

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Government Operations  
2 Subcommittee  
3 Representative Cummings offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and  
7 insert:

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

10 175.021 Legislative declaration.—

11 (2) This chapter hereby establishes, for all municipal and  
12 special district pension plans existing ~~now or hereafter~~ under  
13 this chapter, including chapter plans and local law plans,  
14 minimum benefits and minimum standards for the operation and  
15 funding of such plans, hereinafter referred to as firefighters'  
16 pension trust funds, which must be met as a condition precedent  
17 to the plan or plan sponsor receiving a distribution of

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18 insurance premium tax revenues under s. 175.121. ~~The~~ Minimum  
19 benefits and minimum standards for each plan ~~set forth in this~~  
20 ~~chapter~~ may not be diminished by local charter, ordinance, or  
21 resolution or by special act of the Legislature and may not, ~~nor~~  
22 ~~may the minimum benefits or minimum standards~~ be reduced or  
23 offset by any other local, state, or federal law that includes  
24 ~~may include~~ firefighters in its operation, except as provided  
25 under s. 112.65.

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

28 175.032 Definitions.—For any municipality, special fire  
29 control district, chapter plan, local law municipality, local  
30 law special fire control district, or local law plan under this  
31 chapter, the term ~~following words and phrases have the following~~  
32 ~~meanings:~~

33 (1) "Additional premium tax revenues" means revenues  
34 received by a municipality or special fire control district  
35 pursuant to s. 175.121 which exceed base premium tax revenues.

36 (2) ~~(1)(a)~~ "Average final compensation" for:

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

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

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

51 (a) The revenues received by a municipality or special  
52 fire control district pursuant to s. 175.121 for the 2013  
53 calendar year; or

54 (b) For a municipality or special fire control district  
55 that did not receive premium tax revenues for the 2013 calendar  
56 year, the revenues received during the second calendar year of  
57 participation.

58 (4)~~(2)~~ "Chapter plan" means a separate defined benefit  
59 pension plan for firefighters which incorporates by reference  
60 the provisions of this chapter and has been adopted by the  
61 governing body of a municipality or special district. Except as  
62 ~~may be~~ specifically authorized in this chapter, the provisions  
63 of a chapter plan may not differ from the plan provisions set  
64 forth in ss. 175.021-175.341 and ss. 175.361-175.401. Actuarial  
65 valuations of chapter plans shall be conducted by the division  
66 as provided by s. 175.261(1).

67 (5)~~(3)~~ "Compensation" or "salary" means, for  
68 noncollectively bargained service earned before July 1, 2011, or  
69 for service earned under collective bargaining agreements in

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70 place before July 1, 2011, the fixed monthly remuneration paid a  
71 firefighter. If remuneration is based on actual services  
72 rendered, as in the case of a volunteer firefighter, the term  
73 means the total cash remuneration received yearly for such  
74 services, prorated on a monthly basis. For noncollectively  
75 bargained service earned on or after July 1, 2011, or for  
76 service earned under collective bargaining agreements entered  
77 into on or after July 1, 2011, the term has the same meaning  
78 except that when calculating retirement benefits, up to 300  
79 hours per year in overtime compensation may be included as  
80 specified in the plan or collective bargaining agreement, but  
81 payments for accrued unused sick or annual leave may not be  
82 included.

83 (a) Any retirement trust fund or plan that meets the  
84 requirements of this chapter does not, solely by virtue of this  
85 subsection, reduce or diminish the monthly retirement income  
86 otherwise payable to each firefighter covered by the retirement  
87 trust fund or plan.

88 (b) The member's compensation or salary contributed as  
89 employee-elective salary reductions or deferrals to any salary  
90 reduction, deferred compensation, or tax-sheltered annuity  
91 program authorized under the Internal Revenue Code shall be  
92 deemed to be the compensation or salary the member would receive  
93 if he or she were not participating in such program and shall be  
94 treated as compensation for retirement purposes under this  
95 chapter.

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96 (c) For ~~any~~ person who first becomes a member in any plan  
97 year beginning on or after January 1, 1996, compensation for  
98 that plan year may not include any amounts in excess of the  
99 Internal Revenue Code s. 401(a)(17) limitation, as amended by  
100 the Omnibus Budget Reconciliation Act of 1993, which limitation  
101 of \$150,000 shall be adjusted as required by federal law for  
102 qualified government plans and ~~shall be~~ further adjusted for  
103 changes in the cost of living in the manner provided by Internal  
104 Revenue Code s. 401(a)(17)(B). For any person who first became a  
105 member before the first plan year beginning on or after January  
106 1, 1996, the limitation on compensation may not be less than the  
107 maximum compensation amount that was allowed to be taken into  
108 account under the plan in effect on July 1, 1993, which  
109 limitation shall be adjusted for changes in the cost of living  
110 since 1989 in the manner provided by Internal Revenue Code s.  
111 401(a)(17)(1991).

112 ~~(6)-(4)~~ "Creditable service" or "credited service" means  
113 the aggregate number of years of service<sub>7</sub> and fractional parts  
114 of years of service<sub>7</sub> of any firefighter, omitting intervening  
115 years and fractional parts of years when such firefighter may  
116 not have been employed by the municipality or special fire  
117 control district, subject to the following conditions:

118 (a) A ~~No~~ firefighter may not ~~will~~ receive credit for years  
119 or fractional parts of years of service if he or she has  
120 withdrawn his or her contributions to the fund for those years  
121 or fractional parts of years of service, unless the firefighter

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122 repays into the fund the amount he or she has withdrawn, plus  
123 interest determined by the board. The member has ~~shall have~~ at  
124 least 90 days after his or her reemployment to make repayment.

125 (b) A firefighter may voluntarily leave his or her  
126 contributions in the fund for ~~a period of~~ 5 years after leaving  
127 the employ of the fire department, pending the possibility of  
128 being rehired by the same department, without losing credit for  
129 the time he or she has participated actively as a firefighter.  
130 If the firefighter is not reemployed as a firefighter, with the  
131 same department, within 5 years, his or her contributions shall  
132 be returned without interest.

133 (c) Credited service under this chapter shall be provided  
134 only for service as a firefighter, ~~as defined in subsection (8),~~  
135 or for military service and does not include credit for any  
136 other type of service. A municipality ~~may~~, by local ordinance,  
137 or a special fire control district ~~may~~, by resolution, may  
138 provide for the purchase of credit for military service prior to  
139 employment as well as for prior service as a firefighter for  
140 some other employer as long as a firefighter is not entitled to  
141 receive a benefit for such prior service ~~as a firefighter~~. For  
142 purposes of determining credit for prior service ~~as a~~  
143 ~~firefighter~~, in addition to service as a firefighter in this  
144 state, credit may be given for federal, other state, or county  
145 service if the prior service is recognized by the Division of  
146 State Fire Marshal as provided in ~~under~~ chapter 633, or the  
147 firefighter provides proof to the board of trustees that his or

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148 her service is equivalent to the service required to meet the  
149 definition of a firefighter under subsection (11) ~~(8)~~.

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

154 1. The firefighter is in the active employ of an employer  
155 immediately before ~~prior to~~ such service and leaves a position,  
156 other than a temporary position, for the purpose of voluntary or  
157 involuntary service in the Armed Forces of the United States.

158 2. The firefighter is entitled to reemployment under ~~the~~  
159 ~~provisions of~~ the Uniformed Services Employment and Reemployment  
160 Rights Act.

161 3. The firefighter returns to his or her employment as a  
162 firefighter of the municipality or special fire control district  
163 within 1 year after ~~from~~ the date of release from such active  
164 service.

165 (7) ~~(5)~~ "Deferred Retirement Option Plan" or "DROP" means a  
166 local law plan retirement option in which a firefighter may  
167 elect to participate. A firefighter may retire for all purposes  
168 of the plan and defer receipt of retirement benefits into a DROP  
169 account while continuing employment with his or her employer.  
170 However, a firefighter who enters the DROP and who is otherwise  
171 eligible to participate may ~~shall~~ not ~~thereby~~ be precluded from  
172 participation or continued participation ~~participating, or~~  
173 ~~continuing to participate,~~ in a supplemental plan in existence

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174 on, or created after, March 12, 1999 ~~the effective date of this~~  
175 ~~act.~~

176 (8) "Defined contribution plan" means the component of a  
177 local law plan, as provided in s. 175.351(1), to which deposits,  
178 if any, are made to provide benefits for firefighters, or for  
179 firefighters and police officers if both are included. Such  
180 component is an element of a local law plan and exists in  
181 conjunction with the defined benefit component that meets  
182 minimum benefits and minimum standards. The retirement benefits,  
183 if any, of the defined contribution plan shall be provided  
184 through individual member accounts in accordance with the  
185 applicable provisions of the Internal Revenue Code and related  
186 regulations and are limited to the contributions, if any, made  
187 into each member's account and the actual accumulated earnings,  
188 net of expenses, earned on the member's account.

189 (9)-(6) "Division" means the Division of Retirement of the  
190 Department of Management Services.

191 (10)-(7) "Enrolled actuary" means an actuary who is  
192 enrolled under Subtitle C of Title III of the Employee  
193 Retirement Income Security Act of 1974 and who is a member of  
194 the Society of Actuaries or the American Academy of Actuaries.

195 (11) (a)-(8) (a) "Firefighter" means a person employed solely  
196 by a constituted fire department of any municipality or special  
197 fire control district who is certified as a firefighter as a  
198 condition of employment in accordance with s. 633.408 and whose  
199 duty it is to extinguish fires, to protect life, or to protect

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200 property. The term includes all certified, supervisory, and  
201 command personnel whose duties include, in whole or in part, the  
202 supervision, training, guidance, and management responsibilities  
203 of full-time firefighters, part-time firefighters, or auxiliary  
204 firefighters but does not include part-time firefighters or  
205 auxiliary firefighters. However, for purposes of this chapter  
206 only, the term also includes public safety officers who are  
207 responsible for performing both police and fire services, who  
208 are certified as police officers or firefighters, and who are  
209 certified by their employers to the Chief Financial Officer as  
210 participating in this chapter before October 1, 1979. Effective  
211 October 1, 1979, public safety officers who have not been  
212 certified as participating in this chapter are considered police  
213 officers for retirement purposes and are eligible to participate  
214 in chapter 185. Any plan may provide that the fire chief has an  
215 option to participate, ~~or not,~~ in that plan.

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

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226 is not an active member of a department described herein is not  
227 a volunteer firefighter within the meaning of this paragraph.

228 ~~(12)-(9)~~ "Firefighters' Pension Trust Fund" means a trust  
229 fund, by whatever name known, as provided under s. 175.041, for  
230 the purpose of assisting municipalities and special fire control  
231 districts in establishing and maintaining a retirement plan for  
232 firefighters.

233 ~~(13)-(10)~~ "Local law municipality" means ~~is~~ any  
234 municipality in which ~~there exists~~ a local law plan exists.

235 ~~(14)-(11)~~ "Local law plan" means a retirement defined  
236 benefit pension plan, which includes both a defined benefit plan  
237 component and a defined contribution plan component, for  
238 firefighters, or for firefighters and ~~or~~ police officers if both  
239 are ~~where~~ included, as described in s. 175.351, established by  
240 municipal ordinance, special district resolution, or special act  
241 of the Legislature, which enactment sets forth all plan  
242 provisions. Local law plan provisions may vary from the  
243 provisions of this chapter ~~if, provided that required~~ minimum  
244 benefits and minimum standards are met. However, any such  
245 variance must ~~shall~~ provide a greater benefit for firefighters.  
246 Actuarial valuations of local law plans shall be conducted by an  
247 enrolled actuary as provided in s. 175.261(2).

248 ~~(15)-(12)~~ "Local law special fire control district" means  
249 ~~is~~ any special fire control district in which ~~there exists~~ a  
250 local law plan exists.

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251        (16) "Minimum benefits" means the benefits specified in  
252 ss. 175.021-175.341 and ss. 175.361-175.401.

253        (17) "Minimum standards" means the standards specified in  
254 ss. 175.021-175.401.

255        (18)~~(13)~~ "Property insurance" means property insurance as  
256 defined in s. 624.604 and covers real and personal property  
257 within the corporate limits of a ~~any~~ municipality, or within the  
258 boundaries of a ~~any~~ special fire control district, within the  
259 state. The term "multiple peril" means a combination or package  
260 policy that includes both property and casualty coverage for a  
261 single premium.

262        (19)~~(14)~~ "Retiree" or "retired firefighter" means a  
263 firefighter who has entered retirement status. For the purposes  
264 of a plan that includes a Deferred Retirement Option Plan  
265 (DROP), a firefighter who enters the DROP is ~~shall be~~ considered  
266 a retiree for all purposes of the plan. However, a firefighter  
267 who enters the DROP and who is otherwise eligible to participate  
268 may ~~shall~~ not ~~thereby~~ be precluded from participation or  
269 continued participation ~~participating, or continuing to~~  
270 ~~participate,~~ in a supplemental plan in existence on, or created  
271 after, March 12, 1999 ~~the effective date of this act.~~

272        (20)~~(15)~~ "Retirement" means a firefighter's separation  
273 from municipal ~~city~~ or fire district employment as a firefighter  
274 with immediate eligibility for ~~receipt of~~ benefits under the  
275 plan. For purposes of a plan that includes a Deferred Retirement

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276 Option Plan (DROP), "retirement" means the date a firefighter  
277 enters the DROP.

278 (21) "Special act plan" means a plan subject to the  
279 provisions of this chapter which was created by an act of the  
280 Legislature and continues to require an act of the Legislature  
281 to alter plan benefits.

282 (22) "Special benefits" means benefits provided in a  
283 defined contribution plan for firefighters.

284 (23)-(16) "Special fire control district" means a special  
285 district, as defined in s. 189.012, established for the purposes  
286 of extinguishing fires, protecting life, and protecting property  
287 within the incorporated or unincorporated portions of a any  
288 county or combination of counties, or within any combination of  
289 incorporated and unincorporated portions of a any county or  
290 combination of counties. The term does not include any dependent  
291 or independent special district, as those terms are defined in  
292 s. 189.012, the employees of which are members of the Florida  
293 Retirement System pursuant to s. 121.051(1) or (2).

294 (24)-(17) "Supplemental plan" means a plan to which  
295 deposits are made to provide special extra benefits for  
296 firefighters, or for firefighters and police officers if both  
297 are ~~where~~ included ~~under this chapter~~. Such a plan is an element  
298 of a local law plan and exists in conjunction with a defined  
299 benefit component plan that meets ~~the~~ minimum benefits and  
300 minimum standards ~~of this chapter~~. Any supplemental plan in

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301 existence on March 1, 2015, shall be deemed to be a defined  
302 contribution plan in compliance with s. 175.351(6).

303 ~~(25)-(18)~~ "Supplemental plan municipality" means a ~~any~~  
304 local law municipality in which ~~there existed~~ a supplemental  
305 plan existed, ~~of any type or nature~~, as of December 1, 2000.

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

308 175.071 General powers and duties of board of trustees.—  
309 For any municipality, special fire control district, chapter  
310 plan, local law municipality, local law special fire control  
311 district, or local law plan under this chapter:

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

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

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

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

321  
322 If the board chooses to use the municipality's or special  
323 district's legal counsel or actuary, or chooses to use any of  
324 the municipality's or special district's other professional,  
325 technical, or other advisers, it must do so only under terms and  
326 conditions acceptable to the board.

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327 Section 4. Paragraph (d) of subsection (1) of section  
328 175.091, Florida Statutes, is amended to read:

329 175.091 Creation and maintenance of fund.—For any  
330 municipality, special fire control district, chapter plan, local  
331 law municipality, local law special fire control district, or  
332 local law plan under this chapter:

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

336 (d) By mandatory payment by the municipality or special  
337 fire control district of a sum equal to the normal cost of and  
338 the amount required to fund any actuarial deficiency shown by an  
339 actuarial valuation conducted under ~~as provided in~~ part VII of  
340 chapter 112 after taking into account the amounts described in  
341 paragraphs (b), (c), (e), (f), and (g) and the tax proceeds  
342 described in paragraph (a) which are used to fund defined  
343 benefit plan benefits.

344  
345 Nothing in this section shall be construed to require adjustment  
346 of member contribution rates in effect on the date this act  
347 becomes a law, including rates that exceed 5 percent of salary,  
348 provided that such rates are at least one-half of 1 percent of  
349 salary.

350 Section 5. Paragraph (a) of subsection (2) of section  
351 175.162, Florida Statutes, is amended to read:

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352 175.162 Requirements for retirement.—For any municipality,  
353 special fire control district, chapter plan, local law  
354 municipality, local law special fire control district, or local  
355 law plan under this chapter, any firefighter who completes 10 or  
356 more years of creditable service as a firefighter and attains  
357 age 55, or completes 25 years of creditable service as a  
358 firefighter and attains age 52, and who for such minimum period  
359 has been a member of the firefighters' pension trust fund  
360 operating under a chapter plan or local law plan, is eligible  
361 for normal retirement benefits. Normal retirement under the plan  
362 is retirement from the service of the municipality or special  
363 fire control district on or after the normal retirement date. In  
364 such event, payment of retirement income will be governed by the  
365 following provisions of this section:

366 (2) (a) The amount of monthly retirement income payable to  
367 a full-time firefighter who retires on or after his or her  
368 normal retirement date shall be an amount equal to the number of  
369 his or her years of credited service multiplied by 2 percent of  
370 his or her average final compensation as a full-time  
371 firefighter. ~~However, if current state contributions pursuant to  
372 this chapter are not adequate to fund the additional benefits to  
373 meet the minimum requirements in this chapter, only such  
374 incremental increases shall be required as state moneys are  
375 adequate to provide. Such increments shall be provided as state  
376 moneys become available.~~

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377 Section 6. Section 175.351, Florida Statutes, is amended  
378 to read:

379 175.351 Municipalities and special fire control districts  
380 that have ~~having~~ their own retirement ~~pension~~ plans for  
381 firefighters. ~~For any municipality, special fire control~~  
382 ~~district, local law municipality, local law special fire control~~  
383 ~~district, or local law plan under this chapter,~~ In order for a  
384 municipality or municipalities ~~and~~ special fire control district  
385 that has its districts with their own retirement plan ~~pension~~  
386 ~~plans~~ for firefighters, or for firefighters and police officers  
387 if both are included, to participate in the distribution of the  
388 tax fund established under ~~pursuant to~~ s. 175.101, a local law  
389 plan ~~plans~~ must meet ~~the~~ minimum benefits and minimum standards,  
390 except as provided in the mutual consent provisions in paragraph  
391 (1) (d) with respect to the minimum benefits not met as of  
392 October 1, 2012 set forth in this chapter.

393 (1) If a municipality has a retirement ~~pension~~ plan for  
394 firefighters, or ~~a pension plan~~ for firefighters and police  
395 officers if both are included, which in the opinion of the  
396 division meets ~~the~~ minimum benefits and minimum standards ~~set~~  
397 ~~forth in this chapter,~~ the board of trustees of the retirement  
398 ~~pension plan must,~~ as approved by a majority of firefighters of  
399 ~~the municipality, may:~~

400 (a) place the income from the premium tax in s. 175.101 in  
401 such ~~pension~~ plan for the sole and exclusive use of its  
402 firefighters, or for firefighters and police officers if both

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403 are included, where it shall become an integral part of that  
404 ~~pension~~ plan and ~~shall~~ be used to fund benefits as provided  
405 herein. Effective October 1, 2015, for noncollectively bargained  
406 service or upon entering into a collective bargaining agreement  
407 on or after July 1, 2015:

408 (a) The base premium tax revenues must be used to fund  
409 minimum benefits or other retirement benefits in excess of the  
410 minimum benefits as determined by the municipality or special  
411 fire control district.

412 (b) Fifty percent of additional premium tax revenues must  
413 be used to fund minimum benefits or other retirement benefits in  
414 excess of the minimum benefits as determined by the municipality  
415 or special fire control district, and 50 percent must be placed  
416 in a defined contribution plan to fund special benefits. ~~to pay~~  
417 ~~extra benefits to the firefighters included in that pension~~  
418 ~~plan; or~~

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

423 (c) For a plan that did not receive premium tax revenues  
424 for the 2013 calendar year, the revenues received by a  
425 municipality or special fire control district pursuant to s.  
426 175.121 based upon the tax collections for the first and second  
427 year of participation must be used to fund minimum benefits or

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428 other retirement benefits in excess of the minimum benefits as  
429 determined by the municipality or special fire control district.

430 (d) Notwithstanding paragraphs (a)-(c), the use of premium  
431 tax revenues, including any accumulations of additional premium  
432 tax revenues which have not been allocated to fund benefits in  
433 excess of minimum benefits, may deviate from the provisions of  
434 this subsection by mutual consent of the members' collective  
435 bargaining representative or, if there is no representative, by  
436 a majority of the active firefighter members of the fund, and by  
437 consent of the municipality or special fire control district,  
438 provided that the plan continues to meet minimum benefits and  
439 minimum standards; however, a plan that operates pursuant to  
440 this paragraph which does not meet minimum benefits as of  
441 October 1, 2012, may continue to provide the benefits that do  
442 not meet the minimum benefits at the same level as was provided  
443 as of October 1, 2012, and all other benefit levels must  
444 continue to meet the minimum benefits. Such mutually agreed  
445 deviation must continue until modified or revoked by subsequent  
446 mutual consent of the members' collective bargaining  
447 representative or, if none, by a majority of the active  
448 firefighter members of the fund, and the municipality or special  
449 fire control district. An existing arrangement for the use of  
450 premium tax revenues contained within a special act plan or a  
451 plan within a supplemental plan municipality is considered, as  
452 of July 1, 2015, to be a deviation for which mutual consent has  
453 been granted.

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454 (2) The premium tax provided by this chapter must ~~shall in~~  
455 ~~all cases~~ be used in its entirety to provide retirement ~~extra~~  
456 benefits to firefighters, or to firefighters and police officers  
457 if both are included. ~~However, local law plans in effect on~~  
458 ~~October 1, 1998, must comply with the minimum benefit provisions~~  
459 ~~of this chapter only to the extent that additional premium tax~~  
460 ~~revenues become available to incrementally fund the cost of such~~  
461 ~~compliance as provided in s. 175.162(2)(a). If a plan is in~~  
462 ~~compliance with such minimum benefit provisions, as subsequent~~  
463 ~~additional premium tax revenues become available, they must be~~  
464 ~~used to provide extra benefits.~~ Local law plans created by  
465 special act before May 27, 1939, are deemed to comply with this  
466 chapter. ~~For the purpose of this chapter, the term:~~

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

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

475 (3) A retirement plan or amendment to a retirement plan  
476 may not be proposed for adoption unless the proposed plan or  
477 amendment contains an actuarial estimate of the costs involved.  
478 Such proposed plan or proposed plan change may not be adopted  
479 without the approval of the municipality, special fire control

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480 district, or, where required ~~permitted~~, the Legislature. Copies  
481 of the proposed plan or proposed plan change and the actuarial  
482 impact statement of the proposed plan or proposed plan change  
483 shall be furnished to the division before the last public  
484 hearing on the proposal is held ~~thereon~~. Such statement must  
485 also indicate whether the proposed plan or proposed plan change  
486 is in compliance with s. 14, Art. X of the State Constitution  
487 and those provisions of part VII of chapter 112 which are not  
488 expressly provided in this chapter. Notwithstanding any other  
489 provision, only those local law plans created by special act of  
490 legislation before May 27, 1939, are deemed to meet ~~the~~ minimum  
491 benefits and minimum standards ~~only in this chapter~~.

492 (4) Notwithstanding any other provision, with respect to  
493 any supplemental plan municipality:

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

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

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

504 (5) The retirement plan setting forth the benefits and the  
505 trust agreement, if any, covering the duties and

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506 responsibilities of the trustees and the regulations of the  
507 investment of funds must be in writing, and copies made  
508 available to the participants and to the general public.

509 (6) In addition to the defined benefit component of the  
510 local law plan, each plan sponsor must have a defined  
511 contribution plan component within the local law plan by October  
512 1, 2015, for noncollectively bargained service, upon entering  
513 into a collective bargaining agreement on or after July 1, 2015,  
514 or upon the creation date of a new participating plan. Depending  
515 upon the application of subsection (1), a defined contribution  
516 component may or may not receive any funding.

517 (7) Notwithstanding any other provision of this chapter, a  
518 municipality or special fire control district that has  
519 implemented or proposed changes to a local law plan based on the  
520 municipality's or district's reliance on an interpretation of  
521 this chapter by the Department of Management Services on or  
522 after August 14, 2012, and before March 4, 2015, may continue  
523 the implemented changes or continue to implement proposed  
524 changes. Such reliance must be evidenced by a written collective  
525 bargaining proposal or agreement, or formal correspondence  
526 between the municipality or district and the Department of  
527 Management Services which describes the specific changes to the  
528 local law plan, with the initial proposal, agreement, or  
529 correspondence from the municipality or district dated before  
530 March 4, 2015. Changes to the local law plan which are otherwise  
531 contrary to minimum benefits and minimum standards may continue

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532 in effect until the earlier of October 1, 2018, or the effective  
533 date of a collective bargaining agreement that is contrary to  
534 the changes to the local law plan.

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

537 185.01 Legislative declaration.—

538 (2) This chapter hereby establishes, for all municipal  
539 pension plans ~~now or hereinafter~~ provided for under this  
540 chapter, including chapter plans and local law plans, minimum  
541 benefits and minimum standards for the operation and funding of  
542 such plans, hereinafter referred to as municipal police  
543 officers' retirement trust funds, which must be met as  
544 conditions precedent to the plans or plan sponsors receiving a  
545 distribution of insurance premium tax revenues under s. 185.10.  
546 ~~The~~ Minimum benefits and minimum standards for each plan set  
547 ~~forth in this chapter~~ may not be diminished by local ordinance  
548 or by special act of the Legislature and may not, ~~nor may the~~  
549 ~~minimum benefits or minimum standards~~ be reduced or offset by  
550 any other local, state, or federal plan that includes ~~may~~  
551 ~~include~~ police officers in its operation, except as provided  
552 under s. 112.65.

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

555 185.02 Definitions.—For any municipality, chapter plan,  
556 local law municipality, or local law plan under this chapter,  
557 the term ~~following words and phrases as used in this chapter~~

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558 shall have the following meanings, unless a different meaning is  
559 plainly required by the context:

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

563 (2)-(1) "Average final compensation" means one-twelfth of  
564 the average annual compensation of the 5 best years of the last  
565 10 years of creditable service before prior to retirement,  
566 termination, or death.

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

568 (a) The revenues received by a municipality pursuant to s.  
569 185.10 for the 2013 calendar year; or

570 (b) For a municipality that did not receive premium tax  
571 revenues for the 2013 calendar year, the revenues received  
572 during the second calendar year of participation.

573 (4)-(2) "Casualty insurance" means automobile public  
574 liability and property damage insurance to be applied at the  
575 place of residence of the owner, or if the subject is a  
576 commercial vehicle, to be applied at the place of business of  
577 the owner; automobile collision insurance; fidelity bonds;  
578 burglary and theft insurance; and plate glass insurance. The  
579 term "multiple peril" means a combination or package policy that  
580 includes both property coverage and casualty coverage for a  
581 single premium.

582 (5)-(3) "Chapter plan" means a separate defined benefit  
583 pension plan for police officers which incorporates by reference

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584 the provisions of this chapter and has been adopted by the  
585 governing body of a municipality as provided in s. 185.08.  
586 Except as ~~may be~~ specifically authorized in this chapter, the  
587 provisions of a chapter plan may not differ from the plan  
588 provisions set forth in ss. 185.01-185.341 and ss. 185.37-  
589 185.39. Actuarial valuations of chapter plans shall be conducted  
590 by the division as provided by s. 185.221(1)(b).

591 (6)(4) "Compensation" or "salary" means, for  
592 noncollectively bargained service earned before July 1, 2011, or  
593 for service earned under collective bargaining agreements in  
594 place before July 1, 2011, the total cash remuneration including  
595 "overtime" paid by the primary employer to a police officer for  
596 services rendered, but not including any payments for extra duty  
597 or special detail work performed on behalf of a second party  
598 employer. Overtime may be limited before July 1, 2011, in a  
599 local law plan by the plan provisions ~~A local law plan may limit~~  
600 ~~the amount of overtime payments which can be used for retirement~~  
601 ~~benefit calculation purposes; however, such overtime limit may~~  
602 ~~not be less than 300 hours per officer per calendar year. For~~  
603 noncollectively bargained service earned on or after July 1,  
604 2011, or for service earned under collective bargaining  
605 agreements entered into on or after July 1, 2011, the term has  
606 the same meaning except that when calculating retirement  
607 benefits, up to 300 hours per year in overtime compensation may  
608 be included as specified in the plan or collective bargaining

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609 agreement, but payments for accrued unused sick or annual leave  
610 may not be included.

611 (a) Any retirement trust fund or plan that meets the  
612 requirements of this chapter does not, solely by virtue of this  
613 subsection, reduce or diminish the monthly retirement income  
614 otherwise payable to each police officer covered by the  
615 retirement trust fund or plan.

616 (b) The member's compensation or salary contributed as  
617 employee-elective salary reductions or deferrals to any salary  
618 reduction, deferred compensation, or tax-sheltered annuity  
619 program authorized under the Internal Revenue Code shall be  
620 deemed to be the compensation or salary the member would receive  
621 if he or she were not participating in such program and shall be  
622 treated as compensation for retirement purposes under this  
623 chapter.

624 (c) For any person who first becomes a member in any plan  
625 year beginning on or after January 1, 1996, compensation for  
626 that plan year may not include any amounts in excess of the  
627 Internal Revenue Code s. 401(a)(17) limitation, as amended by  
628 the Omnibus Budget Reconciliation Act of 1993, which limitation  
629 of \$150,000 shall be adjusted as required by federal law for  
630 qualified government plans and ~~shall be~~ further adjusted for  
631 changes in the cost of living in the manner provided by Internal  
632 Revenue Code s. 401(a)(17)(B). For any person who first became a  
633 member before the first plan year beginning on or after January  
634 1, 1996, the limitation on compensation may not be less than the

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635 maximum compensation amount that was allowed to be taken into  
636 account under the plan ~~as~~ in effect on July 1, 1993, which  
637 limitation shall be adjusted for changes in the cost of living  
638 since 1989 in the manner provided by Internal Revenue Code s.  
639 401(a)(17)(1991).

640 ~~(7)(5)~~ "Creditable service" or "credited service" means  
641 the aggregate number of years of service and fractional parts of  
642 years of service of any police officer, omitting intervening  
643 years and fractional parts of years when such police officer may  
644 not have been employed by the municipality subject to the  
645 following conditions:

646 (a) A ~~No~~ police officer may not ~~will~~ receive credit for  
647 years or fractional parts of years of service if he or she has  
648 withdrawn his or her contributions to the fund for those years  
649 or fractional parts of years of service, unless the police  
650 officer repays into the fund the amount he or she has withdrawn,  
651 plus interest as determined by the board. The member has ~~shall~~  
652 ~~have~~ at least 90 days after his or her reemployment to make  
653 repayment.

654 (b) A police officer may voluntarily leave his or her  
655 contributions in the fund for ~~a period of~~ 5 years after leaving  
656 the employ of the police department, pending the possibility of  
657 his or her being rehired by the same department, without losing  
658 credit for the time he or she has participated actively as a  
659 police officer. If he or she is not reemployed as a police

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660 officer with the same department within 5 years, his or her  
661 contributions shall be returned ~~to him or her~~ without interest.

662 (c) Credited service under this chapter shall be provided  
663 only for service as a police officer, ~~as defined in subsection~~  
664 ~~(11)~~, or for military service and may not include credit for any  
665 other type of service. A municipality ~~may~~, by local ordinance,  
666 may provide for the purchase of credit for military service  
667 occurring before employment as well as prior service as a police  
668 officer for some other employer as long as the police officer is  
669 not entitled to receive a benefit for such ~~other~~ prior service  
670 ~~as a police officer~~. For purposes of determining credit for  
671 prior service, in addition to service as a police officer in  
672 this state, credit may be given for federal, other state, or  
673 county service as long as such service is recognized by the  
674 Criminal Justice Standards and Training Commission within the  
675 Department of Law Enforcement as provided in ~~under~~ chapter 943  
676 or the police officer provides proof to the board of trustees  
677 that such service is equivalent to the service required to meet  
678 the definition of a police officer under subsection (16) ~~(11)~~.

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

683 1. The police officer is in the active employ of the  
684 municipality before ~~prior to~~ such service and leaves a position,

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685 other than a temporary position, for the purpose of voluntary or  
686 involuntary service in the Armed Forces of the United States.

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

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

693 ~~(8)(6)~~ "Deferred Retirement Option Plan" or "DROP" means a  
694 local law plan retirement option in which a police officer may  
695 elect to participate. A police officer may retire for all  
696 purposes of the plan and defer receipt of retirement benefits  
697 into a DROP account while continuing employment with his or her  
698 employer. However, a police officer who enters the DROP and who  
699 is otherwise eligible to participate may ~~shall~~ not ~~thereby~~ be  
700 precluded from participation or continued participation  
701 ~~participating, or continuing to participate,~~ in a supplemental  
702 plan in existence on, or created after, March 12, 1999 ~~the~~  
703 ~~effective date of this act.~~

704 (9) "Defined contribution plan" means the component of a  
705 local law plan, as provided in s. 185.35(1), to which deposits,  
706 if any, are made to provide benefits for police officers, or for  
707 police officers and firefighters if both are included. Such  
708 component is an element of a local law plan and exists in  
709 conjunction with the defined benefit component that meets  
710 minimum benefits and minimum standards. The retirement benefits,

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711 if any, of the defined contribution plan shall be provided  
712 through individual member accounts in accordance with the  
713 applicable provisions of the Internal Revenue Code and related  
714 regulations and are limited to the contributions, if any, made  
715 into each member's account and the actual accumulated earnings,  
716 net of expenses, earned on the member's account.

717 (10)-(7) "Division" means the Division of Retirement of the  
718 Department of Management Services.

719 (11)-(8) "Enrolled actuary" means an actuary who is  
720 enrolled under Subtitle C of Title III of the Employee  
721 Retirement Income Security Act of 1974 and who is a member of  
722 the Society of Actuaries or the American Academy of Actuaries.

723 (12)-(9) "Local law municipality" means ~~is~~ any municipality  
724 in which ~~there exists~~ a local law plan exists.

725 (13)-(10) "Local law plan" means a retirement defined  
726 benefit pension plan, that includes both a defined benefit plan  
727 component and a defined contribution plan component, for police  
728 officers, or for police officers and firefighters if both are  
729 ~~where~~ included, as described in s. 185.35, established by  
730 municipal ordinance or special act of the Legislature, which  
731 ~~enactment~~ sets forth all plan provisions. Local law plan  
732 provisions may vary from the provisions of this chapter if  
733 ~~provided that required~~ minimum benefits and minimum standards  
734 are met. However, any such variance must ~~shall~~ provide a greater  
735 benefit for police officers. Actuarial valuations of local law

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736 plans shall be conducted by an enrolled actuary as provided in  
737 s. 185.221(2)(b).

738 (14) "Minimum benefits" means the benefits specified in  
739 ss. 185.01-185.341 and ss. 185.37-185.50.

740 (15) "Minimum standards" means the standards specified in  
741 ss. 185.01-185.50.

742 (16)~~(11)~~ "Police officer" means any person who is elected,  
743 appointed, or employed full time by a ~~any~~ municipality, who is  
744 certified or required to be certified as a law enforcement  
745 officer in compliance with s. 943.1395, who is vested with  
746 authority to bear arms and make arrests, and whose primary  
747 responsibility is the prevention and detection of crime or the  
748 enforcement of the penal, criminal, traffic, or highway laws of  
749 the state. The term ~~This definition~~ includes all certified  
750 supervisory and command personnel whose duties include, in whole  
751 or in part, the supervision, training, guidance, and management  
752 responsibilities of full-time law enforcement officers, part-  
753 time law enforcement officers, or auxiliary law enforcement  
754 officers, but does not include part-time law enforcement  
755 officers or auxiliary law enforcement officers as those terms  
756 ~~the same~~ are defined in s. 943.10~~(6) and (8)~~, respectively. For  
757 the purposes of this chapter only, the term also includes  
758 ~~"police officer" also shall include~~ a public safety officer who  
759 is responsible for performing both police and fire services. Any  
760 plan may provide that the police chief shall have an option to  
761 participate, ~~or not,~~ in that plan.

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762        ~~(17)-(12)~~ "Police Officers' Retirement Trust Fund" means a  
763 trust fund, by whatever name known, as provided under s. 185.03  
764 for the purpose of assisting municipalities in establishing and  
765 maintaining a retirement plan for police officers.

766        ~~(18)-(13)~~ "Retiree" or "retired police officer" means a  
767 police officer who has entered retirement status. For the  
768 purposes of a plan that includes a Deferred Retirement Option  
769 Plan (DROP), a police officer who enters the DROP is ~~shall be~~  
770 considered a retiree for all purposes of the plan. However, a  
771 police officer who enters the DROP and who is otherwise eligible  
772 to participate may ~~shall~~ not ~~thereby~~ be precluded from  
773 participation or continued participation ~~participating, or~~  
774 ~~continuing to participate,~~ in a supplemental plan in existence  
775 on, or created after, March 12, 1999 ~~the effective date of this~~  
776 ~~act.~~

777        ~~(19)-(14)~~ "Retirement" means a police officer's separation  
778 from municipal ~~city~~ employment as a police officer with  
779 immediate eligibility for ~~receipt of~~ benefits under the plan.  
780 For purposes of a plan that includes a Deferred Retirement  
781 Option Plan (DROP), "retirement" means the date a police officer  
782 enters the DROP.

783        (20) "Special act plan" means a plan subject to the  
784 provisions of this chapter which was created by an act of the  
785 Legislature and continues to require an act of the Legislature  
786 to alter plan benefits.

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

789        ~~(22)-(15)~~ "Supplemental plan" means a plan to which  
790 deposits of the premium tax moneys as provided in s. 185.08 are  
791 made to provide special ~~extra~~ benefits to police officers, or  
792 police officers and firefighters if both are ~~where~~ included,  
793 ~~under this chapter~~. Such a plan is an element of a local law  
794 plan and exists in conjunction with a defined benefit component  
795 ~~plan~~ that meets ~~the~~ minimum benefits and minimum standards ~~of~~  
796 ~~this chapter~~. Any supplemental plan in existence on March 1,  
797 2015, shall be deemed to be a defined contribution plan in  
798 compliance with s. 185.35(6).

799        ~~(23)-(16)~~ "Supplemental plan municipality" means a ~~any~~  
800 local law municipality in which ~~there existed~~ a supplemental  
801 plan existed as of December 1, 2000.

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

804        185.06 General powers and duties of board of trustees.—For  
805 any municipality, chapter plan, local law municipality, or local  
806 law plan under this chapter:

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

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

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

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

816

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

822 Section 10. Paragraph (d) of subsection (1) of section  
823 185.07, Florida Statutes, is amended to read:

824 185.07 Creation and maintenance of fund.—For any  
825 municipality, chapter plan, local law municipality, or local law  
826 plan under this chapter:

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

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

837

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

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

845 185.16 Requirements for retirement.—For any municipality,  
846 chapter plan, local law municipality, or local law plan under  
847 this chapter, any police officer who completes 10 or more years  
848 of creditable service as a police officer and attains age 55, or  
849 completes 25 years of creditable service as a police officer and  
850 attains age 52, and for such period has been a member of the  
851 retirement fund is eligible for normal retirement benefits.  
852 Normal retirement under the plan is retirement from the service  
853 of the city on or after the normal retirement date. In such  
854 event, for chapter plans and local law plans, payment of  
855 retirement income will be governed by the following provisions  
856 of this section:

857 (2) The amount of the monthly retirement income payable to  
858 a police officer who retires on or after his or her normal  
859 retirement date shall be an amount equal to the number of the  
860 police officer's years of credited service multiplied by 2  
861 percent of his or her average final compensation. ~~However, if~~  
862 ~~current state contributions pursuant to this chapter are not~~  
863 ~~adequate to fund the additional benefits to meet the minimum~~

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864 ~~requirements in this chapter, only increment increases shall be~~  
865 ~~required as state moneys are adequate to provide. Such~~  
866 ~~increments shall be provided as state moneys become available.~~

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

869 185.35 Municipalities that have ~~having~~ their own  
870 retirement ~~pension~~ plans for police officers. ~~For any~~  
871 ~~municipality, chapter plan, local law municipality, or local law~~  
872 ~~plan under this chapter,~~ In order for a municipality that has  
873 its municipalities with their own retirement plan ~~pension plans~~  
874 for police officers, or for police officers and firefighters if  
875 both are included, to participate in the distribution of the tax  
876 fund established under ~~pursuant to~~ s. 185.08, a local law plan  
877 ~~plans~~ must meet ~~the~~ minimum benefits and minimum standards,  
878 except as provided in the mutual consent provisions in paragraph  
879 (1) (d) with respect to the minimum benefits not met as of  
880 October 1, 2012. set forth in this chapter:

881 (1) If a municipality has a retirement ~~pension~~ plan for  
882 police officers, or for police officers and firefighters if both  
883 are included, which, in the opinion of the division, meets ~~the~~  
884 minimum benefits and minimum standards ~~set forth in this~~  
885 ~~chapter,~~ the board of trustees of the retirement ~~pension~~ plan  
886 must, ~~as approved by a majority of police officers of the~~  
887 ~~municipality, may:~~

888 ~~(a)~~ place the income from the premium tax in s. 185.08 in  
889 such ~~pension~~ plan for the sole and exclusive use of its police

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890 officers, or its police officers and firefighters if both are  
891 included, where it shall become an integral part of that ~~pension~~  
892 plan and ~~shall~~ be used to fund benefits as provided herein.  
893 Effective October 1, 2015, for noncollectively bargained service  
894 or upon entering into a collective bargaining agreement on or  
895 after July 1, 2015:

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

899 (b) Fifty percent of additional premium tax revenues must  
900 be used to fund minimum benefits or other retirement benefits in  
901 excess of the minimum benefits as determined by the  
902 municipality, and 50 percent must be placed in a defined  
903 contribution plan to fund special benefits. ~~pay extra benefits~~  
904 to the police officers included in that pension plan; or

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

909 (c) For a plan that did not receive premium tax revenues  
910 for the 2013 calendar year, the revenues received by a  
911 municipality pursuant to s. 185.10 based upon the tax  
912 collections for the first and second year of participation must  
913 be used to fund minimum benefits or other retirement benefits in  
914 excess of the minimum benefits as determined by the  
915 municipality.

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916 (d) Notwithstanding paragraphs (a)-(c), the use of premium  
917 tax revenues, including any accumulations of additional premium  
918 tax revenues which have not been allocated to fund benefits in  
919 excess of the minimum benefits, may deviate from the provisions  
920 of this subsection by mutual consent of the members' collective  
921 bargaining representative or, if none, by a majority of the  
922 active police officer members of the fund, and by consent of the  
923 municipality, provided that the plan continues to meet minimum  
924 benefits and minimum standards; however, a plan that operates  
925 pursuant to this paragraph which does not meet the minimum  
926 benefits as of October 1, 2012, may continue to provide the  
927 benefits that do not meet the minimum benefits at the same level  
928 as was provided as of October 1, 2012, and all other benefit  
929 levels must continue to meet the minimum benefits. Such mutually  
930 agreed deviation must continue until modified or revoked by  
931 subsequent mutual consent of the members' collective bargaining  
932 representative or, if none, by a majority of the active police  
933 officer members of the fund, and the municipality. An existing  
934 arrangement for the use of premium tax revenues contained within  
935 a special act plan or a plan within a supplemental plan  
936 municipality is considered, as of July 1, 2015, to be a  
937 deviation for which mutual consent has been granted.

938 (2) The premium tax provided by this chapter ~~must shall in~~  
939 ~~all cases~~ be used in its entirety to provide retirement ~~extra~~  
940 benefits to police officers, or to police officers and  
941 firefighters if both are included. ~~However, local law plans in~~

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

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

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

958 (3) A retirement plan or amendment to a retirement plan  
959 may not be proposed for adoption unless the proposed plan or  
960 amendment contains an actuarial estimate of the costs involved.  
961 Such proposed plan or proposed plan change may not be adopted  
962 without the approval of the municipality or, where required  
963 ~~permitted~~, the Legislature. Copies of the proposed plan or  
964 proposed plan change and the actuarial impact statement of the  
965 proposed plan or proposed plan change shall be furnished to the  
966 division before the last public hearing on the proposal is held  
967 ~~thereon~~. Such statement must also indicate whether the proposed

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968 plan or proposed plan change is in compliance with s. 14, Art. X  
969 of the State Constitution and those provisions of part VII of  
970 chapter 112 which are not expressly provided in this chapter.  
971 Notwithstanding any other provision, only those local law plans  
972 created by special act of legislation before May 27, 1939, are  
973 deemed to meet the minimum benefits and minimum standards only  
974 in this chapter.

975 (4) Notwithstanding any other provision, with respect to  
976 any supplemental plan municipality:

977 (a) Section 185.02(6)(a) ~~185.02(4)(a)~~ does not apply, and  
978 a local law plan and a supplemental plan may continue to use  
979 their definition of compensation or salary in existence on March  
980 12, 1999.

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

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

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

992 (6) In addition to the defined benefit component of the  
993 local law plan, each plan sponsor must have a defined

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994 contribution plan component within the local law plan by October  
995 1, 2015, for noncollectively bargained service, upon entering  
996 into a collective bargaining agreement on or after July 1, 2015,  
997 or upon the creation date of a new participating plan. Depending  
998 upon the application of subsection (1), a defined contribution  
999 component may or may not receive any funding.

1000 (7) Notwithstanding any other provision of this chapter, a  
1001 municipality that has implemented or proposed changes to a local  
1002 law plan based on the municipality's reliance on an  
1003 interpretation of this chapter by the Department of Management  
1004 Services on or after August 14, 2012, and before March 4, 2015,  
1005 may continue the implemented changes or continue to implement  
1006 proposed changes. Such reliance must be evidenced by a written  
1007 collective bargaining proposal or agreement, or formal  
1008 correspondence between the municipality and the Department of  
1009 Management Services which describes the specific changes to the  
1010 local law plan, with the initial proposal, agreement, or  
1011 correspondence from the municipality dated before March 4, 2015.  
1012 Changes to the local law plan which are otherwise contrary to  
1013 minimum benefits and minimum standards may continue in effect  
1014 until the earlier of October 1, 2018, or the effective date of a  
1015 collective bargaining agreement that is contrary to the changes  
1016 to the local law plan.

1017 Section 13. The Legislature finds that a proper and  
1018 legitimate state purpose is served when employees and retirees  
1019 of this state and its political subdivisions, and the

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1020 dependents, survivors, and beneficiaries of such employees and  
1021 retirees, are extended the basic protections afforded by  
1022 governmental retirement systems that provide fair and adequate  
1023 benefits and that are managed, administered, and funded in an  
1024 actuarially sound manner as required under s. 14, Article X of  
1025 the State Constitution and part VII of chapter 112, Florida  
1026 Statutes. Therefore, the Legislature determines and declares  
1027 that this act fulfills an important state interest.

1028 Section 14. This act shall take effect July 1, 2015.

1029 -----  
1030 -----

1031 **T I T L E A M E N D M E N T**

1032 Remove everything before the enacting clause and insert:

1033 An act relating to local government pension reform;  
1034 amending s. 175.021, F.S.; requiring that firefighter  
1035 pension plans meet the requirements of ch. 175, F.S.,  
1036 in order to receive certain insurance premium tax  
1037 revenues; amending s. 175.032, F.S.; revising  
1038 definitions to conform to changes made by the act and  
1039 providing new definitions; amending s. 175.071, F.S.;  
1040 conforming a cross-reference; amending s. 175.091,  
1041 F.S.; revising the method of creating and maintaining  
1042 a firefighters' pension trust fund; amending s.  
1043 175.162, F.S.; deleting a provision basing the  
1044 availability of additional benefits in a firefighter  
1045 pension plan upon state funding; amending s. 175.351,

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1046 F.S.; exempting certain firefighter pension plans of a  
1047 municipality or special fire control district from  
1048 meeting certain minimum benefits in order to  
1049 participate in the distribution of a premium tax;  
1050 redesignating the term "pension plan" as "retirement  
1051 plan"; revising criteria governing the use of revenues  
1052 of the premium tax; providing that the use of premium  
1053 tax revenues may deviate from the requirements of ch.  
1054 175, F.S., under certain circumstances; revising the  
1055 conditions for proposing the adoption of a pension  
1056 plan or an amendment to a pension plan; requiring plan  
1057 sponsors to have a defined contribution plan component  
1058 in place by a certain date; authorizing a municipality  
1059 or special fire control district to implement certain  
1060 changes to a local law plan which are contrary to ch.  
1061 175, F.S., for a limited time, under certain  
1062 circumstances; amending s. 185.01, F.S.; requiring  
1063 that police officer pension plans meet the  
1064 requirements of ch. 185, F.S., in order to receive  
1065 certain insurance premium tax revenues; amending s.  
1066 185.02, F.S.; revising definitions to conform to  
1067 changes made by the act and providing new definitions;  
1068 revising applicability of the limitation on the amount  
1069 of overtime payments that may be used for pension  
1070 benefit calculations; amending s. 185.06, F.S.;

1071 conforming a cross-reference; amending s. 185.07,

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1072 F.S.; revising the method of creating and maintaining  
1073 a police officers' retirement trust fund; amending s.  
1074 185.16, F.S.; deleting a provision basing the  
1075 availability of additional benefits in a police  
1076 officer pension plan upon state funding; amending s.  
1077 185.35, F.S.; exempting certain municipal police  
1078 officer pension plans from meeting certain minimum  
1079 benefits in order to participate in the distribution  
1080 of a premium tax; redesignating the term "pension  
1081 plan" as "retirement plan"; revising criteria  
1082 governing the use of revenues from the premium tax;  
1083 providing that the use of premium tax revenues may  
1084 deviate from the requirements of ch. 185, F.S., under  
1085 specified circumstances; revising the conditions for  
1086 proposing the adoption of a pension plan or amendment  
1087 to a pension plan; conforming a cross-reference;  
1088 requiring plan sponsors to have a defined contribution  
1089 plan component in place by a certain date; authorizing  
1090 a municipality to implement certain changes to a local  
1091 law plan which are contrary to ch. 185, F.S., for a  
1092 limited time; providing a declaration of important  
1093 state interest; providing an effective date.  
1094