



435678

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: 2/AD/2R

.

04/25/2014 12:36 PM

.

.

Senator Ring moved the following:

Senate Amendment (with title amendment)

Delete lines 654 - 1156

and insert:

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:~~



435678

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

15 (2)~~(1)~~ "Average final compensation" means one-twelfth of
16 the average annual compensation of the 5 best years of the last
17 10 years of creditable service prior to retirement, termination,
18 or death.

19 (3) "Base premium tax revenues" means:

20 (a) For a local plan in effect on October 1, 1998, the
21 revenues received by a municipality pursuant to s. 185.10 for
22 the calendar year 1997.

23 (b) For a local law plan created between October 1, 1998,
24 and March 1, 2014, inclusive, the revenues received by a
25 municipality pursuant to s. 185.10 based upon the tax
26 collections during the second calendar year of participation.

27 (4)~~(2)~~ "Casualty insurance" means automobile public
28 liability and property damage insurance to be applied at the
29 place of residence of the owner, or if the subject is a
30 commercial vehicle, to be applied at the place of business of
31 the owner; automobile collision insurance; fidelity bonds;
32 burglary and theft insurance; and plate glass insurance. The
33 term "multiple peril" means a combination or package policy that
34 includes both property coverage and casualty coverage for a
35 single premium.

36 (5)~~(3)~~ "Chapter plan" means a separate defined benefit
37 pension plan for police officers which incorporates by reference
38 the provisions of this chapter and has been adopted by the
39 governing body of a municipality as provided in s. 185.08.
40 Except as ~~may be~~ specifically authorized in this chapter, the



435678

41 provisions of a chapter plan may not differ from the plan
42 provisions set forth in ss. 185.01-185.341 and ss. 185.37-
43 185.39. Actuarial valuations of chapter plans shall be conducted
44 by the division as provided by s. 185.221(1)(b).

45 (6)(4) "Compensation" or "salary" means, for
46 noncollectively bargained service earned before July 1, 2011, or
47 for service earned under collective bargaining agreements in
48 place before July 1, 2011, the total cash remuneration including
49 "overtime" paid by the primary employer to a police officer for
50 services rendered, but not including any payments for extra duty
51 or special detail work performed on behalf of a second party
52 employer. Overtime may be limited prior to July 1, 2011, in a
53 local law plan by the plan provisions ~~A local law plan may limit~~
54 ~~the amount of overtime payments which can be used for retirement~~
55 ~~benefit calculation purposes; however, such overtime limit may~~
56 ~~not be less than 300 hours per officer per calendar year. For~~
57 noncollectively bargained service earned on or after July 1,
58 2011, or for service earned under collective bargaining
59 agreements entered into on or after July 1, 2011, the term has
60 the same meaning except that when calculating retirement
61 benefits, up to 300 hours per year in overtime compensation may
62 be included as specified in the plan or collective bargaining
63 agreement, but payments for accrued unused sick or annual leave
64 may not be included.

65 (a) Any retirement trust fund or plan that meets the
66 requirements of this chapter does not, solely by virtue of this
67 subsection, reduce or diminish the monthly retirement income
68 otherwise payable to each police officer covered by the
69 retirement trust fund or plan.



435678

70 (b) The member's compensation or salary contributed as
71 employee-elective salary reductions or deferrals to any salary
72 reduction, deferred compensation, or tax-sheltered annuity
73 program authorized under the Internal Revenue Code shall be
74 deemed to be the compensation or salary the member would receive
75 if he or she were not participating in such program and shall be
76 treated as compensation for retirement purposes under this
77 chapter.

78 (c) For any person who first becomes a member in any plan
79 year beginning on or after January 1, 1996, compensation for
80 that plan year may not include any amounts in excess of the
81 Internal Revenue Code s. 401(a)(17) limitation, as amended by
82 the Omnibus Budget Reconciliation Act of 1993, which limitation
83 of \$150,000 shall be adjusted as required by federal law for
84 qualified government plans and ~~shall be~~ further adjusted for
85 changes in the cost of living in the manner provided by Internal
86 Revenue Code s. 401(a)(17)(B). For any person who first became a
87 member before the first plan year beginning on or after January
88 1, 1996, the limitation on compensation may not be less than the
89 maximum compensation amount that was allowed to be taken into
90 account under the plan ~~as~~ in effect on July 1, 1993, which
91 limitation shall be adjusted for changes in the cost of living
92 since 1989 in the manner provided by Internal Revenue Code s.
93 401(a)(17)(1991).

94 (7) ~~(5)~~ "Creditable service" or "credited service" means the
95 aggregate number of years of service and fractional parts of
96 years of service of any police officer, omitting intervening
97 years and fractional parts of years when such police officer may
98 not have been employed by the municipality subject to the



435678

99 following conditions:

100 (a) A ~~No~~ police officer may not ~~will~~ receive credit for
101 years or fractional parts of years of service if he or she has
102 withdrawn his or her contributions to the fund for those years
103 or fractional parts of years of service, unless the police
104 officer repays into the fund the amount he or she has withdrawn,
105 plus interest as determined by the board. The member has ~~shall~~
106 ~~have~~ at least 90 days after his or her reemployment to make
107 repayment.

108 (b) A police officer may voluntarily leave his or her
109 contributions in the fund for ~~a period of~~ 5 years after leaving
110 the employ of the police department, pending the possibility of
111 his or her being rehired by the same department, without losing
112 credit for the time he or she has participated actively as a
113 police officer. If he or she is not reemployed as a police
114 officer with the same department within 5 years, his or her
115 contributions shall be returned ~~to him or her~~ without interest.

116 (c) Credited service under this chapter shall be provided
117 only for service as a police officer, ~~as defined in subsection~~
118 ~~(11)~~, or for military service and may not include credit for any
119 other type of service. A municipality ~~may~~, by local ordinance,
120 may provide for the purchase of credit for military service
121 occurring before employment as well as prior service as a police
122 officer for some other employer as long as the police officer is
123 not entitled to receive a benefit for such ~~other~~ prior service
124 ~~as a police officer~~. For purposes of determining credit for
125 prior service, in addition to service as a police officer in
126 this state, credit may be given for federal, other state, or
127 county service as long as such service is recognized by the



435678

128 Criminal Justice Standards and Training Commission within the
129 Department of Law Enforcement as provided in ~~under~~ chapter 943
130 or the police officer provides proof to the board of trustees
131 that such service is equivalent to the service required to meet
132 the definition of a police officer under subsection (16) ~~(11)~~.

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

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

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

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

147 (8) ~~(6)~~ "Deferred Retirement Option Plan" or "DROP" means a
148 local law plan retirement option in which a police officer may
149 elect to participate. A police officer may retire for all
150 purposes of the plan and defer receipt of retirement benefits
151 into a DROP account while continuing employment with his or her
152 employer. However, a police officer who enters ~~the~~ DROP and who
153 is otherwise eligible to participate may ~~shall~~ not ~~thereby~~ be
154 precluded from participation or continued participation
155 ~~participating, or continuing to participate,~~ in a supplemental
156 plan in existence on, or created after, March 12, 1999 ~~the~~



435678

157 ~~effective date of this act.~~

158 (9) "Defined contribution plan" means the component of a
159 local law plan, as provided in s. 185.35(1), to which deposits,
160 if any, are made to provide benefits for police officers, or for
161 police officers and firefighters if both are included. Such
162 component is an element of a local law plan and exists in
163 conjunction with the defined benefit component that meets the
164 minimum benefits and minimum standards of this chapter. The
165 retirement benefits, if any, of the defined contribution plan
166 shall be provided through individual member accounts in
167 accordance with the applicable provisions of the Internal
168 Revenue Code and related regulations and are limited to the
169 contributions, if any, made into each member's account and the
170 actual accumulated earnings, net of expenses, earned on the
171 member's account.

172 (10)-(7) "Division" means the Division of Retirement of the
173 Department of Management Services.

174 (11)-(8) "Enrolled actuary" means an actuary who is enrolled
175 under Subtitle C of Title III of the Employee Retirement Income
176 Security Act of 1974 and who is a member of the Society of
177 Actuaries or the American Academy of Actuaries.

178 (12)-(9) "Local law municipality" means ~~is~~ any municipality
179 in which ~~there exists~~ a local law plan exists.

180 (13)-(10) "Local law plan" means a retirement defined
181 benefit pension plan, that includes both a defined benefit plan
182 component and a defined contribution plan component, for police
183 officers, or for police officers and firefighters if both are,
184 ~~where~~ included, as described in s. 185.35, established by
185 municipal ordinance or special act of the Legislature, which



435678

186 ~~enactment~~ sets forth all plan provisions. Local law plan
187 provisions may vary from the provisions of this chapter if the~~r~~
188 ~~provided that required~~ minimum benefits and minimum standards of
189 this chapter are met. However, any such variance must ~~shall~~
190 provide a greater benefit for police officers. Actuarial
191 valuations of local law plans shall be conducted by an enrolled
192 actuary as provided in s. 185.221(2)(b).

193 (14) "Minimum benefits" means the benefits set forth in ss.
194 185.01-185.341 and ss. 185.37-185.50.

195 (15) "Minimum standards" means the standards set forth in
196 ss. 185.01-185.50.

197 (16)~~(11)~~ "Police officer" means any person who is elected,
198 appointed, or employed full time by a ~~any~~ municipality, who is
199 certified or required to be certified as a law enforcement
200 officer in compliance with s. 943.1395, who is vested with
201 authority to bear arms and make arrests, and whose primary
202 responsibility is the prevention and detection of crime or the
203 enforcement of the penal, criminal, traffic, or highway laws of
204 the state. The term ~~This definition~~ includes all certified
205 supervisory and command personnel whose duties include, in whole
206 or in part, the supervision, training, guidance, and management
207 responsibilities of full-time law enforcement officers, part-
208 time law enforcement officers, or auxiliary law enforcement
209 officers, but does not include part-time law enforcement
210 officers or auxiliary law enforcement officers as those terms
211 ~~the same~~ are defined in s. 943.10~~(6) and (8), respectively.~~ For
212 the purposes of this chapter only, the term also includes
213 ~~"police officer" also shall include~~ a public safety officer who
214 is responsible for performing both police and fire services. Any



435678

215 plan may provide that the police chief shall have an option to
216 participate, ~~or not,~~ in that plan.

217 (17)~~(12)~~ "Police Officers' Retirement Trust Fund" means a
218 trust fund, by whatever name known, as provided under s. 185.03
219 for the purpose of assisting municipalities in establishing and
220 maintaining a retirement plan for police officers.

221 (18)~~(13)~~ "Retiree" or "retired police officer" means a
222 police officer who has entered retirement status. For the
223 purposes of a plan that includes a Deferred Retirement Option
224 Plan (DROP), a police officer who enters ~~the~~ DROP is ~~shall be~~
225 considered a retiree for all purposes of the plan. However, a
226 police officer who enters ~~the~~ DROP and who is otherwise eligible
227 to participate may ~~shall~~ not ~~thereby~~ be precluded from
228 participating, or continuing to participate, in a supplemental
229 plan in existence on, or created after, March 12, 1999 ~~the~~
230 ~~effective date of this act.~~

231 (19)~~(14)~~ "Retirement" means a police officer's separation
232 from municipal ~~city~~ employment as a police officer with
233 immediate eligibility for ~~receipt of~~ benefits under the plan.
234 For purposes of a plan that includes a Deferred Retirement
235 Option Plan (DROP), "retirement" means the date a police officer
236 enters ~~the~~ DROP.

237 (20) "Special act plan" means a plan subject to the
238 provisions of this chapter which was created by an act of the
239 Legislature and continues to require an act of the Legislature
240 to alter plan benefits.

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

243 (22)~~(15)~~ "Supplemental plan" means a plan to which deposits



244 of the premium tax moneys as provided in s. 185.08 are made to
245 provide special ~~extra~~ benefits to police officers, or police
246 officers and firefighters if both are ~~where~~ included, ~~under this~~
247 ~~chapter~~. Such a plan is an element of a local law plan and
248 exists in conjunction with a defined benefit component ~~plan~~ that
249 meets the minimum benefits and minimum standards of this
250 chapter. Any supplemental plan in existence on March 1, 2014,
251 shall be deemed to be a defined contribution plan in compliance
252 with s. 185.35(6).

253 (23)(16) "Supplemental plan municipality" means a ~~any~~ local
254 law municipality in which ~~there existed~~ a supplemental plan
255 existed as of December 1, 2000.

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

258 185.06 General powers and duties of board of trustees.—For
259 any municipality, chapter plan, local law municipality, or local
260 law plan under this chapter:

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

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

265 (b) Employ an independent enrolled actuary, as defined in
266 s. 185.02~~(8)~~, at the pension fund's expense.

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

270

271 If the board chooses to use the municipality's or special
272 district's legal counsel or actuary, or chooses to use any of



435678

273 the municipality's other professional, technical, or other
274 advisers, it must do so only under terms and conditions
275 acceptable to the board.

276 Section 10. Paragraph (d) of subsection (1) of section
277 185.07, Florida Statutes, is amended to read:

278 185.07 Creation and maintenance of fund.—For any
279 municipality, chapter plan, local law municipality, or local law
280 plan under this chapter:

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

284 (d) By payment by the municipality or other sources of a
285 sum equal to the normal cost and the amount required to fund any
286 actuarial deficiency shown by an actuarial valuation conducted
287 under ~~as provided in~~ part VII of chapter 112 after taking into
288 account the amounts described in paragraphs (b), (c), (e), (f),
289 and (g) and the tax proceeds described in paragraph (a) which
290 are used to fund defined benefit plan benefits.

291
292 Nothing in this section shall be construed to require adjustment
293 of member contribution rates in effect on the date this act
294 becomes a law, including rates that exceed 5 percent of salary,
295 provided that such rates are at least one-half of 1 percent of
296 salary.

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

299 185.16 Requirements for retirement.—For any municipality,
300 chapter plan, local law municipality, or local law plan under
301 this chapter, any police officer who completes 10 or more years



435678

302 of creditable service as a police officer and attains age 55, or
303 completes 25 years of creditable service as a police officer and
304 attains age 52, and for such period has been a member of the
305 retirement fund is eligible for normal retirement benefits.
306 Normal retirement under the plan is retirement from the service
307 of the city on or after the normal retirement date. In such
308 event, for chapter plans and local law plans, payment of
309 retirement income will be governed by the following provisions
310 of this section:

311 (2) (a) The amount of the monthly retirement income payable
312 to a police officer who retires on or after his or her normal
313 retirement date shall be an amount equal to the number of the
314 police officer's years of credited service multiplied by 2.75 ~~2~~
315 percent of his or her average final compensation. ~~However, if~~
316 ~~current state contributions pursuant to this chapter are not~~
317 ~~adequate to fund the additional benefits to meet the minimum~~
318 ~~requirements in this chapter, only increment increases shall be~~
319 ~~required as state moneys are adequate to provide. Such~~
320 ~~increments shall be provided as state moneys become available.~~

321 (b) Effective July 1, 2014, a plan that is in compliance
322 with this chapter except that the plan provides a benefit that
323 is less than 2.75 percent of the average final compensation of a
324 police officer for all years of credited service, as provided in
325 paragraph (a), or provides an effective benefit that is below
326 2.75 percent as a result of a maximum benefit limitation, must
327 maintain, at a minimum, the percentage amount or maximum benefit
328 limitation in effect on July 1, 2014, and is not required to
329 increase the benefit to 2.75 percent of the average final
330 compensation of a police officer for all years of credited



435678

331 service.

332 (c) Effective July 1, 2014, a plan that is in compliance
333 with this chapter except that the plan provides a benefit that
334 is less than 2.75 percent of the average final compensation of a
335 police officer for all years of credited service, as provided in
336 paragraph (a), or provides an effective benefit that is below
337 2.75 percent as a result of a maximum benefit limitation, and
338 which changes the percentage amount or maximum benefit
339 limitation to 2.75 percent, or greater, of the average final
340 compensation of a police officer for all years of credited
341 service, as provided in paragraph (a), may not thereafter
342 decrease the percentage amount or the maximum benefit limitation
343 to less than 2.75 percent of the average final compensation of a
344 police officer for all years of credited service, as provided in
345 paragraph (a).

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

348 185.35 Municipalities that have ~~having~~ their own retirement
349 ~~pension~~ plans for police officers. ~~For any municipality, chapter~~
350 ~~plan, local law municipality, or local law plan under this~~
351 ~~chapter,~~ In order for a municipality that has its municipalities
352 ~~with their own retirement plan pension plans~~ for police
353 officers, or for police officers and firefighters if both are
354 included, to participate in the distribution of the tax fund
355 established under ~~pursuant to~~ s. 185.08, a local law plan plans
356 must meet the minimum benefits and minimum standards set forth
357 in this chapter, except as provided in the mutual consent
358 provisions in paragraph (1) (g) with respect to the minimum
359 benefits not met as of October 1, 2012.÷



435678

360 (1) If a municipality has a retirement ~~pension~~ plan for
361 police officers, or for police officers and firefighters if both
362 are included, which, in the opinion of the division, meets the
363 minimum benefits and minimum standards set forth in this
364 chapter, the board of trustees of the pension plan must, ~~as~~
365 ~~approved by a majority of police officers of the municipality,~~
366 ~~may:~~

367 ~~(a)~~ place the income from the premium tax in s. 185.08 in
368 such ~~pension~~ plan for the sole and exclusive use of its police
369 officers, or its police officers and firefighters if both are
370 included, where it shall become an integral part of that ~~pension~~
371 plan and ~~shall~~ be used to fund benefits as provided herein.
372 Effective October 1, 2014, for noncollectively bargained service
373 or upon entering into a collective bargaining agreement on or
374 after July 1, 2014:

375 (a) The base premium tax revenues must be used to fund
376 minimum benefits or other retirement benefits in excess of the
377 minimum benefits as determined by the municipality.

378 (b) Of the additional premium tax revenues received which
379 are in excess of the amount received for the 2012 calendar year,
380 50 percent must be used to fund minimum benefits or other
381 retirement benefits in excess of the minimum benefits as
382 determined by the municipality, and 50 percent must be placed in
383 a defined contribution plan to fund special benefits.

384 (c) Additional premium tax revenues not described in
385 paragraph (b) must be used to fund benefits that are not
386 included in the minimum benefits. If the additional premium tax
387 revenues subject to this paragraph exceed the full annual cost
388 of benefits provided through the plan which are in excess of the



435678

389 minimum benefits, any amount in excess of the full annual cost
390 must be used as provided in paragraph (b).

391 (d) Of any accumulations of additional premium tax revenues
392 which have not been allocated to fund benefits in excess of the
393 minimum benefits, 50 percent of the amount of the accumulations
394 must be used to fund special benefits and 50 percent must be
395 applied to fund any unfunded actuarial liabilities of the plan;
396 provided that any amount of accumulations in excess of the
397 amount required to fund the unfunded actuarial liabilities must
398 be used to fund special benefits ~~pay extra benefits to the~~
399 ~~police officers included in that pension plan; or~~

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

404 (e) For a plan created after March 1, 2014, 50 percent of
405 the insurance premium tax revenues shall be used to fund defined
406 benefit plan component benefits, with the remainder used to fund
407 defined contribution plan component benefits.

408 (f) If a plan offers benefits in excess of the minimum
409 benefits, such benefits, excluding supplemental plan benefits in
410 effect as of September 30, 2013, may be reduced if the plan
411 continues to meet the minimum benefits and the minimum standards
412 set forth in this chapter. The amount of insurance premium tax
413 revenues previously used to fund benefits in excess of the
414 minimum benefits, excluding the amount of any additional premium
415 tax revenues distributed to a supplemental plan for calendar
416 year 2012, before the reduction must be used as provided in
417 paragraph (b). However, benefits in excess of the minimum



435678

418 benefits may not be reduced if a plan does not meet the minimum
419 percentage amount of 2.75 percent, or greater, of the average
420 final compensation of a police officer, as provided in s.
421 185.16(2) (a), or provides an effective benefit that is below
422 2.75 percent as a result of a maximum benefit limitation, as
423 described in s. 185.16(2) (b).

424 (g) Notwithstanding paragraphs (a)-(f), the use of premium
425 tax revenues, including any accumulations of additional premium
426 tax revenues which have not been allocated to fund benefits in
427 excess of the minimum benefits, may deviate from the provisions
428 of this subsection by mutual consent of the members' collective
429 bargaining representative or, if none, by majority consent of
430 the police office members of the fund, and by consent of the
431 municipality, provided that the plan continues to meet the
432 minimum benefits and minimum standards of this chapter; however,
433 a plan that operates pursuant to this paragraph which does not
434 meet the minimum benefits as of October 1, 2012, may continue to
435 provide the benefits that do not meet the minimum benefits at
436 the same level as was provided as of October 1, 2012, and all
437 other benefits must continue to meet the minimum benefits. Such
438 mutually agreed deviation shall continue until modified or
439 revoked by subsequent mutual consent of the members' collective
440 bargaining representative or, if none, by a majority of the
441 police office members of the fund, and the municipality. An
442 existing arrangement for the use of premium tax revenues
443 contained within a special act plan or a plan within a
444 supplemental plan municipality is considered, as of July 1,
445 2014, to be a deviation for which mutual consent has been
446 granted.



435678

447 (2) The premium tax provided by this chapter shall ~~in all~~
448 ~~eases~~ be used in its entirety to provide retirement ~~extra~~
449 benefits to police officers, or to police officers and
450 firefighters if both are included. ~~However, local law plans in~~
451 ~~effect on October 1, 1998, must comply with the minimum benefit~~
452 ~~provisions of this chapter only to the extent that additional~~
453 ~~premium tax revenues become available to incrementally fund the~~
454 ~~cost of such compliance as provided in s. 185.16(2). If a plan~~
455 ~~is in compliance with such minimum benefit provisions, as~~
456 ~~subsequent additional tax revenues become available, they shall~~
457 ~~be used to provide extra benefits.~~ Local law plans created by
458 special act before May 27, 1939, shall be deemed to comply with
459 this chapter. ~~For the purpose of this chapter, the term:~~

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

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

467 (3) A retirement plan or amendment to a retirement plan may
468 not be proposed for adoption unless the proposed plan or
469 amendment contains an actuarial estimate of the costs involved.
470 Such proposed plan or proposed plan change may not be adopted
471 without the approval of the municipality or, where required
472 ~~permitted~~, the Legislature. Copies of the proposed plan or
473 proposed plan change and the actuarial impact statement of the
474 proposed plan or proposed plan change shall be furnished to the
475 division before the last public hearing on the proposal is held



476 ~~thereon~~. Such statement must also indicate whether the proposed
477 plan or proposed plan change is in compliance with s. 14, Art. X
478 of the State Constitution and those provisions of part VII of
479 chapter 112 which are not expressly provided in this chapter.
480 Notwithstanding any other provision, only those local law plans
481 created by special act of legislation before May 27, 1939, are
482 deemed to meet the minimum benefits and minimum standards only
483 in this chapter.

484 (4) Notwithstanding any other provision, with respect to
485 any supplemental plan municipality:

486 (a) Section 185.02(6)(a) ~~185.02(4)(a)~~ does not apply, and a
487 local law plan and a supplemental plan may continue to use their
488 definition of compensation or salary in existence on March 12,
489 1999.

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

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

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

501 (6) In addition to the defined benefit component of the
502 local law plan, each plan sponsor must have a defined
503 contribution plan component within the local law plan by October
504 1, 2014, for noncollectively bargained service, upon entering



505 into a collective bargaining agreement on or after July 1, 2014,
506 or upon the creation date of a new participating plan. Depending
507 upon the application of subsection (1), a defined contribution
508 component may or may not receive any funding.

509 (7) Notwithstanding any other provision of this chapter, a
510 municipality that has implemented or proposed changes to a local
511 law plan based on the municipality's reliance on an
512 interpretation of this chapter by the Department of Management
513 Services on or after August 14, 2012, and before March 4, 2014,
514 may continue the implemented changes or continue to implement
515 proposed changes. Such reliance must be evidenced by a written
516 collective bargaining proposal or agreement, or formal
517 correspondence between the municipality and the Department of
518 Management Services which describes the specific changes to the
519 local law plan, with the initial proposal, agreement, or
520 correspondence from the municipality dated before March 4, 2014.
521 Changes to the local law plan which are otherwise contrary to
522 the minimum benefits and minimum standards of this chapter may
523 continue in effect until the earlier of October 1, 2017, or the
524 effective date of a collective bargaining agreement that is
525 contrary to the changes to the local law plan.

526
527 ===== T I T L E A M E N D M E N T =====

528 And the title is amended as follows:

529 Delete lines 56 - 58

530 and insert:

531 fund; conforming a cross-reference; redesignating the
532 term "pension plan" as "retirement plan"; revising
533 criteria governing the use of revenues from the



435678

534
535

premium tax; authorizing a plan to reduce certain
excess benefits if the