



291852

LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/29/2009 03:24 PM

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Senator Bennett moved the following:

Senate Amendment (with title amendment)

Delete lines 948 - 949

and 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 participate in the distribution of the tax fund established



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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.—

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

22 1. ~~(a)~~ Place the income from the premium tax in s. 185.08 in
23 the ~~such~~ pension plan for the sole and exclusive use of its
24 police 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 2. ~~(b)~~ May place the income from the premium tax in s.
29 185.08 into ~~in~~ a separate supplemental plan to pay extra
30 benefits to the police officers, or police officers and
31 firefighters ~~where included~~, participating in such separate
32 supplemental plan.

33 (b) The premium tax provided by this chapter must ~~shall in~~
34 ~~all cases~~ be used in its entirety to provide extra benefits to
35 police officers, or to police officers and firefighters, ~~where~~
36 included. ~~However,~~

37 1. Local law plans in effect on October 1, 1998, must ~~shall~~
38 ~~be required to~~ comply with the minimum benefit provisions of
39 this chapter only to the extent that additional premium tax
40 revenues become available to incrementally fund the cost of such
41 compliance as provided in s. 185.16(2). If ~~When~~ a plan is in



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42 compliance ~~with such minimum benefit provisions,~~ as subsequent
43 additional tax revenues become available, the revenues they
44 shall be used to provide extra benefits. Notwithstanding any
45 other provision of this chapter, effective July 1, 2009, through
46 June 30, 2011, for plans that are not fully funded, premium tax
47 revenues received in excess of the amount needed for compliance
48 with the minimum benefit provisions and for extra benefits
49 implemented before July 1, 2009, must be used to reduce the
50 required contributions of the municipality to the plan.

51 2. For the purpose of this chapter, "additional premium tax
52 revenues" means revenues received by a municipality pursuant to
53 s. 185.10 which exceed the amount received for calendar year
54 1997, and the term "extra benefits" means benefits in addition
55 to or greater than those provided to general employees of the
56 municipality and in addition to those in existence for police
57 officers on March 12, 1999. Local law plans created by special
58 act before May 23, 1939, are shall be deemed to comply with this
59 chapter.

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

62 And the title is amended as follows:

63 Delete line 78

64 and insert:

65 joint annuitant or beneficiary; amending s. 185.35,
66 F.S.; requiring excess premium taxes to be used to
67 reduce the contributions of a municipality or special
68 fire control district to pension plans that are not
69 fully funded; amending s. 185.37,