

1 A bill to be entitled
2 An act relating to firefighters and municipal police
3 officers; amending s. 175.032, F.S.; revising the
4 definition of the term "creditable service" for purposes
5 of determining credit for prior service as a firefighter;
6 revising the definition of the term "firefighter";
7 amending s. 175.061, F.S.; authorizing the terms of office
8 for the board of trustees of the firefighters' pension
9 trust fund to be revised under certain circumstances;
10 authorizing the firefighters' pension trust fund plan
11 administrator to withhold funds to pay for premiums for
12 accident, health, and long-term care insurance for the
13 retiree and the retiree's spouse and dependents; providing
14 an exemption from liability under certain circumstances;
15 amending s. 175.071, F.S.; requiring the board of trustees
16 to perform its powers subject to certain fiduciary
17 standards and ethics provisions; increasing the percentage
18 of assets of the firefighters' pension trust fund that the
19 board of trustees may invest in foreign securities on a
20 market-value basis; providing that investment caps on
21 foreign securities may only be revised, amended,
22 increased, or repealed by an act of the Legislature;
23 authorizing certain individuals to sign drafts issued upon
24 the firefighters' pension trust fund; requiring the board
25 of trustees to identify and divest of any scrutinized
26 companies by a certain date; amending s. 175.101, F.S.;
27 clarifying boundaries of a special fire control district
28 for purposes of assessment and imposition of the excise

29 tax on property insurance premiums; amending s. 175.171,
30 F.S.; authorizing retired firefighters to change their
31 designation of joint annuitant or beneficiary up to two
32 times without the approval of the board of trustees or the
33 prior joint annuitant or beneficiary; conforming
34 provisions relating to joint pensioner or beneficiary to
35 reflect joint annuitant or beneficiary; amending s.
36 175.361, F.S.; revising fund distribution procedures with
37 respect to plan termination; providing that the Department
38 of Management Services shall effect the termination of the
39 fund; amending s. 185.02, F.S.; revising the definition of
40 the term "creditable service" for purposes of determining
41 credit for prior service as a police officer; amending s.
42 185.03, F.S.; providing that a municipality that has
43 entered into an interlocal agreement to provide police
44 protection services to another incorporated municipality,
45 in its entirety, is eligible to receive the premium taxes
46 reported for the other municipality under certain
47 circumstances; authorizing the municipality receiving the
48 police protection services to enact an ordinance levying a
49 tax as provided by law; amending s. 185.05, F.S.; revising
50 municipal police officers' retirement trust fund board of
51 trustee selection procedures; authorizing the terms of
52 office for the board of trustees of the municipal police
53 officers' retirement trust fund to be revised under
54 certain circumstances; authorizing the plan administrator
55 to withhold funds to pay for premiums for accident,
56 health, and long-term care insurance for the retiree and

57 | the retiree's spouse and dependents; providing an
58 | exemption from liability under certain circumstances;
59 | amending s. 185.06, F.S.; requiring the board of trustees
60 | to perform its powers subject to certain fiduciary
61 | standards and ethics provisions; increasing the percentage
62 | of assets of the municipal police officers' retirement
63 | trust fund that the board of trustees may invest in
64 | foreign securities on a market-value basis; providing that
65 | the investment cap on foreign securities may only be
66 | revised, amended, increased, or repealed by an act of the
67 | Legislature; authorizing certain individuals to sign
68 | drafts issued upon the municipal police officers'
69 | retirement trust fund; requiring the board of trustees to
70 | identify and divest of any scrutinized companies by a
71 | certain date; amending s. 185.08, F.S.; authorizing
72 | certain municipalities to assess and impose the excise tax
73 | on casualty insurance premiums to receive certain police
74 | protection services; providing for distribution of premium
75 | tax proceeds; amending s. 185.161, F.S.; authorizing
76 | retired police officers to change their designation of
77 | joint annuitant or beneficiary up to two times without the
78 | approval of the board of trustees or the prior joint
79 | annuitant or beneficiary; conforming provisions relating
80 | to joint pensioner or beneficiary to reflect joint
81 | annuitant or beneficiary; amending s. 185.37, F.S.;
82 | revising fund distribution procedures with respect to plan
83 | termination; providing that the Department of Management

84 Services shall effect the termination of the fund;
 85 providing an effective date.

86

87 Be It Enacted by the Legislature of the State of Florida:

88

89 Section 1. Paragraph (c) of subsection (4) and paragraph
 90 (a) of subsection (8) of section 175.032, Florida Statutes, are
 91 amended to read:

92 175.032 Definitions.--For any municipality, special fire
 93 control district, chapter plan, local law municipality, local
 94 law special fire control district, or local law plan under this
 95 chapter, the following words and phrases have the following
 96 meanings:

97 (4) "Creditable service" or "credited service" means the
 98 aggregate number of years of service, and fractional parts of
 99 years of service, of any firefighter, omitting intervening years
 100 and fractional parts of years when such firefighter may not have
 101 been employed by the municipality or special fire control
 102 district, subject to the following conditions:

103 (c) Credited service under this chapter shall be provided
 104 only for service as a firefighter, as defined in subsection (8),
 105 or for military service and shall not include credit for any
 106 other type of service. A municipality may, by local ordinance,
 107 or a special fire control district may, by resolution, provide
 108 for the purchase of credit for military service prior to
 109 employment as well as for prior service as a firefighter for
 110 some other employer as long as a firefighter is not entitled to
 111 receive a benefit for such other prior service as a firefighter.

112 For purposes of determining credit for prior service as a
 113 firefighter, in addition to service as a firefighter in this
 114 state, credit may be given for federal, other state, or county
 115 service, as long as such prior fire service is recognized by the
 116 Division of State Fire Marshal as provided under chapter 633 or
 117 the firefighter provides proof to the board of trustees that
 118 such service is equivalent to the service required to meet the
 119 definition of a firefighter under subsection (8).

120 (8) (a) "Firefighter" means any person employed solely by a
 121 constituted fire department of any municipality or special fire
 122 control district who is certified as a firefighter as a
 123 condition of employment in accordance with the provisions of s.
 124 633.35 and whose duty it is to extinguish fires, to protect
 125 life, or to protect property. "Firefighter" includes all
 126 certified supervisory and command personnel whose duties
 127 include, in whole or in part, the supervision, training,
 128 guidance, and management responsibilities of full-time
 129 firefighters, part-time firefighters, or auxiliary firefighters
 130 but does not include part-time firefighters or auxiliary
 131 firefighters. However, for purposes of this chapter only,
 132 "firefighter" also includes public safety officers who are
 133 responsible for performing both police and fire services, who
 134 are certified as police officers or firefighters, and who are
 135 certified by their employers to the Chief Financial Officer as
 136 participating in this chapter prior to October 1, 1979.
 137 Effective October 1, 1979, public safety officers who have not
 138 been certified as participating in this chapter shall be
 139 considered police officers for retirement purposes and shall be

140 eligible to participate in chapter 185. Any plan may provide
 141 that the fire chief shall have an option to participate, or not,
 142 in that plan.

143 Section 2. Paragraph (a) of subsection (1) and subsection
 144 (7) of section 175.061, Florida Statutes, are amended to read:

145 175.061 Board of trustees; members; terms of office;
 146 meetings; legal entity; costs; attorney's fees.--For any
 147 municipality, special fire control district, chapter plan, local
 148 law municipality, local law special fire control district, or
 149 local law plan under this chapter:

150 (1) In each municipality and in each special fire control
 151 district there is hereby created a board of trustees of the
 152 firefighters' pension trust fund, which shall be solely
 153 responsible for administering the trust fund. Effective October
 154 1, 1986, and thereafter:

155 (a) The membership of the board of trustees for a chapter
 156 plan shall consist of five members, two of whom, unless
 157 otherwise prohibited by law, shall be legal residents of the
 158 municipality or special fire control district, who shall be
 159 appointed by the governing body of the municipality or special
 160 fire control district, and two of whom shall be full-time
 161 firefighters as defined in s. 175.032 who shall be elected by a
 162 majority of the active firefighters who are members of such
 163 plan. With respect to any chapter plan or local law plan that,
 164 on January 1, 1997, allowed retired firefighters to vote in such
 165 elections, retirees may continue to vote in such elections. The
 166 fifth member shall be chosen by a majority of the previous four
 167 members as provided for herein, and such person's name shall be

CS/HB 5

2009

168 submitted to the governing body of the municipality or special
169 fire control district. Upon receipt of the fifth person's name,
170 the governing body of the municipality or special fire control
171 district shall, as a ministerial duty, appoint such person to
172 the board of trustees as its fifth member. The fifth member
173 shall have the same rights as each of the other four members
174 appointed or elected as herein provided, shall serve as trustee
175 for a period of 2 years, and may succeed himself or herself in
176 office. Each resident member shall serve as trustee for a period
177 of 2 years, unless sooner replaced by the governing body at
178 whose pleasure he or she shall serve, and may succeed himself or
179 herself as a trustee. Each firefighter member shall serve as
180 trustee for a period of 2 years, unless he or she sooner leaves
181 the employment of the municipality or special fire control
182 district as a firefighter, whereupon a successor shall be chosen
183 in the same manner as an original appointment. Each firefighter
184 may succeed himself or herself in office. The terms of office of
185 the appointed and elected members of the board of trustees may
186 be amended by municipal ordinance, special act of the
187 Legislature, or resolution adopted by the governing body of the
188 special fire control district to extend the terms of office from
189 2 years to 4 years. The length of the terms of office shall be
190 the same for all board members.

191 (7) The board of trustees may, upon written request by the
192 retiree of the plan, or by a dependent, when authorized by the
193 retiree or the retiree's beneficiary, authorize the plan
194 administrator to withhold from the monthly retirement payment
195 those funds that are necessary to pay for the benefits being

196 received through the governmental entity from which the employee
 197 retired, to pay the certified bargaining agent of the
 198 governmental entity, and to make any payments for child support
 199 or alimony. Further, the board of trustees may, upon the written
 200 request of the retiree of the plan, authorize the plan
 201 administrator to withhold from the retirement payment those
 202 funds that are necessary to pay for premiums for accident,
 203 health, and long-term care insurance for the retiree and the
 204 retiree's spouse and dependents. A retirement plan does not
 205 incur any liability for participation in this permissive program
 206 if its actions are taken in good faith.

207 Section 3. Subsection (1) of section 175.071, Florida
 208 Statutes, is amended, and subsection (8) is added to that
 209 section, to read:

210 175.071 General powers and duties of board of
 211 trustees.--For any municipality, special fire control district,
 212 chapter plan, local law municipality, local law special fire
 213 control district, or local law plan under this chapter:

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

217 (a) Invest and reinvest the assets of the firefighters'
 218 pension trust fund in annuity and life insurance contracts of
 219 life insurance companies in amounts sufficient to provide, in
 220 whole or in part, the benefits to which all of the participants
 221 in the firefighters' pension trust fund shall be entitled under
 222 the provisions of this chapter and pay the initial and
 223 subsequent premiums thereon.

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

226 1. Time or savings accounts of a national bank, a state
 227 bank insured by the Bank Insurance Fund, or a savings, building,
 228 and loan association insured by the Savings Association
 229 Insurance Fund which is administered by the Federal Deposit
 230 Insurance Corporation or a state or federal chartered credit
 231 union whose share accounts are insured by the National Credit
 232 Union Share Insurance Fund.

233 2. Obligations of the United States or obligations
 234 guaranteed as to principal and interest by the government of the
 235 United States.

236 3. Bonds issued by the State of Israel.

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

241 a. The corporation is listed on any one or more of the
 242 recognized national stock exchanges or on the National Market
 243 System of the NASDAQ Stock Market and, in the case of bonds
 244 only, holds a rating in one of the three highest classifications
 245 by a major rating service; and

246 b. The board of trustees shall not invest more than 5
 247 percent of its assets in the common stock or capital stock of
 248 any one issuing company, nor shall the aggregate investment in
 249 any one issuing company exceed 5 percent of the outstanding
 250 capital stock of that company or the aggregate of its

251 | investments under this subparagraph at cost exceed 50 percent of
 252 | the assets of the fund.

253 |
 254 | This paragraph shall apply to all boards of trustees and
 255 | participants. However, in the event that a municipality or
 256 | special fire control district has a duly enacted pension plan
 257 | pursuant to, and in compliance with, s. 175.351, and the
 258 | trustees thereof desire to vary the investment procedures
 259 | herein, the trustees of such plan shall request a variance of
 260 | the investment procedures as outlined herein only through a
 261 | municipal ordinance, special act of the Legislature, or
 262 | resolution by the governing body of the special fire control
 263 | district; where a special act, or a municipality by ordinance
 264 | adopted prior to July 1, 1998, permits a greater than 50-percent
 265 | equity investment, such municipality shall not be required to
 266 | comply with the aggregate equity investment provisions of this
 267 | paragraph. Notwithstanding any other provision of law to the
 268 | contrary, nothing in this section may be construed to take away
 269 | any preexisting legal authority to make equity investments that
 270 | exceed the requirements of this paragraph. Notwithstanding any
 271 | law to the contrary, the board of trustees may invest up to 25
 272 | 10 percent of plan assets in foreign securities on a market-
 273 | value basis. The investment cap on foreign securities may not be
 274 | revised, amended, increased, or repealed except as provided by
 275 | general law.

276 | (c) Issue drafts upon the firefighters' pension trust fund
 277 | pursuant to this act and rules and regulations prescribed by the
 278 | board of trustees. All such drafts shall be consecutively

279 | numbered, be signed by the chair and secretary or by two
 280 | individuals designated by the board who are subject to the same
 281 | fiduciary standards as required for the board of trustees under
 282 | this subsection, and state upon their faces the purpose for
 283 | which the drafts are drawn. The treasurer or depository of each
 284 | municipality or special fire control district shall retain such
 285 | drafts when paid, as permanent vouchers for disbursements made,
 286 | and no money shall be otherwise drawn from the fund.

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

288 | (e) Keep a complete record of all receipts and
 289 | disbursements and of the board's acts and proceedings.

290 | (8) Notwithstanding the provisions of paragraph (1)(b) and
 291 | as provided in s. 215.473, the board of trustees shall identify
 292 | and publicly report any direct or indirect holdings it may have
 293 | in any scrutinized company, as defined in s. 215.473, and
 294 | proceed to sell, redeem, divest, or withdraw all publicly traded
 295 | securities it may have in such company beginning January 1,
 296 | 2010. The divestiture of any such security must be completed by
 297 | March 1, 2010. The board and its named officers or investment
 298 | advisors may not be deemed to have breached their fiduciary duty
 299 | in any action taken to dispose of any such security, and the
 300 | board shall have satisfactorily discharged the fiduciary duties
 301 | of loyalty, prudence, and sole and exclusive benefit to the
 302 | participants of the pension fund and their beneficiaries if the
 303 | actions it takes are consistent with the duties imposed by s.
 304 | 215.473, and the manner of the disposition, if any, is
 305 | reasonable as to the means chosen. For the purposes of effecting
 306 | compliance with s. 215.473, the pension fund shall designate

307 terror-free plans that allocate their funds among securities not
 308 subject to divestiture. No person may bring any civil, criminal,
 309 or administrative action against the board of trustees or any
 310 employee, officer, director, or advisor of such pension fund
 311 based upon the divestiture of any security pursuant to this
 312 subsection.

313 Section 4. Subsection (1) of section 175.101, Florida
 314 Statutes, is amended to read:

315 175.101 State excise tax on property insurance premiums
 316 authorized; procedure.--For any municipality, special fire
 317 control district, chapter plan, local law municipality, local
 318 law special fire control district, or local law plan under this
 319 chapter:

320 (1) Each municipality or special fire control district in
 321 this state described and classified in s. 175.041, having a
 322 lawfully established firefighters' pension trust fund or
 323 municipal fund or special fire control district fund, by
 324 whatever name known, providing pension benefits to firefighters
 325 as provided under this chapter, may assess and impose on every
 326 insurance company, corporation, or other insurer now engaged in
 327 or carrying on, or who shall hereinafter engage in or carry on,
 328 the business of property insurance as shown by the records of
 329 the Office of Insurance Regulation of the Financial Services
 330 Commission an excise tax in addition to any lawful license or
 331 excise tax now levied by each of the municipalities or special
 332 fire control districts, respectively, amounting to 1.85 percent
 333 of the gross amount of receipts of premiums from policyholders
 334 on all premiums collected on property insurance policies

335 covering property within the corporate limits of such
336 municipalities or within the legally defined boundaries of
337 special fire control districts, respectively. Whenever the
338 boundaries of a special fire control district that has lawfully
339 established a firefighters' pension trust fund encompass a
340 portion of the corporate territory of a municipality that has
341 also lawfully established a firefighters' pension trust fund,
342 that portion of the tax receipts attributable to insurance
343 policies covering property situated both within the municipality
344 and the special fire control district shall be given to the fire
345 service provider. For the purpose of this section, the
346 boundaries of a special fire control district shall be deemed to
347 include an area that has been annexed until the completion of
348 the 4-year period provided for in s. 171.093(4), or other
349 agreed-upon extension, or when a special fire control district
350 is providing services pursuant to an interlocal agreement
351 executed pursuant to s. 171.093(3). The agent shall identify the
352 fire service provider on the property owner's application for
353 insurance. Remaining revenues collected pursuant to this chapter
354 shall be distributed to the municipality or special fire control
355 district according to the location of the insured property.

356
357 This section also applies to any municipality consisting of a
358 single consolidated government which is made up of a former
359 county and one or more municipalities, consolidated pursuant to
360 the authority in s. 3 or s. 6(e), Art. VIII of the State
361 Constitution, and to property insurance policies covering
362 property within the boundaries of the consolidated government,

363 regardless of whether the properties are located within one or
 364 more separately incorporated areas within the consolidated
 365 government, provided the properties are being provided fire
 366 protection services by the consolidated government. This section
 367 also applies to any municipality, as provided in s.
 368 175.041(3)(c), which has entered into an interlocal agreement to
 369 receive fire protection services from another municipality
 370 participating under this chapter. The excise tax may be levied
 371 on all premiums collected on property insurance policies
 372 covering property located within the corporate limits of the
 373 municipality receiving the fire protection services, but will be
 374 available for distribution to the municipality providing the
 375 fire protection services.

376 Section 5. Paragraphs (b) and (c) of subsection (1) and
 377 paragraph (b) of subsection (2) of section 175.171, Florida
 378 Statutes, are amended to read:

379 175.171 Optional forms of retirement income.--For any
 380 municipality, special fire control district, chapter plan, local
 381 law municipality, local law special fire control district, or
 382 local law plan under this chapter:

383 (1) In lieu of the amount and form of retirement income
 384 payable in the event of normal or early retirement as specified
 385 in s. 175.162, a firefighter, upon written request to the board
 386 of trustees and subject to the approval of the board of
 387 trustees, may elect to receive a retirement income or benefit of
 388 equivalent actuarial value payable in accordance with one of the
 389 following options:

CS/HB 5

2009

390 (b) A retirement income of a modified monthly amount,
391 payable to the firefighter during the joint lifetime of the
392 firefighter and a joint annuitant ~~pensioner~~ designated by the
393 firefighter, and following the death of either of them, 100
394 percent, 75 percent, 66 2/3 percent, or 50 percent of such
395 monthly amounts payable to the survivor for the lifetime of the
396 survivor.

397 (c) Such other amount and form of retirement payments or
398 benefits as, in the opinion of the board of trustees, will best
399 meet the circumstances of the retiring firefighter.

400 1. The firefighter upon electing any option of this
401 section shall ~~will~~ designate the joint annuitant ~~pensioner~~ or
402 beneficiary ~~(or beneficiaries)~~ to receive the benefit, if any,
403 payable under the plan in the event of his or her death, and may
404 ~~will have the power to~~ change such designation ~~from time to~~
405 ~~time~~, but any such change shall be deemed a new election and is
406 ~~will be~~ subject to approval by the board of trustees. Such
407 designation must ~~will~~ name a joint annuitant ~~pensioner~~ or one or
408 more primary beneficiaries where applicable. If a firefighter
409 has elected an option with a joint annuitant ~~pensioner~~ or
410 beneficiary and his or her retirement income benefits have
411 commenced, the firefighter may ~~thereafter~~ change the designated
412 joint annuitant ~~pensioner~~ or beneficiary, but only if the board
413 of trustees consents to such change and if the joint annuitant
414 ~~pensioner~~ last previously designated by the firefighter is alive
415 when the firefighter files with the board of trustees a request
416 for such change.

CS/HB 5

2009

417 2. The consent of a firefighter's joint annuitant
418 ~~pensioner~~ or beneficiary to any such change is ~~shall~~ not be
419 required.

420 3. The board of trustees may request ~~such~~ evidence of the
421 good health of the joint annuitant ~~pensioner~~ that is being
422 removed ~~as it may require~~ and the amount of the retirement
423 income payable to the firefighter upon designation of a new
424 joint annuitant ~~pensioner~~ shall be actuarially redetermined
425 taking into account the age and gender ~~sex~~ of the former joint
426 annuitant ~~pensioner~~, the new joint annuitant ~~pensioner~~, and the
427 firefighter. Each ~~such~~ designation shall ~~will~~ be made in writing
428 on a form prepared by the board of trustees and ~~on completion~~
429 ~~will be~~ filed with the board of trustees. If ~~In the event that~~
430 no designated beneficiary survives the firefighter, such
431 benefits as are payable in the event of the death of the
432 firefighter subsequent to his or her retirement shall be paid as
433 provided in s. 175.181.

434 4. Notwithstanding the provisions of this paragraph, a
435 retired firefighter may change his or her designation of joint
436 annuitant or beneficiary up to two times as provided in s.
437 175.333 without the approval of the board of trustees or the
438 current joint annuitant or beneficiary. The retiree need not
439 provide proof of the good health of the joint annuitant or
440 beneficiary being removed, and the joint annuitant or
441 beneficiary being removed need not be living.

442 (2) Retirement income payments shall be made under the
443 option elected in accordance with the provisions of this section
444 and shall be subject to the following limitations:

445 (b) If the designated beneficiary ~~(or beneficiaries)~~ or
 446 joint annuitant ~~pensioner~~ dies before the firefighter's
 447 retirement under the plan, the option elected will be canceled
 448 automatically and a retirement income of the normal form and
 449 amount will be payable to the firefighter upon retirement as if
 450 the election had not been made, unless a new election is made in
 451 accordance with the provisions of this section or a new
 452 beneficiary is designated by the firefighter before his or her
 453 ~~prior to~~ retirement and within 90 days after the death of the
 454 beneficiary.

455 Section 6. Section 175.361, Florida Statutes, is amended
 456 to read:

457 175.361 Termination of plan and distribution of fund.--For
 458 any municipality, special fire control district, chapter plan,
 459 local law municipality, local law special fire control district,
 460 or local law plan under this chapter, the plan may be terminated
 461 by the municipality or special fire control district. Upon
 462 termination of the plan by the municipality or special fire
 463 control district for any reason or because of a transfer,
 464 merger, or consolidation of governmental units, services, or
 465 functions as provided in chapter 121, or upon written notice by
 466 the municipality or special fire control district to the board
 467 of trustees that contributions under the plan are being
 468 permanently discontinued, the rights of all employees to
 469 benefits accrued to the date of such termination and the amounts
 470 credited to the employees' accounts are nonforfeitable. The fund
 471 shall be ~~apportioned and~~ distributed in accordance with the
 472 following procedures:

473 (1) The board of trustees shall determine the date of
 474 distribution and the asset value required to fund all the
 475 nonforfeitable benefits ~~to be distributed~~, after taking into
 476 account the expenses of such distribution. The board shall
 477 inform the municipality or special fire control district if
 478 additional assets are required, in which event the municipality
 479 or special fire control district shall continue to financially
 480 support the plan until all nonforfeitable benefits have been
 481 funded.

482 (2) The board of trustees shall determine the method of
 483 distribution of the asset value, that is, whether distribution
 484 shall be by payment in cash, by the maintenance of another or
 485 substituted trust fund, by the purchase of insured annuities, or
 486 otherwise, for each firefighter entitled to benefits under the
 487 plan as specified in subsection (3).

488 (3) The board of trustees shall distribute ~~apportion~~ the
 489 asset value as of the date of termination in the manner set
 490 forth in this subsection, on the basis that the amount required
 491 to provide any given retirement income shall mean the
 492 actuarially computed single-sum value of such retirement income,
 493 except that if the method of distribution determined under
 494 subsection (2) involves the purchase of an insured annuity, the
 495 amount required to provide the given retirement income shall
 496 mean the single premium payable for such annuity. The actuarial
 497 single-sum value shall not be less than the employee's
 498 accumulated contributions to the plan, with interest if provided
 499 by the plan, less the value of any plan benefits previously paid
 500 to the employee.

501 ~~(a) Apportionment shall first be made in respect of each~~
502 ~~retired firefighter receiving a retirement income hereunder on~~
503 ~~such date, each person receiving a retirement income on such~~
504 ~~date on account of a retired (but since deceased) firefighter,~~
505 ~~and each firefighter who has, by such date, become eligible for~~
506 ~~normal retirement but has not yet retired, in the amount~~
507 ~~required to provide such retirement income, provided that, if~~
508 ~~such asset value is less than the aggregate of such amounts,~~
509 ~~such amounts shall be proportionately reduced so that the~~
510 ~~aggregate of such reduced amounts will be equal to such asset~~
511 ~~value.~~

512 ~~(b) If there is any asset value remaining after the~~
513 ~~apportionment under paragraph (a), apportionment shall next be~~
514 ~~made in respect of each firefighter in the service of the~~
515 ~~municipality or special fire control district on such date who~~
516 ~~has completed at least 10 years of credited service, in the~~
517 ~~firefighters' pension trust fund for at least 10 years, and who~~
518 ~~is not entitled to an apportionment under paragraph (a), in the~~
519 ~~amount required to provide the actuarial equivalent of the~~
520 ~~accrued normal retirement income, based on the firefighter's~~
521 ~~credited service and earnings to such date, and each former~~
522 ~~participant then entitled to a benefit under the provisions of~~
523 ~~s. 175.211 who has not by such date reached his or her normal~~
524 ~~retirement date, in the amount required to provide the actuarial~~
525 ~~equivalent of the accrued normal retirement income to which he~~
526 ~~or she is entitled under s. 175.211; provided that, if such~~
527 ~~remaining asset value is less than the aggregate of the amounts~~
528 ~~apportioned hereunder, such latter amounts shall be~~

CS/HB 5

2009

529 ~~proportionately reduced so that the aggregate of such reduced~~
530 ~~amounts will be equal to such remaining asset value.~~

531 ~~(c) If there is any asset value after the apportionments~~
532 ~~under paragraphs (a) and (b), apportionment shall lastly be made~~
533 ~~in respect of each firefighter in the service of the~~
534 ~~municipality or special fire control district on such date who~~
535 ~~is not entitled to an apportionment under paragraphs (a) and (b)~~
536 ~~in the amount equal to the firefighter's total contributions to~~
537 ~~the plan to date of termination; provided that, if such~~
538 ~~remaining asset value is less than the aggregate of the amounts~~
539 ~~apportioned hereunder, such latter amounts shall be~~
540 ~~proportionately reduced so that the aggregate of such reduced~~
541 ~~amounts will be equal to such remaining asset value.~~

542 (4) ~~(d)~~ In the event that there is asset value remaining
543 after the full distribution ~~apportionment~~ specified in
544 subsection (3), and after the payment of any expenses incurred
545 with such distribution ~~paragraphs (a), (b), and (c)~~, such excess
546 shall be returned to the municipality or special fire control
547 district, less return to the state of the state's contributions,
548 provided that, if the excess is less than the total
549 contributions made by the municipality or special fire control
550 district and the state to date of termination of the plan, such
551 excess shall be divided proportionately to the total
552 contributions made by the municipality or special fire control
553 district and the state.

554 (5) ~~(4)~~ The board of trustees shall distribute, in
555 accordance with the manner of distribution determined under

556 subsection (2), the amounts determined ~~apportioned~~ under
 557 subsection (3).

558
 559 If, after a period of 24 months after the date on which the plan
 560 terminated or the date on which the board received written
 561 notice that the contributions thereunder were being permanently
 562 discontinued, the municipality or special fire control district
 563 or the board of trustees of the firefighters' pension trust fund
 564 affected has not complied with all the provisions in this
 565 section, the Department of Management Services ~~division~~ shall
 566 effect the termination of the fund in accordance with this
 567 section.

568 Section 7. Paragraph (c) of subsection (5) of section
 569 185.02, Florida Statutes, is amended to read:

570 185.02 Definitions.--For any municipality, chapter plan,
 571 local law municipality, or local law plan under this chapter,
 572 the following words and phrases as used in this chapter shall
 573 have the following meanings, unless a different meaning is
 574 plainly required by the context:

575 (5) "Creditable service" or "credited service" means the
 576 aggregate number of years of service and fractional parts of
 577 years of service of any police officer, omitting intervening
 578 years and fractional parts of years when such police officer may
 579 not have been employed by the municipality subject to the
 580 following conditions:

581 (c) Credited service under this chapter shall be provided
 582 only for service as a police officer, as defined in subsection
 583 (11), or for military service and shall not include credit for

584 any other type of service. A municipality may, by local
 585 ordinance, provide for the purchase of credit for military
 586 service occurring prior to employment as well as prior service
 587 as a police officer for some other employer as long as the
 588 police officer is not entitled to receive a benefit for such
 589 other prior service as a police officer. For purposes of
 590 determining credit for prior service as a police officer, in
 591 addition to service as a police officer in this state, credit
 592 may be given for federal, other state, or county service, as
 593 long as such prior police service is recognized by the Criminal
 594 Justice Standards and Training Commission within the Department
 595 of Law Enforcement as provided under chapter 943 or the police
 596 officer provides proof to the board of trustees that such
 597 service is equivalent to the service required to meet the
 598 definition of a police officer under subsection (11).

599 Section 8. Subsection (2) of section 185.03, Florida
 600 Statutes, is amended to read:

601 185.03 Municipal police officers' retirement trust funds;
 602 creation; applicability of provisions; participation by public
 603 safety officers.--For any municipality, chapter plan, local law
 604 municipality, or local law plan under this chapter:

605 (2) (a) ~~The provisions of This chapter applies shall apply~~
 606 ~~only to municipalities organized and established under pursuant~~
 607 ~~to the laws of the state, and does said provisions shall not~~
 608 ~~apply to the unincorporated areas of any county or counties or~~
 609 ~~nor shall the provisions hereof apply to any governmental entity~~
 610 whose police officers are eligible to participate in the Florida
 611 Retirement System.

612 (b) A municipality that has entered into an interlocal
613 agreement to provide police protection services to any other
614 incorporated municipality, in its entirety, for a period of 12
615 months or more may be eligible to receive the premium taxes
616 reported for such other municipality. To be eligible for the
617 premium taxes, the municipality providing the police protection
618 services must notify the division that it has entered into an
619 interlocal agreement with another municipality. The municipality
620 receiving the police protection services may enact an ordinance
621 levying the tax as provided in s. 185.08. Upon being provided
622 copies of the interlocal agreement and the municipal ordinance
623 levying the tax, the division may distribute any premium taxes
624 reported for the municipality receiving the police protection
625 services to the participating municipality providing the police
626 protection services as long as the interlocal agreement is in
627 effect.

628 Section 9. Paragraph (a) of subsection (1) and subsection
629 (6) of section 185.05, Florida Statutes, are amended to read:

630 185.05 Board of trustees; members; terms of office;
631 meetings; legal entity; costs; attorney's fees.--For any
632 municipality, chapter plan, local law municipality, or local law
633 plan under this chapter:

634 (1) In each municipality described in s. 185.03 there is
635 hereby created a board of trustees of the municipal police
636 officers' retirement trust fund, which shall be solely
637 responsible for administering the trust fund. Effective October
638 1, 1986, and thereafter:

639 (a) The membership of the board of trustees for chapter
640 plans shall consist of five members, two of whom, unless
641 otherwise prohibited by law, shall be legal residents of the
642 municipality, who shall be appointed by the legislative body of
643 the municipality, and two of whom shall be police officers as
644 defined in s. 185.02 who shall be elected by a majority of the
645 active police officers who are members of such plan. With
646 respect to any chapter plan or local law plan that, on January
647 1, 1997, allowed retired police officers to vote in such
648 elections, retirees may continue to vote in such elections. The
649 fifth member shall be chosen by a majority of the previous four
650 members, and such person's name shall be submitted to the
651 legislative body of the municipality. Upon receipt of the fifth
652 person's name, the legislative body of the municipality shall,
653 as a ministerial duty, appoint such person to the board of
654 trustees as its fifth member. The fifth member shall have the
655 same rights as each of the other four members appointed or
656 elected as herein provided, shall serve as trustee for a period
657 of 2 years, and may succeed himself or herself in office. Each
658 resident member shall serve as trustee for a period of 2 years,
659 unless sooner replaced by the legislative body at whose pleasure
660 the member shall serve, and may succeed himself or herself as a
661 trustee. Each police officer member shall serve as trustee for a
662 period of 2 years, unless he or she sooner leaves the employment
663 of the municipality as a police officer, whereupon ~~the~~
664 ~~legislative body of the municipality shall choose~~ a successor
665 shall be chosen in the same manner as an original appointment.
666 Each police officer may succeed himself or herself in office.

667 The terms of office of the appointed and elected members of the
668 board of trustees may be amended by municipal ordinance or
669 special act of the Legislature to extend the terms of office
670 from 2 years to 4 years. The length of the terms of office shall
671 be the same for all board members.

672 (6) The board of trustees may, upon written request by the
673 retiree of the plan, or by a dependent, when authorized by the
674 retiree or the retiree's beneficiary, authorize the plan
675 administrator to withhold from the monthly retirement payment
676 those funds that are necessary to pay for the benefits being
677 received through the governmental entity from which the employee
678 retired, to pay the certified bargaining agent of the
679 governmental entity, and to make any payments for child support
680 or alimony. Further, the board of trustees may, upon the written
681 request of the retiree of the plan, authorize the plan
682 administrator to withhold from the retirement payment those
683 funds that are necessary to pay for premiums for accident,
684 health, and long-term care insurance for the retiree and the
685 retiree's spouse and dependents. A retirement plan does not
686 incur any liability for participation in this permissive program
687 if its actions are taken in good faith.

688 Section 10. Subsection (1) of section 185.06, Florida
689 Statutes, is amended, and subsection (7) is added to that
690 section, to read:

691 185.06 General powers and duties of board of
692 trustees.--For any municipality, chapter plan, local law
693 municipality, or local law plan under this chapter:

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

697 (a) Invest and reinvest the assets of the retirement trust
 698 fund in annuity and life insurance contracts of life insurance
 699 companies in amounts sufficient to provide, in whole or in part,
 700 the benefits to which all of the participants in the municipal
 701 police officers' retirement trust fund shall be entitled under
 702 the provisions of this chapter, and pay the initial and
 703 subsequent premiums thereon.

704 (b) Invest and reinvest the assets of the retirement trust
 705 fund in:

706 1. Time or savings accounts of a national bank, a state
 707 bank insured by the Bank Insurance Fund, or a savings and loan
 708 association insured by the Savings Association Insurance Fund
 709 which is administered by the Federal Deposit Insurance
 710 Corporation or a state or federal chartered credit union whose
 711 share accounts are insured by the National Credit Union Share
 712 Insurance Fund.

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

715 3. Bonds issued by the State of Israel.

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

720 a. The corporation is listed on any one or more of the
 721 recognized national stock exchanges or on the National Market

CS/HB 5

2009

722 System of the NASDAQ Stock Market and, in the case of bonds
 723 only, holds a rating in one of the three highest classifications
 724 by a major rating service; and

725 b. The board of trustees shall not invest more than 5
 726 percent of its assets in the common stock or capital stock of
 727 any one issuing company, nor shall the aggregate investment in
 728 any one issuing company exceed 5 percent of the outstanding
 729 capital stock of the company or the aggregate of its investments
 730 under this subparagraph at cost exceed 50 percent of the fund's
 731 assets.

732
 733 This paragraph shall apply to all boards of trustees and
 734 participants. However, in the event that a municipality has a
 735 duly enacted pension plan pursuant to, and in compliance with,
 736 s. 185.35 and the trustees thereof desire to vary the investment
 737 procedures herein, the trustees of such plan shall request a
 738 variance of the investment procedures as outlined herein only
 739 through a municipal ordinance or special act of the Legislature;
 740 where a special act, or a municipality by ordinance adopted
 741 prior to July 1, 1998, permits a greater than 50-percent equity
 742 investment, such municipality shall not be required to comply
 743 with the aggregate equity investment provisions of this
 744 paragraph. Notwithstanding any other provision of law to the
 745 contrary, nothing in this section may be construed to take away
 746 any preexisting legal authority to make equity investments that
 747 exceed the requirements of this paragraph. Notwithstanding any
 748 law to the contrary, the board of trustees may invest up to 25
 749 10 percent of plan assets in foreign securities on a market-

750 value basis. The investment cap on foreign securities may not be
751 revised, amended, increased, or repealed except as provided by
752 general law.

753 (c) Issue drafts upon the municipal police officers'
754 retirement trust fund pursuant to this act and rules and
755 regulations prescribed by the board of trustees. All such drafts
756 shall be consecutively numbered, be signed by the chair and
757 secretary or by two individuals designated by the board who are
758 subject to the same fiduciary standards as required for the
759 board of trustees under this subsection, and state upon their
760 faces the purposes for which the drafts are drawn. The city
761 treasurer or other depository shall retain such drafts when
762 paid, as permanent vouchers for disbursements made, and no money
763 shall otherwise be drawn from the fund.

764 (d) Finally decide all claims to relief under the board's
765 rules and regulations and pursuant to the provisions of this
766 act.

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

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

770 (7) Notwithstanding the provisions of paragraph (1)(b) and
771 as provided in s. 215.473, the board of trustees shall identify
772 and publicly report any direct or indirect holdings it may have
773 in any scrutinized company, as defined in s. 215.473, and
774 proceed to sell, redeem, divest, or withdraw all publicly traded
775 securities it may have in such company beginning January 1,
776 2010. The divestiture of any such security must be completed by
777 March 1, 2010. The board and its named officers or investment

CS/HB 5

2009

778 advisors may not be deemed to have breached their fiduciary duty
 779 in any action taken to dispose of any such security, and the
 780 board shall have satisfactorily discharged the fiduciary duties
 781 of loyalty, prudence, and sole and exclusive benefit to the
 782 participants of the pension fund and their beneficiaries if the
 783 actions it takes are consistent with the duties imposed by s.
 784 215.473, and the manner of the disposition, if any, is
 785 reasonable as to the means chosen. For the purposes of effecting
 786 compliance with s. 215.473, the pension fund shall designate
 787 terror-free plans that allocate their funds among securities not
 788 subject to divestiture. No person may bring any civil, criminal,
 789 or administrative action against the board of trustees or any
 790 employee, officer, director, or advisor of such pension fund
 791 based upon the divestiture of any security pursuant to this
 792 subsection.

793 Section 11. Section 185.08, Florida Statutes, is amended
 794 to read:

795 185.08 State excise tax on casualty insurance premiums
 796 authorized; procedure.--For any municipality, chapter plan,
 797 local law municipality, or local law plan under this chapter:

798 (1) Each incorporated municipality in this state described
 799 and classified in s. 185.03, as well as each other city or town
 800 of this state which on July 31, 1953, had a lawfully established
 801 municipal police officers' retirement trust fund or city fund,
 802 by whatever name known, providing pension or relief benefits to
 803 police officers as provided under this chapter, may assess and
 804 impose on every insurance company, corporation, or other insurer
 805 now engaged in or carrying on, or who shall hereafter engage in

CS/HB 5

2009

806 or carry on, the business of casualty insurance as shown by
807 records of the Office of Insurance Regulation of the Financial
808 Services Commission, an excise tax in addition to any lawful
809 license or excise tax now levied by each of the ~~said~~
810 municipalities, respectively, amounting to .85 percent of the
811 gross amount of receipts of premiums from policyholders on all
812 premiums collected on casualty insurance policies covering
813 property within the corporate limits of such municipalities,
814 respectively.

815 (2) In the case of multiple peril policies with a single
816 premium for both property and casualty coverages in such
817 policies, 30 percent of such premium shall be used as the basis
818 for the .85-percent tax above.

819 (3) The excise tax shall be payable annually March 1 of
820 each year after the passing of an ordinance assessing and
821 imposing the tax herein authorized. Installments of taxes shall
822 be paid according to ~~the provisions of~~ s. 624.5092(2) (a), (b),
823 and (c).

824

825 This section also applies to any municipality that has entered
826 into an interlocal agreement to receive police protection
827 services from another municipality under s. 185.03. The excise
828 tax may be levied on all premiums collected on casualty
829 insurance policies covering property located within the
830 corporate limits of the municipality receiving the police
831 protection services but is available for distribution to the
832 municipality providing the police protection services.

833 Section 12. Subsection (1) and paragraph (b) of subsection
 834 (2) of section 185.161, Florida Statutes, are amended to read:

835 185.161 Optional forms of retirement income.--For any
 836 municipality, chapter plan, local law municipality, or local law
 837 plan under this chapter:

838 (1) (a) In lieu of the amount and form of retirement income
 839 payable in the event of normal or early retirement as specified
 840 in s. 185.16, a police officer, upon written request to the
 841 board of trustees and subject to the approval of the board of
 842 trustees, may elect to receive a retirement income or benefit of
 843 equivalent actuarial value payable in accordance with one of the
 844 following options:

845 1. A retirement income of larger monthly amount, payable
 846 to the police officer for his or her lifetime only.

847 2. A retirement income of a modified monthly amount,
 848 payable to the police officer during the joint lifetime of the
 849 police officer and a joint annuitant ~~pensioner~~ designated by the
 850 police officer, and following the death of either of them, 100
 851 percent, 75 percent, 66 2/3 percent, or 50 percent of such
 852 monthly amount payable to the survivor for the lifetime of the
 853 survivor.

854 3. Such other amount and form of retirement payments or
 855 benefit as, in the opinion of the board of trustees, will best
 856 meet the circumstances of the retiring police officer.

857 (b) The police officer upon electing any option of this
 858 section shall ~~will~~ designate the joint annuitant ~~pensioner~~ or
 859 beneficiary ~~(or beneficiaries)~~ to receive the benefit, if any,
 860 payable under the plan in the event of the police officer's

CS/HB 5

2009

861 death, and ~~may will have the power to~~ change such designation
862 ~~from time to time~~ but any such change shall be deemed a new
863 election and ~~is will be~~ subject to approval by the pension
864 committee. Such designation must will name a joint annuitant
865 ~~pensioner~~ or one or more primary beneficiaries where applicable.
866 If a police officer has elected an option with a joint annuitant
867 ~~pensioner~~ or beneficiary and his or her retirement income
868 benefits have commenced, he or she may ~~thereafter~~ change the
869 designated joint annuitant ~~pensioner~~ or beneficiary but only if
870 the board of trustees consents to such change and if the joint
871 annuitant ~~pensioner~~ last previously designated by the police
872 officer is alive when he or she files with the board of trustees
873 a request for such change. The consent of a police officer's
874 joint annuitant ~~pensioner~~ or beneficiary to any such change is
875 ~~shall not be~~ required. The board of trustees may request ~~such~~
876 evidence of the good health of the joint annuitant ~~pensioner~~
877 ~~that is~~ being removed ~~as it may require~~ and the amount of the
878 retirement income payable to the police officer upon the
879 designation of a new joint annuitant ~~pensioner~~ shall be
880 actuarially redetermined taking into account the ages and gender
881 ~~sex~~ of the former joint annuitant ~~pensioner~~, the new joint
882 annuitant ~~pensioner~~, and the police officer. Each ~~such~~
883 designation shall will be made in writing on a form prepared by
884 the board of trustees, and ~~on completion will be~~ filed with the
885 board of trustees. If ~~In the event that~~ no designated
886 beneficiary survives the police officer, such benefits as are
887 payable in the event of the death of the police officer

CS/HB 5

2009

888 subsequent to his or her retirement shall be paid as provided in
889 s. 185.162.

890 (c) Notwithstanding paragraph (b), a retired police
891 officer may change his or her designation of joint annuitant or
892 beneficiary up to two times as provided in s. 185.341 without
893 the approval of the board of trustees or the current joint
894 annuitant or beneficiary. The retiree need not provide proof of
895 the good health of the joint annuitant or beneficiary being
896 removed, and the joint annuitant or beneficiary being removed
897 need not be living.

898 (2) Retirement income payments shall be made under the
899 option elected in accordance with the provisions of this section
900 and shall be subject to the following limitations:

901 (b) If the designated beneficiary ~~(or beneficiaries)~~ or
902 joint annuitant ~~pensioner~~ dies before the police officer's
903 retirement under the plan, the option elected will be canceled
904 automatically and a retirement income of the normal form and
905 amount will be payable to the police officer upon his or her
906 retirement as if the election had not been made, unless a new
907 election is made in accordance with the provisions of this
908 section or a new beneficiary is designated by the police officer
909 before ~~prior to~~ his or her retirement and within 90 days after
910 the death of the beneficiary.

911 Section 13. Section 185.37, Florida Statutes, is amended
912 to read:

913 185.37 Termination of plan and distribution of fund.--For
914 any municipality, chapter plan, local law municipality, or local
915 law plan under this chapter, the plan may be terminated by the

916 municipality. Upon termination of the plan by the municipality
 917 for any reason, or because of a transfer, merger, or
 918 consolidation of governmental units, services, or functions as
 919 provided in chapter 121, or upon written notice to the board of
 920 trustees by the municipality that contributions under the plan
 921 are being permanently discontinued, the rights of all employees
 922 to benefits accrued to the date of such termination or
 923 discontinuance and the amounts credited to the employees'
 924 accounts are nonforfeitable. The fund shall be ~~apportioned and~~
 925 distributed in accordance with the following procedures:

926 (1) The board of trustees shall determine the date of
 927 distribution and the asset value required to fund all the
 928 nonforfeitable benefits ~~to be distributed~~, after taking into
 929 account the expenses of such distribution. The board shall
 930 inform the municipality if additional assets are required, in
 931 which event the municipality shall continue to financially
 932 support the plan until all nonforfeitable benefits have been
 933 funded.

934 (2) The board of trustees shall determine the method of
 935 distribution of the asset value, that is, whether distribution
 936 shall be by payment in cash, by the maintenance of another or
 937 substituted trust fund, by the purchase of insured annuities, or
 938 otherwise, for each police officer entitled to benefits under
 939 the plan, as specified in subsection (3).

940 (3) The board of trustees shall distribute ~~apportion~~ the
 941 asset value as of the date of termination in the manner set
 942 forth in this subsection, on the basis that the amount required
 943 to provide any given retirement income shall mean the

CS/HB 5

2009

944 actuarially computed single-sum value of such retirement income,
945 except that if the method of distribution determined under
946 subsection (2) involves the purchase of an insured annuity, the
947 amount required to provide the given retirement income shall
948 mean the single premium payable for such annuity. The actuarial
949 single-sum value shall not be less than the employee's
950 accumulated contributions to the plan, with interest if provided
951 by the plan, less the value of any plan benefits previously paid
952 to the employee.

953 ~~(a) Apportionment shall first be made in respect of each~~
954 ~~retired police officer receiving a retirement income hereunder~~
955 ~~on such date, each person receiving a retirement income on such~~
956 ~~date on account of a retired (but since deceased) police~~
957 ~~officer, and each police officer who has, by such date, become~~
958 ~~eligible for normal retirement but has not yet retired, in the~~
959 ~~amount required to provide such retirement income, provided~~
960 ~~that, if such asset value is less than the aggregate of such~~
961 ~~amounts, such amounts shall be proportionately reduced so that~~
962 ~~the aggregate of such reduced amounts will be equal to such~~
963 ~~asset value.~~

964 ~~(b) If there is any asset value remaining after the~~
965 ~~apportionment under paragraph (a), apportionment shall next be~~
966 ~~made in respect of each police officer in the service of the~~
967 ~~municipality on such date who has completed at least 10 years of~~
968 ~~credited service, in the municipal police officers' retirement~~
969 ~~trust fund for at least 10 years, and who is not entitled to an~~
970 ~~apportionment under paragraph (a), in the amount required to~~
971 ~~provide the actuarial equivalent of the accrued normal~~

972 ~~retirement income, based on the police officer's credited~~
973 ~~service and earnings to such date, and each former participant~~
974 ~~then entitled to a benefit under the provisions of s. 185.19 who~~
975 ~~has not by such date reached his or her normal retirement date,~~
976 ~~in the amount required to provide the actuarial equivalent of~~
977 ~~the accrued normal retirement income to which he or she is~~
978 ~~entitled under s. 185.19, provided that, if such remaining asset~~
979 ~~value is less than the aggregate of the amounts apportioned~~
980 ~~hereunder, such latter amounts shall be proportionately reduced~~
981 ~~so that the aggregate of such reduced amounts will be equal to~~
982 ~~such remaining asset value.~~

983 ~~(c) If there is an asset value after the apportionments~~
984 ~~under paragraphs (a) and (b), apportionment shall lastly be made~~
985 ~~in respect of each police officer in the service of the~~
986 ~~municipality on such date who is not entitled to an~~
987 ~~apportionment under paragraphs (a) and (b) in the amount equal~~
988 ~~to the police officer's total contributions to the plan to date~~
989 ~~of termination, provided that, if such remaining asset value is~~
990 ~~less than the aggregate of the amounts apportioned hereunder,~~
991 ~~such latter amounts shall be proportionately reduced so that the~~
992 ~~aggregate of such reduced amounts will be equal to such~~
993 ~~remaining asset value.~~

994 ~~(4)(d)~~ In the event that there is asset value remaining
995 after the full distribution ~~apportionment~~ specified in
996 subsection (3), and after the payment of any expenses incurred
997 with such distribution ~~paragraphs (a), (b), and (c),~~ such excess
998 shall be returned to the municipality, less return to the state
999 of the state's contributions, provided that, if the excess is

CS/HB 5

2009

1000 less than the total contributions made by the municipality and
1001 the state to date of termination of the plan, such excess shall
1002 be divided proportionately to the total contributions made by
1003 the municipality and the state.

1004 (5)~~(4)~~ The board of trustees shall distribute, in
1005 accordance with the manner of distribution determined under
1006 subsection (2), the amounts determined ~~apportioned~~ under
1007 subsection (3).

1008
1009 If, after a period of 24 months after the date on which the plan
1010 terminated or the date on which the board received written
1011 notice that the contributions thereunder were being permanently
1012 discontinued, the municipality or the board of trustees of the
1013 municipal police officers' retirement trust fund affected has
1014 not complied with all the provisions in this section, the
1015 Department of Management Services ~~division~~ shall effect the
1016 termination of the fund in accordance with this section.

1017 Section 14. This act shall take effect July 1, 2009.