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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/03/2009	.	
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The Committee on Community Affairs (Gardiner) recommended the following:

Senate Amendment (with title amendment)

Delete lines 343 - 397
and insert:

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

175.171 Optional forms of retirement income.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or



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12 local law plan under this chapter:

13 (1) In lieu of the amount and form of retirement income
14 payable in the event of normal or early retirement as specified
15 in s. 175.162, a firefighter, upon written request to the board
16 of trustees and subject to the approval of the board of
17 trustees, may elect to receive a retirement income or benefit of
18 equivalent actuarial value payable in accordance with one of the
19 following options:

20 (b) A retirement income of a modified monthly amount,
21 payable to the firefighter during the joint lifetime of the
22 firefighter and a joint annuitant ~~pensioner~~ designated by the
23 firefighter, and following the death of either of them, 100
24 percent, 75 percent, 66 2/3 percent, or 50 percent of such
25 monthly amounts payable to the survivor for the lifetime of the
26 survivor.

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

30 1. The firefighter upon electing any option of this section
31 shall ~~will~~ designate the joint annuitant ~~pensioner~~ or
32 beneficiary ~~(or beneficiaries)~~ to receive the benefit, if any,
33 payable under the plan in the event of his or her death, and may
34 ~~will have the power to~~ change such designation ~~from time to~~
35 ~~time~~, but any such change shall be deemed a new election and is
36 ~~will be~~ subject to approval by the board of trustees. Such
37 designation must ~~will~~ name a joint annuitant ~~pensioner~~ or one or
38 more primary beneficiaries where applicable. If a firefighter
39 has elected an option with a joint annuitant ~~pensioner~~ or
40 beneficiary and his or her retirement income benefits have



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41 commenced, the firefighter may ~~thereafter~~ change the designated
42 joint annuitant pensioner or beneficiary, but only if the board
43 of trustees consents to such change and if the joint annuitant
44 ~~pensioner~~ last previously designated by the firefighter is alive
45 when the firefighter files with the board of trustees a request
46 for such change.

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

49 3. The board of trustees may request ~~such~~ evidence of the
50 good health of the joint annuitant pensioner that is being
51 removed ~~as it may require~~ and the amount of the retirement
52 income payable to the firefighter upon designation of a new
53 joint annuitant pensioner shall be actuarially redetermined
54 taking into account the age and gender ~~sex~~ of the former joint
55 annuitant pensioner, the new joint annuitant pensioner, and the
56 firefighter. Each ~~such~~ designation shall ~~will~~ be made in writing
57 on a form prepared by the board of trustees and ~~on completion~~
58 ~~will be~~ filed with the board of trustees. If ~~In the event that~~
59 no designated beneficiary survives the firefighter, such
60 benefits as are payable in the event of the death of the
61 firefighter subsequent to his or her retirement shall be paid as
62 provided in s. 175.181.

63 4. Notwithstanding the provisions of this paragraph, a
64 retired firefighter may change his or her designation of joint
65 annuitant or beneficiary up to two times as provided in s.
66 175.333 without the approval of the board of trustees or the
67 current joint annuitant or beneficiary. The retiree is not
68 required to provide proof of the good health of the joint
69 annuitant or beneficiary being removed, and the joint annuitant



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70 or beneficiary being removed need not be living.

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

74 (b) If the designated beneficiary ~~(or beneficiaries)~~ or
75 joint annuitant pensioner dies before the firefighter's
76 retirement under the plan, the option elected will be canceled
77 automatically and a retirement income of the normal form and
78 amount will be payable to the firefighter upon retirement as if
79 the election had not been made, unless a new election is made in
80 accordance with the provisions of this section or a new
81 beneficiary is designated by the firefighter prior to retirement
82 and within 90 days after the death of the beneficiary.

83
84 ===== T I T L E A M E N D M E N T =====

85 And the title is amended as follows:

86 Delete line 31

87 and insert:

88 joint annuitant or beneficiary; conforming provisions relating
89 to joint pensioner or beneficiary to reflect joint annuitant or
90 beneficiary; amending s. 175.361,