

**SB 290** by **Hukill (CO-INTRODUCERS) Brandes, Detert**; State Poet Laureate

**SB 106** by **Dean**; (Similar to H 0021) County Employees

926708	A	S	RCS	GO, Hays	Delete L.20 - 22:	12/11 11:25 AM
140072	A	S	RCS	GO, Hays	Delete L.24 - 26:	12/11 11:25 AM

**SB 250** by **Abruzzo**; (Identical to H 0131) Henry Morrison Flagler Memorial

**SB 246** by **Ring, Bradley**; Local Government Pension Reform

The Florida Senate  
**COMMITTEE MEETING EXPANDED AGENDA**  
 GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY  
 Senator Ring, Chair  
 Senator Hays, Vice Chair

**MEETING DATE:** Wednesday, December 11, 2013

**TIME:** 9:00 —11:00 a.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

**MEMBERS:** Senator Ring, Chair; Senator Hays, Vice Chair; Senators Bean, Benacquisto, Bradley, Hukill, Montford, Simmons, and Smith

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Presentation on The Florida Growth Fund by State Board of Administration		Presented
2	<b>SB 290</b> Hukill	State Poet Laureate; Creating the honorary position of State Poet Laureate within the Department of State; establishing procedures for the acceptance of nominations, the qualifications and recommendation of nominees, and the appointment of the State Poet Laureate; specifying that a former poet laureate becomes a State Poet Laureate Emeritus or Emerita; providing that the State Poet Laureate, the State Poet Laureate Emeritus, and the State Poet Laureate Emerita serve without compensation, etc.  GO 12/11/2013 Favorable ED RC	Favorable Yeas 9 Nays 0
3	<b>SB 106</b> Dean (Similar H 21)	County Employees; Providing that the governing body of a county has authority to determine available benefits of county employees; specifying the applicability of provisions to such employees, etc.  CA 11/05/2013 Favorable GO 12/11/2013 Fav/CS AGG AP	Fav/CS Yeas 9 Nays 0
4	<b>SB 250</b> Abruzzo (Identical H 131)	Henry Morrison Flagler Memorial; Establishing the memorial; requiring the Department of Management Services to designate a location for the memorial and consult with the Henry Morrison Flagler Museum regarding the construction, installation, and management of the memorial; providing for the creation of a figurative bronze sculpture to be installed in the memorial area, etc.  GO 12/11/2013 Favorable AGG AP RC	Favorable Yeas 9 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Governmental Oversight and Accountability

Wednesday, December 11, 2013, 9:00 —11:00 a.m.

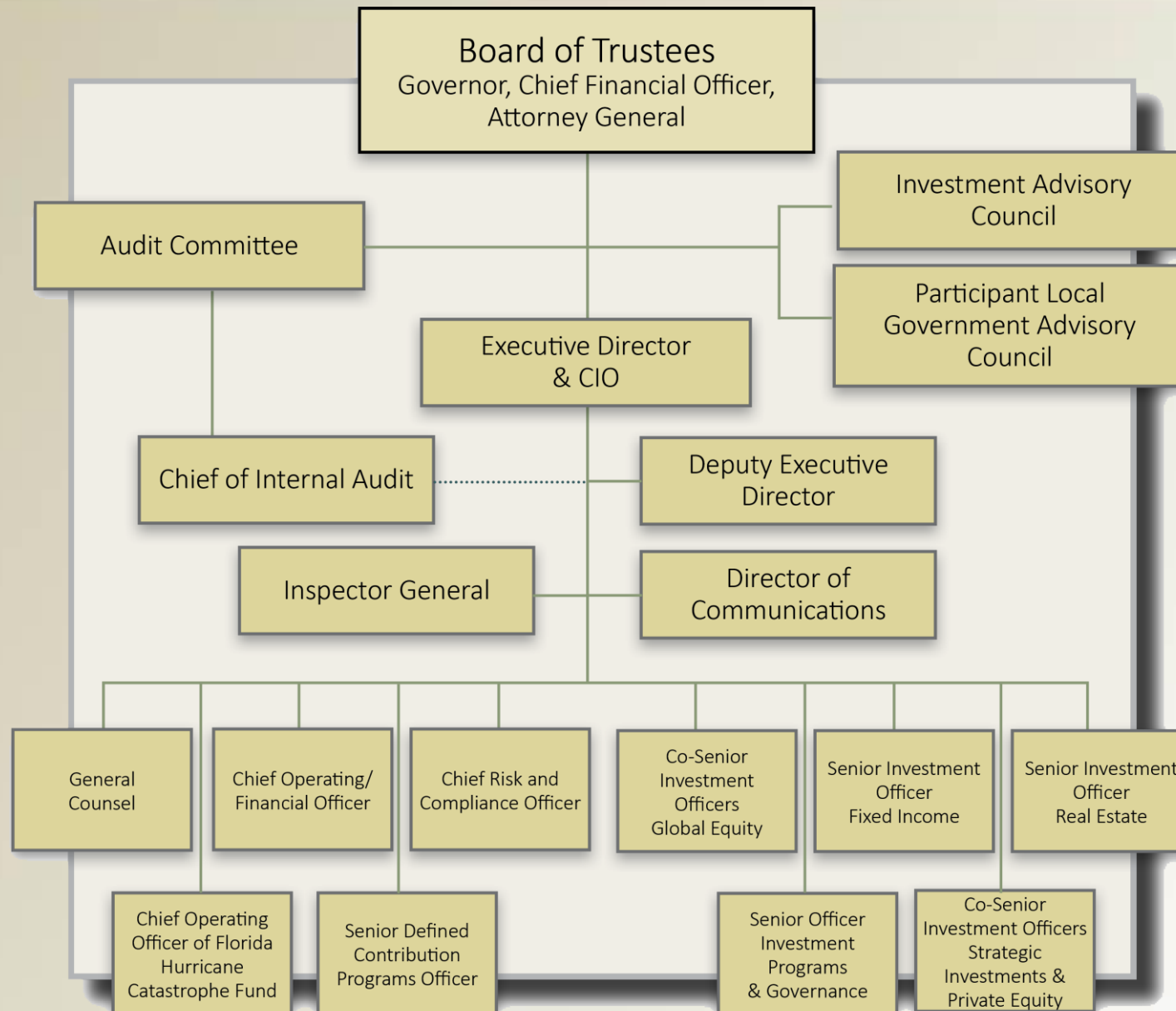
TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	<b>SB 246</b> Ring / Bradley	Local Government Pension Reform; Revising the legislative declaration to require that all firefighter pension plans meet the requirements of ch. 175, F.S., in order to receive insurance premium tax revenues; revising existing payment provisions and providing for an additional mandatory payment by the municipality or special fire control district to the firefighters' pension trust fund; revising the legislative declaration to require that all police officer pension plans meet the requirements of ch. 185, F.S., in order to receive insurance premium tax revenues, etc.  GO 12/11/2013 Favorable CA AP	Favorable Yeas 7 Nays 0
6	Other Related Meeting Documents		



# ***Florida Growth Fund December 2013***

***Ash Williams  
Executive Director & CIO  
State Board of Administration of Florida***

# SBA Governance Structure





# Florida Retirement System



The Florida Retirement System (FRS) Pension Plan, also known as the Defined Benefit Plan, is one of the largest public retirement plans in the U.S. and comprises roughly three-quarters of total assets under State Board of Administration (SBA) management.



The Florida Growth Fund allows the SBA to invest up to 1.5% of Florida Retirement System Pension Fund (FRS) assets in technology and growth enterprises that have significant presence in Florida.

Technology and growth investments include, but are not limited to, space technology, aerospace and aviation engineering, computer technology, renewable energy, and medical and life sciences.

The SBA chose Hamilton Lane, a private equity investment firm with more than \$170B under management and advisement worldwide, to support the project.



The **Florida Growth Fund** manages \$510 million of capital dedicated to prudent investments in technology and growth related businesses with significant presence in the state of Florida.

The Florida Growth Fund seeks to enhance Florida's capacity for development, growth and innovation while simultaneously generating an attractive return for the Florida State Board of Administration.





Florida Growth Fund



Hamilton Lane®



***Greg Baty***  
***Principal***  
***Hamilton Lane***

# Florida Growth Fund Portfolio Performance & Activity

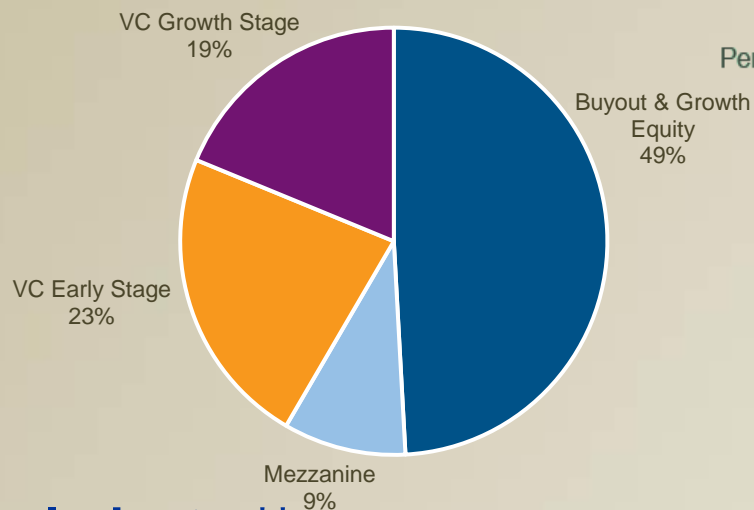
**Florida Growth Fund Investment Summary**  
**June 30, 2013**

USD in millions	Co-Investments	Partnerships	Total
Total Investments	20	15	35
Realized Investments	1	-	1
Commitments	\$160.8	\$148.9	\$309.7
Paid In	\$160.8	51.7	212.5
Distributions	13.7	9.1	22.8
Market Value	203.3	49.7	253.0
IRR	17.60%	10.75%	16.42%
Total Value Multiple	1.4x	1.1x	1.3x

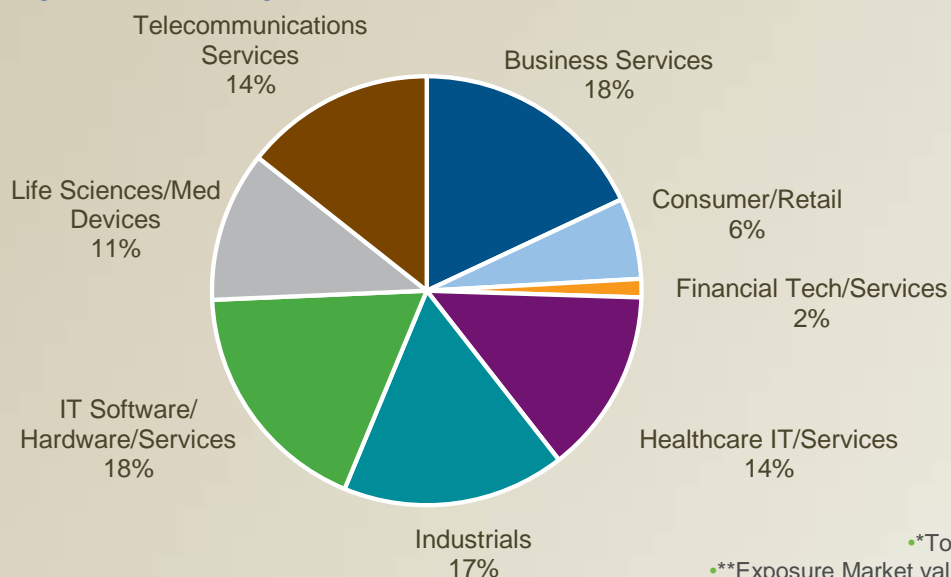
- Florida Growth Fund Tranches I & II have generated a since-inception IRR of 16.4% through June 30, 2013
- To date, the Portfolio has fully realized two co-investments which have returned \$17.1 million in proceeds and a 2.9x MOIC. Together, these co-investments generated a since inception IRR of 34.4%

# Florida Growth Fund Portfolio Diversification

## By Strategy\*



## By Industry\*\*



\*As of June 30, 2013

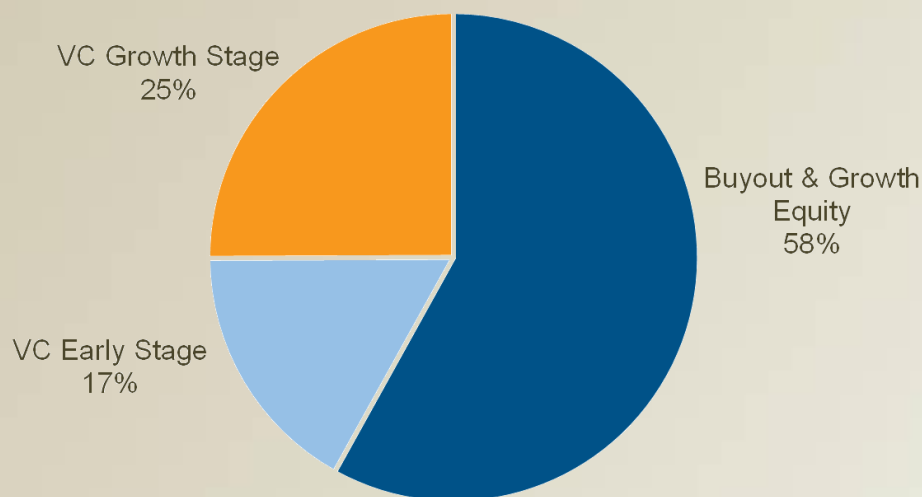
\*\*Total Exposure (market value + unfunded commitments) used to determine strategic diversification  
 \*\*\*Exposure Market value of underlying holdings used to determine industry diversification, not including reserve capital

# Florida Growth Fund Co-Investment Portfolio

**20 Investments, 2 Realized; \$160.8 million in total commitments<sup>1</sup>**

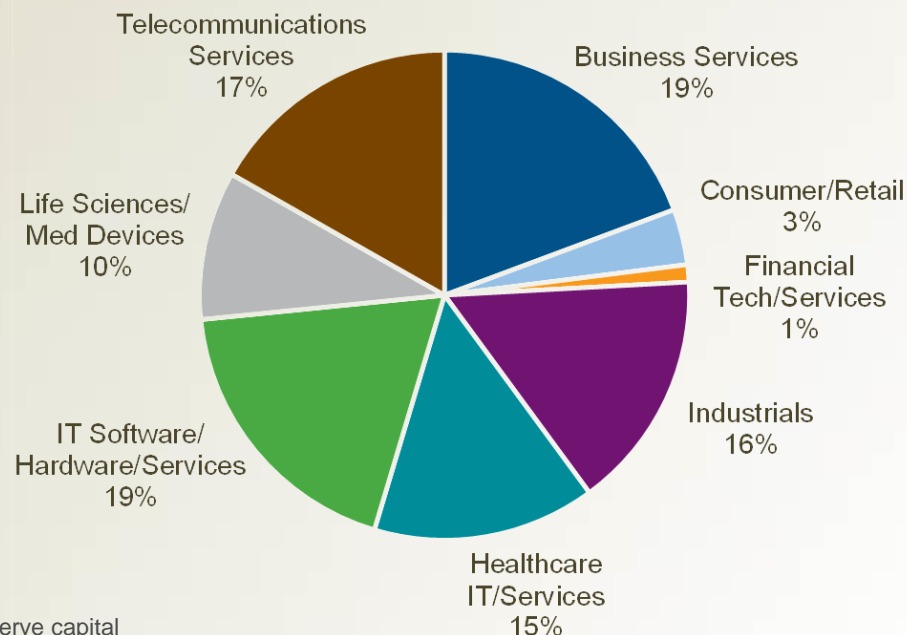
## By Strategy\*

Partnering with managers with top quartile performance and sector expertise



## By Industry\*\*

Well-balanced industry diversification including Telecom, Life Sciences, IT and Healthcare accounting for 61% of exposed market value



As of June 30, 2013

\*Total Exposure (market value + unfunded commitments) used to determine strategic diversification

\*\*Exposure Market value of underlying holdings used to determine industry diversification, not including reserve capital

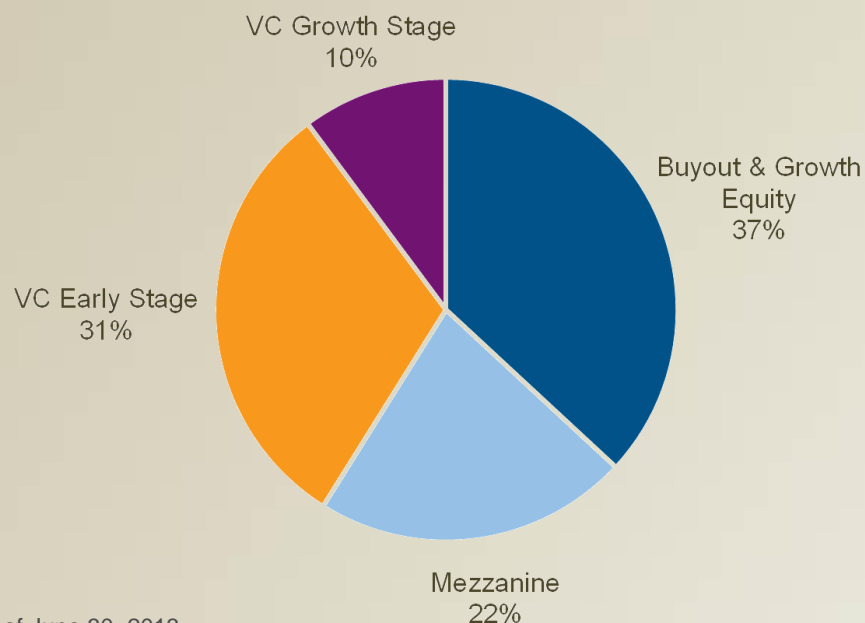
<sup>1</sup>The Portfolio realized its second investment subsequent to June 30, 2013

# Florida Growth Fund Primary Partnership Portfolio

**15 partnership investments; \$148.9 million in total commitments**

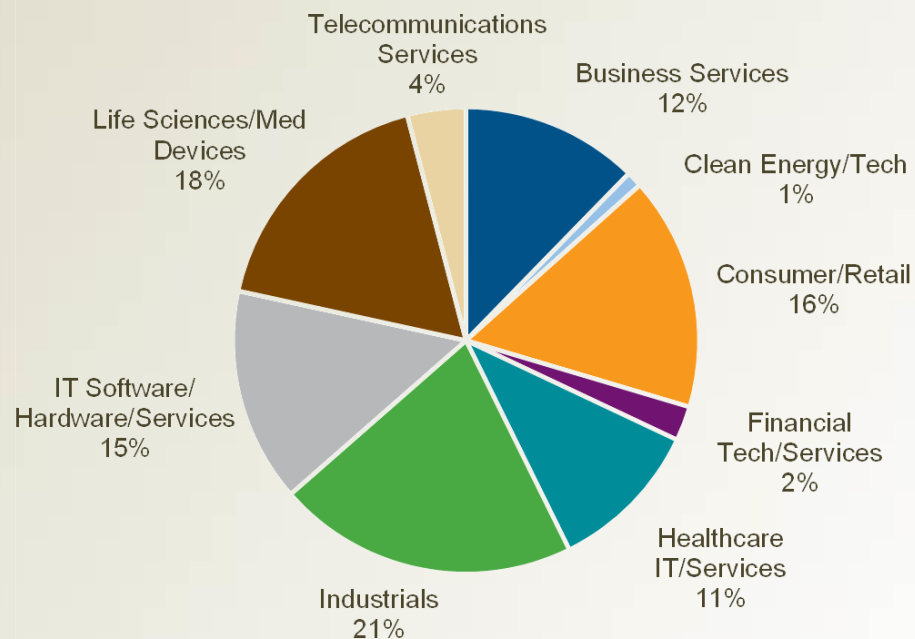
## By Strategy\*

Side car vehicles established with four<sup>1</sup> partnership investments to increase Florida concentration



## By Industry\*\*

All fund managers have a significant presence within the state, with new Florida offices opened by four managers



As of June 30, 2013

\*Total Exposure (market value + unfunded commitments) used to determine strategic diversification

\*\*Exposure Market value of underlying holdings used to determine industry diversification

<sup>1</sup> As of November 2013

# Florida Growth Fund Community Outreach & Presence

## Staying active within the Florida Venture community and state in general...

- **Speaking Engagements**

- ACG Conference
- Bio-Florida 13th Annual Conference
- Florida Venture Capital Conference
- Intergrowth - Orlando
- Knight Foundation Investors Discussion Group
- Miami Finance Forum
- Southeast Venture Conference
- Southern Capital Conference
- SBIA National Summit for Middle Market Investors

- **Board representation**

- Advisory board seats on all primary partnerships
- Six board seats/observer rights for co-investments
- Florida Institute for the Commercialization of Public Research
- I2 Capital Acceleration Program - Judge
- Miami Finance Forum
- Florida Venture Forum

- **Out-of-State Conferences\***

- Buyouts West
- Credit Suisse

### Florida Market Outreach



# Questions?



State Board of Administration  
1801 Hermitage Blvd., Suite 100  
Tallahassee, Florida 32308  
(850) 488-4406  
[www.sbafla.com](http://www.sbafla.com)



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/11/13

Meeting Date

Topic FL GROWTH FUND

Bill Number \_\_\_\_\_  
(if applicable)

Name GREG BATY

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Managing Director

Address 200 SW 1st Avenue Suite 880

Phone (954) 745-2781

Street

Fort Lauderdale FL 33301

City

State

Zip

E-mail gbaty@hamiltonlane.com

Speaking: ☐ For ☐ Against ☒ Information

Representing Hamilton Lane / FL GROWTH FUND / FL SBA

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/20/11)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/11/13  
Meeting Date

Topic FL GROWTH FUND

Bill Number \_\_\_\_\_  
(if applicable)

Name ASH WILLIAMS

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Executive Director and CFO

Address 1801 Hermitage Blvd  
Street  
Tallahassee FL 32308  
City State Zip

Phone 850 413 1250

E-mail ash.williams@  
sba.fl.com

Speaking: ☐ For ☐ Against ☒ Information

Representing FL SBA / FL GROWTH FUND

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/20/11)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

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BILL: SB 290

INTRODUCER: Senators Hukill and Brandes

SUBJECT: State Poet Laureate

DATE: December 3, 2013

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Naf	McVaney	GO	<b>Favorable</b>
2.			ED	
3.			RC	

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## **I. Summary:**

SB 290 creates the position of State Poet Laureate and provides requirements for the selection, terms of service, and duties of the State Poet Laureate. It also provides for the designation of past State Poets Laureate as State Poets Laureate Emeritus or Emerita. The position of State Poet Laureate, created by governor's proclamation in 1928, is not addressed in current statutory law.

The bill assigns the Florida Council on Arts and Culture certain responsibilities relating to the promotion of poetry and grants the Department of State rulemaking authority to implement the bill's provisions.

## **II. Present Situation:**

### **Florida Council on Arts and Culture**

The Florida Council on Arts and Culture is an advisory body within the Department of State.<sup>1</sup> Its duties are to:

- Advocate for arts and culture;
- Advise the Secretary of State in matters pertaining to arts and cultural programs and grants administered by the Division of Cultural Affairs;<sup>2</sup>
- Encourage the participation in and appreciation of arts and culture;
- Encourage public interest in the state's cultural heritage and expand its resources;
- Encourage and assist freedom of artistic expression;
- Advise the Secretary of State in matters concerning the awarding of grants for arts and culture; and

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<sup>1</sup> Section 265.285(1)(a), F.S.

<sup>2</sup> The Division of Cultural Affairs of the Department of State is the state arts administrative agency. Among its duties are the acceptance and administration of state and federal funds provided for the fine arts, grants, and certain programs. See s. 265.284, F.S.

- Review applications for grants for the acquisition, renovation, or construction of cultural facilities and recommend a priority for the disbursement of such grants.<sup>3</sup>

### **State Poets Laureate**

#### Generally

As of August 2013, 42 states had an official State Poet Laureate position.<sup>4</sup> Duties of such poets laureate vary, but all involve the promotion of the reading, writing, and appreciation of poetry.<sup>5</sup>

#### In Florida

In 1928, the position of Poet Laureate of the State of Florida was established by governor's proclamation.<sup>6</sup> The position is a lifetime appointment.<sup>7</sup> Three poet laureates have been appointed since the inception of the position.<sup>8</sup>

Current statutory law does not contain provisions relating to a state poet laureate.

### **III. Effect of Proposed Changes:**

#### **Summary**

The bill creates the position of State Poet Laureate in law and provides requirements for the selection, terms of service, and duties of the State Poet Laureate. It provides for the designation of past State Poets Laureate as State Poet Laureate Emeritus or State Poet Laureate Emerita.<sup>9</sup>

The bill also assigns certain responsibilities relating to poetry to the Florida Council on Arts and Culture (council) and grants the Department of State (department) rulemaking authority to implement the bill's provisions.

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<sup>3</sup> Section 265.285(2), F.S.

<sup>4</sup> See "Frequently Asked Questions," U.S. State Poets Laureate, Library of Congress, <http://www.loc.gov/rr/main/poets/faq.html> (last visited November 5, 2013).

<sup>5</sup> *Id.*

<sup>6</sup> See "U.S. State Poets Laureate, Florida," Library of Congress, <http://www.loc.gov/rr/main/poets/florida.html> (last visited November 5, 2013).

<sup>7</sup> See *id.* and "Florida's Poet Laureate," Florida Division of Cultural Affairs, <http://www.florida-arts.org/programs/poetlaureate/> (last visited November 5, 2013).

<sup>8</sup> The position is currently vacant, as the most recent state poet laureate, Edmund Skellings, passed away in August 2012. He was appointed by Governor Robert Graham in 1980, after a competition and selection by an anonymous national panel. See "Florida's Poet Laureate," Florida Division of Cultural Affairs, <http://www.florida-arts.org/programs/poetlaureate/> (last visited November 5, 2013).

<sup>9</sup> The Merriam-Webster Dictionary defines "emeritus" to mean "one retired from professional life but permitted to retain as an honorary title the rank of the last office held" (<http://www.merriam-webster.com/dictionary/emeritus>, last visited November 5, 2013). "Emerita" refers to a female in such position (<http://www.merriam-webster.com/dictionary/emerita>, last visited November 5, 2013).

**Duties of the Florida Council on Arts and Culture**

The bill amends the current duties of the council to also require the council to:

- Promote the reading, writing, and appreciation of poetry throughout the state; and
- Accept nominations and recommend nominees for appointment as the State Poet Laureate.

**Establishment, Selection, and Duties of the State Poet Laureate**

The bill establishes the honorary position of State Poet Laureate within the department.

The bill requires the council, in accordance with procedures adopted by the department, to accept nominations for State Poet Laureate. The council must solicit nominations from a broad array of literary sources and members of the public.

The bill also requires the council to recommend at least five nominees to the Secretary of State. Each nominee must be:

- A permanent resident of the state;
- A public literary poet who has significant standing inside and outside of the state; and
- Willing and physically able to perform the duties of the State Poet Laureate as prescribed by the department, which may include, but are not limited to, engaging in outreach and mentoring for the benefit of schools and communities throughout the state and performing readings of his or her own poetry, as requested.

The bill requires the Secretary of State to submit three of the council's nominees to the Governor. The Governor must appoint one of the Secretary of State's nominees as the State Poet Laureate.

**Terms of Service of the State Poet Laureate**

The bill specifies that the State Poet Laureate will serve a term of 4 years. A vacancy for the remainder of the unexpired term must be filled in the same manner as the original appointment.

The bill also provides that each of the state's poets laureate appointed before the effective date of the bill and each State Poet Laureate appointed under the bill's provisions, upon the appointment of his or her successor, will be designated a State Poet Laureate Emeritus or State Poet Laureate Emerita in recognition of his or her service to the state.

The bill specifies that the State Poet Laureate and State Poets Laureate Emeritus or Emerita serve without compensation. The bill does not authorize reimbursement of any expenses incurred by a State Poet Laureate.

**Rulemaking Authority**

The bill authorizes the department to adopt rules to administer the section.

The bill's effective date is July 1, 2014.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill adds duties relating to promotion of poetry and selection of State Poet Laureate nominees for the Florida Council on Arts and Culture, and creates duties relating to the selection and appointment of the State Poet Laureate for the Department of State and for the Governor. It also authorizes the department to adopt rules to implement the act. Department staff states costs incurred by solicitation and review of nominations and by rule promulgation will be absorbed by the agency within existing resources.<sup>10</sup> It is likely that costs incurred by the Governor to appoint each State Poet Laureate will also be absorbed within existing resources.

The bill prohibits compensation for State Poets Laureate and does not authorize reimbursement for expenses incurred by State Poets Laureate.

**VI. Technical Deficiencies:**

None.

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<sup>10</sup> Email correspondence between Department of State staff and Senate Governmental Oversight and Accountability Committee staff on November 14, 2013 (on file with the Senate Governmental Oversight and Accountability Committee).

**VII. Related Issues:**Rulemaking

A rule is an agency statement of general applicability that interprets, implements, or prescribes law or policy, including the procedure and practice requirements of an agency as well as certain types of forms.<sup>11</sup> An agency may only adopt rules that implement or interpret the specific powers and duties granted by the enabling statute.<sup>12</sup> Because legislative power involves the exercise of policy-related discretion over the content of law,<sup>13</sup> any discretion given an agency to implement a law must be “pursuant to some minimal standards and guidelines ascertainable by reference to the enactment establishing the program.”<sup>14</sup>

The bill authorizes the Department of State to adopt rules to administer the section, but does not explicitly require it. The bill appears to implicitly require rulemaking, however, because it requires the council’s acceptance of nominees to be in accordance with procedures by the department and requires the department to prescribe duties of the State Poet Laureate.<sup>15</sup>

Other Comments

The bill does not provide a process by which a State Poet Laureate may be removed from the position for reasons such as misconduct.

**VIII. Statutes Affected:**

This bill substantially amends section 265.285 and creates section 265.2863 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

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<sup>11</sup> See s. 120.52(16), F.S.; *Sloban v. Florida Board of Pharmacy*, 982 So.2d 26 (Fla. 1st DCA 2008); *Board of Trustees of the Internal Improvement Trust Fund v. Day Cruise Association, Inc.*, 794 So.2d 696 (Fla. 1st DCA 2001).

<sup>12</sup> Section 120.536, F.S.

<sup>13</sup> See *State ex rel. Taylor v. City of Tallahassee*, 177 So.2d 719 (Fla. 1937).

<sup>14</sup> See *Askew v. Cross Key Waterways*, 372 So.2d 913 (Fla. 1978).

<sup>15</sup> Lines 39-41 and 50-51 of the bill, respectively.

By Senator Hukill

8-00263-14

2014290\_\_

A bill to be entitled

An act relating to the State Poet Laureate; amending s. 265.285, F.S.; assigning duties to the Florida Council on Arts and Culture relating to the promotion of poetry and recommendations for the appointment of the State Poet Laureate; creating s. 265.2863, F.S.; creating the honorary position of State Poet Laureate within the Department of State; establishing procedures for the acceptance of nominations, the qualifications and recommendation of nominees, and the appointment of the State Poet Laureate; providing for filling vacancies; specifying that a former poet laureate becomes a State Poet Laureate Emeritus or Emerita; providing that the State Poet Laureate, the State Poet Laureate Emeritus, and the State Poet Laureate Emerita serve without compensation; authorizing the department to adopt rules; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Present paragraph (g) of subsection (2) of section 265.285, Florida Statutes, is redesignated as paragraph (h), and a new paragraph (g) is added to that subsection, to read:

265.285 Florida Council on Arts and Culture; membership, duties.—

(2) The council shall:

(g) Promote the reading, writing, and appreciation of

Page 1 of 3

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

8-00263-14

2014290\_\_

poetry throughout the state and accept nominations and recommend nominees for appointment as the State Poet Laureate under s. 265.2863.

Section 2. Section 265.2863, Florida Statutes, is created to read:

265.2863 State Poet Laureate.—

(1) The honorary position of State Poet Laureate is created within the Department of State.

(2) The Florida Council on Arts and Culture, in accordance with procedures adopted by the department, shall solicit and accept nominations for appointment as the State Poet Laureate. The council shall solicit nominations from a broad array of literary sources and members of the public.

(a) The council shall recommend at least five nominees to the Secretary of State, each of whom must be:

1. A permanent resident of this state;

2. A public literary poet who has significant standing inside and outside the state; and

3. Willing and physically able to perform the duties of the State Poet Laureate as prescribed by the department, which may include, but are not limited to, engaging in outreach and mentoring for the benefit of schools and communities throughout the state and performing readings of his or her own poetry, as requested.

(b) From among the nominees recommended by the council, the Secretary of State shall submit three nominees to the Governor, who shall appoint one nominee as the State Poet Laureate.

(3) The State Poet Laureate shall serve a term of 4 years.

A vacancy shall be filled for the remainder of the unexpired

Page 2 of 3

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.



8-00263-14

2014290\_\_

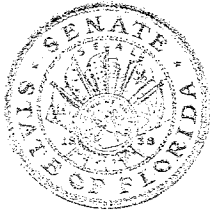
59 term in the same manner as the original appointment.

60 (4) Each of the state's poets laureate appointed before  
61 July 1, 2014, and each State Poet Laureate appointed under this  
62 section shall be designated a State Poet Laureate Emeritus or  
63 State Poet Laureate Emerita in recognition of his or her service  
64 to the state upon the appointment of his or her successor.

65 (5) The State Poet Laureate and each State Poet Laureate  
66 Emeritus or State Poet Laureate Emerita shall serve without  
67 compensation.

68 (6) The department may adopt rules to administer this  
69 section.

70 Section 3. This act shall take effect July 1, 2014.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Subcommittee on Finance and Tax, *Chair*  
Appropriations  
Appropriations Subcommittee on Education  
Commerce and Tourism  
Communications, Energy, and Public Utilities  
Community Affairs  
Governmental Oversight and Accountability

### JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

**SENATOR DOROTHY L. HUKILL**

8th District

November 5, 2013

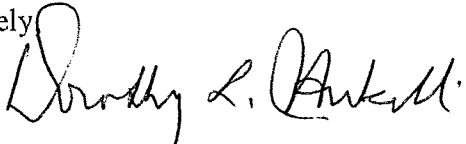
The Honorable Jeremy Ring  
405 Senate Office Building  
404 S. Monroe Street  
Tallahassee, FL 32399

Re: Senate Bill 290 – State Poet Laureate

Dear Chair Ring:

Senate Bill 290, relating to State Poet Laureate, has been referred to the Committee on Government Oversight and Accountability. I am requesting your consideration to include SB 290 on your next agenda. Should you need any additional information please do not hesitate to contact my office.

Thank you for your consideration.

Sincerely,  


Dorothy L. Hukill, District 8

cc: Joe McVane, Staff Director of the Committee on Governmental Oversight and Accountability  
Bethany Jones, Administrative Assistant Committee on Governmental Oversight and Accountability

### REPLY TO:

☐ 209 Dunlawton Avenue, Unit 17, Port Orange, Florida 32127 (386) 304-7630 FAX: (888) 263-3818  
☐ Ocala City Hall, 110 SE Watula Avenue, 3rd Floor, Ocala, Florida 34471 (352) 694-0160

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/11/2013  
Meeting Date

Topic Poet Laureate

Bill Number SB 290  
(if applicable)

Name Eileen Sperl-Hawkins

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title \_\_\_\_\_

Address 4049 Blind Brook  
Street  
Tallahassee FL 32303  
City State Zip

Phone 850-562-5239

E-mail catsclawsdogpaws@  
yahoo.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida State Poet Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/11/13

Meeting Date

Topic Poet Laureate

Name Lena Juarez

Job Title \_\_\_\_\_

Address P.O. Box 10390

Street

Tallahassee

City

FL

State

32302

Zip

Bill Number SB 290

(if applicable)

Amendment Barcode \_\_\_\_\_

(if applicable)

Phone 850 212 8330

E-mail lena.ej@assoc.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida Humanities Council

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/20/11)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

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BILL: CS/SB 106

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Dean

SUBJECT: County Employees

DATE: December 11, 2013      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Yeatman	CA	<b>Favorable</b>
2.	Naf	McVaney	GO	<b>Fav/CS</b>
3.			AGG	
4.			AP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Technical Changes

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**I. Summary:**

CS/SB 106 clarifies the authority of counties relating to employee benefit. It specifies that the county's power to employ personnel includes, but is not limited to, the authority to determine the benefits available to different types of personnel. It also specifies that the Florida Retirement System Act governs the participation of county employees in the Florida Retirement System.

**II. Present Situation:**

**County Powers Relating to Employment**

Charter Counties

Those counties operating under a county charter have all powers of self-government not inconsistent with general law, or special law approved by the vote of the electors.<sup>1</sup>

Non-Charter Counties

Non-charter county governments may exercise those powers of self-government that are provided by general or special law.<sup>2</sup>

---

<sup>1</sup> FLA. CONST. art. VIII, s. 1(g).

<sup>2</sup> FLA. CONST. art. VIII, s. 1(f).

The Florida Statutes specify powers of self-government for non-charter counties, unless such powers are preempted on a particular subject by general or special law.<sup>3</sup> Such powers include, but are not limited to, the authority to:

- Employ personnel;<sup>4</sup>
- Perform any act not specifically enumerated that is not inconsistent with law and is in the common interest of the people of the county;<sup>5</sup> and
- Exercise all powers and privileges not specifically prohibited by law.<sup>6</sup>

### **Florida Retirement System Eligibility**

The Florida Retirement System (FRS) is a multi-employer, contributory plan that provides retirement income benefits.<sup>7</sup> It is the primary retirement plan for employees of state and county government agencies, district school boards, community colleges, and universities.<sup>8</sup>

Participation in the FRS is compulsory for all officers and employees of those employers.<sup>9</sup> “Officer or employee” means any person receiving salary payments for work performed in a regularly established position.<sup>10</sup> “Regularly established position” means:

- With respect to a state employer, a position that is authorized and established pursuant to law and is compensated from a salaries and benefits appropriation,<sup>11</sup> or an authorized<sup>12</sup> established position that is compensated from a salaries account.<sup>13</sup>
- With respect to a local agency employer (district school board, county agency, Florida College System institution, municipality, metropolitan planning organization, charter school, charter technical career center, or special district),<sup>14</sup> a regularly established position that will be in existence for a period beyond 6 consecutive months, except as provided by rule.<sup>15</sup>

An employee in a temporary position may not be a member of the FRS. “Temporary position” means:

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<sup>3</sup> See s. 125.01, F.S.

<sup>4</sup> Section 125.01(3)(a), F.S.

<sup>5</sup> Section 125.01(1)(w), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> See ch. 121, F.S.

<sup>8</sup> Florida Retirement System Participating Employers for Plan Year 2012-13, prepared by the Department of Management Services, Division of Retirement, Revised September 2012, at 8. A copy of the document can be found online at: [http://www.dms.myflorida.com/human\\_resource\\_support/retirement/publications/informational\\_booklets](http://www.dms.myflorida.com/human_resource_support/retirement/publications/informational_booklets). The FRS also serves as the retirement plan for participating employees of the 185 cities and 257 independent hospitals and special districts that have elected to join the system (*id.*).

<sup>9</sup> Section 121.051(1), F.S.

<sup>10</sup> Section 121.021(11), F.S.

<sup>11</sup> Pursuant to s. 216.011(1)(mm), F.S., which defines “salaries and benefits” to mean the appropriation category used to fund the monetary or cash-equivalent compensation for work performed by state employees for a specific period of time, and provides that benefits shall be as provided by law.

<sup>12</sup> As provided by s. 216.262(1)(a), F.S.

<sup>13</sup> Section 121.021(52)(a), F.S. A salaries account is as provided in s. 216.011(1)(nn), F.S., which defines “salary” to mean the cash compensation for services rendered for a specific period of time.

<sup>14</sup> Does not include a water management district operating pursuant to ch. 373, F.S., which has a separate definition for “regularly established position” in s. 121.021(52)(c), F.S.

<sup>15</sup> Section 121.021(52)(b), F.S.

- With respect to a state employer, a position that is compensated from an OPS account.<sup>16</sup>
- With respect to a local agency employer, a position that will exist for less than 6 consecutive months, or other position determined by rule, regardless of whether it will exist for 6 consecutive months or longer.<sup>17</sup> The relevant rule provides that the following positions are also deemed temporary, regardless of the length of existence:
  - Certain instructional positions established with no guarantee of continuation beyond one term.
  - If acceptable agency documentation is maintained, certain student positions, work-study positions, substitute teacher positions, on-call positions, positions related to federal programs, non-salaried elected positions, OPS non-instructional community college positions, temporary emergency-related positions, and instructional positions filled by exchange teachers.<sup>18</sup>

### III. Effect of Proposed Changes:

The bill amends a current provision that specifies that counties have all implied powers necessary or incident to carrying out the powers enumerated in s. 125.01, F.S., including the authority to *employ personnel*, expend funds, enter into contractual obligations, and purchase or lease and sell or exchange real or personal property,<sup>19</sup> by:

- Specifying that the authority to employ personnel includes, but is not limited to, the authority to determine the benefits available to different types of personnel. The bill provides that such benefits include, but are not limited to, insurance coverage and paid leave.
- Specifically acknowledging that the provisions of ch. 121, F.S., govern the participation of county employees in the Florida Retirement System.

The bill, therefore, appears to clarify existing authority of counties relating to employees.

The bill also makes technical drafting changes to the section's current language.

The bill's effective date is July 1, 2014.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenues in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

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<sup>16</sup> Section 121.021(53)(a), F.S. Section 216.011(1)(dd), F.S., defines "other-personal-services" to mean the appropriation category used to fund the compensation for services rendered by a person who is not filling an established position. The term includes, but is not limited to, services of temporary employees, student or graduate assistants, persons on fellowships, part-time academic employees, board members, and consultants and other services specifically budgeted by each agency, or by the judicial branch, in this category. A person paid from OPS appropriations is not eligible for membership in a state retirement system.

<sup>17</sup> Section 121.021(53)(b), F.S.

<sup>18</sup> Rule 60S-1.004(5)(b), F.A.C.

<sup>19</sup> The provision is s. 125.01(3)(a), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Indeterminate. The bill's explicit specification that counties may determine the benefits available to different types of personnel may result in benefits cost savings for any county that currently provides the same benefits for all types of positions.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Staff is not aware of a general or a special law that preempts a charter county's authority, or a general law that prohibits a non-charter county's authority to determine benefits for different types of employment positions, except that certain positions are governed by the Florida Retirement System Act as discussed.

**VIII. Statutes Affected:**

This bill substantially amends section 125.01 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Governmental Oversight and Accountability on December 11, 2013:**

The CS clarifies that the authority to employ personnel is not limited to the authority to determine available benefits, and makes drafting changes for easier readability.



B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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926708

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/11/2013	.	
	.	
	.	
	.	

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The Committee on Governmental Oversight and Accountability  
(Hays) recommended the following:

**Senate Amendment**

Delete lines 20 - 22  
and insert:  
personal property. The authority to employ personnel includes,  
but is not limited to, the authority to determine the benefits  
available to different types of personnel. Such benefits may  
include, but are not limited to,



140072

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/11/2013	.	
	.	
	.	
	.	

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The Committee on Governmental Oversight and Accountability  
(Hays) recommended the following:

**Senate Amendment**

Delete lines 24 - 26  
and insert:  
121 govern the participation of county employees in the

By Senator Dean

5-00171-14

2014106\_\_

A bill to be entitled

An act relating to county employees; amending s. 125.01, F.S.; providing that the governing body of a county has authority to determine available benefits of county employees; specifying the applicability of ch. 121, F.S., to such employees; providing an effective date.

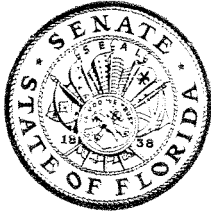
Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (a) of subsection (3) of section 125.01, Florida Statutes, is amended to read:

125.01 Powers and duties.—

(3) (a) The enumeration of powers herein ~~may shall~~ not be deemed exclusive or restrictive, but ~~is shall be~~ deemed to incorporate all implied powers necessary or incident to carrying out such powers enumerated, including, specifically, authority to employ personnel, expend funds, enter into contractual obligations, and purchase or lease and sell or exchange real or personal property. The authority to employ personnel includes the authority to determine available benefits for different types of positions, if any, including, but not limited to, insurance coverage and paid leave. The provisions of chapter 121, which include compulsory membership in the Florida Retirement System of employees meeting certain criteria, govern the retirement benefits available to county employees under the Florida Retirement System.

Section 2. This act shall take effect July 1, 2014.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR CHARLES S. DEAN, SR.**  
5th District

**COMMITTEES:**  
Environmental Preservation and  
Conservation, *Chair*  
Appropriations Subcommittee on Criminal and  
Civil Justice  
Appropriations Subcommittee on General  
Government  
Children, Families, and Elder Affairs  
Criminal Justice  
Gaming  
Military Affairs, Space, and Domestic Security

November 6, 2013

The Honorable Jeremy Ring  
405 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chairman Ring,

I respectfully request you place Senate Bill 106, relating to County Employees, on your Governmental Oversight and Accountability Committee agenda at your earliest convenience.

If you have any concerns, please do not hesitate to contact me personally.

Sincerely,

A handwritten signature in black ink that reads "Charles S. Dean".

Charles S. Dean  
State Senator District 5

cc: Joe McVaney, Staff Director

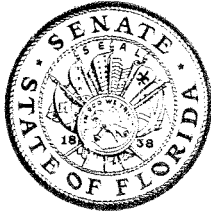
**REPLY TO:**

- ☐ 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- ☐ 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005
- ☐ 315 SE 25th Avenue, Ocala, Florida 34471-2689 (352) 873-6513

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Environmental Preservation and  
Conservation, *Chair*  
Appropriations Subcommittee on Criminal and  
Civil Justice  
Appropriations Subcommittee on General  
Government  
Children, Families, and Elder Affairs  
Criminal Justice  
Gaming  
Military Affairs, Space, and Domestic Security

**SENATOR CHARLES S. DEAN, SR.**  
5th District

December 2, 2013

The Honorable Jeremy Ring  
405 Senate Office Building  
404 South Monroe St.  
Tallahassee, FL 32399-1100

Dear Chairman Ring:

Thank you for allowing Senate Bill 106, relating to County Employees, to be placed on your agenda. Unfortunately, I will be unable to attend the Committee meeting and would like to request your permission to allow my aide, Chase Daniels, to present this bill in my place.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Charles S. Dean".

Charles S. Dean  
State Senator, District 5

Cc: Joe McVaney, Staff Director

**REPLY TO:**

- ☐ 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- ☐ 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005
- ☐ 315 SE 25th Avenue, Ocala, Florida 34471-2689 (352) 873-6513

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

---

BILL: SB 250

INTRODUCER: Senator Abruzzo

SUBJECT: Henry Morrison Flagler Memorial

DATE: December 5, 2013

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McKay/Jones	McVaney	GO	<b>Favorable</b>
2.			AGG	
3.			AP	
4.			RC	

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**I. Summary:**

SB 250 establishes the Henry Morrison Flagler Memorial. The Department of Management Services (DMS) is required to designate an area for the memorial in the Capitol courtyard. DMS is to consult with the Henry Morrison Flagler Museum regarding the construction, installation, and continuous management of the memorial. The bill permits the commission of a figurative bronze sculpture to be installed in the designated area using funds collected from private donations to the Henry Morrison Flagler Museum.

**II. Present Situation:**

**Henry Morrison Flagler**

Henry Morrison Flagler, a co-founder of Standard Oil, began his investment in the development of Florida in 1885<sup>1</sup>. Flagler developed luxury resorts throughout Florida, including the Ponce de Leon Hotel, the Royal Poinciana Hotel, the Royal Palm Hotel, and The Breakers. Flagler extended the Florida East Coast Railway from Jacksonville to Key West. The Over-Sea railroad to Key West was considered the most ambitious engineering feat ever undertaken by a private citizen.<sup>2</sup>

Flagler is considered an inventor of modern Florida, and is memorialized throughout Florida with a figurative statue at Flagler College and replica statues at the Key West Bight Ferry terminal, Miami-Dade County Courthouse, and Bradley Park in Palm Beach.<sup>3</sup> Flagler established

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<sup>1</sup>Henry Morrison Flagler Museum, *Henry Morrison Flagler Biography*, <http://www.flaglERMuseum.us/history/flagler-biography> (last visited Dec. 5, 2013).

<sup>2</sup> *Id.*

<sup>3</sup> *Flagler's Florida*, 31, available at [http://interactive.sun-sentinel.com/services/newspaper/education/nie/curriculum/Flag\\_tab.pdf](http://interactive.sun-sentinel.com/services/newspaper/education/nie/curriculum/Flag_tab.pdf) (last visited Dec. 5, 2013).

transportation infrastructure, tourism, and agricultural industries that remain the foundation of Florida's economy today.

### **Henry Morrison Flagler Museum<sup>4</sup>**

The Henry Morrison Flagler Museum is a non-profit corporation established in 1959. The museum is located at Whitehall, Flagler's former winter home in Palm Beach, Florida. Whitehall opened to the public in 1960.<sup>5</sup> The museum offers year-round tours of the mansion as well as exhibits, concerts, and a lecture series on Gilded Age events. Whitehall is a National Historic Landmark and Florida's first museum.<sup>6</sup>

### **Managing Agency for the Capitol Complex**

Section 272.03(1), F.S., provides that the Capitol Center is under the general control of DMS, which includes the operation and maintenance of both the grounds and buildings. This responsibility has historically included assistance in establishing and maintaining public memorials throughout the Capitol Complex, including project management oversight of the design and construction of memorials.<sup>7</sup> After an entity is assigned a designated space within the Capitol complex for an exhibit, the entity is the manager of the exhibit's content and display, in consultation with DMS.<sup>8</sup>

### **Current Capitol Ground Memorials**

The Capitol grounds currently have three fixed memorials: the Florida Fraternal Order of Police Law Enforcement Memorial in the Capitol courtyard; the Combat Wounded Veterans memorial adjacent to the Senate Office Building; and a plaque in remembrance of Dr. Martin Luther King, Jr., also in the Capitol courtyard.<sup>9</sup>

## **III. Effect of Proposed Changes:**

The bill creates section 265.004, F.S., which establishes the Henry Morrison Flagler Memorial. The bill provides legislative intent in the proposed statute to recognize and honor Henry Morrison Flagler for his significant contributions to the development of Florida.

The bill requires DMS, the managing agency for the Capitol Complex, to designate an area for the memorial in the courtyard between the Capitol Building and the Historic Capitol. After designating the location, DMS will consult with the Henry Flagler Memorial Museum regarding the construction, installation, and continuous management of the memorial.

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<sup>4</sup>Henry Morrison Flagler Museum, *Florida's First Museum*, <http://flaglermuseum.us/history/floridas-first-museum> (last visited Dec. 5, 2013).

<sup>5</sup> Henry Morrison Flagler Museum, *Whitehall's Grounds and Architecture*, <http://www.flaglermuseum.us/history/grounds-and-architecture> (last visited Dec. 5, 2013)

<sup>6</sup> National Historic Landmarks Program, *Whitehall (Henry M. Flagler House)*, <http://tps.cr.nps.gov/nhl/detail.cfm?ResourceId=957812452&ResourceType=Building> (last visited Dec. 5, 2013)

<sup>7</sup> Department of Management Services, *Senate Bill 250 Agency Analysis* (October 25, 2013) (on file with the Senate Committee on Governmental Oversight).

<sup>8</sup> *Id.*

<sup>9</sup> My Florida Capitol, *Capitol Grounds and Monuments*, <http://myfloridacapitol.com/grounds.php> (last visited Dec 5, 2013)



The Henry Flagler Memorial Museum will commission a figurative bronze sculpture in the area designated by DMS for the memorial. The sculpture will be commissioned using funds from private donations to the museum.

The effective date of the bill is July 1, 2014.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the DMS analysis, DMS will incur minimal costs associated with the maintenance of the monument area.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 265.004 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Abruzzo

25-00393-14

2014250\_\_

1 A bill to be entitled  
 2 An act relating to the Henry Morrison Flagler  
 3 Memorial; creating s. 265.004, F.S.; providing  
 4 legislative intent; establishing the memorial;  
 5 requiring the Department of Management Services to  
 6 designate a location for the memorial and consult with  
 7 the Henry Morrison Flagler Museum regarding the  
 8 construction, installation, and management of the  
 9 memorial; providing for the creation of a figurative  
 10 bronze sculpture to be installed in the memorial area;  
 11 providing an effective date.  
 12  
 13 WHEREAS, Henry Morrison Flagler, a Gilded Age  
 14 industrialist, railroad pioneer, and luxury resort developer, is  
 15 responsible for establishing the state's tourism and agriculture  
 16 industries as well as the state's transportation infrastructure,  
 17 and  
 18 WHEREAS, Henry Morrison Flagler was the founder of what  
 19 became known as the Florida East Coast Railway, and  
 20 WHEREAS, under Henry Morrison Flagler's leadership, the  
 21 Florida East Coast Railway was extended from Jacksonville to Key  
 22 West, providing for the rise of many Florida communities, and  
 23 WHEREAS, to accommodate travelers and vacationers, Henry  
 24 Morrison Flagler developed a number of luxury resorts, including  
 25 the Ponce de Leon Hotel, the Royal Poinciana Hotel, and the  
 26 Breakers Hotel, and  
 27 WHEREAS, Henry Morrison Flagler is known as Florida's  
 28 greatest benefactor, the father of Miami, and the founder of  
 29 Palm Beach, and

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

25-00393-14

2014250\_\_

30 WHEREAS, few individuals have had a greater or more lasting  
 31 impact on a state than Henry Morrison Flagler has had on  
 32 Florida, NOW, THEREFORE,  
 33  
 34 Be It Enacted by the Legislature of the State of Florida:  
 35  
 36 Section 1. Section 265.004, Florida Statutes, is created to  
 37 read:  
 38 265.004 Henry Morrison Flagler Memorial.-  
 39 (1) It is the intent of the Legislature to recognize and  
 40 honor Henry Morrison Flagler for his significant contributions  
 41 to the development of this state.  
 42 (2)(a) There is established the Henry Morrison Flagler  
 43 Memorial.  
 44 (b) The Department of Management Services shall designate  
 45 an area for the memorial in the courtyard between the Capitol  
 46 Building and the Historic Capitol and shall consult with the  
 47 Henry Morrison Flagler Museum regarding the construction,  
 48 installation, and continuous management of the memorial.  
 49 (c) The Henry Morrison Flagler Museum shall commission a  
 50 figurative bronze sculpture in recognition of Flagler's  
 51 contributions to this state using funds collected from private  
 52 donations to the museum. The sculpture shall be installed in the  
 53 area designated for the memorial pursuant to paragraph (b).  
 54 Section 2. This act shall take effect July 1, 2014.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

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BILL: SB 246

INTRODUCER: Senators Ring and Bradley

SUBJECT: Local Government Pension Reform

DATE: December 4, 2013

REVISED: 12/11/13

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. McKay	McVane	GO	Favorable
2.		CA	
3.		AP	

**I. Summary:**

SB 246 substantially amends provisions specifying how insurance premium tax revenues must be used in police and firefighter pension plans. For each plan, premium tax revenues equal to the amount received in 1997 by a particular plan must be used to fund the benefits in existence in 1999 for that plan. The increase in additional premium tax revenues between 1997 and 2012 must be used to fund any benefits that were not included in the base benefits of the plan.

Plans *with* supplemental plans in effect as of September 30, 2013, with a long-term funded ratio of less than 80 percent must use 50 percent of their post-2012 increase in premium tax revenues and any accumulated premium tax revenues to pay the plans' actuarial deficiencies, and 50 percent of the post-2012 increased revenues must be used to fund special benefits. Such plans funded at 80 percent or greater must use the additional premium tax revenues to fund extra benefits.

Plans *without* supplemental plans in effect as of September 30, 2013, with a long-term funded ratio of less than 80 percent must use 50 percent of their post-2012 increase in premium tax revenues and accumulated premium tax revenues to pay the plans' actuarial deficiencies. Twenty-five percent of the post-2012 increase must fund base benefits, and 25 percent must be placed in a defined contribution plan to fund special benefits. Such plans funded at 80 percent or greater must use half of the post-2012 increase in premium tax revenues for defined contribution benefits, and the other half for the base benefits.

As a result of this bill, the long-term unfunded actuarial liabilities of local police and firefighter pension plans should be reduced. The overall costs or savings associated with the bill are indeterminate because approximately 350 local police and firefighter pension plans are affected by the bill. The bill has no fiscal impact on state government.

The bill grandfathers certain changes or proposed changes to a plan that are based on that particular plan's reliance on a DMS interpretation of the existing statute, as evidenced by correspondence with the DMS between August 14, 2012, and February 1, 2013.

The bill also clarifies that a maximum of 300 hours of overtime may be included for purposes of calculating municipal police pension plan benefits.

## **II. Present Situation:**

### **The “Marvin B. Clayton Firefighters and Police Officers Pension Trust Fund” Acts**

The Marvin B. Clayton Firefighters' and Police Officers' Pension Trust Fund Acts<sup>1</sup> declare a legitimate state purpose of providing a uniform retirement system for the benefit of firefighters and municipal police officers. All municipal and special district firefighters and all municipal police officers retirement trust fund systems or plans must be managed, administered, operated, and funded to maximize the protection of firefighters' and police officers' pension trust funds.<sup>2</sup>

The Legislature enacted chapter 175, F.S., in 1939 to provide an incentive to cities—access to premium tax revenues—to encourage the establishment of firefighter retirement plans. Fourteen years later, the Legislature enacted chapter 185, F.S., which provides a similar funding mechanism for municipal police officers. Special fire control districts became eligible to participate under ch. 175, F.S., in 1993.

Four sources provide funding for these pension plans: net proceeds from an excise tax levied by a city upon property and casualty insurance companies (known as the “premium tax”); employee contributions; other revenue sources; and mandatory payments by the city of the normal cost of the plan.<sup>3</sup> To qualify for insurance premium tax dollars, plans must meet requirements found in ch. 175 and 185, F.S. The Division of Retirement (“division”) in the Department of Management Services (DMS) is responsible for overseeing and monitoring these plans, but day-to-day operational control rests with local boards of trustees. Most firefighters and police officers participate in these plans. If the division were to deem that a firefighter or police pension plan created pursuant to ch. 175 or 185, F.S., is not in compliance with those chapters, the sponsoring municipality could be denied its insurance premium tax revenues.

An excise tax of 1.85 percent imposed on the gross premiums of property insurance covering property within boundaries of the municipality or district funds the Firefighters' Pension Trust Fund of each municipality or special fire control district.<sup>4</sup> The insurers pay the tax to the Department of Revenue (DOR), and the net proceeds are transferred to the appropriate fund at the division.<sup>5</sup> In 2011, premium tax distributions to municipalities and special fire districts from the Firefighters' Pension Trust Fund amounted to \$72.4 million.<sup>6</sup>

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<sup>1</sup> See ch. 175 and 185, F.S.

<sup>2</sup> See ss. 175.021(1) and 185.01(1), F.S.

<sup>3</sup> Sections 175.091(1)(a) and 185.07(1), F.S.

<sup>4</sup> Section 175.101(1), F.S.

<sup>5</sup> See s. 175.121, F.S.

<sup>6</sup> Division of Management Services, *Firefighters' 2012 Premium Tax Distribution Calculation*, available online at: [https://www.rol.frs.state.fl.us/forms/Fire\\_2012.pdf](https://www.rol.frs.state.fl.us/forms/Fire_2012.pdf) (last visited on December 3, 2013).

An excise tax of 0.85 percent imposed on the gross premiums on casualty insurance policies covering property within the boundaries of a municipality funds the Police Officers' Retirement Trust Fund.<sup>7</sup> Similar to the Firefighters' Pension Trust Fund, insurers pay the excise tax to the DOR, which transfers the net proceeds to the appropriate fund at the division.<sup>8</sup> In 2011, premium tax distributions to municipalities from the Police Officers' Retirement Trust Fund amounted to \$62.6 million.<sup>9</sup>

Chapters 175 and 185, F.S., specify certain “minimum benefits” that must be provided in firefighter and police plans,<sup>10</sup> summarized in relevant part below:

<b>Benefit</b>	<b>Description of minimum level</b>
Retirement Benefit	2 percent x average final compensation x years of creditable service
Average Final Compensation (AFC)	Average annual compensation of highest 5 years of last 10 years of service
Vesting	10 years
Normal Retirement Age	Age 55 with 10 years of creditable service or Age 52 with 25 years of service
Early Retirement	Age 50 with 10 years of service Retirement benefit is reduced 3 percent for each year prior to reaching normal retirement age.
Earnings	Police = total cash remuneration Fire = fixed monthly compensation
Death Benefits	Prior to vesting - beneficiary receives employee contributions without interest earnings  Vested - beneficiary receives benefit based on early or normal retirement benefits, whichever are applicable  Post-retirement - beneficiary receives benefit based on retirement benefit option selected by member at time of retirement

<sup>7</sup> See s. 185.08, F.S.

<sup>8</sup> See s. 185.10, F.S.

<sup>9</sup> Division of Management Services, *Police Officers' 2012 Premium Tax Distribution Calculations*, available online at: [https://www.rol.frs.state.fl.us/forms/Police\\_2012.pdf](https://www.rol.frs.state.fl.us/forms/Police_2012.pdf) (last visited on December 3, 2013).

<sup>10</sup> Sections 175.162 and 185.16, F.S.

Disability Benefits	<p>Eligibility - no service requirement for in line of duty disability; 10 years of service for non service related disability</p> <p>Benefits - no less than 25 percent of average monthly earnings if non-service related; no less than 42 percent of average monthly earnings if service related</p>
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In 1999, the Legislature passed legislation that made virtually all provisions of ch. 175 and 185, F.S., expressly applicable to all participating police officer and firefighter pension plans, except the local law plans established by the cities of Jacksonville, Coral Gables, and Miami.<sup>11</sup> This legislation required all pension plans falling under these chapters to meet the specific “minimum benefit” standards. The law required that insurance premium tax revenues, over the amount received for calendar year 1997, be used to provide additional or “extra benefits” in firefighter and police officer pension plans. The term “extra benefits” means benefits in addition to or greater than those provided to general employees of the municipality, and in addition to those in existence for firefighters and police officers on March 12, 1999.<sup>12</sup>

Until August 2012, the division had consistently interpreted the law to require that premium tax revenues be used first to meet any minimum benefit requirements and those other pension benefits that were in place on March 12, 1999. Once the plan was in compliance with the minimum benefits requirements, any additional premium tax revenues had to be used in their entirety to provide extra benefits. Plans were not permitted to reduce pension benefits below the minimum benefits level or the level of pension benefits in effect on March 12, 1999, if greater.

### Recent Interpretation

In response to a letter from the City of Naples in August 2012, the division advised that its ongoing interpretation of s. 185.35(2), F.S., “appears inaccurate.” The division was asked, in essence, whether a city that negotiated and mutually agreed with its police officers to reduce benefits below levels in place on March 12, 1999, would jeopardize its premium tax revenues. In its new interpretation, the division advised that for local law plans in effect on October 1, 1998, the law compels the plan to provide chapter minimum benefits only to the extent that those benefits can be funded with “additional premium tax revenues.” So, for local law plans in effect on October 1, 1998, chapter minimum benefits must be provided only to the extent that they can be funded with premium tax revenues received in excess of the amount received for calendar year 1997.

Under the new interpretation, *it appears* that the following things are true:

- A plan sponsor may redirect, at its discretion, its pre-1997 premium tax revenues from funding minimum pension benefits to funding other non-pension retirement benefits;
- The plan’s pension benefits could be reduced to the level that can be funded solely by those additional premium tax revenues received in excess of the 1997 level;

<sup>11</sup> Sections 175.351(3) and 185.35(3), F.S.

<sup>12</sup> See ss. 175.351 and 185.35, F.S.

- A plan sponsor could reduce the mandatory contribution it was previously making to the plan to fund minimum benefits and redirect those monies to other municipal purposes; and
- Post-1997 insurance premium tax revenues used previously to fund “extra benefits” would be used to fund the minimum benefits.

The division has subsequently provided this new interpretation to other inquiring cities, on a case by case basis. DMS has adopted neither this new interpretation, nor its previous entirely different interpretation of the exact same statutory language, as a rule.

### **Definition of Salary in Municipal Police Pension Plans**

Legislation in 2011 added a 300 hour cap on the amount of overtime hours to be included in the calculation of retirement benefits in ss. 112.66, 175.032, and 185.02, F.S.<sup>13</sup> The provisions for general public retirement systems (ch. 112, F.S.) and firefighter pensions (ch. 175, F.S.) did not have existing stipulations allowing any overtime hours to be included in the calculation of retirement benefits. Section 185.02(4), F.S., had the following definition before the 2011 changes:

“Compensation” or “salary” means the total cash remuneration including “overtime” paid by the primary employer to a police officer for services rendered, but not including any payments for extra duty or a special detail work performed on behalf of a second party employer. However, a local law plan may limit the amount of overtime payments which can be used for retirement benefit calculation purposes, but in no event shall such overtime limit be less than 300 hours per officer per calendar year.

As amended by ch. 2011-216, L.O.F., the section reads as follows:

“Compensation” or “salary” means, for noncollectively bargained service earned before July 1, 2011, or for service earned under collective bargaining agreements in place before July 1, 2011, the total cash remuneration including “overtime” paid by the primary employer to a police officer for services rendered, but not including any payments for extra duty or special detail work performed on behalf of a second party employer. A local law plan may limit the amount of overtime payments which can be used for retirement benefit calculation purposes; however, such overtime limit may not be less than 300 hours per officer per calendar year. For noncollectively bargained service earned on or after July 1, 2011, or for service earned under collective bargaining agreements entered into on or after July 1, 2011, the term has the same meaning except that when calculating retirement benefits, up to 300 hours per year in overtime compensation may be included as specified in the plan or collective bargaining agreement, but payments for accrued unused sick or annual leave may not be included.

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<sup>13</sup> Chapter 2011-216, L.O.F.



The pre-2011 provision set the limit at no less than 300 hours, effectively acting as a floor or minimum of 300 hours. The current language has been interpreted to mean that after July 1, 2011, the 300 hour floor has been replaced by a 300 hour cap. After the effective date of ch. 2011-216, L.O.F., the DMS Division of Retirement appeared to take the position that the law did not *replace* the floor with a cap, but supplemented the 300 hour floor with a 300 hour cap. In other words, the employer would have had to include at least 300 hours of overtime in the calculation, but could not include more than 300 hours. Subsequently, however, the division has taken the position that the amount of overtime hours that may be included when calculating retirement benefits may be anywhere from 0 to 300 hours.<sup>14</sup>

### III. Effect of Proposed Changes:

#### Definitions

The bill defines several new terms for purposes of Chapters 175 and 185, F.S. The most relevant terms are “base benefits,” “required benefits,” and “special benefits.” Base benefits are those retirement benefits in effect on March 12, 1999. Required benefits are the lesser of the base benefits or the minimum benefits set forth in the two chapters. (For plans created after March 1, 2013, the required benefits are the minimum benefits set forth in the two chapters.) Special benefits are those retirement benefits offered through a defined contribution plan.

#### Use of Insurance Premium Tax Revenues

The bill substantially changes how insurance premium tax revenues must be used in the funding of police and firefighter pension plans in Chapters 175 and 185, F.S.

The bill amends parallel provisions in Chapters 175 and 185, F.S., and specifies that in order to receive insurance premium tax revenues, those revenues must be used as follows:

- The amount of premium tax revenues received in 1997 must be used to fund the benefits in existence on March 12, 1999.
- If the plan **did have** a supplemental plan in effect as of September 30, 2013, premium tax revenues in excess of the amount received in 2012, and any accumulations of additional premium tax revenues that have not been applied to fund extra benefits must be used as follows:
  - If the plan has a long-term funded ratio of less than 80 percent:
    - 50 percent of the revenues must be used to pay actuarial deficiencies; and
    - 50 percent must be used to fund special benefits.
  - If the plan has a long-term funded ratio of 80 percent or greater, the additional premium tax revenues must be used to fund special benefits.
- If the plan **did not have** a supplemental plan in effect as of September 30, 2013, premium tax revenues in excess of the amount received in 2012, and any accumulations of additional

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<sup>14</sup> Letter from the DMS Division of Retirement to City of Largo, dated April 4, 2012, on file with the Committee on Governmental Oversight and Accountability.

premium tax revenues that have not been applied to fund extra benefits must be used as follows:

- If the plan has a long-term funded ratio of less than 80 percent:
  - 50 percent of the revenues must be used to pay actuarial deficiencies;
  - 25 percent of the revenues must be used to fund base benefits; and
  - 25 percent must be placed in a defined contribution plan to fund special benefits.
- If the plan has a long-term funded ratio of 80 percent or greater:
  - 50 percent of the revenues must be used to fund base benefits; and
  - 50 percent must be placed in a defined contribution plan to fund special benefits.
- Premium tax revenue not described above must be used to fund benefits that were not included in base benefits.
- Premium tax revenues may not fund new defined benefits after March 1, 2013, except for new plans created after that date which may contain a defined benefit component funded by up to 50 percent of the local insurance premium tax revenues

Plan benefits may be reduced, if the plan continues to meet the required benefits of the plan and minimum chapter standards. If the plan sponsor's mandatory contribution is reduced by reducing benefits, 25 percent of the reduction must be used to fund actuarial deficiencies.

The bill also requires plan sponsors to create defined contribution plan components within their plans by October 1, 2014, or upon the creation date of a new participating plan. Plans created by special act of the Legislature have until July 1, 2015, to create a defined contribution component.

The bill explicitly allows plans to use the insurance premium tax revenues and offer benefits below the statutorily required levels in certain instances. The plan must have relied upon the interpretation of the statute by the DMS to reduce the level of benefits or use the premium tax revenues, and such reliance must be evidenced by certain documentation. The plan may continue to offer these reduced benefits and/or use the premium tax revenues in this manner until the earlier of October 1, 2016, or another collective bargaining agreement is negotiated addressing the benefits or use of revenues.

### **300 Hour Cap**

The bill amends the definition of "compensation" or "salary" in s. 185.02(4), F.S., to delete the sentence that states: "A local law plan may limit the amount of overtime payments which can be used for retirement benefit calculation purposes; however, such overtime limit may not be less than 300 hours per officer per calendar year." Deleting this sentence should clarify that the definition has a maximum cap of 300 hours, with no required minimum, consistent with a recent interpretation by the division, as it applies to the inclusion of overtime hours in the calculation of police retirement benefits.

### **Conforming Changes**

**Sections 3 and 9** amend ss. 175.071 and 185.06, F.S., to make conforming changes.

**Important State Interest**

**Section 13** provides that the Legislature determines that the bill fulfills an important state interest as related to public pension plans.

The bill takes effect July 1, 2014.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

To the extent this bill requires a local government to expend funds to comply with its terms, the provisions of s. 18(a), Art. VII, State Constitution, may apply. If those provisions do apply, in order for the law to be binding upon the cities and counties, the Legislature must find that the law fulfills an important state interest (included in section 13 of the bill), and one of the following relevant exceptions must be met:

- Funds estimated at the time of enactment sufficient to fund such expenditures are appropriated;
- Counties and cities are authorized to enact a funding source not available for such local government on February 1, 1989, that can be used to generate the amount of funds necessary to fund the expenditures;
- The expenditure is required to comply with a law that applies to all persons similarly situated; or
- The law must be approved by two-thirds of the membership of each house of the Legislature.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill should reduce local police and firefighter pension plans' long term unfunded liabilities. The overall costs or savings associated with the bill are indeterminate, since each of the approximately 350 plans affected by the bill has a different funded status. The bill has no impact on state government.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 175.021, 175.032, 175.071, 175.091, 175.162, 175.351, 185.01, 185.02, 185.06, 185.07, 185.16, and 185.35.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

By Senators Ring and Bradley

29-00060A-14

2014246\_\_

1 A bill to be entitled  
 2 An act relating to local government pension reform;  
 3 amending s. 175.021, F.S.; revising the legislative  
 4 declaration to require that all firefighter pension  
 5 plans meet the requirements of ch. 175, F.S., in order  
 6 to receive insurance premium tax revenues; amending s.  
 7 175.032, F.S.; revising definitions to conform to  
 8 changes made by the act and providing new definitions;  
 9 amending s. 175.071, F.S.; conforming a cross-  
 10 reference; amending s. 175.091, F.S.; revising  
 11 existing payment provisions and providing for an  
 12 additional mandatory payment by the municipality or  
 13 special fire control district to the firefighters'  
 14 pension trust fund; amending s. 175.162, F.S.;  
 15 deleting a provision basing the availability of  
 16 additional benefits upon state funding; amending s.  
 17 175.351, F.S., relating to municipalities and special  
 18 fire control districts that have their own pension  
 19 plans and want to participate in the distribution of a  
 20 tax fund; revising criteria governing the use of  
 21 income from the premium tax; authorizing a pension  
 22 plan to reduce excess benefits if the plan continues  
 23 to meet its required benefits and certain minimum  
 24 standards; requiring plan sponsors to have a defined  
 25 contribution plan in place by a certain date;  
 26 authorizing a municipality to implement certain  
 27 changes to a local law plan which are contrary to ch.  
 28 175, F.S., for a limited time; amending s. 185.01,  
 29 F.S.; revising the legislative declaration to require

Page 1 of 40

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29-00060A-14

2014246\_\_

30 that all police officer pension plans meet the  
 31 requirements of ch. 185, F.S., in order to receive  
 32 insurance premium tax revenues; amending s. 185.02,  
 33 F.S.; revising definitions to conform to changes made  
 34 by the act and adding new definitions; deleting a  
 35 provision allowing a local law plan to limit the  
 36 amount of overtime payments which can be used for  
 37 retirement benefit calculations; amending s. 185.06,  
 38 F.S.; conforming a cross-reference; amending s.  
 39 185.07, F.S.; revising existing payment provisions and  
 40 providing for an additional mandatory payment by the  
 41 municipality to the police officers' retirement trust  
 42 fund; amending s. 185.16, F.S.; deleting a provision  
 43 basing the availability of additional benefits upon  
 44 state funding; amending s. 185.35, F.S., relating to  
 45 municipalities that have their own pension plans for  
 46 police officers and want to participate in the  
 47 distribution of a tax fund; conforming a cross-  
 48 reference; revising criteria governing the use of  
 49 income from the premium tax; authorizing a plan to  
 50 reduce excess benefits if the plan continues to meet  
 51 its required benefits and certain minimum standards;  
 52 requiring plan sponsors to have a defined contribution  
 53 plan in place by a certain date; authorizing a  
 54 municipality to implement certain changes to a local  
 55 law plan which are contrary to ch. 185, F.S., for a  
 56 limited time; providing a declaration of important  
 57 state interest; providing an effective date.  
 58

Page 2 of 40

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29-00060A-14

2014246

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2) of section 175.021, Florida Statutes, is amended to read:

175.021 Legislative declaration.—

(2) This chapter hereby establishes, for all municipal and special district pension plans existing ~~now or hereafter~~ under this chapter, including chapter plans and local law plans, required minimum benefits and minimum standards for the operation and funding of such plans, hereinafter referred to as firefighters' pension trust funds, which must be met as a condition precedent to the plan or plan sponsor receiving a distribution of insurance premium tax revenues under s. 175.121. The required minimum benefits and minimum standards for each plan as set forth in this chapter may not be diminished by local charter, ordinance, or resolution or by special act of the Legislature and may not, nor may the minimum benefits or minimum standards be reduced or offset by any other local, state, or federal law that includes may include firefighters in its operation, except as provided under s. 112.65.

Section 2. Section 175.032, Florida Statutes, is amended to read:

175.032 Definitions.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, the term following words and phrases have the following meanings:

(1) "Additional premium tax revenues" means revenues received by a municipality or special fire control district

Page 3 of 40

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29-00060A-14

2014246

pursuant to s. 175.121 which exceed base premium tax revenues.

~~(2)(1)(a)~~ "Average final compensation" for:

(a) A full-time firefighter means one-twelfth of the average annual compensation of the 5 best years of the last 10 years of creditable service ~~before~~ prior to retirement, termination, or death, or the career average as a full-time firefighter since July 1, 1953, whichever is greater. A year is ~~shall be~~ 12 consecutive months or such other consecutive period of time as is used and consistently applied.

(b) ~~"Average final compensation" for~~ A volunteer firefighter means the average salary of the 5 best years of the last 10 best contributing years ~~before~~ prior to change in status to a permanent full-time firefighter or retirement as a volunteer firefighter or the career average of a volunteer firefighter, since July 1, 1953, whichever is greater.

(3) "Base benefits" means the level of benefits in existence for firefighters on March 12, 1999.

(4) "Base premium tax revenues" means the revenues received by a municipality or special fire control district pursuant to s. 175.121 for calendar year 1997.

~~(5)(2)~~ "Chapter plan" means a separate defined benefit pension plan for firefighters which incorporates by reference the provisions of this chapter and has been adopted by the governing body of a municipality or special district. Except as ~~may be~~ specifically authorized in this chapter, the provisions of a chapter plan may not differ from the plan provisions set forth in ss. 175.021-175.341 and ss. 175.361-175.401. Actuarial valuations of chapter plans shall be conducted by the division as provided by s. 175.261(1).

Page 4 of 40

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29-00060A-14

2014246\_\_

117 (6)(3) "Compensation" or "salary" means, for  
 118 noncollectively bargained service earned before July 1, 2011, or  
 119 for service earned under collective bargaining agreements in  
 120 place before July 1, 2011, the fixed monthly remuneration paid a  
 121 firefighter. If remuneration is based on actual services  
 122 rendered, as in the case of a volunteer firefighter, the term  
 123 means the total cash remuneration received yearly for such  
 124 services, prorated on a monthly basis. For noncollectively  
 125 bargained service earned on or after July 1, 2011, or for  
 126 service earned under collective bargaining agreements entered  
 127 into on or after July 1, 2011, the term has the same meaning  
 128 except that when calculating retirement benefits, up to 300  
 129 hours per year in overtime compensation may be included as  
 130 specified in the plan or collective bargaining agreement, but  
 131 payments for accrued unused sick or annual leave may not be  
 132 included.

133 (a) Any retirement trust fund or plan that meets the  
 134 requirements of this chapter does not, solely by virtue of this  
 135 subsection, reduce or diminish the monthly retirement income  
 136 otherwise payable to each firefighter covered by the retirement  
 137 trust fund or plan.

138 (b) The member's compensation or salary contributed as  
 139 employee-elective salary reductions or deferrals to any salary  
 140 reduction, deferred compensation, or tax-sheltered annuity  
 141 program authorized under the Internal Revenue Code shall be  
 142 deemed to be the compensation or salary the member would receive  
 143 if he or she were not participating in such program and ~~shall be~~  
 144 treated as compensation for retirement purposes under this  
 145 chapter.

Page 5 of 40

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29-00060A-14

2014246\_\_

146 (c) For any person who first becomes a member in any plan  
 147 year beginning on or after January 1, 1996, compensation for  
 148 that plan year may not include any amounts in excess of the  
 149 Internal Revenue Code s. 401(a)(17) limitation, as amended by  
 150 the Omnibus Budget Reconciliation Act of 1993, which limitation  
 151 of \$150,000 shall be adjusted as required by federal law for  
 152 qualified government plans and ~~shall be~~ further adjusted for  
 153 changes in the cost of living in the manner provided by Internal  
 154 Revenue Code s. 401(a)(17)(B). For any person who first became a  
 155 member before the first plan year beginning on or after January  
 156 1, 1996, the limitation on compensation may not be less than the  
 157 maximum compensation amount that was allowed to be taken into  
 158 account under the plan in effect on July 1, 1993, which  
 159 limitation shall be adjusted for changes in the cost of living  
 160 since 1989 in the manner provided by Internal Revenue Code s.  
 161 401(a)(17)(1991).

162 (7)(4) "Creditable service" or "credited service" means the  
 163 aggregate number of years of service, and fractional parts of  
 164 years of service, of any firefighter, omitting intervening years  
 165 and fractional parts of years when such firefighter may not have  
 166 been employed by the municipality or special fire control  
 167 district, subject to the following conditions:

168 (a) A ~~No~~ firefighter ~~may not will~~ receive credit for years  
 169 or fractional parts of years of service if he or she has  
 170 withdrawn his or her contributions to the fund for those years  
 171 or fractional parts of years of service, unless the firefighter  
 172 repays into the fund the amount he or she has withdrawn, plus  
 173 interest determined by the board. The member shall have at least  
 174 90 days after his or her reemployment to make repayment.

Page 6 of 40

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29-00060A-14

2014246\_\_

175 (b) A firefighter may voluntarily leave his or her  
 176 contributions in the fund for ~~a period of~~ 5 years after leaving  
 177 the employ of the fire department, pending the possibility of  
 178 being rehired by the same department, without losing credit for  
 179 the time he or she has participated actively as a firefighter.  
 180 If the firefighter is not reemployed as a firefighter, with the  
 181 same department, within 5 years, his or her contributions shall  
 182 be returned without interest.

183 (c) Credited service under this chapter shall be provided  
 184 only for service as a firefighter, ~~as defined in subsection (8),~~  
 185 or for military service and does not include credit for any  
 186 other type of service. A municipality ~~may~~, by local ordinance,  
 187 or a special fire control district ~~may~~, by resolution, may  
 188 provide for the purchase of credit for military service prior to  
 189 employment as well as for prior service as a firefighter for  
 190 some other employer as long as a firefighter is not entitled to  
 191 receive a benefit for such prior service ~~as a firefighter~~. For  
 192 purposes of determining credit for prior service as a  
 193 firefighter, in addition to service as a firefighter in this  
 194 state, credit may be given for federal, other state, or county  
 195 service if the prior service is recognized by the Division of  
 196 State Fire Marshal as provided ~~in under~~ chapter 633, or the  
 197 firefighter provides proof to the board of trustees that his or  
 198 her service is equivalent to the service required to meet the  
 199 definition of a firefighter under subsection (12) ~~(8)~~.

200 (d) In determining the creditable service of any  
 201 firefighter, credit for up to 5 years of the time spent in the  
 202 military service of the Armed Forces of the United States shall  
 203 be added to the years of actual service if:

Page 7 of 40

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29-00060A-14

2014246\_\_

204 1. The firefighter is in the active employ of an employer  
 205 immediately prior to such service and leaves a position, other  
 206 than a temporary position, for the purpose of voluntary or  
 207 involuntary service in the Armed Forces of the United States.

208 2. The firefighter is entitled to reemployment under the  
 209 provisions of the Uniformed Services Employment and Reemployment  
 210 Rights Act.

211 3. The firefighter returns to his or her employment as a  
 212 firefighter of the municipality or special fire control district  
 213 within 1 year from the date of release from such active service.

214 (8)(5) "Deferred Retirement Option Plan" or "DROP" means a  
 215 local law plan retirement option in which a firefighter may  
 216 elect to participate. A firefighter may retire for all purposes  
 217 of the plan and defer receipt of retirement benefits into a DROP  
 218 account while continuing employment with his or her employer.  
 219 However, a firefighter who enters ~~the~~ DROP and who is otherwise  
 220 eligible to participate may ~~shall not thereby~~ be precluded from  
 221 participation or continued participation ~~participating, or~~  
 222 continuing to participate, in a supplemental plan in existence  
 223 on, or created after, March 12, 1999 ~~the effective date of this~~  
 224 ~~act.~~

225 (9) "Defined contribution plan" means the component of a  
 226 local law plan to which deposits are made to provide benefits  
 227 for firefighters, or for firefighters and police officers if  
 228 both are included. Such component is an element of a local law  
 229 plan and exists in conjunction with the defined benefit  
 230 component that meets the required benefits and minimum standards  
 231 of this chapter. The retirement benefits of the defined  
 232 contribution plan shall be provided through individual member

Page 8 of 40

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29-00060A-14

2014246\_\_

accounts in accordance with the applicable provisions of the Internal Revenue Code and related regulations and are limited to the contributions made into each member's account and the actual accumulated earnings, net of expenses, earned on the member's account.

~~(10)(6)~~ "Division" means the Division of Retirement of the Department of Management Services.

~~(11)(7)~~ "Enrolled actuary" means an actuary who is enrolled under Subtitle C of Title III of the Employee Retirement Income Security Act of 1974 and who is a member of the Society of Actuaries or the American Academy of Actuaries.

~~(12)(8)~~ (a) "Firefighter" means a person employed solely by a constituted fire department of any municipality or special fire control district who is certified as a firefighter as a condition of employment in accordance with s. 633.408 and whose duty it is to extinguish fires, to protect life, or to protect property. The term includes all certified, supervisory, and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time firefighters, part-time firefighters, or auxiliary firefighters but does not include part-time firefighters or auxiliary firefighters. However, for purposes of this chapter only, the term also includes public safety officers who are responsible for performing both police and fire services, who are certified as police officers or firefighters, and who are certified by their employers to the Chief Financial Officer as participating in this chapter before October 1, 1979. Effective October 1, 1979, public safety officers who have not been certified as participating in this chapter are considered police

29-00060A-14

2014246\_\_

officers for retirement purposes and are eligible to participate in chapter 185. Any plan may provide that the fire chief has an option to participate, ~~or not~~, in that plan.

(b) "Volunteer firefighter" means any person whose name is carried on the active membership roll of a constituted volunteer fire department or a combination of a paid and volunteer fire department of any municipality or special fire control district and whose duty it is to extinguish fires, to protect life, and to protect property. Compensation for services rendered by a volunteer firefighter does ~~shall~~ not disqualify him or her as a volunteer. A person may ~~shall~~ not be disqualified as a volunteer firefighter solely because he or she has other gainful employment. Any person who volunteers assistance at a fire but is not an active member of a department described herein is not a volunteer firefighter within the meaning of this paragraph.

~~(13)(9)~~ "Firefighters' Pension Trust Fund" means a trust fund, by whatever name known, as provided under s. 175.041, for the purpose of assisting municipalities and special fire control districts in establishing and maintaining a retirement plan for firefighters.

~~(14)(10)~~ "Local law municipality" is any municipality in which ~~there exists~~ a local law plan exists.

~~(15)(11)~~ "Local law plan" means a retirement defined benefit pension plan, which includes both a defined benefit plan component and a defined contribution plan component, for firefighters, or for firefighters or police officers if both are ~~where~~ included, as described in s. 175.351, established by municipal ordinance, special district resolution, or special act of the Legislature, which ~~enactment~~ sets forth all plan

29-00060A-14

2014246\_\_

provisions. Local law plan provisions may vary from the provisions of this chapter ~~if the, provided that~~ required ~~minimum~~ benefits and minimum standards of this chapter are met. ~~However,~~ any such variance ~~must shall~~ provide a greater benefit for firefighters. Actuarial valuations of local law plans shall be conducted by an enrolled actuary as provided in s. 175.261(2).

~~(16)-(12)~~ "Local law special fire control district" means ~~is~~ any special fire control district in which ~~there exists~~ a local law plan exists.

~~(17)~~ "Long-term funded ratio" or "funded ratio" means the ratio of the actuarial value of assets of the plan to the actuarial accrued liabilities of the plan, as reported in the most recent actuarial valuation of the plan, deemed to be in compliance with chapter 112 by the Department of Management Services.

~~(18)~~ "Minimum benefits" means the benefits set forth in ss. 175.021-175.341 and ss. 175.361-175.401.

~~(19)~~ "Minimum standards" means the standards set forth in ss. 175.021-175.341 and ss. 175.361-175.401.

~~(20)-(13)~~ "Property insurance" means property insurance as defined in s. 624.604 and covers real and personal property within the corporate limits of ~~a any~~ municipality, or within the boundaries of ~~a any~~ special fire control district, within the state. "Multiple peril" means a combination or package policy that includes both property and casualty coverage for a single premium.

~~(21)~~ "Required benefits" means the lesser of the minimum benefits set forth in this chapter or the base benefits of the

29-00060A-14

2014246\_\_

plan. For local law plans created after March 1, 2013, the term means the minimum benefits set forth in this chapter.

~~(22)-(14)~~ "Retiree" or "retired firefighter" means a firefighter who has entered retirement status. For the purposes of a plan that includes a Deferred Retirement Option Plan (DROP), a firefighter who enters ~~the DROP is shall be~~ considered a retiree for all purposes of the plan. However, a firefighter who enters ~~the DROP and who is otherwise eligible to participate may shall not thereby be precluded from participation or continued participation participating, or continuing to participate,~~ in a supplemental plan in existence on, or created after, March 12, 1999 the effective date of this act.

~~(23)-(15)~~ "Retirement" means a firefighter's separation from city or fire district employment as a firefighter with immediate eligibility for ~~receipt of~~ benefits under the plan. For purposes of a plan that includes a Deferred Retirement Option Plan (DROP), "retirement" means the date a firefighter enters ~~the~~ DROP.

~~(24)~~ "Special benefits" means benefits provided in a defined contribution plan for firefighters.

~~(25)-(16)~~ "Special fire control district" means a special district, as defined in s. 189.403~~(1)~~, established for the purposes of extinguishing fires, protecting life, and protecting property within the incorporated or unincorporated portions of a any county or combination of counties, or within any combination of incorporated and unincorporated portions of a any county or combination of counties. The term does not include any dependent or independent special district, as those terms are defined in s. 189.403 whose s. 189.403(2) and (3), respectively, the

29-00060A-14

2014246\_\_

employees ~~of which~~ are members of the Florida Retirement System pursuant to s. 121.051(1) or (2).

~~(26)-(17)~~ "Supplemental plan" means a plan to which deposits are made to provide extra benefits for firefighters, or for firefighters and police officers if both are where included ~~under this chapter~~. Such a plan is an element of a local law plan and exists in conjunction with a defined benefit component ~~plan~~ that meets the required minimum ~~minimum~~ benefits and minimum standards of this chapter. Any supplemental plan in existence on March 1, 2014, shall be deemed to be a defined contribution plan in compliance with s. 175.351(8).

~~(27)-(18)~~ "Supplemental plan municipality" means a ~~any~~ local law municipality in which any ~~there existed a~~ supplemental plan ~~existed, of any type or nature,~~ as of December 1, 2000.

Section 3. Subsection (7) of section 175.071, Florida Statutes, is amended to read:

175.071 General powers and duties of board of trustees.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(7) To assist the board in meeting its responsibilities under this chapter, the board, if it so elects, may:

(a) Employ independent legal counsel at the pension fund's expense.

(b) Employ an independent enrolled actuary, as defined in s. 175.032~~(7)~~, at the pension fund's expense.

(c) Employ such independent professional, technical, or other advisers as it deems necessary at the pension fund's expense.

29-00060A-14

2014246\_\_

If the board chooses to use the municipality's or special district's legal counsel, ~~or~~ actuary, or ~~chooses to use~~ any of ~~its the municipality's or special district's other~~ professional, technical, or other advisers, it must do so only under terms and conditions acceptable to the board.

Section 4. Paragraphs (d) through (g) of subsection (1) of section 175.091, Florida Statutes, are amended, and a new paragraph (e) is added to that subsection, to read:

175.091 Creation and maintenance of fund.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(1) The firefighters' pension trust fund in each municipality and in each special fire control district shall be created and maintained in the following manner:

(d) By mandatory payment by the municipality or special fire control district of a sum equal to the normal cost of and the amount required to fund any actuarial deficiency shown by an actuarial valuation conducted under as provided in part VII of chapter 112 after taking into account the amounts described in paragraphs (b), (c), (f), (g), and (h) and the tax proceeds described in paragraph (a) which must be used to fund defined benefit plan benefits, except as otherwise excluded from consideration in determining the mandatory payment.

(e) For local law plans, in addition to the mandatory payment specified in paragraph (d), by mandatory payment by the municipality or special fire control district of the amount specified in s. 175.351(3), if the long-term funded ratio of the

29-00060A-14

2014246\_\_

407 plan is less than 80 percent.

408 ~~(f)(e)~~ By all gifts, bequests, and devises when donated to  
409 the fund.

410 ~~(g)(f)~~ By all accretions to the fund, ~~such as by way of~~  
411 ~~interest or dividends on bank deposits, or otherwise.~~

412 ~~(h)(g)~~ By all other sources or income now or hereafter  
413 authorized by law for the augmentation of such firefighters'  
414 pension trust fund.

415  
416 Nothing in this section shall be construed to require adjustment  
417 of member contribution rates in effect on the date this act  
418 becomes a law, including rates that exceed 5 percent of salary,  
419 provided that such rates are at least one-half of 1 percent of  
420 salary.

421 Section 5. Paragraph (a) of subsection (2) of section  
422 175.162, Florida Statutes, is amended to read:

423 175.162 Requirements for retirement.—For any municipality,  
424 special fire control district, chapter plan, local law  
425 municipality, local law special fire control district, or local  
426 law plan under this chapter, any firefighter who completes 10 or  
427 more years of creditable service as a firefighter and attains  
428 age 55, or completes 25 years of creditable service as a  
429 firefighter and attains age 52, and who for such minimum period  
430 has been a member of the firefighters' pension trust fund  
431 operating under a chapter plan or local law plan, is eligible  
432 for normal retirement benefits. Normal retirement under the plan  
433 is retirement from the service of the municipality or special  
434 fire control district on or after the normal retirement date. In  
435 such event, payment of retirement income will be governed by the

Page 15 of 40

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29-00060A-14

2014246\_\_

436 following provisions of this section:

437 (2) (a) The amount of monthly retirement income payable to a  
438 full-time firefighter who retires on or after his or her normal  
439 retirement date shall be an amount equal to the number of his or  
440 her years of credited service multiplied by 2 percent of his or  
441 her average final compensation as a full-time firefighter.  
442 ~~However, if current state contributions pursuant to this chapter~~  
443 ~~are not adequate to fund the additional benefits to meet the~~  
444 ~~minimum requirements in this chapter, only such incremental~~  
445 ~~increases shall be required as state moneys are adequate to~~  
446 ~~provide. Such increments shall be provided as state moneys~~  
447 ~~become available.~~

448 Section 6. Section 175.351, Florida Statutes, is amended to  
449 read:

450 175.351 Municipalities and special fire control districts  
451 that have having their own pension plans for firefighters.—~~For~~  
452 ~~any municipality, special fire control district, local law~~  
453 ~~municipality, local law special fire control district, or local~~  
454 ~~law plan under this chapter,~~ In order for a municipality or  
455 ~~municipalities and special fire control district that has its~~  
456 ~~districts with their own pension plan plans~~ for firefighters, or  
457 for firefighters and police officers if both are included, to  
458 participate in the distribution of the tax fund established  
459 under pursuant to s. 175.101, a local law plan and its plan  
460 sponsor plans must meet the required minimum benefits and  
461 minimum standards set forth in this chapter.

462 (1) If a municipality has a pension plan for firefighters,  
463 ~~or a pension plan~~ for firefighters and police officers if both  
464 are included, which in the opinion of the division meets the

Page 16 of 40

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29-00060A-14

2014246

465 ~~required minimum~~ benefits and minimum standards set forth in  
 466 this chapter, the board of trustees of the pension plan ~~must, as~~  
 467 ~~approved by a majority of firefighters of the municipality, may:~~

468 ~~(a)~~ place the income from the premium tax in s. 175.101 in  
 469 such ~~pension~~ plan for the sole and exclusive use of its  
 470 firefighters, or for firefighters and police officers if both  
 471 are included, where it shall become an integral part of that  
 472 ~~pension~~ plan and ~~shall~~ be used to fund benefits as follows:

473 (a) The base premium tax revenues must be used to fund  
 474 required benefits. To the extent the base premium tax revenues  
 475 exceed the annual actuarial cost of the plan's required  
 476 benefits, such excess revenues must be used as directed in  
 477 paragraph (b).

478 (b) Of the additional premium tax revenues received which  
 479 are in excess of the amount received for the 2012 calendar year  
 480 and any accumulations of additional tax revenues which have not  
 481 been applied to fund benefits in excess of the plan's base  
 482 benefits:

483 1. If the plan has a supplemental plan in effect as of  
 484 September 30, 2013, whereby all premium tax revenues received in  
 485 excess of the amount received for the 2012 calendar year are  
 486 scheduled to be used to fund defined contribution plan benefits  
 487 and:

488 a. If the plan has a long-term funded ratio of less than 80  
 489 percent, 50 percent of the additional premium tax revenues  
 490 subject to this paragraph must be used as additional  
 491 contributions to pay the plan's actuarial deficiency and 50  
 492 percent must be used to fund special benefits; or

493 b. If the plan has a long-term funded ratio of 80 percent

29-00060A-14

2014246

494 or greater, the additional premium tax revenues subject to this  
 495 paragraph must be used to fund special benefits.

496 2. If subparagraph 1. is not applicable and the plan has a  
 497 long-term funded ratio of less than 80 percent:

498 a. Fifty percent of the additional premium tax revenues  
 499 subject to this paragraph must be used as additional  
 500 contributions to pay the plan's actuarial deficiency;

501 b. Twenty-five percent of the additional premium tax  
 502 revenues subject to this paragraph must be used to fund required  
 503 benefits; and

504 c. Twenty-five percent of the additional premium tax  
 505 revenues subject to this paragraph must be placed in a defined  
 506 contribution plan to fund special benefits.

507 3. If subparagraph 1. is not applicable and the plan has a  
 508 long-term funded ratio of 80 percent or greater:

509 a. Fifty percent of the additional premium tax revenues  
 510 subject to this paragraph must be used to fund required  
 511 benefits; and

512 b. Fifty percent of the additional premium tax revenues  
 513 subject to this paragraph must be placed in a defined  
 514 contribution plan to fund special benefits.

515  
 516 Any additional premium tax revenues used to fund the plan's  
 517 actuarial deficiency pursuant to this paragraph may not be  
 518 considered in determining the mandatory payment described in s.  
 519 175.091(1)(d).

520 (c) Additional premium tax revenues not described in  
 521 paragraph (b) must be used to fund benefits that were not  
 522 included in the required benefits to pay extra benefits to the

29-00060A-14

2014246\_\_

firefighters included in that pension plan; or

~~(b) Place the income from the premium tax in s. 175.101 in a separate supplemental plan to pay extra benefits to firefighters, or to firefighters and police officers if included, participating in such separate supplemental plan.~~

(2) Insurance premium tax revenues may not be used to fund benefits provided in a defined benefit plan which were not provided by the plan as of March 1, 2014. However, for a local law plan created after March 1, 2014, up to 50 percent of the insurance premium tax revenues may be used to fund defined benefit plan component benefits, with the remainder used to fund defined contribution plan component benefits.

(3) If a plan offers benefits in excess of its required benefits, such excess benefits may be reduced if the plan continues to meet the required benefits of the plan and the minimum standards set forth in this chapter. The amount of insurance premium tax revenues previously used to fund excess benefits must be used as provided in paragraph (1)(b). Twenty-five percent of the amount of any mandatory contribution paid by the municipality or special fire control district which was previously used to fund excess benefits must be used as additional contributions as specified in s. 175.091 to fund the plan's actuarial deficiency.

~~(4)(2) The premium tax provided by this chapter shall in all cases be used in its entirety to provide retirement extra benefits to firefighters, or to firefighters and police officers if both are included. However, local law plans in effect on October 1, 1998, must comply with the minimum benefit provisions of this chapter only to the extent that additional premium tax~~

29-00060A-14

2014246\_\_

~~revenues become available to incrementally fund the cost of such compliance as provided in s. 175.162(2)(a). If a plan is in compliance with such minimum benefit provisions, as subsequent additional premium tax revenues become available, they must be used to provide extra benefits.~~ Local law plans created by special act before May 27, 1939, are deemed to comply with this chapter. ~~For the purpose of this chapter, the term:~~

~~(a) "Additional premium tax revenues" means revenues received by a municipality or special fire control district pursuant to s. 175.121 which exceed that amount received for calendar year 1997.~~

~~(b) "Extra benefits" means benefits in addition to or greater than those provided to general employees of the municipality and in addition to those in existence for firefighters on March 12, 1999.~~

(5)(3) A retirement plan or amendment to a retirement plan may not be proposed for adoption unless the proposed plan or amendment contains an actuarial estimate of the costs involved. Such proposed plan or proposed plan change may not be adopted without the approval of the municipality, special fire control district, or, where permitted, the Legislature. Copies of the proposed plan or proposed plan change and the actuarial impact statement of the proposed plan or proposed plan change shall be furnished to the division before the last public hearing on the proposal is held thereon. Such statement must also indicate whether the proposed plan or proposed plan change is in compliance with s. 14, Art. X of the State Constitution and those provisions of part VII of chapter 112 which are not expressly provided in this chapter. Notwithstanding any other

29-00060A-14

2014246\_\_

provision, only those local law plans created by special act of legislation before May 27, 1939, are deemed to meet the minimum benefits and minimum standards only in this chapter.

~~(6)(4)~~ Notwithstanding any other provision, with respect to any supplemental plan municipality:

(a) A local law plan and a supplemental plan may continue to use their definition of compensation or salary in existence on March 12, 1999.

(b) Section 175.061(1)(b) does not apply, and a local law plan and a supplemental plan shall continue to be administered by a board or boards of trustees numbered, constituted, and selected as the board or boards were numbered, constituted, and selected on December 1, 2000.

~~(c) The election set forth in paragraph (1)(b) is deemed to have been made.~~

~~(7)(5)~~ The retirement plan setting forth the benefits and the trust agreement, if any, covering the duties and responsibilities of the trustees and the regulations of the investment of funds must be in writing, and copies made available to the participants and to the general public.

(8) In addition to the defined benefit component of the local law plan, each plan sponsor must have a defined contribution plan component within the local law plan by October 1, 2014, or upon the creation date of a new participating plan. However, the plan sponsor of any plan established by special act of the Legislature has until July 1, 2015, to create a defined contribution component within the plan.

(9) Notwithstanding any other provision of this chapter, a municipality or special fire control district that has

29-00060A-14

2014246\_\_

implemented or proposed changes to a local law plan based on the municipality's or district's reliance on an interpretation of this chapter by the department on or after August 14, 2012, and before February 1, 2013, may continue the implemented changes or continue to implement proposed changes. Such reliance must be evidenced by a written collective bargaining proposal or agreement, or formal correspondence between the municipality or district and the department which describes the specific changes to the local law plan, with the initial proposal, agreement, or correspondence from the municipality or district dated before February 1, 2013. Changes to the local law plan which are otherwise contrary to this chapter may continue in effect until the earlier of October 1, 2017, or the effective date of a collective bargaining agreement that is contrary to the changes to the local law plan.

Section 7. Subsection (2) of section 185.01, Florida Statutes, is amended to read:

185.01 Legislative declaration.—

(2) This chapter hereby establishes, for all municipal pension plans ~~now or hereinafter~~ provided for under this chapter, including chapter plans and local law plans, required ~~minimum~~ benefits and minimum standards for the operation and funding of such plans, hereinafter referred to as municipal police officers' retirement trust funds, which must be met as a condition precedent to the plan or plan sponsor receiving a distribution of insurance premium tax revenues under s. 185.10. The required ~~minimum~~ benefits and minimum standards for each plan as set forth in this chapter may not be diminished by local ordinance or by special act of the Legislature and may not, nor

29-00060A-14

2014246\_\_

may the minimum benefits or minimum standards be reduced or offset by any other local, state, or federal plan that includes ~~may include~~ police officers in its operation, except as provided under s. 112.65.

Section 8. Section 185.02, Florida Statutes, is amended to read:

185.02 Definitions.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, the term following words and phrases as used in this chapter shall have the following meanings, unless a different meaning is plainly required by the context:

(1) "Additional premium tax revenues" means revenues received by a municipality pursuant to s. 185.10 which exceed base premium tax revenues.

(2)(1) "Average final compensation" means one-twelfth of the average annual compensation of the 5 best years of the last 10 years of creditable service prior to retirement, termination, or death.

(3) "Base benefits" means the level of benefits in existence for police officers on March 12, 1999.

(4) "Base premium tax revenues" means the revenues received by a municipality pursuant to s. 185.10 for calendar year 1997.

(5)(2) "Casualty insurance" means automobile public liability and property damage insurance to be applied at the place of residence of the owner, or if the subject is a commercial vehicle, to be applied at the place of business of the owner; automobile collision insurance; fidelity bonds; burglary and theft insurance; and plate glass insurance.  
"Multiple peril" means a combination or package policy that

29-00060A-14

2014246\_\_

includes both property coverage and casualty coverage for a single premium.

(6)(3) "Chapter plan" means a separate defined benefit pension plan for police officers which incorporates by reference the provisions of this chapter and has been adopted by the governing body of a municipality as provided in s. 185.08. Except as ~~may be~~ specifically authorized in this chapter, the provisions of a chapter plan may not differ from the plan provisions set forth in ss. 185.01-185.341 and ss. 185.37-185.39. Actuarial valuations of chapter plans shall be conducted by the division as provided by s. 185.221(1)(b).

(7)(4) "Compensation" or "salary" means, for noncollectively bargained service earned before July 1, 2011, or for service earned under collective bargaining agreements in place before July 1, 2011, the total cash remuneration including "overtime" paid by the primary employer to a police officer for services rendered, but not including any payments for extra duty or special detail work performed on behalf of a second party employer. ~~A local law plan may limit the amount of overtime payments which can be used for retirement benefit calculation purposes; however, such overtime limit may not be less than 300 hours per officer per calendar year.~~ For noncollectively bargained service earned on or after July 1, 2011, or for service earned under collective bargaining agreements entered into on or after July 1, 2011, the term has the same meaning except that when calculating retirement benefits, up to 300 hours per year in overtime compensation may be included as specified in the plan or collective bargaining agreement, but payments for accrued unused sick or annual leave may not be



29-00060A-14

2014246\_\_

697 included.

698 (a) Any retirement trust fund or plan that meets the  
699 requirements of this chapter does not, solely by virtue of this  
700 subsection, reduce or diminish the monthly retirement income  
701 otherwise payable to each police officer covered by the  
702 retirement trust fund or plan.

703 (b) The member's compensation or salary contributed as  
704 employee-elective salary reductions or deferrals to any salary  
705 reduction, deferred compensation, or tax-sheltered annuity  
706 program authorized under the Internal Revenue Code shall be  
707 deemed to be the compensation or salary the member would receive  
708 if he or she were not participating in such program and shall be  
709 treated as compensation for retirement purposes under this  
710 chapter.

711 (c) For any person who first becomes a member in any plan  
712 year beginning on or after January 1, 1996, compensation for  
713 that plan year may not include any amounts in excess of the  
714 Internal Revenue Code s. 401(a)(17) limitation, as amended by  
715 the Omnibus Budget Reconciliation Act of 1993, which limitation  
716 of \$150,000 shall be adjusted as required by federal law for  
717 qualified government plans and ~~shall be~~ further adjusted for  
718 changes in the cost of living in the manner provided by Internal  
719 Revenue Code s. 401(a)(17)(B). For any person who first became a  
720 member before the first plan year beginning on or after January  
721 1, 1996, the limitation on compensation may not be less than the  
722 maximum compensation amount that was allowed to be taken into  
723 account under the plan ~~as~~ in effect on July 1, 1993, which  
724 limitation shall be adjusted for changes in the cost of living  
725 since 1989 in the manner provided by Internal Revenue Code s.

Page 25 of 40

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29-00060A-14

2014246\_\_

726 401(a)(17)(1991).

727 ~~(8)(5)~~ "Creditable service" or "credited service" means the  
728 aggregate number of years of service and fractional parts of  
729 years of service of any police officer, omitting intervening  
730 years and fractional parts of years when such police officer may  
731 not have been employed by the municipality subject to the  
732 following conditions:

733 (a) A ~~No~~ police officer may not ~~will~~ receive credit for  
734 years or fractional parts of years of service if he or she has  
735 withdrawn his or her contributions to the fund for those years  
736 or fractional parts of years of service, unless the police  
737 officer repays into the fund the amount he or she has withdrawn,  
738 plus interest as determined by the board. The member has ~~shall~~  
739 ~~have~~ at least 90 days after his or her reemployment to make  
740 repayment.

741 (b) A police officer may voluntarily leave his or her  
742 contributions in the fund for ~~a period of~~ 5 years after leaving  
743 the employ of the police department, pending the possibility of  
744 his or her being rehired by the same department, without losing  
745 credit for the time he or she has participated actively as a  
746 police officer. If he or she is not reemployed as a police  
747 officer with the same department within 5 years, his or her  
748 contributions shall be returned ~~to him or her~~ without interest.

749 (c) Credited service under this chapter shall be provided  
750 only for service as a police officer, ~~as defined in subsection~~  
751 ~~(11)~~, or for military service and may not include credit for any  
752 other type of service. A municipality may, by local ordinance,  
753 may provide for the purchase of credit for military service  
754 occurring before employment as well as prior service as a police

Page 26 of 40

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29-00060A-14

2014246\_\_

officer for some other employer as long as the police officer is not entitled to receive a benefit for such ~~other~~ prior service as a police officer. For purposes of determining credit for prior service, in addition to service as a police officer in this state, credit may be given for federal, other state, or county service as long as such service is recognized by the Criminal Justice Standards and Training Commission within the Department of Law Enforcement as provided in under chapter 943 or the police officer provides proof to the board of trustees that such service is equivalent to the service required to meet the definition of a police officer under subsection (18) ~~(11)~~.

(d) In determining the creditable service of a ~~any~~ police officer, credit for up to 5 years of the time spent in the military service of the Armed Forces of the United States shall be added to the years of actual service, if:

1. The police officer is in the active employ of the municipality before ~~prior to~~ such service and leaves a position, other than a temporary position, for the purpose of voluntary or involuntary service in the Armed Forces of the United States.

2. The police officer is entitled to reemployment under ~~the provisions of~~ the Uniformed Services Employment and Reemployment Rights Act.

3. The police officer returns to his or her employment as a police officer of the municipality within 1 year after ~~from~~ the date of his or her release from such active service.

(9) ~~(6)~~ "Deferred Retirement Option Plan" or "DROP" means a local law plan retirement option in which a police officer may elect to participate. A police officer may retire for all purposes of the plan and defer receipt of retirement benefits

29-00060A-14

2014246\_\_

into a DROP account while continuing employment with his or her employer. However, a police officer who enters ~~the~~ DROP and who is otherwise eligible to participate ~~may shall~~ not ~~thereby~~ be precluded from participation or continued participation ~~participating, or continuing to participate,~~ in a supplemental plan in existence on, or created after, March 12, 1999 ~~the effective date of this act.~~

(10) "Defined contribution plan" means the component of a local law plan to which deposits are made to provide benefits for police officers, or for police officers and firefighters if both are included. Such component is an element of a local law plan and exists in conjunction with the defined benefit component that meets the required benefits and minimum standards of this chapter. The retirement benefits of the defined contribution plan shall be provided through individual member accounts in accordance with the applicable provisions of the Internal Revenue Code and related regulations and are limited to the contributions made into each member's account and the actual accumulated earnings, net of expenses, earned on the member's account.

(11) ~~(7)~~ "Division" means the Division of Retirement of the Department of Management Services.

(12) ~~(8)~~ "Enrolled actuary" means an actuary who is enrolled under Subtitle C of Title III of the Employee Retirement Income Security Act of 1974 and who is a member of the Society of Actuaries or the American Academy of Actuaries.

(13) ~~(9)~~ "Local law municipality" means ~~is~~ any municipality in which ~~there exists~~ a local law plan exists.

(14) ~~(10)~~ "Local law plan" means a retirement defined

29-00060A-14

2014246\_\_

benefit pension plan, which includes both a defined benefit plan component and a defined contribution plan component, for police officers, or for police officers and firefighters if both are, where included, as described in s. 185.35, established by municipal ordinance or special act of the Legislature, which enactment sets forth all plan provisions. Local law plan provisions may vary from the provisions of this chapter if the, provided that required minimum benefits and minimum standards of this chapter are met. However, any such variance must shall provide a greater benefit for police officers. Actuarial valuations of local law plans shall be conducted by an enrolled actuary as provided in s. 185.221(2)(b).

(15) "Long-term funded ratio" or "funded ratio" means the ratio of the actuarial value of assets of the plan to the actuarial accrued liabilities of the plan, as reported in the most recent actuarial valuation of the plan, deemed to be in compliance with chapter 112 by the Department of Management Services.

(16) "Minimum benefits" means the benefits set forth in ss. 185.01-185.341 and ss. 185.37-185.50.

(17) "Minimum standards" means the standards set forth in ss. 185.01-185.341 and ss. 185.37-185.50.

(18)(11) "Police officer" means any person who is elected, appointed, or employed full time by a any municipality, who is certified or required to be certified as a law enforcement officer in compliance with s. 943.1395, who is vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of

29-00060A-14

2014246\_\_

the state. The term This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers, but does not include part-time law enforcement officers or auxiliary law enforcement officers as those terms ~~the same~~ are defined in s. 943.10(6) and (8), respectively. For the purposes of this chapter only, the term also includes "police officer" also shall include a public safety officer who is responsible for performing both police and fire services. Any plan may provide that the police chief shall have an option to participate, ~~or not~~, in that plan.

(19)(12) "Police Officers' Retirement Trust Fund" means a trust fund, by whatever name known, as provided under s. 185.03 for the purpose of assisting municipalities in establishing and maintaining a retirement plan for police officers.

(20) "Required benefits" means the lesser of the minimum benefits set forth in this chapter or the base benefits of the plan. For local law plans created after March 1, 2013, the term means the minimum benefits set forth in this chapter.

(21)(13) "Retiree" or "retired police officer" means a police officer who has entered retirement status. For the purposes of a plan that includes a Deferred Retirement Option Plan (DROP), a police officer who enters the DROP is shall be considered a retiree for all purposes of the plan. However, a police officer who enters ~~the~~ DROP and who is otherwise eligible to participate may shall not ~~thereby~~ be precluded from participating, or continuing to participate, in a supplemental

29-00060A-14

2014246\_\_

plan in existence on, or created after, March 12, 1999 the effective date of this act.

~~(22)-(14)~~ "Retirement" means a police officer's separation from city employment as a police officer with immediate eligibility for ~~receipt of~~ benefits under the plan. For purposes of a plan that includes a Deferred Retirement Option Plan (DROP), "retirement" means the date a police officer enters the DROP.

(23) "Special benefits" means benefits provided in a defined contribution plan for police officers.

~~(24)-(15)~~ "Supplemental plan" means a plan to which deposits of the premium tax moneys as provided in s. 185.08 are made to provide extra benefits to police officers, or police officers and firefighters if both are where included, under this chapter. Such a plan is an element of a local law plan and exists in conjunction with a defined benefit component plan that meets the required minimum benefits and minimum standards of this chapter. Any supplemental plan in existence on March 1, 2014, shall be deemed to be a defined contribution plan in compliance with s. 185.35(8).

~~(25)-(16)~~ "Supplemental plan municipality" means a any local law municipality in which ~~there existed~~ a supplemental plan existed as of December 1, 2000.

Section 9. Subsection (6) of section 185.06, Florida Statutes, is amended to read:

185.06 General powers and duties of board of trustees.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(6) To assist the board in meeting its responsibilities

29-00060A-14

2014246\_\_

under this chapter, the board, if it so elects, may:

(a) Employ independent legal counsel at the pension fund's expense.

(b) Employ an independent enrolled actuary, as defined in s. 185.02 ~~(4)~~, at the pension fund's expense.

(c) Employ such independent professional, technical, or other advisers as it deems necessary at the pension fund's expense.

If the board chooses to use the municipality's or special district's legal counsel, ~~or~~ actuary, or ~~chooses to use~~ any of ~~its the municipality's other~~ professional, technical, or other advisers, it must do so only under terms and conditions acceptable to the board.

Section 10. Paragraphs (d) through (g) of subsection (1) of section 185.07, Florida Statutes, are amended, and a new paragraph (e) is added to that subsection, to read:

185.07 Creation and maintenance of fund.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(1) The municipal police officers' retirement trust fund in each municipality described in s. 185.03 shall be created and maintained in the following manner:

(d) By payment by the municipality or other sources of a sum equal to the normal cost and the amount required to fund any actuarial deficiency shown by an actuarial valuation conducted under as provided in part VII of chapter 112 after taking into account the amounts described in paragraphs (b), (c), (f), (g), and (h) and the tax proceeds described in paragraph (a) which

29-00060A-14

2014246

must be used to fund defined benefit plan benefits, except as otherwise excluded from consideration in determining the mandatory payment.

(e) For local law plans, in addition to the mandatory payment described in paragraph (d), by mandatory payment by the municipality of the amount specified in s. 185.35(3), if the long-term funded ratio of the plan is less than 80 percent.

(f) ~~(e)~~ By all gifts, bequests and devises when donated to the fund.

(g) ~~(f)~~ By all accretions to the fund by way of interest or dividends on bank deposits or otherwise.

(h) ~~(g)~~ By all other sources of income now or hereafter authorized by law for the augmentation of such municipal police officers' retirement trust fund.

Nothing in this section shall be construed to require adjustment of member contribution rates in effect on the date this act becomes a law, including rates that exceed 5 percent of salary, provided that such rates are at least one-half of 1 percent of salary.

Section 11. Subsection (2) of section 185.16, Florida Statutes, is amended to read:

185.16 Requirements for retirement.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, any police officer who completes 10 or more years of creditable service as a police officer and attains age 55, or completes 25 years of creditable service as a police officer and attains age 52, and for such period has been a member of the retirement fund is eligible for normal retirement benefits.

29-00060A-14

2014246

Normal retirement under the plan is retirement from the service of the city on or after the normal retirement date. In such event, for chapter plans and local law plans, payment of retirement income will be governed by the following provisions of this section:

(2) The amount of the monthly retirement income payable to a police officer who retires on or after his or her normal retirement date shall be an amount equal to the number of the police officer's years of credited service multiplied by 2 percent of his or her average final compensation. ~~However, if current state contributions pursuant to this chapter are not adequate to fund the additional benefits to meet the minimum requirements in this chapter, only increment increases shall be required as state moneys are adequate to provide. Such increments shall be provided as state moneys become available.~~

Section 12. Section 185.35, Florida Statutes, is amended to read:

185.35 Municipalities that have having their own retirement ~~pension~~ plans for police officers. ~~For any municipality, chapter plan, local law municipality, or local law plan under this chapter,~~ In order for a municipality that has its ~~municipalities~~ with their own retirement plan ~~pension plans~~ for police officers, or for police officers and firefighters if both are included, to participate in the distribution of the tax fund established under ~~pursuant to~~ s. 185.08, a local law plan and its plan sponsor ~~plans~~ must meet the required ~~minimum~~ benefits and minimum standards set forth in this chapter:

(1) If a municipality has a retirement ~~pension~~ plan for police officers, or for police officers and firefighters if both

29-00060A-14

2014246\_\_

987 are included, which, in the opinion of the division, meets the  
 988 required ~~minimum~~ benefits and minimum standards set forth in  
 989 this chapter, the board of trustees of the pension plan ~~must, as~~  
 990 ~~approved by a majority of police officers of the municipality,~~  
 991 ~~may:~~

992 ~~(a)~~ place the income from the premium tax in s. 185.08 in  
 993 such ~~pension~~ plan for the sole and exclusive use of its police  
 994 officers, or its police officers and firefighters if both are  
 995 included, where it shall become an integral part of that ~~pension~~  
 996 plan and ~~shall~~ be used to fund benefits as follows:

997 (a) The base premium tax revenues must be used to fund  
 998 required benefits. To the extent the base premium tax revenues  
 999 exceed the annual actuarial cost of the plan's required  
 1000 benefits, such excess revenues must be used as directed in  
 1001 paragraph (b).

1002 (b) Of the additional premium tax revenues received which  
 1003 are in excess of the amount received for the 2012 calendar year  
 1004 and any accumulations of additional premium tax revenues which  
 1005 have not been applied to fund benefits in excess of the plan's  
 1006 base benefits:

1007 1. If the plan has a supplemental plan in effect as of  
 1008 September 30, 2013, whereby all premium tax revenues received in  
 1009 excess of the amount received for the 2012 calendar year are  
 1010 scheduled to be used to fund defined contribution plan benefits  
 1011 and:

1012 a. If the plan has a long-term funded ratio of less than 80  
 1013 percent, 50 percent of the additional premium tax revenues  
 1014 subject to this paragraph must be used as additional  
 1015 contributions to pay the plan's actuarial deficiency and the

29-00060A-14

2014246\_\_

1016 remainder must be used to fund special benefits; or

1017 b. If the plan has a long-term funded ratio of 80 percent  
 1018 or greater, the additional premium tax revenues subject to this  
 1019 paragraph must be used to fund special benefits.

1020 2. If subparagraph 1. is not applicable and the plan has a  
 1021 long-term funded ratio of less than 80 percent:

1022 a. Fifty percent of the additional premium tax revenues  
 1023 subject to this paragraph must be used as additional  
 1024 contributions to pay the plan's actuarial deficiency;

1025 b. Twenty-five percent of the additional premium tax  
 1026 revenues subject to this paragraph must be used to fund required  
 1027 benefits; and

1028 c. Twenty-five percent of the additional premium tax  
 1029 revenues subject to this paragraph must be placed in a defined  
 1030 contribution plan to fund special benefits.

1031 3. If subparagraph 1. is not applicable and the plan has a  
 1032 long-term funded ratio of 80 percent or greater:

1033 a. Fifty percent of the additional premium tax revenues  
 1034 subject to this paragraph must be used to fund required  
 1035 benefits; and

1036 b. Fifty percent of the additional premium tax revenues  
 1037 subject to this paragraph must be placed in a defined  
 1038 contribution plan to fund special benefits.

1039  
 1040 Any additional premium tax revenues used to fund the plan's  
 1041 actuarial deficiency pursuant to this paragraph may not be  
 1042 considered in determining the mandatory payment described in s.  
 1043 185.07(1)(d).

1044 (c) Additional premium tax revenues not described in

29-00060A-14

2014246

paragraph (b) must be used to fund benefits that were not included in the required benefits pay extra benefits to the police officers included in that pension plan; or

~~(b) May place the income from the premium tax in s. 185.08 in a separate supplemental plan to pay extra benefits to the police officers, or police officers and firefighters if included, participating in such separate supplemental plan.~~

(2) Insurance premium tax revenues may not be used to fund benefits provided in a defined benefit plan which were not provided by the plan as of March 1, 2014. However, for a local law plan created after March 1, 2014, up to 50 percent of the insurance premium tax revenues may be used to fund defined benefit plan component benefits, with the remainder used to fund defined contribution plan component benefits.

(3) If a plan offers benefits in excess of its required benefits, such benefits may be reduced if the plan continues to meet the required benefits of the plan and the minimum standards set forth in this chapter. The amount of insurance premium tax revenues previously used to fund benefits in excess of the plan's required benefits before the reduction must be used as provided in paragraph (1)(b). Twenty-five percent of the amount of any mandatory contribution paid by the municipality which was previously used to fund benefits above the level of required benefits provided before the reduction must be used as additional contributions as specified in s. 185.07 to fund the plan's actuarial deficiency.

~~(4)(2)~~ The premium tax provided by this chapter shall ~~in all cases~~ be used in its entirety to provide retirement ~~extra~~ benefits to police officers, or to police officers and

29-00060A-14

2014246

firefighters if both are included. ~~However, local law plans in effect on October 1, 1998, must comply with the minimum benefit provisions of this chapter only to the extent that additional premium tax revenues become available to incrementally fund the cost of such compliance as provided in s. 185.16(2). If a plan is in compliance with such minimum benefit provisions, as subsequent additional tax revenues become available, they shall be used to provide extra benefits.~~ Local law plans created by special act before May 27, 1939, shall be deemed to comply with this chapter. For the purpose of this chapter, the term:

~~(a) "Additional premium tax revenues" means revenues received by a municipality pursuant to s. 185.10 which exceed the amount received for calendar year 1997.~~

~~(b) "Extra benefits" means benefits in addition to or greater than those provided to general employees of the municipality and in addition to those in existence for police officers on March 12, 1999.~~

(5)(3) A retirement plan or amendment to a retirement plan may not be proposed for adoption unless the proposed plan or amendment contains an actuarial estimate of the costs involved. Such proposed plan or proposed plan change may not be adopted without the approval of the municipality or, where permitted, the Legislature. Copies of the proposed plan or proposed plan change and the actuarial impact statement of the proposed plan or proposed plan change shall be furnished to the division before the last public hearing on the proposal is held thereon. Such statement must also indicate whether the proposed plan or proposed plan change is in compliance with s. 14, Art. X of the State Constitution and those provisions of part VII of chapter

29-00060A-14

2014246\_\_

112 which are not expressly provided in this chapter.

Notwithstanding any other provision, only those local law plans created by special act of legislation before May 27, 1939, are deemed to meet the minimum benefits and minimum standards only in this chapter.

~~(6)(4)~~ Notwithstanding any other provision, with respect to any supplemental plan municipality:

(a) Section 185.02(7)(a) ~~185.02(4)(a)~~ does not apply, and a local law plan and a supplemental plan may continue to use their definition of compensation or salary in existence on March 12, 1999.

(b) A local law plan and a supplemental plan must continue to be administered by a board or boards of trustees numbered, constituted, and selected as the board or boards were numbered, constituted, and selected on December 1, 2000.

~~(c) The election set forth in paragraph (1)(b) is deemed to have been made.~~

(7)(5) The retirement plan setting forth the benefits and the trust agreement, if any, covering the duties and responsibilities of the trustees and the regulations of the investment of funds must be in writing and copies made available to the participants and to the general public.

(8) In addition to the defined benefit component of the local law plan, each plan sponsor must have a defined contribution plan component within the local law plan by October 1, 2014, or upon the creation date of a new participating plan. However, the plan sponsor of any plan established by special act of the Legislature has until July 1, 2015, to create a defined contribution component within the plan.

29-00060A-14

2014246\_\_

(9) Notwithstanding any other provision of this chapter, a municipality that has implemented or proposed changes to a local law plan based on the municipality's reliance on an interpretation of this chapter by the department on or after August 14, 2012, and before February 1, 2013, may continue the implemented changes or continue to implement proposed changes. Such reliance must be evidenced by a written collective bargaining proposal or agreement, or formal correspondence between the municipality and the department which describes the specific changes to the local law plan, with the initial proposal, agreement, or correspondence from the municipality dated before February 1, 2013. Changes to the local law plan which are otherwise contrary to this chapter may continue in effect until the earlier of October 1, 2017, or the effective date of a collective bargaining agreement that is contrary to the changes to the local law plan.

Section 13. The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of this state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems that provide fair and adequate benefits and that are managed, administered, and funded in an actuarially sound manner as required under s. 14, Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.

Section 14. This act shall take effect July 1, 2014.





## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Appropriations Subcommittee on Criminal and  
Civil Justice, *Chair*  
Appropriations  
Appropriations Subcommittee on General  
Government  
Community Affairs  
Criminal Justice  
Governmental Oversight and Accountability  
Judiciary

**JOINT COMMITTEE:**  
Joint Legislative Auditing Committee

### SENATOR ROB BRADLEY

7th District

November 14, 2013

Honorable Senator Jeremy Ring  
405 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chairman Ring,

I am writing to respectfully request your cooperation in placing Senate Bill 246, relating to Local Government Pension Reform on the Governmental Oversight and Accountability agenda at your earliest convenience. I would greatly appreciate the opportunity to discuss the bill at greater length before your committee.

Thank you in advance for your assistance. As always, please do not hesitate to contact me with any questions or comments you may have.

Very Truly Yours,

A handwritten signature in dark ink, appearing to read "Rob Bradley", with a stylized flourish at the end.

Rob Bradley  
Senator District 07

**REPLY TO:**

- ☐ 2233 Park Avenue, Suite 303, Orange Park, Florida 32073 (904) 278-2085
- ☐ 208 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5007

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/11/13  
Meeting Date

Topic Police/Fire Pensions

Bill Number SB 246  
(if applicable)

Name Kraig Conn

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Legislative Counsel

Address 301 S. Bromough  
Street

Phone 222 9684

Tall FL 32301  
City State Zip

E-mail Kconn@flattire.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Florida League of Attys

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/20/11)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

12/11/2013

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Topic Local Pensions

Bill Number SB 246  
(if applicable)

Name Matt Puckett

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Lobbyist

Address 300 East Brevard St.

Phone 850-222-3329

Street

Tallahassee

FL

32301

City

State

Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing Florida Police Benevolent Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/11/13

Meeting Date

Topic SB 246

Bill Number SB 246  
(if applicable)

Name Jim Sexton

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Human Resources Director

Address 301 S. Ridgewood  
Street  
Daytona Beach FL 32114  
City State Zip

Phone (386) 671-8200

E-mail sextonj@codb.us

Speaking: ☐ For ☒ Against ☐ Information

Representing City of Daytona Beach

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

Topic Pensions

Bill Number 246  
(if applicable)

Name Lisa Henning

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Director Public Relations

Address 242 Office Plaza Dr

Phone \_\_\_\_\_

Street

Tallahassee FL 32301

City

State

Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information (reluctantly)

Representing Fraternal Order of Police

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12-11

Meeting Date

Topic SENATE OVERSIGHT

Bill Number SB246  
(if applicable)

Name GARY PRICE

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title VICE MAYOR, CITY OF NAPLES

Address 3120 LEONARD LN  
Street

Phone 239-404-0731

NAPLES FL  
City State Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/20/11)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/11/13  
Meeting Date

Topic Local Governmental Pension Bill Number 246  
(if applicable)

Name Jim Tolley Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title President Fla Professional Firefighters

Address 345 west madison st. Phone 850 224 7333  
Street

Tallahassee FL 32301 E-mail JimT@FPFP.org  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information

Representing Firefighters

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Dec 11, 2013

Meeting Date

Topic PENSION REFORM

Bill Number SB 246  
(if applicable)

Name TIM CADDELL

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Gov. Relations Administrator

Address 5851 PARK Blvd.

Phone \_\_\_\_\_

Street

PINELLAS PARK FL 33781

City

State

Zip

E-mail tcaddell@pinellas-park.com

Speaking: ☐ For ☒ Against ☐ Information

Representing CITY OF PINELLAS PARK

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/20/11)



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12-11-13

Meeting Date

Topic Municipal Police & Fire Pensions Bill Number SB246  
(if applicable)

Name David Murrell Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Dir. Legislative Services

Address 300 E. Breward Street Phone 850-222-3329

Street

Tallahassee, FL 32301

City

State

Zip

E-mail davidm@flpha.org

Speaking: ☐ For ☒ Against ☐ Information

Representing Florida Police Benevolent Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/20/11)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/11/13

*Meeting Date*

Topic Local Govt. Pension Reform

Bill Number 246  
*(if applicable)*

Name Doug Bell

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 215 S. Monroe St.  
*Street*

Phone 850 222 3533

Tall. FL  
*City State Zip*

E-mail dbell@penningtonlaw.com

Speaking: ☐ For ☒ Against ☐ Information

Representing City of Ormond Beach

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/11/13  
Meeting Date

Topic Pension Reform

Bill Number SB 246  
(if applicable)

Name GIL ZIFFER

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title TALL. City Commissioner

Address 3166 Baringer Hall Dr.  
Street

Phone 850-509-7886

TALL FL 32311  
City State Zip

E-mail gil.ziffertall@tall.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/11/13

Meeting Date

Topic Local Pension Reform

Bill Number 246  
(if applicable)

Name Leticia Adams

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Policy Director

Address 136 S. Bronough St.

Phone 850 544 6866

Tall FL 32301  
City State Zip

E-mail ladams@flchamber

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/17/13

Meeting Date

Topic Local Pensions

Bill Number 246  
(if applicable)

Name Rich Temple

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title \_\_\_\_\_

Address 135 S. Monroe St.  
Street

Phone 850-224-6926

Tallahassee FL 32301  
City State Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Representing Florida AFL-CIO

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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**This form is part of the public record for this meeting.**

S-001 (10/20/11)

# CourtSmart Tag Report

**Room:** KN 412

**Case:**

**Caption:** Senate Governmental Oversight and Accountability Committee

**Type:**

**Judge:**

**Started:** 12/11/2013 9:06:06 AM

**Ends:** 12/11/2013 10:54:20 AM

**Length:** 01:48:15

9:06:15 AM Meeting called to order  
9:06:20 AM Roll call  
9:07:07 AM Tab 3 - SB 106 - (Sen. Dean) County Employees presented by Chase Daniels  
9:07:32 AM Amendment barcode 926708  
9:07:39 AM Amendment barcode 140072  
9:08:09 AM Move to report as CS  
9:08:09 AM Roll call on CS/SB 106  
9:08:14 AM Reported favorably  
9:08:51 AM Tab 2 - SB 290 (Sen. Hukill) State Poet Laureate  
9:08:54 AM Senator Hukill explains bill  
9:09:26 AM Senator Smith comment  
9:10:17 AM Eileen Sperl-Hawkins, Florida State Poet Association, speaks on bill  
9:15:30 AM Senator Hukill closes on bill  
9:16:02 AM Roll Call on SB 290  
9:16:27 AM SB 290 reported favorably  
9:16:39 AM Tab 1 - Presentation on the Florida Growth Fund by State Board of Administration  
9:17:03 AM Ash Williams, Executive Director of the State Board of Admin.  
9:28:56 AM Greg Baty, Principal of Hamilton Lane  
9:35:05 AM Senator Montford question  
9:36:35 AM Senator Ring comments  
9:41:09 AM Tab 4 - SB 250 (Sen. Abruzzo) Henry Morrison Flagler Memorial  
9:43:03 AM Roll call on SB 250  
9:43:40 AM SB 250 reported favorably  
9:43:49 AM Tab 5 - SB 246 (Sen. Ring and Bradley) Local Government Pension Reform presented by Senator Bradley  
9:57:47 AM Kraig Conn, Legislative Counsel, Florida League of Cities  
10:09:32 AM Senator Montford questions to Kraig Conn and responses  
10:15:25 AM Matt Pukett, Florida Police Benevolent Assoc.  
10:17:30 AM Jim Sexton, Human Resources Director, City of Daytona Beach  
10:25:09 AM Senator Ring questions to Jim Sexton and responses  
10:30:39 AM Senator Montford question to Jim Sexton and response  
10:32:28 AM Senator Bradley question to Jim Sexton and response  
10:33:22 AM Senator Simmons questions to Jim Sexton and responses  
10:40:22 AM Lisa Henning, Director of Public Relations, Fraternal Order of Police  
10:42:50 AM Senator Bean moved for time certain vote at 10:55  
10:43:29 AM Gary Price, Vice Mayor, City of Naples  
10:43:47 AM Chair Ring comment  
10:48:36 AM Jim Tolley, President, Fla. Professional Firefighters  
10:50:01 AM Senator Ring question to Jim Tolley and response  
10:50:46 AM David Murrell, Dir. Legislative Services, Florida Police Benevolent Assoc.  
10:52:57 AM Senator Bradley to close on the bill  
10:53:39 AM Roll call on SB 246  
10:53:39 AM Meeting to rise