

Bill No. CS for SB 654

Amendment No. ____ Barcode 595208

CHAMBER ACTION

Senate

House

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03/16/2004 10:50 AM

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11 Senator Fasano moved the following amendment:

13 **Senate Amendment (with title amendment)**

14 On page 12, line 30, through
15 page 17, line 30, delete those lines

17 and insert:

18 Section 3. Subsection (1) of section 175.351, Florida
19 Statutes, is amended to read:

20 175.351 Municipalities and special fire control
21 districts having their own pension plans for
22 firefighters.--For any municipality, special fire control
23 district, local law municipality, local law special fire
24 control district, or local law plan under this chapter, in
25 order for municipalities and special fire control districts
26 with their own pension plans for firefighters, or for
27 firefighters and police officers, where included, to
28 participate in the distribution of the tax fund established
29 pursuant to s. 175.101, local law plans must meet the minimum
30 benefits and minimum standards set forth in this chapter.

31 (1) PREMIUM TAX INCOME.--If a municipality has a

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1 pension plan for firefighters, or a pension plan for
 2 firefighters and police officers, where included, which in the
 3 opinion of the division meets the minimum benefits and minimum
 4 standards set forth in this chapter, the board of trustees of
 5 the pension plan, as approved by a majority of firefighters of
 6 the municipality, may:

7 (a) Place the income from the premium tax in s.
 8 175.101 in such pension plan for the sole and exclusive use of
 9 its firefighters, or for firefighters and police officers,
 10 where included, where it shall become an integral part of that
 11 pension plan and shall be used to pay extra benefits to the
 12 firefighters included in that pension plan; or

13 (b) Place the income from the premium tax in s.
 14 175.101 in a separate supplemental plan to pay extra benefits
 15 to firefighters, or to firefighters and police officers where
 16 included, participating in such separate supplemental plan.

17
 18 The premium tax provided by this chapter shall in all cases be
 19 used in its entirety to provide extra benefits to
 20 firefighters, or to firefighters and police officers, where
 21 included. However, local law plans in effect on October 1,
 22 1998, shall be required to comply with the minimum benefit
 23 provisions of this chapter only to the extent that additional
 24 premium tax revenues become available to incrementally fund
 25 the cost of such compliance as provided in s. 175.162(2)(a).

26 When a plan is in compliance with such minimum benefit
 27 provisions, as subsequent additional premium tax revenues
 28 become available, they shall be used to provide extra
 29 benefits. For the purpose of this chapter, "additional premium
 30 tax revenues" means revenues received by a municipality or
 31 special fire control district pursuant to s. 175.121 which

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1 ~~that~~ exceed that amount received for calendar year 1997, and
2 the term "extra benefits" means benefits in addition to or
3 greater than those provided to general employees of the
4 municipality and in addition to those in existence for
5 firefighters on March 12, 1999. Local law plans created by
6 special act before May 23, 1939, shall be deemed to comply
7 with this chapter.

8 Section 4. Subsection (1) of section 185.35, Florida
9 Statutes, is amended to read:

10 185.35 Municipalities having their own pension plans
11 for police officers.--For any municipality, chapter plan,
12 local law municipality, or local law plan under this chapter,
13 in order for municipalities with their own pension plans for
14 police officers, or for police officers and firefighters where
15 included, to participate in the distribution of the tax fund
16 established pursuant to s. 185.08, local law plans must meet
17 the minimum benefits and minimum standards set forth in this
18 chapter:

19 (1) PREMIUM TAX INCOME.--If a municipality has a
20 pension plan for police officers, or for police officers and
21 firefighters where included, which, in the opinion of the
22 division, meets the minimum benefits and minimum standards set
23 forth in this chapter, the board of trustees of the pension
24 plan, as approved by a majority of police officers of the
25 municipality, may:

26 (a) Place the income from the premium tax in s. 185.08
27 in such pension plan for the sole and exclusive use of its
28 police officers, or its police officers and firefighters where
29 included, where it shall become an integral part of that
30 pension plan and shall be used to pay extra benefits to the
31 police officers included in that pension plan; or

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1 (b) May place the income from the premium tax in s.
 2 185.08 in a separate supplemental plan to pay extra benefits
 3 to the police officers, or police officers and firefighters
 4 where included, participating in such separate supplemental
 5 plan.

6
 7 The premium tax provided by this chapter shall in all cases be
 8 used in its entirety to provide extra benefits to police
 9 officers, or to police officers and firefighters, where
 10 included. However, local law plans in effect on October 1,
 11 1998, shall be required to comply with the minimum benefit
 12 provisions of this chapter only to the extent that additional
 13 premium tax revenues become available to incrementally fund
 14 the cost of such compliance as provided in s. 185.16(2). When
 15 a plan is in compliance with such minimum benefit provisions,
 16 as subsequent additional tax revenues become available, they
 17 shall be used to provide extra benefits. For the purpose of
 18 this chapter, "additional premium tax revenues" means revenues
 19 received by a municipality pursuant to s. 185.10 which that
 20 exceed the amount received for calendar year 1997, and the
 21 term "extra benefits" means benefits in addition to or greater
 22 than those provided to general employees of the municipality
 23 and in addition to those in existence for police officers on
 24 March 12, 1999. Local law plans created by special act before
 25 May 23, 1939, shall be deemed to comply with this chapter.

26 Section 5. Subsection (7) is added to section 175.061,
 27 Florida Statutes, to read:

28 175.061 Board of trustees; members; terms of office;
 29 meetings; legal entity; costs; attorney's fees.--For any
 30 municipality, special fire control district, chapter plan,
 31 local law municipality, local law special fire control

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1 district, or local law plan under this chapter:

2 (7) The board of trustees may, upon written request by
3 the retiree of the plan, or by a dependent, when authorized by
4 the retiree or the retiree's beneficiary, authorize the plan
5 administrator to withhold from the monthly retirement payment
6 those funds that are necessary to pay for the benefits being
7 received through the governmental entity from which the
8 employee retired, to pay the certified bargaining agent of the
9 governmental entity, and to make any payments required by law.

10 Section 6. Present subsection (6) of section 185.05,
11 Florida Statutes, is redesignated as subsection (7), and a new
12 subsection (6) is added to that section, to read:

13 185.05 Board of trustees; members; terms of office;
14 meetings; legal entity; costs; attorney's fees.--For any
15 municipality, chapter plan, local law municipality, or local
16 law plan under this chapter:

17 (6) The board of trustees may, upon written request by
18 the retiree of the plan, or by a dependent, when authorized by
19 the retiree or the retiree's beneficiary, authorize the plan
20 administrator to withhold from the monthly retirement payment
21 those funds that are necessary to pay for the benefits being
22 received through the governmental entity from which the
23 employee retired, to pay the certified bargaining agent of the
24 governmental entity, and to make any payments for child
25 support or alimony.

26 Section 7. The sum of \$300,000 is appropriated from
27 the General Revenue Fund to the Department of Revenue for the
28 one-time expense of creating the original database called for
29 by sections 1 and 2 of this act and to support the
30 implementation process for use of the database. It is the
31 intent of the Legislature in providing this appropriation that

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1 the database for sections 1 and 2 of this act be available for
2 use in determining the allocation of premiums to the various
3 municipalities and special fire control districts for the 2005
4 insurance premium tax return that is due by March 1, 2006.

5 Section 8. The Legislature finds that a proper and
6 legitimate state purpose is served when employees and retirees
7 of the state and its political subdivisions, and the
8 dependents, survivors, and beneficiaries of such employees and
9 retirees, are extended the basic protections afforded by
10 governmental retirement systems. These persons must be
11 provided benefits that are fair and adequate and that are
12 managed, administered, and funded in an actuarially sound
13 manner, as required by Section 14, Article X of the State
14 Constitution, and part VII of chapter 112, Florida Statutes.
15 Therefore, the Legislature determines and declares that this
16 act fulfills an important state interest.

17 Section 9. This act shall take effect upon becoming a
18 law.

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21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 On page 1, line 26, through
24 page 2, line 8, delete those lines

25
26 and insert:

27 revenues through 2007; amending s. 175.351,
28 F.S.; providing for the meaning of the term
29 "extra benefits" with respect to pension plans
30 for firefighters; amending s. 185.35, F.S.;

31 providing for the meaning of the term "extra

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benefits" with respect to pension plans for
municipal police officers; amending s. 175.061,
F.S.; authorizing the plan administrator to
withhold certain funds; amending s. 185.05,
F.S.; authorizing the plan administrator to
withhold certain funds; providing an
appropriation to the Department of Revenue;
providing an effective date.