



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

This bill amends chapter 99-474, Laws of Florida, as amended by chapter 2000-470, Laws of Florida, relating to the General Pension and Retirement Fund of the City of Pensacola. It allows the Fund’s pension board and the city to contract with professional money managers instead of investment banks of national repute to act as agents of the Fund’s assets.

#### Current Law

#### **Constitutional Provision/Public Retirement and Pensions**

S. 14, art. X of the State Constitution provides that a governmental unit responsible for any retirement or pension system supported wholly or partially by public pension funds may not after January 1, 1977, provide any increase in benefits to members or beneficiaries unless concurrent provisions for funding the increase in benefits are made on a sound actuarial basis.

#### **Chapter 112, Florida Statutes**

Part VII, chapter 112, F. S., the “Florida Protection of Public Employee Retirement Benefits Act,” was adopted by the Legislature to implement the provisions of s. 14, art. X of the State Constitution. This law establishes minimum standards for operating and funding public employee retirement systems and plans.

#### **City of Pensacola General Pension and Retirement Fund**

The General Pension and Retirement Fund (Fund) of the City of Pensacola was created by special act in 1961, through chapter 61-2655, Laws of Florida. Since that date, the act has been amended 27 times, through chapters 65-2090, 65-2096, 67-1902, 67-3576, 72-653, 72-654, 78-589, 79-553, 82-390, 83-499, 83-500, 84-429, 84-509, 86-450, 86-452, 87-532, 88-520, 90-471, 90-495, 91-367, 92-246, 92-248, 96-506, 97-368, 99-462, 99-474, and 2000-470.

Chapter 61-2655, Laws of Florida, as amended, provides the following:

- A fund providing for retirement, disability and death benefits for general employees;
- A pension board (Board), consisting of six members, charged with administering and operating the Fund, adopting rules and regulations, and causing subpoenas to be issued and requiring witness attendance and production of documents;
- Provisions relating to the buy back of credited time and the crediting of military service, and disability pensions;

- Normal retirement is available to employees who are 55 years old, with at least 20 years of credited service, or with 30 years of service, regardless of age, or with 10 years of service at 60 years of age;
- Early retirement is available, at a reduced rate, to employees reaching 55 with 25 years of service;
- An employee who separates from service prior to 10 years of service is eligible to receive a refund of contributions;
- Dependents or beneficiaries are eligible to receive benefits when an employee dies in the line of duty;
- Disability retirement is available to an employee who is injured while not in the line of duty;
- A cost of living increase is added biennially to benefits;
- Certain employees are eligible to participate in the Deferred Retirement Option Plan (DROP), if the City authorizes, through ordinance;
- The Board has the power to invest fund assets in a national bank, an FDIC state bank, or a savings and loan association;
- The Board and the City are authorized to contract with nationally-known investment banks, who will act as agents and corporate trustees over the assets of the Fund; and
- The City is authorized to increase employee benefits, through ordinance.

C. SECTION DIRECTORY:

Section 1: Deletes the definitions of “bank of national repute,” and “investment bank of national repute.”

Section 2: Provides that the pension board and the City of Pensacola are authorized to contract with “professional money managers” rather than “investment banks of national repute” to act as agents of all or any portion of the assets of the Fund.

Adds the term “Government,” after “United States.”

Section 3: Provides that all laws or parts of laws in conflict with the provisions of this act are repealed.

Section 4: Provides an effective date of upon becoming law.

**II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 31, 2002

WHERE? The *Pensacola News Journal*, a daily newspaper of general circulation in Escambia County.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

### III. COMMENTS

A. CONSTITUTIONAL ISSUES: Not applicable.

B. RULE-MAKING AUTHORITY: Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues:

Section 1: Fails to provide a definition for “professional money managers.”

Section 3: Many local bills contain language providing that in the event of a conflict of the provisions of the local bill with the provisions of any other general or local law, the provisions of the act being considered controls to the extent of the conflict(s). This is referred to as a “supremacy” clause. This language does not allow interested persons or Members of the Legislature knowledge of the specific laws containing potential conflicts. Unless those specific laws in conflict are identified, it is suggested that the “supremacy” clause be removed from the bill.

Other Comments:

The Economic Impact Statement states that this bill will allow for a broader variety of investment managers to select from for investing pension funds and that this will allow for a possibility of higher investment returns.

The bill has been reviewed by the Bureau of Local Retirement, Department of Management Services who opine that the bill satisfies the requirements of s. 14, art. X of the State Constitution and the provisions of chapter 112, F.S., and that there are no benefit issues or costs associated with this proposal<sup>1</sup>

### IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

The Local Affairs Subcommittee favorably recommended one amendment at its meeting on March 27, 2003. The amendment removes the “supremacy” clause from the bill.

---

<sup>1</sup> Charles Slavin, Actuary (February 27, 2003)