

Bill No. SB 198

Barcode 465434

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Comm: RCS
04/13/2007 08:11 AM

.
. .
. .
. .
. .
. .

The Committee on Governmental Operations (Argenziano)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (a) of subsection (8) and
subsection (16) of section 175.032, Florida Statutes, are
amended to read:

175.032 Definitions.--For any municipality, special
fire control district, chapter plan, local law municipality,
local law special fire control district, or local law plan
under this chapter, the following words and phrases have the
following meanings:

(8)(a) "Firefighter" means any person employed solely
by a constituted fire department of any municipality or
special fire control district who is certified as a
firefighter as a condition of employment in accordance with
the provisions of s. 633.35 and whose duty it is to extinguish
fires, to protect life, or to protect property. "Firefighter"

Bill No. SB 198

Barcode 465434

1 includes all certified supervisory and command personnel whose
2 duties include, in whole or in part, the supervision,
3 training, guidance, and management responsibilities of
4 full-time firefighters, part-time firefighters, or auxiliary
5 firefighters but does not include part-time firefighters or
6 auxiliary firefighters. However, for purposes of this chapter
7 only, "firefighter" also includes public safety officers who
8 are responsible for performing both police and fire services,
9 who are certified as police officers or firefighters, and who
10 are certified by their employers to the Chief Financial
11 Officer as participating in this chapter prior to October 1,
12 1979. Effective October 1, 1979, public safety officers who
13 have not been certified as participating in this chapter shall
14 be considered police officers for retirement purposes and
15 shall be eligible to participate in chapter 185. Any plan may
16 provide that the fire chief shall have an option to
17 participate, or not, in that plan.

18 (16) "Special fire control district" means a special
19 district, as defined in s. 189.403(1), established for the
20 purposes of extinguishing fires, protecting life, and
21 protecting property within the incorporated or unincorporated
22 portions of any county or combination of counties, or within
23 any combination of incorporated and unincorporated portions of
24 any county or combination of counties. The term includes
25 community development districts providing fire suppression and
26 related services pursuant to s. 190.012(2)(b). The term does
27 not include any dependent or independent special district, as
28 defined in s. 189.403(2) and (3), respectively, the employees
29 of which are members of the Florida Retirement System pursuant
30 to s. 121.051(1) or (2).

31 Section 2. Paragraph (a) of subsection (1) and

Bill No. SB 198

Barcode 465434

1 subsection (7) of section 175.061, Florida Statutes, are
2 amended to read:

3 175.061 Board of trustees; members; terms of office;
4 meetings; legal entity; costs; attorney's fees.--For any
5 municipality, special fire control district, chapter plan,
6 local law municipality, local law special fire control
7 district, or local law plan under this chapter:

8 (1) In each municipality and in each special fire
9 control district there is hereby created a board of trustees
10 of the firefighters' pension trust fund, which shall be solely
11 responsible for administering the trust fund. Effective
12 October 1, 1986, and thereafter:

13 (a) The membership of the board of trustees for a
14 chapter plan shall consist of five members, two of whom,
15 unless otherwise prohibited by law, shall be legal residents
16 of the municipality or special fire control district, who
17 shall be appointed by the governing body of the municipality
18 or special fire control district, and two of whom shall be
19 full-time firefighters as defined in s. 175.032 who shall be
20 elected by a majority of the active firefighters who are
21 members of such plan. With respect to any chapter plan or
22 local law plan that, on January 1, 1997, allowed retired
23 firefighters to vote in such elections, retirees may continue
24 to vote in such elections. The fifth member shall be chosen by
25 a majority of the previous four members as provided for
26 herein, and such person's name shall be submitted to the
27 governing body of the municipality or special fire control
28 district. Upon receipt of the fifth person's name, the
29 governing body of the municipality or special fire control
30 district shall, as a ministerial duty, appoint such person to
31 the board of trustees as its fifth member. The fifth member

Bill No. SB 198

Barcode 465434

1 shall have the same rights as each of the other four members
 2 appointed or elected as herein provided, shall serve as
 3 trustee for a period of 2 years, and may succeed himself or
 4 herself in office. Each resident member shall serve as trustee
 5 for a period of 2 years, unless sooner replaced by the
 6 governing body at whose pleasure he or she shall serve, and
 7 may succeed himself or herself as a trustee. Each firefighter
 8 member shall serve as trustee for a period of 2 years, unless
 9 he or she sooner leaves the employment of the municipality or
 10 special fire control district as a firefighter, whereupon a
 11 successor shall be chosen in the same manner as an original
 12 appointment. Each firefighter may succeed himself or herself
 13 in office. The terms of office of the appointed and elected
 14 members of the board may be amended by municipal ordinance,
 15 special act of the Legislature, or resolution adopted by the
 16 governing body of the special fire control district to extend
 17 the terms of office from 2 years to 4 years. The length of the
 18 terms of office shall be the same for all board members.

19 (7) The board of trustees may, upon written request by
 20 the retiree of the plan, or by a dependent, when authorized by
 21 the retiree or the retiree's beneficiary, authorize the plan
 22 administrator to withhold from the monthly retirement payment
 23 those funds that are necessary to pay for the benefits being
 24 received through the governmental entity from which the
 25 employee retired, to pay the certified bargaining agent of the
 26 governmental entity, and to make any payments for child
 27 support or alimony. Further, the board of trustees may, upon
 28 written request of the retiree of the plan, authorize the plan
 29 administrator to withhold from the retirement payment those
 30 funds that are necessary to pay for premiums for accident,
 31 health, and long-term care insurance for the retiree and the

Bill No. SB 198

Barcode 465434

1 retiree's spouse and dependents. A retirement plan does not
2 incur any liability for participation in this permissive
3 program if its actions are taken in good faith.

4 Section 3. Subsection (1) of section 175.071, Florida
5 Statutes, is amended to read:

6 175.071 General powers and duties of board of
7 trustees.--For any municipality, special fire control
8 district, chapter plan, local law municipality, local law
9 special fire control district, or local law plan under this
10 chapter:

11 (1) The board of trustees, subject to the fiduciary
12 standards in ss. 112.656, 112.661, and 518.11 and the Code of
13 Ethics in ss. 112.311-112.3187, may:

14 (a) Invest and reinvest the assets of the
15 firefighters' pension trust fund in annuity and life insurance
16 contracts of life insurance companies in amounts sufficient to
17 provide, in whole or in part, the benefits to which all of the
18 participants in the firefighters' pension trust fund shall be
19 entitled under the provisions of this chapter and pay the
20 initial and subsequent premiums thereon.

21 (b) Invest and reinvest the assets of the
22 firefighters' pension trust fund in:

23 1. Time or savings accounts of a national bank, a
24 state bank insured by the Bank Insurance Fund, or a savings,
25 building, and loan association insured by the Savings
26 Association Insurance Fund which is administered by the
27 Federal Deposit Insurance Corporation or a state or federal
28 chartered credit union whose share accounts are insured by the
29 National Credit Union Share Insurance Fund.

30 2. Obligations of the United States or obligations
31 guaranteed as to principal and interest by the government of

Bill No. SB 198

Barcode 465434

1 the United States.

2 3. Bonds issued by the State of Israel.

3 4. Bonds, stocks, or other evidences of indebtedness
4 issued or guaranteed by a corporation organized under the laws
5 of the United States, any state or organized territory of the
6 United States, or the District of Columbia, provided:

7 a. The corporation is listed on any one or more of the
8 recognized national stock exchanges or on the National Market
9 System of the NASDAQ Stock Market and, in the case of bonds
10 only, holds a rating in one of the three highest
11 classifications by a major rating service; and

12 b. The board of trustees shall not invest more than 5
13 percent of its assets in the common stock or capital stock of
14 any one issuing company, nor shall the aggregate investment in
15 any one issuing company exceed 5 percent of the outstanding
16 capital stock of that company or the aggregate of its
17 investments under this subparagraph at cost exceed 50 percent
18 of the assets of the fund.

19
20 This paragraph shall apply to all boards of trustees and
21 participants. However, in the event that a municipality or
22 special fire control district has a duly enacted pension plan
23 pursuant to, and in compliance with, s. 175.351, and the
24 trustees thereof desire to vary the investment procedures
25 herein, the trustees of such plan shall request a variance of
26 the investment procedures as outlined herein only through a
27 municipal ordinance, special act of the Legislature, or
28 resolution by the governing body of the special fire control
29 district; where a special act, or a municipality by ordinance
30 adopted prior to July 1, 1998, permits a greater than

31 50-percent equity investment, such municipality shall not be

Bill No. SB 198

Barcode 465434

1 required to comply with the aggregate equity investment
 2 provisions of this paragraph. Notwithstanding any other
 3 provision of law to the contrary, nothing in this section may
 4 be construed to take away any preexisting legal authority to
 5 make equity investments that exceed the requirements of this
 6 paragraph. The board of trustees may invest up to 20 ~~10~~
 7 percent of plan assets in foreign securities.

8 (c) Issue drafts upon the firefighters' pension trust
 9 fund pursuant to this act and rules and regulations prescribed
 10 by the board of trustees. All such drafts shall be
 11 consecutively numbered, be signed by the chair and secretary
 12 or two individuals designated by the board who are subject to
 13 the same fiduciary standards as required for the board of
 14 trustees under this subsection, and state upon their faces the
 15 purpose for which the drafts are drawn. The treasurer or
 16 depository of each municipality or special fire control
 17 district shall retain such drafts when paid, as permanent
 18 vouchers for disbursements made, and no money shall be
 19 otherwise drawn from the fund.

20 (d) Convert into cash any securities of the fund.

21 (e) Keep a complete record of all receipts and
 22 disbursements and of the board's acts and proceedings.

23 Section 4. Paragraph (a) of subsection (1) and
 24 subsection (6) of section 185.05, Florida Statutes, are
 25 amended to read:

26 185.05 Board of trustees; members; terms of office;
 27 meetings; legal entity; costs; attorney's fees.--For any
 28 municipality, chapter plan, local law municipality, or local
 29 law plan under this chapter:

30 (1) In each municipality described in s. 185.03 there
 31 is hereby created a board of trustees of the municipal police

Bill No. SB 198

Barcode 465434

1 officers' retirement trust fund, which shall be solely
2 responsible for administering the trust fund. Effective
3 October 1, 1986, and thereafter:

4 (a) The membership of the board of trustees for
5 chapter plans shall consist of five members, two of whom,
6 unless otherwise prohibited by law, shall be legal residents
7 of the municipality, who shall be appointed by the legislative
8 body of the municipality, and two of whom shall be police
9 officers as defined in s. 185.02 who shall be elected by a
10 majority of the active police officers who are members of such
11 plan. With respect to any chapter plan or local law plan that,
12 on January 1, 1997, allowed retired police officers to vote in
13 such elections, retirees may continue to vote in such
14 elections. The fifth member shall be chosen by a majority of
15 the previous four members, and such person's name shall be
16 submitted to the legislative body of the municipality. Upon
17 receipt of the fifth person's name, the legislative body of
18 the municipality shall, as a ministerial duty, appoint such
19 person to the board of trustees as its fifth member. The fifth
20 member shall have the same rights as each of the other four
21 members appointed or elected as herein provided, shall serve
22 as trustee for a period of 2 years, and may succeed himself or
23 herself in office. Each resident member shall serve as trustee
24 for a period of 2 years, unless sooner replaced by the
25 legislative body at whose pleasure the member shall serve, and
26 may succeed himself or herself as a trustee. Each police
27 officer member shall serve as trustee for a period of 2 years,
28 unless he or she sooner leaves the employment of the
29 municipality as a police officer, whereupon the legislative
30 body of the municipality shall choose a successor in the same
31 manner as an original appointment. Each police officer may

Bill No. SB 198

Barcode 465434

1 succeed himself or herself in office. The terms of office of
 2 the appointed and elected members of the board may be amended
 3 by municipal ordinance or special act of the Legislature to
 4 extend the terms of office from 2 years to 4 years. The length
 5 of the terms of office shall be the same for all board
 6 members.

7 (6) The board of trustees may, upon written request by
 8 the retiree of the plan, or by a dependent, when authorized by
 9 the retiree or the retiree's beneficiary, authorize the plan
 10 administrator to withhold from the monthly retirement payment
 11 those funds that are necessary to pay for the benefits being
 12 received through the governmental entity from which the
 13 employee retired, to pay the certified bargaining agent of the
 14 governmental entity, and to make any payments for child
 15 support or alimony. Further, the board of trustees may, upon
 16 written request of the retiree of the plan, authorize the plan
 17 administrator to withhold from the retirement payment those
 18 funds that are necessary to pay for premiums for accident,
 19 health, and long-term care insurance for the retiree and the
 20 retiree's spouse and dependents. A retirement plan does not
 21 incur any liability for participation in this permissive
 22 program if its actions are taken in good faith.

23 Section 5. Subsection (1) of section 185.06, Florida
 24 Statutes, is amended to read:

25 185.06 General powers and duties of board of
 26 trustees.--For any municipality, chapter plan, local law
 27 municipality, or local law plan under this chapter:

28 (1) The board of trustees, subject to the fiduciary
 29 standards in ss. 112.656, 112.661, and 518.11 and the Code of
 30 Ethics in ss. 112.311-112.3187, may:

31 (a) Invest and reinvest the assets of the retirement

Bill No. SB 198

Barcode 465434

1 trust fund in annuity and life insurance contracts of life
 2 insurance companies in amounts sufficient to provide, in whole
 3 or in part, the benefits to which all of the participants in
 4 the municipal police officers' retirement trust fund shall be
 5 entitled under the provisions of this chapter, and pay the
 6 initial and subsequent premiums thereon.

7 (b) Invest and reinvest the assets of the retirement
 8 trust fund in:

9 1. Time or savings accounts of a national bank, a
 10 state bank insured by the Bank Insurance Fund, or a savings
 11 and loan association insured by the Savings Association
 12 Insurance Fund which is administered by the Federal Deposit
 13 Insurance Corporation or a state or federal chartered credit
 14 union whose share accounts are insured by the National Credit
 15 Union Share Insurance Fund.

16 2. Obligations of the United States or obligations
 17 guaranteed as to principal and interest by the United States.

18 3. Bonds issued by the State of Israel.

19 4. Bonds, stocks, or other evidences of indebtedness
 20 issued or guaranteed by a corporation organized under the laws
 21 of the United States, any state or organized territory of the
 22 United States, or the District of Columbia, provided:

23 a. The corporation is listed on any one or more of the
 24 recognized national stock exchanges or on the National Market
 25 System of the NASDAQ Stock Market and, in the case of bonds
 26 only, holds a rating in one of the three highest
 27 classifications by a major rating service; and

28 b. The board of trustees shall not invest more than 5
 29 percent of its assets in the common stock or capital stock of
 30 any one issuing company, nor shall the aggregate investment in
 31 any one issuing company exceed 5 percent of the outstanding

Bill No. SB 198

Barcode 465434

1 capital stock of the company or the aggregate of its
2 investments under this subparagraph at cost exceed 50 percent
3 of the fund's assets.

4
5 This paragraph shall apply to all boards of trustees and
6 participants. However, in the event that a municipality has a
7 duly enacted pension plan pursuant to, and in compliance with,
8 s. 185.35 and the trustees thereof desire to vary the
9 investment procedures herein, the trustees of such plan shall
10 request a variance of the investment procedures as outlined
11 herein only through a municipal ordinance or special act of
12 the Legislature; where a special act, or a municipality by
13 ordinance adopted prior to July 1, 1998, permits a greater
14 than 50-percent equity investment, such municipality shall not
15 be required to comply with the aggregate equity investment
16 provisions of this paragraph. Notwithstanding any other
17 provision of law to the contrary, nothing in this section may
18 be construed to take away any preexisting legal authority to
19 make equity investments that exceed the requirements of this
20 paragraph. The board of trustees may invest up to 20 ~~10~~
21 percent of plan assets in foreign securities.

22 (c) Issue drafts upon the municipal police officers'
23 retirement trust fund pursuant to this act and rules and
24 regulations prescribed by the board of trustees. All such
25 drafts shall be consecutively numbered, be signed by the chair
26 and secretary or two individuals designated by the board who
27 are subject to the same fiduciary standards as required for
28 the board of trustees under this subsection, and state upon
29 their faces the purposes for which the drafts are drawn. The
30 city treasurer or other depository shall retain such drafts
31 when paid, as permanent vouchers for disbursements made, and

Bill No. SB 198

Barcode 465434

1 no money shall otherwise be drawn from the fund.

2 (d) Finally decide all claims to relief under the
3 board's rules and regulations and pursuant to the provisions
4 of this act.

5 (e) Convert into cash any securities of the fund.

6 (f) Keep a complete record of all receipts and
7 disbursements and of the board's acts and proceedings.

8 Section 6. Subsection (17) is added to section
9 190.011, Florida Statutes, to read:

10 190.011 General powers.--The district shall have, and
11 the board may exercise, the following powers:

12 (17) To assess and impose the state excise tax
13 authorized under s. 175.101, if exercising the powers
14 permitted under s. 190.012(2)(b).

15 Section 7. If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 invalidity does not affect other provisions or applications of
18 the act which can be given effect without the invalid
19 provision or application, and to this end the provisions of
20 this act are severable.

21 Section 8. This act shall take effect upon becoming a
22 law.

23
24

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

26 And the title is amended as follows:

27 Delete everything before the enacting clause

28
29 and insert:

30 A bill to be entitled

31 An act relating to firefighter and municipal

Bill No. SB 198

Barcode 465434

1 police pensions; amending s. 175.032, F.S.;

2 redefining the term "firefighter"; redefining

3 the term "special fire control district" to

4 include certain community development districts

5 performing fire suppression and related

6 services; amending s. 175.061, F.S.;

7 authorizing the terms of office for the board

8 of trustees of the firefighters' pension trust

9 fund to be revised under certain circumstances;

10 authorizing the plan administrator to withhold

11 funds to pay for premiums for accident, health,

12 and long-term care insurance for the retiree

13 and the retiree's spouse and dependents;

14 providing an exemption from liability under

15 certain circumstances; amending s. 175.071,

16 F.S.; requiring the board of trustees to

17 perform its powers subject to certain fiduciary

18 standards and ethics provisions; increasing the

19 percentage of assets of the firefighters'

20 pension trust fund which the board of trustees

21 may invest in foreign securities; authorizing

22 certain individuals to sign drafts issued upon

23 the firefighters' pension trust fund; amending

24 s. 185.05, F.S.; authorizing the terms of

25 office for the board of trustees of the

26 municipal police officers' retirement trust

27 fund to be revised under certain circumstances;

28 authorizing the plan administrator to withhold

29 funds to pay for premiums for accident, health,

30 and long-term care insurance for the retiree

31 and the retiree's spouse and dependents;

Bill No. SB 198

Barcode 465434

1 providing an exemption from liability under
2 certain circumstances; amending s. 185.06,
3 F.S.; requiring the board of trustees to
4 perform its powers subject to certain fiduciary
5 standards and ethics provisions; increasing the
6 percentage of assets of the municipal police
7 officers' retirement trust fund which the board
8 of trustees may invest in foreign securities;
9 authorizing certain individuals to sign drafts
10 issued upon the municipal police officers'
11 retirement trust fund; amending s. 190.011,
12 F.S.; authorizing community development
13 districts to levy the state excise tax on
14 property insurance premiums; providing for
15 severability; providing an effective date.

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31