



**INFORMATIONAL BULLETIN**

**DFS-03-2011**

**ISSUED**

**June 30, 2011**

Florida Department of Financial Services

**JEFF ATWATER**

Chief Financial Officer

**All Insurance Companies, Commercial Self-Insurers Under Sections 624.462 and 624.4621, Florida Statutes, Assessable Mutuals as Defined in Section 628.6011, Florida Statutes, Electric Cooperative Self-Insurance Funds Under Section 624.4626, Florida Statutes, and Individual Self-Insurers Under Chapter 440, Florida Statutes**

**Order Setting Assessment Rate for the Special Disability Trust Fund**

Attached is a copy of the Order that sets the assessment rate for the Special Disability Trust Fund (SDTF) for calendar year 2012.

House Bill 1087 changed the effective date of the SDTF assessment rate from July 1<sup>st</sup> to January 1<sup>st</sup>. Section 440.49(9)(b)2., Florida Statutes, provides that "[t]he annual assessment shall be calculated to produce during the next calendar year an amount which, when combined with that part of the balance anticipated to be in the fund on December 31 of the current calendar year which is in excess of the \$100,000, is equal to the average of:

- a. The sum of disbursements from the fund during the immediate past 3 calendar years, and
- b. Two times the disbursements of the most recent calendar year.

Beginning January 1, 2012, the assessment rate for the SDTF is reduced from 1.46% to 1.44%. This rate is based upon the result of the statutory SDTF assessment rate formula, pursuant to Section 440.49(9), Florida Statutes, an analysis of the estimated SDTF balance as of December 31, 2011, and estimated future expenses, revenues, and assessable premiums.

The SDTF assessment rate of 1.46% shall apply to the time period of July 1, 2011 through December 31, 2011.

If you have questions or need additional information about these assessments, please call Gene Smith, Assessments Coordinator, at (850) 413-1644.

Attachment

**FILED**

JUN 30 2011

001498



Chief Financial Officer  
Docketed by: YBB

CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

IN THE MATTER OF:

ASSESSMENT RATE FOR SPECIAL  
DISABILITY TRUST FUND  
FOR CALENDAR YEAR 2012

CASE No. 118732-11-WC

ORDER

THIS CAUSE came on for consideration pursuant to the provisions of Section 440.49(9), Florida Statutes, which require the Department of Financial Services (hereinafter referred to as the "Department") to estimate annually in advance the amount necessary for the administration of the Special Disability Trust Fund and make such assessment in the manner provided therein. The Department, having considered the amounts necessary for the administration of the Special Disability Trust Fund for the calendar year beginning January 1, 2012, and being otherwise fully advised in the premises, hereby finds and orders as follows:

1. Pursuant to Section 440.49(9)(b)1., Florida Statutes, the Special Disability Trust Fund shall be maintained by annual assessments upon the insurance companies writing compensation insurance in the State of Florida, the commercial self-insurers under Sections 624.462 and 624.4621, Florida Statutes, the assessable mutuals as defined in Section 628.6011, Florida Statutes, and the self-insurers under Chapter 440, Florida Statutes. Pursuant to Section 624.4626, Florida Statutes, an

electric cooperative self-insurance fund that meets the requirements of that law is subject to assessments set forth in Section 440.49(9), Florida Statutes.

2. Section 440.49(9)(b)1., Florida Statutes, requires the Department to estimate annually in advance the amount necessary for the administration of Section 440.49(9), Florida Statutes, and the maintenance of the Special Disability Trust Fund, and to make such assessment in the manner provided for therein.

3. With respect to the calendar year beginning January 1, 2012, the Department has estimated the assessment rate necessary for the administration of Section 440.49(9), Florida Statutes, and the maintenance of the Special Disability Trust Fund. The estimated rate is 1.44%.

**IT IS THEREFORE ORDERED:**

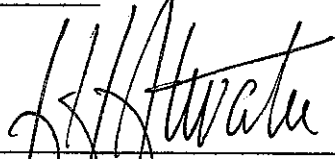
Beginning January 1, 2012, each insurance company writing compensation insurance in the State of Florida, each commercial self-insurer under Section 624.462 or Section 624.4621, Florida Statutes, each electric cooperative self-insurance fund under Section 624.4626, Florida Statutes, and each assessable mutual as defined in Section 628.6011, Florida Statutes, shall pay a Special Disability Trust Fund assessment equal to one and forty-four one-hundredths of a percent (1.44%) of the net workers' compensation premiums written in the State of Florida.

Beginning on the self-insurer's anniversary date falling within calendar year 2012, each self-insurer under Chapter 440, Florida Statutes, shall pay a Special Disability Trust Fund assessment equal to one and forty-four one-hundredths of a percent (1.44%) of the net premiums computed by the Division of Workers' Compensation, as if the company had purchased workers' compensation insurance in the State of Florida.

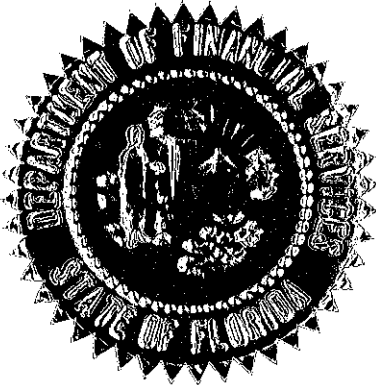
The Special Disability Trust Fund assessment rate of 1.46% shall apply to the time period of July 1, 2011 through December 31, 2011.

The Special Disability Trust Fund assessment shall become due and be paid to the Division of Workers' Compensation quarterly at the same time and in addition to assessments for the Workers' Compensation Administration Trust Fund, as provided for in Section 440.51, Florida Statutes.

DONE and ORDERED this 29<sup>th</sup> day of June 2011.



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JEFF ATWATER  
CHIEF FINANCIAL OFFICER



## NOTICE OF RIGHTS

You have a right to an administrative hearing concerning this proposed agency action by the Department under sections 120.569 and 120.57, Florida Statutes. To request a hearing, you must file a written petition. The petition shall be legible and on 8 ½ by 11 inch white paper. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.

If your petition disputes any material fact contained in the proposed action, you are entitled to a hearing under sections 120.569 and 120.57(1), Florida Statutes, at which you may be represented by counsel, present evidence and argument on the issue(s), examine witnesses, submit a proposed recommended order, and file exceptions to the recommended order of the Administrative Law Judge. A petition for a hearing under sections 120.569 and 120.57(1), Florida Statutes, must comply with Rule 28-106.201, Florida Administrative Code. The petition must contain a) the name and address of each agency affected and each agency's file or identification number, if known; b) the name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; c) a statement of when and how the petitioner received notice of the agency decision; d) a statement of all disputed issues of material fact; if there are none the petition must so indicate; e) a concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; f) a statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and g) a statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

If your petition does not dispute any material fact contained in the proposed action, you are entitled to a hearing under sections 120.569 and 120.57(2), Florida Statutes, at which you may be represented by counsel, present documentary evidence, and present a written statement in opposition to this action. A petition for a hearing under sections 120.569 and 120.57(2), Florida Statutes, must comply with Rule 28-106.301, Florida Administrative Code. The petition must contain a) the name and address of each agency affected and each agency's file or identification number, if known; b) the name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; c) an explanation of how the petitioner's substantial interests will be affected by the agency determination; d) a statement of when and how the petitioner received notice of the agency decision; e) a concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; f) a statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; g) a statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action; and h) a statement that no material facts are in dispute.

Any petition for hearing regarding this agency action must be received by the Department within twenty-one (21) days of your receipt of the action. The petition must be filed with Julie Jones, CP, FRP, DFS Agency Clerk, Department of Financial Services, 612 Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0390. **FAILURE TO FILE A PETITION WITHIN THE TWENTY-ONE (21) DAYS CONSTITUTES A WAIVER OF YOUR RIGHT TO AN ADMINISTRATIVE HEARING CONCERNING THIS AGENCY ACTION.** Mediation under section 120.573, Florida Statutes, is not available.