



101208

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/10/2009	.	
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The Committee on Community Affairs (Bennett) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 763 and 764  
insert:

Section 13. Subsection (1) of section 185.35, Florida Statutes, is amended to read:

185.35 Municipalities having their own pension plans for police officers.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, in order for municipalities with their own pension plans for police officers, or for police officers and firefighters where included, to



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12 participate in the distribution of the tax fund established  
13 pursuant to s. 185.08, local law plans must meet the minimum  
14 benefits and minimum standards set forth in this chapter:

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

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

28 (b) May place the income from the premium tax in s. 185.08  
29 in a separate supplemental plan to pay ~~extra~~ benefits to the  
30 police officers, or police officers and firefighters where  
31 included, participating in such separate supplemental plan.

32  
33 The premium tax provided by this chapter shall in all cases be  
34 used in its entirety to provide ~~extra~~ benefits to police  
35 officers, or to police officers and firefighters, where  
36 included. However, local law plans in effect on October 1, 1998,  
37 shall be required to comply with the minimum benefit provisions  
38 of this chapter only to the extent that additional premium tax  
39 revenues become available to incrementally fund the cost of such  
40 compliance as provided in s. 185.16(2). When a plan is in



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41 compliance with such minimum benefit provisions, as subsequent  
42 additional tax revenues become available, they shall be used to  
43 pay for extra benefits implemented prior to July 1, 2009.  
44 Effective July 1, 2009 through June 30, 2011, any additional  
45 premium tax revenues received in excess of the amount needed for  
46 compliance with the minimum benefit provisions of this chapter  
47 and for extra benefits implemented prior to July 1, 2009, shall  
48 be used to reduce the required contributions of the municipality  
49 to the plan ~~provide extra benefits~~. For the purpose of this  
50 chapter, "additional premium tax revenues" means revenues  
51 received by a municipality pursuant to s. 185.10 which exceed  
52 the amount received for calendar year 1997, and the term "extra  
53 benefits" means benefits implemented prior to July 1, 2009 that  
54 are in addition to or greater than those provided to general  
55 employees of the municipality and in addition to those in  
56 existence for police officers on March 12, 1999. Local law plans  
57 created by special act before May 23, 1939, shall be deemed to  
58 comply with this chapter.

59  
60 ===== T I T L E A M E N D M E N T =====

61 And the title is amended as follows:

62       Between lines 73 and 74

63 insert:

64 amending s. 185.35, F.S.; revising requirements for the use of  
65 certain additional premium tax revenues; providing for the  
66 specified use of such revenues for a two-year period; revising a  
67 definition;