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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2011	.	
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The Committee on Budget (Richter) recommended the following:

1           **Senate Amendment to Amendment (138858) (with title**  
2 **amendment)**

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4           Between lines 236 and 237  
5 insert:

6           Section 6. Paragraph (b) of subsection (1) of section  
7 175.061, Florida Statutes, is amended to read:

8           175.061 Board of trustees; members; terms of office;  
9 meetings; legal entity; costs; attorney's fees.—For any  
10 municipality, special fire control district, chapter plan, local  
11 law municipality, local law special fire control district, or  
12 local law plan under this chapter:

13           (1) In each municipality and in each special fire control



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14 district there is hereby created a board of trustees of the  
15 firefighters' pension trust fund, which shall be solely  
16 responsible for administering the trust fund. Effective October  
17 1, 1986, and thereafter:

18 (b) The membership of boards of trustees for local law  
19 plans shall be as follows:

20 1. If a municipality or special fire control district has a  
21 pension plan for firefighters only, the provisions of paragraph  
22 (a) ~~shall~~ apply.

23 2. If a municipality has a pension plan for firefighters  
24 and police officers, the provisions of paragraph (a) ~~shall~~  
25 apply, except that one member of the board must ~~shall~~ be a  
26 firefighter ~~as defined in s. 175.032~~ and one member of the board  
27 must ~~shall~~ be a police officer as defined in s. 185.02,  
28 respectively elected by a majority of the active firefighters or  
29 police officers who are members of the plan.

30 3. A ~~Any~~ board of trustees operating a local law plan on  
31 July 1, 1999, which is combined with a plan for general  
32 employees shall hold an election of the firefighters, or  
33 firefighters and police officers, if included, to determine  
34 whether a plan is to be established for firefighters only, or  
35 for firefighters and police officers where included. Based on  
36 the election results, a new board shall be established as  
37 provided in subparagraph 1. or subparagraph 2., as appropriate.  
38 The municipality or fire control district shall enact an  
39 ordinance or resolution to implement the new board by October 1,  
40 1999. The newly established board shall take whatever action is  
41 necessary to determine the amount of assets ~~which is~~  
42 attributable to firefighters, or firefighters and police



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43 officers where included. Such assets ~~shall~~ include all employer,  
44 employee, and state contributions made by or on behalf of  
45 firefighters, or firefighters and police officers where  
46 included, and any investment income derived from such  
47 contributions. All such moneys shall be transferred into the  
48 newly established retirement plan, as directed by the board.  
49

50 With respect to a any board of trustees operating a local law  
51 plan on June 30, 1986, ~~nothing in this paragraph~~ does not shall  
52 permit the reduction of the membership percentage of  
53 firefighters, or of firefighters and police officers where a  
54 joint or mixed fund exists. However, for the sole purpose of  
55 changing municipal representation, a municipality may, by  
56 ordinance, change the municipal representation on the board of  
57 trustees operating a local law plan by ordinance, only if such  
58 change does not reduce the membership percentage of  
59 firefighters, or firefighters and police officers.  
60

61 Between lines 401 and 402

62 insert:

63 Section 8. Paragraph (b) of subsection (1) of section  
64 185.05, Florida Statutes, is amended to read:

65 185.05 Board of trustees; members; terms of office;  
66 meetings; legal entity; costs; attorney's fees.—For any  
67 municipality, chapter plan, local law municipality, or local law  
68 plan under this chapter:

69 (1) In each municipality described in s. 185.03 there is  
70 hereby created a board of trustees of the municipal police  
71 officers' retirement trust fund, which shall be solely



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72 responsible for administering the trust fund. Effective October  
73 1, 1986, and thereafter:

74 (b) The membership of boards of trustees for local law  
75 plans is ~~shall be~~ as follows:

76 1. If a municipality has a pension plan for police officers  
77 only, the provisions of paragraph (a) shall apply.

78 2. If a municipality has a pension plan for police officers  
79 and firefighters, the provisions of paragraph (a) ~~shall~~ apply,  
80 except that one member of the board shall be a police officer ~~as~~  
81 ~~defined in s. 185.02~~ and one member shall be a firefighter as  
82 defined in s. 175.032, respectively, elected by a majority of  
83 the active firefighters and police officers who are members of  
84 the plan.

85 3. Any board of trustees operating a local law plan on July  
86 1, 1999, which is combined with a plan for general employees  
87 shall hold an election of the police officers, or police  
88 officers and firefighters if included, to determine whether a  
89 plan is to be established for police officers only, or for  
90 police officers and firefighters where included. Based on the  
91 election results, a new board shall be established as provided  
92 in subparagraph 1. or subparagraph 2., as appropriate. The  
93 municipality shall enact an ordinance to implement the new board  
94 by October 1, 1999. The newly established board shall take  
95 whatever action is necessary to determine the amount of assets  
96 which is attributable to police officers, or police officers and  
97 firefighters where included. Such assets shall include all  
98 employer, employee, and state contributions made by or on behalf  
99 of police officers, or police officers and firefighters where  
100 included, and any investment income derived from such



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101 contributions. All such moneys shall be transferred into the  
102 newly established retirement plan, as directed by the board.

103  
104 With respect to any board of trustees operating a local law plan  
105 on June 30, 1986, ~~nothing in this paragraph does not shall~~  
106 permit the reduction of the membership percentage of police  
107 officers or police officers and firefighters. However, for the  
108 sole purpose of changing municipal representation, a  
109 municipality may, by ordinance, change the municipal  
110 representation on the board of trustees operating a local law  
111 plan by ordinance, only if such change does not reduce the  
112 membership percentage of police officers, or police officers and  
113 firefighters.

114  
115 ===== T I T L E A M E N D M E N T =====

116 And the title is amended as follows:

117 Delete lines 660 - 668

118 and insert:

119 purposes of firefighters' pensions; amending s.  
120 175.061, F.S.; authorizing a municipality to change  
121 the municipality's membership on the board of trustees  
122 operating its firefighters' pension plan under certain  
123 circumstances; amending s. 175.351, F.S.; revising  
124 provisions relating to benefits paid from the premium  
125 tax by a municipality or special fire control district  
126 that has its own pension plan; providing for funding a  
127 plan's actuarial accrued liability; conforming a  
128 cross-reference; amending s. 185.02, F.S.; revising  
129 the definition of the terms "compensation" and



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130 "salary" for purposes of police officers' pensions;  
131 amending s. 185.05, F.S.; authorizing a municipality  
132 to change the municipality's membership on the board  
133 of trustees operating its police officers' pension  
134 plan under certain circumstances; amending s. 185.35,  
135 F.S.;