

Amendment No. 13 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Bainter offered the following:

**Amendment (with title amendment)**

On page 19, line 7 through page 21, line 31  
remove from the bill: all of said lines

and insert in lieu thereof:

Section 15. Effective July 1, 1999, paragraph (b) of  
subsection (9) of section 440.49, Florida Statutes, 1998  
Supplement, is amended to read:

(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 under s. 628.601, and the self-insurers under this  
chapter, which assessments shall become due and be paid  
quarterly at the same time and in addition to the assessments  
provided in s. 440.51. The division shall estimate annually in  
advance the amount necessary for the administration of this  
subsection and the maintenance of this fund and shall make

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1 such assessment in the manner hereinafter provided.

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

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

9           b. Two times the disbursements of the most recent  
10 calendar year.

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

15           3. ~~The~~ Net premiums written by carriers and the amount  
16 of premiums calculated by the division for self-insured  
17 employers the companies for workers' compensation in this  
18 state and the net premium written applicable to the  
19 self-insurers in this state, in accordance with the National  
20 Council on Compensation Insurance Basic Manual for Workers'  
21 Compensation and Employers Liability Insurance for  
22 self-insurers (1999 edition), are the basis for computing the  
23 amount to be assessed as a percentage of net premiums. Such  
24 payments shall be made by each carrier insurance company and  
25 self-insurer to the division for the Special Disability Trust  
26 Fund in accordance with such regulations as the division  
27 prescribes.

28           4. The Treasurer is authorized to receive and credit  
29 to such Special Disability Trust Fund any sum or sums that may  
30 at any time be contributed to the state by the United States  
31 under any Act of Congress, or otherwise, to which the state

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1 may be or become entitled by reason of any payments made out  
2 of such fund.

3 Section 16. Subsection (1) of section 440.51, Florida  
4 Statutes, is amended to read: 440.51 Expenses of  
5 administration.--

6 (1) The division shall estimate annually in advance  
7 the amounts necessary for the administration of this chapter,  
8 in the following manner.

9 (a) Prior to November 15 of each year, the division  
10 shall determine the anticipated expenses of administration for  
11 the next calendar year. These anticipated expenses shall be  
12 funded through the levy of uniform percentage assessments  
13 calculated by the division based on net premiums written by  
14 carriers and the premiums self-insurers would have to pay if  
15 insured. Assessment amounts shall be prorated among carriers  
16 writing workers' compensation insurance in the state and  
17 self-insurers in the proportion that a carrier's or  
18 self-insurer's net premiums written bears to the total of said  
19 net premiums written. The division shall notify carriers and  
20 self-insurers of the assessment rate by December 15 of each  
21 year. The assessment rate shall take effect on January 1.  
22 Assessments shall become due and be paid quarterly. The  
23 division shall, as soon as practicable after July 1 in each  
24 year, determine the expense of administration of this chapter  
25 for the preceding fiscal year. The expense of administration  
26 for such preceding fiscal year shall be used as the basis for  
27 determining the amount to be assessed against each carrier in  
28 order to provide for the expenses of the administration of  
29 this chapter for the current fiscal year.

30 (b) ~~The total expenses of administration shall be~~  
31 ~~prorated among the insurance companies writing compensation~~

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1 ~~insurance in the state and self-insurers. The net premiums~~  
2 ~~collected by the companies and the amount of premiums a~~  
3 ~~self-insurer would have to pay if insured are the basis for~~  
4 ~~computing the amount to be assessed. This amount may be~~  
5 ~~assessed as a specific amount or as a percentage of net~~  
6 ~~premiums payable as the division may direct, provided such The~~  
7 ~~assessment amount ~~so assessed~~ shall not exceed 4 percent of~~  
8 ~~such net premiums written. The carriers insurance companies~~  
9 ~~may elect to make the payments required under s. 440.15(1)(f)~~  
10 ~~s. 440.15(1)(e) rather than having these payments made by the~~  
11 ~~division. In that event, such payments will be credited to~~  
12 ~~the carriers insurance companies, and the amount due by the~~  
13 ~~carriers insurance company under this section will be reduced~~  
14 ~~accordingly.~~

15 (c) If necessary to fund the anticipated expenses of  
16 administration for the period of time between the expiration  
17 of the existing fiscal year 1998-99 assessment, and the levy  
18 of the annual assessment for calendar year 2000, the division  
19 is authorized to levy an interim assessment proportionate to  
20 the assessment amount authorized in paragraph (b).

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

24 And the title is amended as follows:

25 On page 2, lines 10-12  
26 remove from the title of the bill: all of said lines

27

28 and insert in lieu thereof:

29 terms to conform; amending s. 440.49; relating  
30 to the Special Disability Trust Fund; revising  
31 provisions relating to the calculation of

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1            assessments; amending s. 440.51; relating to  
2            the Workers' Compensation Administration Trust  
3            Fund; revising provisions relating to  
4            assessments;  
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