

Bill No. CS/HB 1927, 2nd Eng.

Amendment No. Barcode 490814

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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11 Senator Latvala moved the following amendment to amendment
12 (025544):

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14 **Senate Amendment (with title amendment)**

15 On page 60, between lines 11 and 12,
16
17 insert:

18 Section 21. Paragraph (b) of subsection (9) of section
19 440.49, Florida Statutes, is amended to read:

20 440.49 Limitation of liability for subsequent injury
21 through Special Disability Trust Fund.--

22 (9) SPECIAL DISABILITY TRUST FUND.--

23 (b)1. The Special Disability Trust Fund shall be
24 maintained by annual assessments upon the insurance companies
25 writing compensation insurance in the state, the commercial
26 self-insurers under ss. 624.462 and 624.4621, the assessable
27 mutuals under s. 628.601, and the self-insurers under this
28 chapter, which assessments shall become due and be paid
29 quarterly at the same time and in addition to the assessments
30 provided in s. 440.51. The division shall estimate annually in
31 advance the amount necessary for the administration of this

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1 subsection and the maintenance of this fund and shall make
2 such assessment in the manner hereinafter provided.

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

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

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

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13 Such amount shall be prorated among the insurance companies
14 writing compensation insurance in the state and the
15 self-insurers. Provided however, for those carriers that have
16 excluded ceded reinsurance premiums from their assessments on
17 or before January 1, 2000, no assessments on ceded reinsurance
18 premiums shall be paid by those carriers until such time as
19 the division advises each of those carriers of the impact that
20 the inclusion of ceded reinsurance premiums has on their
21 assessment. The division may ~~not~~ recover any past
22 underpayments of assessments levied against any carrier that
23 on or before January 1, 2000, excluded ceded reinsurance
24 premiums from their assessment prior to the point that the
25 division advises of the appropriate assessment that should
26 have been paid.

27 3. The net premiums written by the companies for
28 workers' compensation in this state and the net premium
29 written applicable to the self-insurers in this state are the
30 basis for computing the amount to be assessed as a percentage
31 of net premiums. Such payments shall be made by each carrier

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1 and self-insurer to the division for the Special Disability
2 Trust Fund in accordance with such regulations as the division
3 prescribes.

4 4. The Treasurer is authorized to receive and credit
5 to such Special Disability Trust Fund any sum or sums that may
6 at any time be contributed to the state by the United States
7 under any Act of Congress, or otherwise, to which the state
8 may be or become entitled by reason of any payments made out
9 of such fund.

10 Section 22. Subsection (2) of section 440.51, Florida
11 Statutes, is amended to read:

12 440.51 Expenses of administration.--

13 (2) The division shall provide by regulation for the
14 collection of the amounts assessed against each carrier. Such
15 amounts shall be paid within 30 days from the date that notice
16 is served upon such carrier. If such amounts are not paid
17 within such period, there may be assessed for each 30 days the
18 amount so assessed remains unpaid, a civil penalty equal to 10
19 percent of the amount so unpaid, which shall be collected at
20 the same time and a part of the amount assessed. For those
21 carriers who excluded ceded reinsurance premiums from their
22 assessments prior to January 1, 2000, the division shall ~~not~~
23 recover any past underpayments of assessments related to ceded
24 reinsurance premiums prior to January 1, 2001, against such
25 carriers.

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27 (Redesignate subsequent sections.)

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

31 And the title is amended as follows:

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1 On page 64, line 19, after the semicolon,
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3 insert:
4 amending ss. 440.49, 440.51, F.S.; authorizing
5 recovery of certain underpayments by the
6 division;
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