Bill No. HB 271 (2014)

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WITHDRAWN	(Y/N)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	

Committee/Subcommittee hearing bill: Government Operations Appropriations Subcommittee

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:

9 440.49 Limitation of liability for subsequent injury
10 through Special Disability Trust Fund.-

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(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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44 c. Such assessment rate shall first apply on a calendar 45 year basis for the period beginning January 1, 2012, and shall 46 be included in workers' compensation rate filings approved by the office which become effective on or after January 1, 2012. 47 The assessment rate effective January 1, 2011, shall also apply 48 49 to the interim period from July 1, 2011, through December 31, 2011, and shall be included in workers' compensation rate 50 51 filings, whether regular or amended, approved by the office 52 which become effective on or after July 1, 2011. Thereafter, the 53 annual assessment rate shall take effect January 1 of the next 54 calendar year and shall be included in workers' compensation 55 rate filings approved by the office which become effective on or 56 after January 1 of the next calendar year. Assessments shall become due and be paid quarterly. 57 58 59 Such amount shall be prorated among the insurance companies 60 writing compensation insurance in the state and the self-61 insurers. 62 3. The net premiums written by the companies for workers' compensation in this state and the net premium written 63 applicable to the self-insurers in this state are the basis for 64 65 computing the amount to be assessed as a percentage of net premiums. Such payments shall be made by each carrier and self-66 67 insurer to the department for the Special Disability Trust Fund 68 in accordance with such regulations as the department 69 prescribes. 624791 - h0271-line211 Cummings1.docx

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70 <u>3.</u> 4. The Chief Financial Officer is authorized to receive 71 and credit to such Special Disability Trust Fund any sum or sums 72 that may at any time be contributed to the state by the United 73 States under any Act of Congress, or otherwise, to which the 74 state may be or become entitled by reason of any payments made 75 out of such fund.

(c) Notwithstanding the Special Disability Trust Fund assessment rate calculated pursuant to this section, the rate assessed may shall not exceed 2.50 4.52 percent.

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