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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/27/2011	.	
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	.	
	.	

The Committee on Rules (Smith) recommended the following:

Senate Amendment (with title amendment)

Between lines 122 and 123

insert:

Section 4. Paragraph (b) of subsection (9) of section 440.49, Florida Statutes, is amended to read:

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

(9) SPECIAL DISABILITY TRUST FUND.—

(b)~~1~~. The Special Disability Trust Fund shall be maintained by annual assessments on ~~upon~~ the insurance companies writing compensation insurance in the state, the commercial self-insurers under ss. 624.462 and 624.4621, the assessable mutuals



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14 as defined in s. 628.6011, and the self-insurers under this
15 chapter, which assessments are due and payable ~~shall become due~~
16 ~~and be paid~~ quarterly at the same time and in addition to the
17 assessments provided in s. 440.51.

18 1. The department shall estimate annually in advance the
19 amount necessary for the administration of this subsection and
20 the maintenance of this fund and shall make such assessment as
21 provided in this subparagraph ~~in the manner hereinafter~~
22 ~~provided.~~

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

28 (I) ~~a.~~ The sum of disbursements from the fund during the
29 immediate past 3 calendar years; ~~7~~ and

30 (II) ~~b.~~ Two times the disbursements of the most recent
31 calendar year.

32 b. The assessment shall be applied on a calendar year basis
33 beginning January 1, 2012, and be included in the workers'
34 compensation rate filings approved by the office which become
35 effective on or after January 1, 2012. The assessment effective
36 January 1, 2011, also applies to the interim period from July 1,
37 2011, through December 31, 2011, and is included in the workers'
38 compensation rate filings, whether regular or amended, approved
39 by the office which are effective on or after July 1, 2011.
40 Thereafter, the annual assessment takes effect January 1 of the
41 next calendar year and is included in the workers' compensation
42 rate filings approved by the office which become effective on or



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43 after January 1 of the next calendar year.

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

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

69 4. The Chief Financial Officer may ~~is authorized to~~ receive
70 and credit to such Special Disability Trust Fund any sum or sums
71 that may at any time be contributed to the state by the United



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72 States under any Act of Congress, or otherwise, to which the
73 state may be or become entitled by reason of any payments made
74 out of such fund.

75
76 ===== T I T L E A M E N D M E N T =====

77 And the title is amended as follows:

78 Delete line 8

79 and insert:

80 requirements; amending s. 440.49, F.S.; specifying
81 that the assessment for the Special Disability Trust
82 Fund be applied on a calendar year basis; amending s.
83 624.402, F.S.; revising