

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Government Operations
 2 Appropriations Subcommittee
 3 Representative Cummings offered the following:

Amendment (with title amendment)

Between lines 211 and 212, insert:

Section 4. Paragraphs (b) and (c) of subsection (9) of section 440.49, Florida Statutes, are 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 upon the insurance companies writing compensation insurance in the state, the commercial self-insurers under ss. 624.462 and 624.4621, the assessable mutuals as defined in s. 628.6011, and the self-insurers under this chapter, which assessments shall become due and be paid

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18 quarterly at the same time and in addition to the assessments
19 provided in s. 440.51. Such payments shall be made by each
20 carrier and self-insurer to the department for the Special
21 Disability Trust Fund pursuant to the department rule.

22 2. The department shall estimate annually in advance the
23 amount necessary for the administration of this subsection and
24 the maintenance of this fund pursuant to this paragraph and
25 shall make such assessment in the manner hereinafter provided.
26 By July 1 of each year, the department shall calculate the
27 assessment rate, which shall be based upon the net premiums
28 written by carriers, the amount of premiums calculated by the
29 department for self-insured employers, and the anticipated
30 balance and expenses of the Special Disability Trust Fund for
31 the next calendar year. Such assessment rate shall take effect
32 January 1 of the next calendar year. Such amount shall be
33 prorated among the insurance companies writing compensation
34 insurance in the state and the self-insurers.

35 ~~2. The annual assessment shall be calculated to produce~~
36 ~~during the next calendar year an amount which, when combined~~
37 ~~with that part of the balance anticipated to be in the fund on~~
38 ~~December 31 of the current calendar year which is in excess of~~
39 ~~\$100,000, is equal to the average of:~~

40 ~~a. The sum of disbursements from the fund during the~~
41 ~~immediate past 3 calendar years, and~~

42 ~~b. Two times the disbursements of the most recent calendar~~
43 ~~year.~~

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~~e. Such assessment rate shall first apply on a calendar year basis for the period beginning January 1, 2012, and shall be included in workers' compensation rate filings approved by the office which become effective on or after January 1, 2012. The assessment rate effective January 1, 2011, shall also apply to the interim period from July 1, 2011, through December 31, 2011, and shall be included in workers' compensation rate filings, whether regular or amended, approved by the office which become effective on or after July 1, 2011. Thereafter, the annual assessment rate shall take effect January 1 of the next calendar year and shall be included in workers' compensation rate filings approved by the office which become effective on or after January 1 of the next calendar year. Assessments shall become due and be paid quarterly.~~

~~Such amount shall be prorated among the insurance companies writing compensation insurance in the state and the self-insurers.~~

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

