, of one or more amendments to the NICA Plan of Operation.

Section 3. This Directive shall remain in effect until modified or rescinded by the Chief Financial Officer.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, this 12th day of April, 2021.


Jimmy Patronis
Chief Financial Officer
State of Florida