

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Holder offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 139 and 140, insert:

5 Section 3. Paragraph (b) of subsection (9) of section
6 440.49, Florida Statutes, is amended to read:

7 440.49 Limitation of liability for subsequent injury
8 through Special Disability Trust Fund.—

9 (9) SPECIAL DISABILITY TRUST FUND.—

10 (b)1. The Special Disability Trust Fund shall be
11 maintained by annual assessments upon the insurance companies
12 writing compensation insurance in the state, the commercial
13 self-insurers under ss. 624.462 and 624.4621, the assessable
14 mutuals as defined in s. 628.6011, and the self-insurers under
15 this chapter, which assessments shall become due and be paid
16 quarterly at the same time and in addition to the assessments

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17 provided in s. 440.51. The department shall estimate annually in
18 advance the amount necessary for the administration of this
19 subsection and the maintenance of this fund and shall make such
20 assessment in the manner hereinafter provided.

21 2. The annual assessment shall be calculated to produce
22 during the next calendar ~~ensuing fiscal year~~ an amount which,
23 when combined with that part of the balance anticipated to be in
24 the fund on December 31 ~~June 30~~ of the current calendar ~~fiscal~~
25 year which is in excess of \$100,000, is equal to the average of:

26 a. The sum of disbursements from the fund during the
27 immediate past 3 calendar years, and

28 b. Two times the disbursements of the most recent calendar
29 year.

30 c. Such assessment rate shall first apply on a calendar
31 year basis for the period beginning January 1, 2012, and shall
32 be included in workers' compensation rate filings approved by
33 the office which become effective on or after January 1, 2012.
34 The assessment rate effective January 1, 2011, shall also apply
35 to the interim period from July 1, 2011, through December 31,
36 2011, and shall be included in workers' compensation rate
37 filings, whether regular or amended, approved by the office
38 which become effective on or after July 1, 2011. Thereafter, the
39 annual assessment rate shall take effect January 1 of the next
40 calendar year and shall be included in workers' compensation
41 rate filings approved by the office which become effective on or
42 after January 1 of the next calendar year. Assessments shall
43 become due and be paid quarterly.

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45 Such amount shall be prorated among the insurance companies
46 writing compensation insurance in the state and the self-
47 insurers. Provided however, for those carriers that have
48 excluded ceded reinsurance premiums from their assessments on or
49 before January 1, 2000, no assessments on ceded reinsurance
50 premiums shall be paid by those carriers until such time as the
51 former Division of Workers' Compensation of the Department of
52 Labor and Employment Security or the department advises each of
53 those carriers of the impact that the inclusion of ceded
54 reinsurance premiums has on their assessment. The department may
55 not recover any past underpayments of assessments levied against
56 any carrier that on or before January 1, 2000, excluded ceded
57 reinsurance premiums from their assessment prior to the point
58 that the former Division of Workers' Compensation of the
59 Department of Labor and Employment Security or the department
60 advises of the appropriate assessment that should have been
61 paid.

62 3. The net premiums written by the companies for workers'
63 compensation in this state and the net premium written
64 applicable to the self-insurers in this state are the basis for
65 computing the amount to be assessed as a percentage of net
66 premiums. Such payments shall be made by each carrier and self-
67 insurer to the department for the Special Disability Trust Fund
68 in accordance with such regulations as the department
69 prescribes.

70 4. The Chief Financial Officer is authorized to receive
71 and credit to such Special Disability Trust Fund any sum or sums
72 that may at any time be contributed to the state by the United
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73 States under any Act of Congress, or otherwise, to which the
74 state may be or become entitled by reason of any payments made
75 out of such fund.

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

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Remove line 9 and insert:

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made on a prepaid card; amending s. 440.49, F.S.; revising the

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dates applicable to calculations of annual assessments upon

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certain workers' compensation insurers relating to the special

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disability trust fund; providing application to specified years

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and rate filings; amending s. 624.402, F.S.;