

ENROLLED
 HB 1309, Engrossed 1

2005 Legislature

1 A bill to be entitled
 2 An act relating to the City of Jacksonville; amending
 3 chapter 92-341, Laws of Florida, as amended; revising
 4 provisions of Article 22 of the charter of the City of
 5 Jacksonville, relating to the Jacksonville Police and Fire
 6 Pension Board of Trustees; revising trustees' terms of
 7 office; providing authority of the board with regard to
 8 assets of the plan; revising provisions relating to the
 9 investment and reinvestment of assets in the pension fund;
 10 providing for applicability of state law; providing
 11 severability; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Sections 22.02(a) and (d), 22.04(b), and 22.08
 16 of Article 22 of the charter of the City of Jacksonville as
 17 readopted in chapter 92-341, Laws of Florida, as amended, are
 18 amended to read:

19 ARTICLE 22. JACKSONVILLE POLICE AND FIRE PENSION BOARD OF
 20 TRUSTEES

21 Section 22.02. Membership

22 (a) The membership of the Jacksonville Police and Fire
 23 Pension Board of Trustees shall consist of five members, of whom
 24 two shall be legal residents of the City of Jacksonville
 25 appointed by the city council; one shall be a police officer
 26 elected by a majority vote of the police officers who are
 27 members of the pension fund, one shall be a firefighter elected
 28 by a majority of the firefighters who are members of the pension

ENROLLED

HB 1309, Engrossed 1

2005 Legislature

29 fund, and the last shall be chosen by a majority of the previous
30 ~~previous~~ four members. The fifth member's name shall be
31 submitted to the City Council, which shall, as a ministerial
32 act, appoint such person as the fifth member of the board.
33 Effective for all new appointments after July 1, 2005, each
34 resident member shall serve as a trustee for a period of 4 2
35 years, unless sooner replaced by the City Council at whose
36 pleasure he or she shall serve, and may succeed himself or
37 herself as a trustee. Effective for all elections after July 1,
38 2005, the police officer and firefighter members shall serve as
39 trustees for a period of 4 2 years, unless they shall sooner
40 leave the employment of the city as a police officer or
41 firefighter, whereupon the class of employees whose elected
42 representative has left office shall elect a successor to fill
43 the unexpired term of office as provided for in this section.
44 Each employee member may succeed himself or herself in office.
45 Effective for all new appointments after July 1, 2005, the fifth
46 member shall serve a term of 4 2 years and may succeed himself
47 or herself in office. Members shall continue to serve until
48 their respective successors are appointed, elected, or selected.

49 (d) The provisions of chapters 175 and 185, Florida
50 Statutes, the provisions of s. 286.012, Florida Statutes, and
51 the provisions of ss. 112.311–112.3175 and chapter 112, part VII
52 ~~ss. 112.60–112.66,~~ Florida Statutes, ~~inclusive,~~ and as the same
53 may be amended in the future, shall apply to each member of the
54 board. The board shall have the authority to invest and reinvest
55 the assets of the plan without regard to any limitation in
56 chapters 175 and 185, Florida Statutes, and shall be bound by

ENROLLED
 HB 1309, Engrossed 1

2005 Legislature

57 | the provisions of chapter 112, part VII, Florida Statutes, and
 58 | the applicable provisions of s. 215.47, Florida Statutes. Prior
 59 | to the adoption of any change in asset allocation or the
 60 | introduction of a new asset class, the board shall give written
 61 | notice of the meeting at which the proposed change shall be
 62 | considered to the City Council Finance Committee.

63 | Section 22.04. General powers.--The board shall have the
 64 | power to:

65 | (b) Invest and reinvest the assets of pension fund in:

66 | (1) Any lawful investment as provided in applicable
 67 | provisions of s. 215.47, Florida Statutes, provided the
 68 | investment is permitted in the written investment policy adopted
 69 | by the board as provided in chapter 112, part VII, Florida
 70 | Statutes.

71 | (2) Notwithstanding anything to the contrary in the
 72 | applicable provisions of s. 215.47, Florida Statutes,
 73 | investments in fixed real estates assets shall not exceed 10
 74 | percent of the assets of the plan, at cost.

75 | ~~(1) Time or savings accounts of a national bank, a state~~
 76 | ~~bank insured by the Federal Deposit Insurance Corporation, or a~~
 77 | ~~savings and loan association insured by the Federal Savings and~~
 78 | ~~Loan Insurance Corporation.~~

79 | ~~(2) Obligations of the United States or obligations~~
 80 | ~~guaranteed as to principle and interest by the United States.~~

81 | ~~(3) Bonds issued by the State of Israel.~~

82 | ~~(4) Bonds, stocks, or other evidences of indebtedness~~
 83 | ~~issued or guaranteed by a corporation organized under the laws~~
 84 | ~~of the United States, any state or organized territory of the~~

ENROLLED

HB 1309, Engrossed 1

2005 Legislature

85 ~~United States, or the District of Columbia, provided the stock~~
86 ~~of the corporation is listed on any one or more of the national~~
87 ~~stock exchanges and the bonds hold a rating in one of the three~~
88 ~~highest classifications by a major rating service; and the board~~
89 ~~of trustees shall not invest more the 5 percent of its assets in~~
90 ~~the common stock or capital stock of any one issuing company,~~
91 ~~nor shall the aggregate investment in any one issuing company~~
92 ~~exceed 5 percent of the outstanding capital stock of the~~
93 ~~company, nor shall the aggregate of its investments under this~~
94 ~~paragraph exceed 50 percent of the fund's assets in bonds, or 60~~
95 ~~percent of the fund's assets in common stocks, or investments~~
96 ~~authorized by chapter 175 and 185, F.S. for public pension~~
97 ~~funds. Such investments must be recommended by either a~~
98 ~~competent nationally recognized investment counseling firm or a~~
99 ~~corporate trustee who is nationally recognized in pension fund~~
100 ~~investments.~~

101 ~~(5) At no time shall the investment in real estate and~~
102 ~~real estate related securities exceed 10 percent of the book~~
103 ~~value of the fund. Such investment must be recommended by either~~
104 ~~a competent nationally recognized investment counseling firm or~~
105 ~~a corporate trustee who is nationally recognized in pension fund~~
106 ~~investments.~~

107 (3)~~(6)~~ Investment plan.

108 (i) In making investments for the plan, the board shall
109 make no investment after June 30, 1996, which is not in
110 conformance with the plan's investment plan. The investment plan
111 must include, among other items: the investment objectives;
112 permitted types of securities in which the board may not invest;

ENROLLED

HB 1309, Engrossed 1

2005 Legislature

113 | the criteria to measure annual investment performance; and any
114 | other applicable criteria established by the board.

115 | (ii) The investment plan shall be developed by the plan
116 | administrator and shall be approved by the board. Upon adoption
117 | by the board, the investment plan and any amendments shall be
118 | promptly filed with the Division of Retirement, and the plan's
119 | sponsor and plan actuary.

120 | (iii) The effective date of the investment plan shall be
121 | the 31st calendar day following the filing date with the plan
122 | sponsor. Investments permitted by the investment plan shall not
123 | be made prior to the effective date of the investment plan.

124 | (iv) The investment plan may be amended at any time
125 | subject to paragraphs (ii) and (iii).

126 | (v) For each illiquid investment (an investment for which
127 | a generally recognized market is not available or for which
128 | there is no consistent or generally accepted pricing mechanism)
129 | the investment plan shall: include the criteria set forth in s.
130 | 215.47(6), Florida Statutes; require a statement as to the
131 | additional expected yield anticipated to compensate the plan for
132 | the additional risk of such investment which additional yield is
133 | not available from an investment for which there is a generally
134 | recognized market; require the board to verify the determination
135 | of the fair market value for each such investment as of each
136 | date as of which an actuarial valuation is prepared and that the
137 | determination complies with all applicable state and federal
138 | requirements; and require the board to disclose to the Division
139 | of Retirement and the plan's sponsor each such investment as of

ENROLLED
 HB 1309, Engrossed 1

2005 Legislature

140 each date as of which an actuarial valuation is prepared for
 141 which the fair market value is not provided.

142 (vi) Immediately prior to the date as of which each
 143 actuarial valuation is prepared, the board shall determine the
 144 total expected annual rate of return for the plan's assets for
 145 the year beginning with the date as of which the actuarial
 146 valuation is prepared, for each of the next several years and
 147 for the long-term thereafter. This determination shall be
 148 promptly filed with the Division of Retirement, and the plan's
 149 sponsor and plan actuary.

150 Section 22.08. Applicability of state law.--Except as
 151 otherwise provided herein, the board shall be bound in its
 152 actions by the applicable provisions of:

- 153 (a) Chapter 185, Florida Statutes, as amended.
- 154 (b) Chapter 175, Florida Statutes, as amended.
- 155 (c) Section 14, Article X of the State Constitution.
- 156 (d) Chapter 112, part VII, Florida Statutes, as amended.
- 157 (e) Section 215.47, Florida Statutes, as amended.

158 Section 2. If any part of this act shall be held void,
 159 voidable, or otherwise unenforceable by any court of law or
 160 equity, nothing contained in this act shall limit the
 161 enforceability of any other part.

162 Section 3. This act shall take effect upon becoming a law.