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1 A bill to be entitled
2 An act relating to retirement; amending s. 121.0515, F.S.;
3 authorizing certain employees to purchase the retirement
4 credit for past service at a 3-percent Special Risk Class
5 accrual value; amending ss. 175.041 and 175.371, F.S.;
6 providing for continued receipt of premium taxes by plans
7 established pursuant to chapter 175, F.S., after the
8 transfer, merger, or consolidation of governmental
9 functions or the plan sponsor's election to participate in
10 another state retirement system; amending ss. 185.03 and
11 185.38, F.S.; providing for continued receipt of premium
12 taxes by plans established pursuant to chapter 185, F.S.,
13 after the transfer, merger, or consolidation of
14 governmental functions or the plan sponsor's election to
15 participate in another state retirement system; providing
16 a declaration of important state interest; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Subsection (5) of section 121.0515, Florida
22 Statutes, is amended to read:

23 121.0515 Special risk membership.--

24 (5) CREDIT FOR PAST SERVICE.--A special risk member may
25 purchase retirement credit in the Special Risk Class based upon
26 past service, and may upgrade retirement credit for such past
27 service, to the extent of 3 ~~2~~ percent of the member's average

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28 | monthly compensation as specified in s. 121.091(1)(a) for such
29 | service as follows:

30 | (a) The member may purchase special risk credit for past
31 | service with a city or special district which has elected to
32 | join the Florida Retirement System, or with a participating
33 | agency to which a member's governmental unit was transferred,
34 | merged, or consolidated as provided in s. 121.081(1)(f), if the
35 | member was employed with the city or special district at the
36 | time it commenced participating in the Florida Retirement System
37 | or with the governmental unit at the time of its transfer,
38 | merger, or consolidation with the participating agency. The
39 | service must satisfy the criteria set forth in subsection (2)
40 | for special risk membership as a law enforcement officer, a
41 | firefighter, a ~~or~~ correctional officer, or an emergency medical
42 | technician or paramedic whose employer was a licensed advanced
43 | life support or basic life support provider; however, no
44 | certificate or waiver of certificate of compliance with s.
45 | 943.1395 or s. 633.35 shall be required for such service.

46 | (b) Contributions for upgrading the additional special
47 | risk credit pursuant to this subsection shall be equal to the
48 | difference in the contributions paid and the special risk
49 | percentage rate of gross salary in effect at the time of
50 | purchase for the period being claimed, plus interest thereon at
51 | the rate of 4 percent a year compounded annually from the date
52 | of such service until July 1, 1975, and 6.5 percent a year
53 | thereafter until the date of payment. This past service may be
54 | purchased by the member or by the employer on behalf of the
55 | member.

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56 Section 2. Subsection (3) of section 175.041, Florida
57 Statutes, is amended to read:

58 175.041 Firefighters' Pension Trust Fund created;
59 applicability of provisions.--For any municipality, special fire
60 control district, chapter plan, local law municipality, local
61 law special fire control district, or local law plan under this
62 chapter:

63 (3) The provisions of this chapter shall apply only to
64 municipalities organized and established pursuant to the laws of
65 the state and to special fire control districts, and said
66 provisions shall not apply to the unincorporated areas of any
67 county or counties except with respect to special fire control
68 districts that include unincorporated areas, nor shall the
69 provisions hereof apply to any governmental entity whose
70 firefighters are eligible to participate in the Florida
71 Retirement System, except as provided in s. 175.371(2).

72 (a) Special fire control districts that include, or
73 consist exclusively of, unincorporated areas of one or more
74 counties may levy and impose the tax and participate in the
75 retirement programs enabled by this chapter.

76 (b) With respect to the distribution of premium taxes, a
77 single consolidated government consisting of a former county and
78 one or more municipalities, consolidated pursuant to s. 3 or s.
79 6(e), Art. VIII of the State Constitution, is also eligible to
80 participate under this chapter. The consolidated government
81 shall notify the division when it has entered into an interlocal
82 agreement to provide fire services to a municipality within its
83 boundaries. The municipality may enact an ordinance levying the

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84 tax as provided in s. 175.101. Upon being provided copies of the
85 interlocal agreement and the municipal ordinance levying the
86 tax, the division may distribute any premium taxes reported for
87 the municipality to the consolidated government as long as the
88 interlocal agreement is in effect.

89 (c) Any municipality that has entered into an interlocal
90 agreement to provide fire protection services to any other
91 incorporated municipality, in its entirety, for a period of 12
92 months or more may be eligible to receive the premium taxes
93 reported for such other municipality. In order to be eligible
94 for such premium taxes, the municipality providing the fire
95 services must notify the division that it has entered into an
96 interlocal agreement with another municipality. The municipality
97 receiving the fire services may enact an ordinance levying the
98 tax as provided in s. 175.101. Upon being provided copies of the
99 interlocal agreement and the municipal ordinance levying the
100 tax, the division may distribute any premium taxes reported for
101 the municipality receiving the fire services to the
102 participating municipality providing the fire services as long
103 as the interlocal agreement is in effect.

104 Section 3. Subsection (2) of section 175.371, Florida
105 Statutes, is amended to read:

106 175.371 Transfer to another state retirement system;
107 benefits payable.--For any municipality, special fire control
108 district, chapter plan, local law municipality, local law
109 special fire control district, or local law plan under this
110 chapter:

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111 (2) When every active participant in any pension plan
112 created pursuant to this chapter elects to transfer to another
113 state retirement system, the pension plan created pursuant to
114 this chapter shall be terminated and the assets distributed in
115 accordance with s. 175.361. If, upon joining another state
116 retirement system as the result of a transfer, merger, or
117 consolidation of governmental services, or as the result of a
118 municipality's or special fire control district's election to
119 participate in such system, some participants in a pension plan
120 created pursuant to this chapter elect to transfer to another
121 state retirement system and other participants elect to remain
122 in the existing plan created pursuant to this chapter, the plan
123 created pursuant to this chapter shall continue to receive state
124 premium tax moneys until fully funded. If the plan is fully
125 funded at a particular valuation date and not fully funded at a
126 later valuation date, the plan shall resume receipt of state
127 premium tax moneys until the plan is once again fully funded.
128 "Fully funded" means that the present value of all benefits,
129 accrued and projected, is less than the available assets and the
130 present value of future member contributions and future plan
131 sponsor contributions on an actuarial entry age cost funding
132 basis. Effective May 31, 1998, for plans discussed herein, the
133 plan shall remain in effect until the final benefit payment has
134 been made to the last participant or beneficiary and shall then
135 be terminated in accordance with s. 175.361.

136 Section 4. Subsection (2) of section 185.03, Florida
137 Statutes, is amended to read:

138 185.03 Municipal police officers' retirement trust funds;
 139 creation; applicability of provisions; participation by public
 140 safety officers.--For any municipality, chapter plan, local law
 141 municipality, or local law plan under this chapter:

142 (2) The provisions of this chapter shall apply only to
 143 municipalities organized and established pursuant to the laws of
 144 the state, and said provisions shall not apply to the
 145 unincorporated areas of any county or counties nor shall the
 146 provisions hereof apply to any governmental entity whose police
 147 officers are eligible to participate in the Florida Retirement
 148 System, except as provided in s. 185.38(2).

149 Section 5. Subsection (2) of section 185.38, Florida
 150 Statutes, is amended to read:

151 185.38 Transfer to another state retirement system;
 152 benefits payable.--For any municipality, chapter plan, local law
 153 municipality, or local law plan under this chapter:

154 (2) When every active participant in any pension plan
 155 created pursuant to this chapter elects to transfer to another
 156 state retirement system, the pension plan created pursuant to
 157 this chapter shall be terminated and the assets distributed in
 158 accordance with s. 185.37. If, upon joining another state
 159 retirement system as the result of a transfer, merger, or
 160 consolidation of governmental services, or as the result of a
 161 municipality's election to participate in such system, some
 162 participants in a pension plan created pursuant to this chapter
 163 elect to transfer to another state retirement system and other
 164 participants elect to remain in the existing plan created
 165 pursuant to this chapter, the plan created pursuant to this

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166 chapter shall continue to receive state premium tax moneys until
167 fully funded. If the plan is fully funded at a particular
168 valuation date and not fully funded at a later valuation date,
169 the plan shall resume receipt of state premium tax moneys until
170 the plan is once again determined to be fully funded. "Fully
171 funded" means that the present value of all benefits, accrued
172 and projected, is less than the available assets and the present
173 value of future member contributions and future plan sponsor
174 contributions on an actuarial entry age cost funding basis.
175 Effective May 31, 1998, for plans discussed herein, the plan
176 shall remain in effect until the final benefit payment has been
177 made to the last participant or beneficiary and shall then be
178 terminated in accordance with s. 185.37.

179 Section 6. The Legislature finds that a proper and
180 legitimate state purpose is served when employees and retirees
181 of the state and of its political subdivisions, and the
182 dependents, survivors, and beneficiaries of such employees and
183 retirees, are extended the basic protections afforded by
184 governmental retirement systems that provide fair and adequate
185 benefits and that are managed, administered, and funded in an
186 actuarially sound manner as required by s. 14, Art. X of the
187 State Constitution and part VII of chapter 112, Florida
188 Statutes. Therefore, the Legislature determines and declares
189 that the provisions of this act fulfill an important state
190 interest.

191 Section 7. This act shall take effect July 1, 2009.