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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2014	.	
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	.	
	.	

Appropriations Subcommittee on General Government (Bradley)
recommended the following:

Senate 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



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11 by annual assessments upon the insurance companies writing
12 compensation insurance in the state, the commercial self-
13 insurers under ss. 624.462 and 624.4621, the assessable mutuals
14 as defined in s. 628.6011, and the self-insurers under this
15 chapter, which assessments shall become due and be paid
16 quarterly at the same time and in addition to the assessments
17 provided in s. 440.51. Such payments shall be made by each
18 carrier and self-insurer to the department for the Special
19 Disability Trust Fund pursuant to department rule.

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

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

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



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40 ~~b. Two times the disbursements of the most recent calendar~~
41 ~~year.~~

42 ~~e. Such assessment rate shall first apply on a calendar~~
43 ~~year basis for the period beginning January 1, 2012, and shall~~
44 ~~be included in workers' compensation rate filings approved by~~
45 ~~the office which become effective on or after January 1, 2012.~~
46 ~~The assessment rate effective January 1, 2011, shall also apply~~
47 ~~to the interim period from July 1, 2011, through December 31,~~
48 ~~2011, and shall be included in workers' compensation rate~~
49 ~~filings, whether regular or amended, approved by the office~~
50 ~~which become effective on or after July 1, 2011. Thereafter, the~~
51 ~~annual assessment rate shall take effect January 1 of the next~~
52 ~~calendar year and shall be included in workers' compensation~~
53 ~~rate filings approved by the office which become effective on or~~
54 ~~after January 1 of the next calendar year. Assessments shall~~
55 ~~become due and be paid quarterly.~~

56
57 ~~Such amount shall be prorated among the insurance companies~~
58 ~~writing compensation insurance in the state and the self-~~
59 ~~insurers.~~

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

68 ~~4. The Chief Financial Officer is authorized to receive and~~



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69 credit to such Special Disability Trust Fund any sum or sums
70 that may at any time be contributed to the state by the United
71 States under any Act of Congress, or otherwise, to which the
72 state may be or become entitled by reason of any payments made
73 out of such fund.

74 (c) Notwithstanding the Special Disability Trust Fund
75 assessment rate calculated pursuant to this section, the rate
76 assessed may ~~shall~~ not exceed 2.5 ~~4.52~~ percent.

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

78 And the title is amended as follows:

79 Delete line 10

80 and insert:

81 disability and death; amending s. 440.49, F.S.;

82 revising provisions relating to the assessment rate of

83 the Special Disability Trust Fund; reducing the

84 assessment rate limitation; providing an effective

85 date.