

1 A bill to be entitled
2 An act relating to public retirement plans; amending s.
3 175.032, F.S.; revising the definition of the term
4 "compensation" or "salary" for purposes of firefighters'
5 pensions; amending s. 175.061, F.S.; authorizing a
6 municipality to change the municipal representation of the
7 board of trustees pursuant to certain requirements;
8 providing duties of the board of trustees relating to the
9 reporting of expenses and the operation under an
10 administrative expense budget; amending s. 175.071, F.S.;
11 revising requirements of the board relating to the
12 employment of legal counsel, actuaries, and other
13 advisers; amending s. 175.091, F.S.; removing an
14 adjustment requirement for member contribution rates to a
15 retirement plan for firefighters; amending s. 175.351,
16 F.S.; revising provisions relating to benefits paid from
17 the premium tax by a municipality or special fire control
18 district that has its own pension plan; providing
19 definitions; providing a process for determining the
20 allocation of the premium tax revenues to a supplemental
21 plan; requiring plan sponsors to establish a defined
22 contribution supplemental plan; amending s. 185.02, F.S.;
23 revising the definition of the term "compensation" or
24 "salary" for purposes of police officers' pensions;
25 amending s. 185.05, F.S.; authorizing a municipality to
26 change the municipal representation of the board of
27 trustees pursuant to certain requirements; providing
28 duties of the board of trustees relating to the reporting

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29 of expenses and the operation under an administrative
30 expense budget; amending s. 185.06, F.S.; revising
31 requirements of the board relating to the employment of
32 legal counsel, actuaries, and other advisers; amending s.
33 185.07, F.S.; removing an adjustment requirement for
34 member contribution rates to a retirement plan for police
35 officers; amending s. 185.35, F.S.; revising provisions
36 relating to benefits paid by a municipality that has its
37 own pension plan; providing definitions; providing a
38 process for determining the allocation of the premium tax
39 revenues to a supplemental plan; requiring plan sponsors
40 to establish a defined contribution supplemental plan;
41 creating the Task Force on Public Employee Disability
42 Presumptions; providing for appointment and membership;
43 specifying the issues for the task force to address;
44 providing for a report to be submitted to the Governor,
45 Chief Financial Officer, and Legislature by a certain
46 date; providing for future expiration; providing a
47 declaration of important state interest; providing an
48 effective date.

49
50 Be It Enacted by the Legislature of the State of Florida:

51
52 Section 1. Subsection (3) of section 175.032, Florida
53 Statutes, is amended to read:

54 175.032 Definitions.—For any municipality, special fire
55 control district, chapter plan, local law municipality, local
56 law special fire control district, or local law plan under this

57 | chapter, the following words and phrases have the following
 58 | meanings:

59 | (3) "Compensation" or "salary" means, for noncollectively
 60 | bargained service earned before July 1, 2011, or for service
 61 | earned under collective bargaining agreements in place before
 62 | July 1, 2011, the fixed monthly remuneration paid a firefighter.
 63 | ~~If ; where, as in the case of a volunteer firefighter,~~
 64 | remuneration is based on actual services rendered, as in the
 65 | case of a volunteer firefighter, the term means the total cash
 66 | remuneration received yearly for such services, prorated on a
 67 | monthly basis. For noncollectively bargained service earned on
 68 | or after July 1, 2011, or for service earned under collective
 69 | bargaining agreements entered into on or after July 1, 2011, the
 70 | term has the same meaning except that overtime compensation and
 71 | payments for unused sick or annual leave may be included for
 72 | purposes of calculating retirement benefits as specified in the
 73 | plan or collective bargaining agreement.

74 | ~~(a) A retirement trust fund or plan may use a definition~~
 75 | ~~of salary other than the definition in this subsection but only~~
 76 | ~~if the monthly retirement income payable to each firefighter~~
 77 | ~~covered by the retirement trust fund or plan, as determined~~
 78 | ~~under s. 175.162(2) (a) and using such other definition, equals~~
 79 | ~~or exceeds the monthly retirement income that would be payable~~
 80 | ~~to each firefighter if his or her monthly retirement income were~~
 81 | ~~determined under s. 175.162(2) (a) and using the definition in~~
 82 | ~~this subsection.~~

83 | ~~(a)(b)~~ Any retirement trust fund or plan that ~~which now or~~
 84 | ~~hereafter~~ meets the requirements of this chapter does ~~shall~~ not,

85 solely by virtue of this subsection, reduce or diminish the
 86 monthly retirement income otherwise payable to each firefighter
 87 covered by the retirement trust fund or plan.

88 (b)~~(e)~~ The member's compensation or salary contributed as
 89 employee-elective salary reductions or deferrals to any salary
 90 reduction, deferred compensation, or tax-sheltered annuity
 91 program authorized under the Internal Revenue Code shall be
 92 deemed to be the compensation or salary the member would receive
 93 if he or she were not participating in such program and shall be
 94 treated as compensation for retirement purposes under this
 95 chapter.

96 (c)~~(d)~~ For any person who first becomes a member in any
 97 plan year beginning on or after January 1, 1996, compensation
 98 for that ~~any~~ plan year may ~~shall~~ not include any amounts in
 99 excess of the Internal Revenue Code s. 401(a)(17) limitation,
 100 ~~(as amended by the Omnibus Budget Reconciliation Act of 1993),~~
 101 which limitation of \$150,000 shall be adjusted as required by
 102 federal law for qualified government plans and shall be further
 103 adjusted for changes in the cost of living in the manner
 104 provided by Internal Revenue Code s. 401(a)(17)(B). For any
 105 person who first became a member before ~~prior to~~ the first plan
 106 year beginning on or after January 1, 1996, the limitation on
 107 compensation may ~~shall be~~ not be less than the maximum
 108 compensation amount that was allowed to be taken into account
 109 under the plan as in effect on July 1, 1993, which limitation
 110 shall be adjusted for changes in the cost of living since 1989
 111 in the manner provided by Internal Revenue Code s.
 112 401(a)(17)(1991).

113 Section 2. Paragraph (b) of subsection (1) of section
 114 175.061, Florida Statutes, is amended, subsections (4), (5),
 115 (6), and (7) of that section are renumbered as subsections (5),
 116 (6), (7), and (8), respectively, and a new subsection (4) is
 117 added to that section, to read:

118 175.061 Board of trustees; members; terms of office;
 119 meetings; legal entity; costs; attorney's fees.—For any
 120 municipality, special fire control district, chapter plan, local
 121 law municipality, local law special fire control district, or
 122 local law plan under this chapter:

123 (1) In each municipality and in each special fire control
 124 district there is hereby created a board of trustees of the
 125 firefighters' pension trust fund, which shall be solely
 126 responsible for administering the trust fund. Effective October
 127 1, 1986, and thereafter:

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

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

133 2. If a municipality has a pension plan for firefighters
 134 and police officers, the provisions of paragraph (a) ~~shall~~
 135 apply, except that one member of the board must ~~shall~~ be a
 136 firefighter ~~as defined in s. 175.032~~ and one member of the board
 137 must ~~shall~~ be a police officer as defined in s. 185.02,
 138 respectively elected by a majority of the active firefighters or
 139 police officers who are members of the plan.

140 3. A ~~Any~~ board of trustees operating a local law plan on

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141 July 1, 1999, which is combined with a plan for general
 142 employees shall hold an election of the firefighters, or
 143 firefighters and police officers, if included, to determine
 144 whether a plan is to be established for firefighters only, or
 145 for firefighters and police officers where included. Based on
 146 the election results, a new board shall be established as
 147 provided in subparagraph 1. or subparagraph 2., as appropriate.
 148 The municipality or fire control district shall enact an
 149 ordinance or resolution to implement the new board by October 1,
 150 1999. The newly established board shall take whatever action is
 151 necessary to determine the amount of assets ~~which is~~
 152 attributable to firefighters, or firefighters and police
 153 officers where included. Such assets ~~shall~~ include all employer,
 154 employee, and state contributions made by or on behalf of
 155 firefighters, or firefighters and police officers where
 156 included, and any investment income derived from such
 157 contributions. All such moneys shall be transferred into the
 158 newly established retirement plan, as directed by the board.
 159

160 With respect to a any board of trustees operating a local law
 161 plan on June 30, 1986, ~~nothing in~~ this paragraph does not shall
 162 permit the reduction of the membership percentage of
 163 firefighters, or of firefighters and police officers where a
 164 joint or mixed fund exists. However, for the purpose of changing
 165 municipal representation only, a municipality may change the
 166 municipal representation on the board of trustees operating a
 167 local law plan by ordinance, only if such change does not reduce
 168 the membership percentage of firefighters, or firefighters and

169 police officers, or the membership percentage of the municipal
 170 representation.

171 (4) The board of trustees shall:

172 (a) Provide a detailed accounting report of its expenses
 173 for each fiscal year to the plan sponsor and the Department of
 174 Management Services and make the report available to every
 175 member of the plan. The report must include, but need not be
 176 limited to, all administrative expenses which, for purposes of
 177 this subsection, are all expenses relating to any legal counsel,
 178 actuary, plan administrator, and all other consultants, and all
 179 travel and other expenses paid to or on behalf of the members of
 180 the board of trustees or anyone else on behalf of the plan.

181 (b) Operate under an administrative expense budget for
 182 each fiscal year, provide a copy of the budget to the plan
 183 sponsor, and make available a copy of the budget to plan
 184 members, before the beginning of the fiscal year. The
 185 administrative expense budget must regulate the administrative
 186 expenses of the board of trustees. If the board of trustees
 187 amends the administrative expense budget, the board must provide
 188 a copy of the amended budget to the plan sponsor and make
 189 available a copy of the amended budget to plan members before
 190 the amendment taking effect.

191 Section 3. Subsection (7) of section 175.071, Florida
 192 Statutes, is amended to read:

193 175.071 General powers and duties of board of trustees.—
 194 For any municipality, special fire control district, chapter
 195 plan, local law municipality, local law special fire control
 196 district, or local law plan under this chapter:

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197 (7) To assist the board in meeting its responsibilities
 198 under this chapter, the board, if it so elects, and subject to
 199 s. 175.061(4), may:

200 (a) Employ independent legal counsel at the pension fund's
 201 expense.

202 (b) Employ an independent actuary, as defined in s.
 203 175.032(7), at the pension fund's expense.

204 (c) Employ such independent professional, technical, or
 205 other advisers as it deems necessary at the pension fund's
 206 expense.

207
 208 If the board chooses to use the municipality's or special
 209 district's legal counsel or actuary, or chooses to use any of
 210 the municipality's or special district's other professional,
 211 technical, or other advisers, it must do so only under terms and
 212 conditions acceptable to the board.

213 Section 4. Paragraph (b) of subsection (2) of section
 214 175.091, Florida Statutes, is amended to read:

215 175.091 Creation and maintenance of fund.—For any
 216 municipality, special fire control district, chapter plan, local
 217 law municipality, local law special fire control district, or
 218 local law plan under this chapter:

219 (2) Member contribution rates may be adjusted as follows:

220 (b) Firefighter member contributions may be increased by
 221 consent of the members' collective bargaining representative or,
 222 if none, by majority consent of firefighter members of the fund
 223 ~~to provide greater benefits.~~

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225 Nothing in this section shall be construed to require adjustment
 226 of member contribution rates in effect on the date this act
 227 becomes a law, including rates that exceed 5 percent of salary,
 228 provided that such rates are at least one-half of 1 percent of
 229 salary.

230 Section 5. Section 175.351, Florida Statutes, is amended
 231 to read:

232 175.351 Municipalities and special fire control districts
 233 having their own pension plans for firefighters.—For any
 234 municipality, special fire control district, local law
 235 municipality, local law special fire control district, or local
 236 law plan under this chapter, in order for municipalities and
 237 special fire control districts with their own pension plans for
 238 firefighters, or for firefighters and police officers, where
 239 included, to participate in the distribution of the tax fund
 240 established pursuant to s. 175.101, local law plans must meet
 241 the minimum benefits and minimum standards set forth in this
 242 chapter.

243 (1) Notwithstanding any other provision, retirement
 244 benefits provided pursuant to this chapter and the use of the
 245 income from the premium tax in s. 175.101 must be determined and
 246 implemented in accordance with the collective bargaining
 247 process, and where collective bargaining is not applicable, in
 248 accordance with the pension plan, except as provided in
 249 subsection (2). ~~PREMIUM TAX INCOME. If a municipality has a~~
 250 ~~pension plan for firefighters, or a pension plan for~~
 251 ~~firefighters and police officers, where included, which in the~~
 252 ~~opinion of the division meets the minimum benefits and minimum~~

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253 ~~standards set forth in this chapter, the board of trustees of~~
 254 ~~the pension plan, as approved by a majority of firefighters of~~
 255 ~~the municipality, may:~~

256 ~~(a) Place the income from the premium tax in s. 175.101 in~~
 257 ~~such pension plan for the sole and exclusive use of its~~
 258 ~~firefighters, or for firefighters and police officers, where~~
 259 ~~included, where it shall become an integral part of that pension~~
 260 ~~plan and shall be used to pay extra benefits to the firefighters~~
 261 ~~included in that pension plan; or~~

262 ~~(b) Place the income from the premium tax in s. 175.101 in~~
 263 ~~a separate supplemental plan to pay extra benefits to~~
 264 ~~firefighters, or to firefighters and police officers where~~
 265 ~~included, participating in such separate supplemental plan.~~

266
 267 ~~The premium tax provided by this chapter shall in all cases be~~
 268 ~~used in its entirety to provide extra benefits to firefighters,~~
 269 ~~or to firefighters and police officers, where included.~~

270 ~~(2) For However,~~ local law plans in effect on October 1,
 271 1998, that do not ~~shall be required to~~ comply with the minimum
 272 benefit provisions of this chapter, as only to the extent that
 273 additional premium tax revenues become available, such revenues
 274 shall be used to incrementally fund the cost of such compliance
 275 as provided in s. 175.162(2) (a). "Additional premium tax
 276 revenues" means revenues received by a municipality or special
 277 fire control district pursuant to s. 175.121 that exceed that
 278 amount received for the calendar year of 1997. Once a plan is in
 279 compliance with the minimum benefit provisions of this chapter,
 280 the provisions of subsection (1) apply. ~~When a plan is in~~

281 ~~compliance with such minimum benefit provisions, as subsequent~~
 282 ~~additional premium tax revenues become available, they shall be~~
 283 ~~used to provide extra benefits. For the purpose of this chapter,~~
 284 ~~"additional premium tax revenues" means revenues received by a~~
 285 ~~municipality or special fire control district pursuant to s.~~
 286 ~~175.121 which exceed that amount received for calendar year~~
 287 ~~1997, and the term "extra benefits" means benefits in addition~~
 288 ~~to or greater than those provided to general employees of the~~
 289 ~~municipality and in addition to those in existence for~~
 290 ~~firefighters on March 12, 1999.~~

291 (3) Local law plans created by special act before May 27
 292 23, 1939, shall be deemed to comply with this chapter.

293 (4) ~~(2)~~ A ADOPTION OR REVISION OF A LOCAL LAW PLAN. ~~No~~
 294 retirement plan or amendment to a retirement plan may not shall
 295 be proposed for adoption unless the proposed plan or amendment
 296 contains an actuarial estimate of the costs involved. The ~~No~~
 297 ~~such~~ proposed plan or proposed plan change may not shall be
 298 adopted without the approval of the municipality, special fire
 299 control district, or, where permitted, the Legislature. Copies
 300 of the proposed plan or proposed plan change and the actuarial
 301 impact statement of the proposed plan or proposed plan change
 302 shall be furnished to the division before ~~prior to~~ the last
 303 public hearing thereon. Such statement must shall also indicate
 304 whether the proposed plan or proposed plan change is in
 305 compliance with s. 14, Art. X of the State Constitution and
 306 those provisions of part VII of chapter 112 which are not
 307 expressly provided in this chapter. Notwithstanding any other
 308 provision, only those local law plans created by special act of

309 | legislation before ~~prior to~~ May 27 ~~23~~, 1939, are ~~shall be~~ deemed
 310 | to meet the minimum benefits and minimum standards only in this
 311 | chapter.

312 | ~~(5)(3)~~ Notwithstanding any other provision, with respect
 313 | to any supplemental plan municipality:

314 | (a) Section 175.032(3) (a) does ~~shall~~ not apply, and a
 315 | local law plan and a supplemental plan may continue to use their
 316 | definition of compensation or salary in existence on March 12,
 317 | 1999 ~~the effective date of this act.~~

318 | (b) Section 175.061(1) (b) does ~~shall~~ not apply, and a
 319 | local law plan and a supplemental plan shall continue to be
 320 | administered by a board or boards of trustees numbered,
 321 | constituted, and selected as the board or boards were numbered,
 322 | constituted, and selected on December 1, 2000.

323 | (c) The election set forth in paragraph (1) (b) is ~~shall be~~
 324 | deemed to have been made.

325 | (d) The annual amount of premium tax revenues allocated to
 326 | the supplemental plan shall be determined through collective
 327 | bargaining, where applicable, and by the plan sponsor where
 328 | collective bargaining does not apply, provided the annual amount
 329 | of premium tax revenues allocated to the supplemental plan is
 330 | not less than the amount received for the 1997 calendar year
 331 | plus 50 percent of the additional premium tax revenues.

332 | (e) Each plan sponsor must establish a defined
 333 | contribution supplemental plan by October 1, 2011. However, the
 334 | plan sponsor of any plan established by special act of the
 335 | Legislature has until July 1, 2012, to create a defined
 336 | contribution supplemental plan. The defined contribution

337 supplemental plan shall be funded as provided in paragraph (d),
 338 subject to the provisions of any collective bargaining agreement
 339 in effect on July 1, 2011.

340 ~~(6)~~~~(4)~~ The retirement plan setting forth the benefits and
 341 the trust agreement, if any, covering the duties and
 342 responsibilities of the trustees and the regulations of the
 343 investment of funds must be in writing, and copies ~~thereof must~~
 344 ~~be~~ made available to the participants and to the general public.

345 Section 6. Subsection (4) of section 185.02, Florida
 346 Statutes, is amended to read:

347 185.02 Definitions.—For any municipality, chapter plan,
 348 local law municipality, or local law plan under this chapter,
 349 the following words and phrases as used in this chapter shall
 350 have the following meanings, unless a different meaning is
 351 plainly required by the context:

352 (4) "Compensation" or "salary" means, for noncollectively
 353 bargained service earned before July 1, 2011, or for service
 354 earned under collective bargaining agreements in place before
 355 July 1, 2011, the total cash remuneration including "overtime"
 356 paid by the primary employer to a police officer for services
 357 rendered, but not including any payments for extra duty or a
 358 special detail work performed on behalf of a second party
 359 employer. ~~However,~~ A local law plan may limit the amount of
 360 overtime payments which can be used for retirement benefit
 361 calculation purposes; however, ~~but in no event shall~~ such
 362 overtime limit may not be less than 300 hours per officer per
 363 calendar year. For noncollectively bargained service earned on
 364 or after July 1, 2011, or for service earned under collective

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365 bargaining agreements entered into on or after July 1, 2011, the
 366 term has the same meaning except that overtime compensation and
 367 payments for unused sick or annual leave may be included for
 368 purposes of calculating retirement benefits as specified in the
 369 plan or collective bargaining agreement.

370 (a) Any retirement trust fund or plan that ~~which now or~~
 371 ~~hereafter~~ meets the requirements of this chapter does ~~shall~~ not,
 372 solely by virtue of this subsection, reduce or diminish the
 373 monthly retirement income otherwise payable to each police
 374 officer covered by the retirement trust fund or plan.

375 (b) The member's compensation or salary contributed as
 376 employee-elective salary reductions or deferrals to any salary
 377 reduction, deferred compensation, or tax-sheltered annuity
 378 program authorized under the Internal Revenue Code shall be
 379 deemed to be the compensation or salary the member would receive
 380 if he or she were not participating in such program and shall be
 381 treated as compensation for retirement purposes under this
 382 chapter.

383 (c) For any person who first becomes a member in any plan
 384 year beginning on or after January 1, 1996, compensation for
 385 that any plan year may ~~shall~~ not include any amounts in excess
 386 of the Internal Revenue Code s. 401(a)(17) limitation, ~~(as~~
 387 ~~amended by the Omnibus Budget Reconciliation Act of 1993),~~ which
 388 limitation of \$150,000 shall be adjusted as required by federal
 389 law for qualified government plans and shall be further adjusted
 390 for changes in the cost of living in the manner provided by
 391 Internal Revenue Code s. 401(a)(17)(B). For any person who first
 392 became a member before ~~prior to~~ the first plan year beginning on

393 or after January 1, 1996, the limitation on compensation may
 394 ~~shall be~~ not be less than the maximum compensation amount that
 395 was allowed to be taken into account under the plan as in effect
 396 on July 1, 1993, which limitation shall be adjusted for changes
 397 in the cost of living since 1989 in the manner provided by
 398 Internal Revenue Code s. 401(a)(17)(1991).

399 Section 7. Paragraph (b) of subsection (1) of section
 400 185.05, Florida Statutes, is amended, subsections (4), (5), (6),
 401 and (7) of that section are renumbered as subsections (5), (6),
 402 (7), and (8), respectively, and a new subsection (4) is added to
 403 that section, to read:

404 185.05 Board of trustees; members; terms of office;
 405 meetings; legal entity; costs; attorney's fees.—For any
 406 municipality, chapter plan, local law municipality, or local law
 407 plan under this chapter:

408 (1) In each municipality described in s. 185.03 there is
 409 hereby created a board of trustees of the municipal police
 410 officers' retirement trust fund, which shall be solely
 411 responsible for administering the trust fund. Effective October
 412 1, 1986, and thereafter:

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

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

417 2. If a municipality has a pension plan for police
 418 officers and firefighters, the provisions of paragraph (a) ~~shall~~
 419 apply, except that one member of the board must ~~shall~~ be a
 420 police officer ~~as defined in s. 185.02~~ and one member must ~~shall~~

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421 be a firefighter as defined in s. 175.032, respectively, elected
 422 by a majority of the active firefighters and police officers who
 423 are members of the plan.

424 3. A ~~Any~~ board of trustees operating a local law plan on
 425 July 1, 1999, which is combined with a plan for general
 426 employees shall hold an election of the police officers, or
 427 police officers and firefighters if included, to determine
 428 whether a plan is to be established for police officers only, or
 429 for police officers and firefighters where included. Based on
 430 the election results, a new board shall be established as
 431 provided in subparagraph 1. or subparagraph 2., as appropriate.
 432 The municipality shall enact an ordinance to implement the new
 433 board by October 1, 1999. The newly established board shall take
 434 whatever action is necessary to determine the amount of assets
 435 ~~which is~~ attributable to police officers, or police officers and
 436 firefighters where included. Such assets ~~shall~~ include all
 437 employer, employee, and state contributions made by or on behalf
 438 of police officers, or police officers and firefighters where
 439 included, and any investment income derived from such
 440 contributions. All such moneys shall be transferred into the
 441 newly established retirement plan, as directed by the board.

442
 443 With respect to a ~~any~~ board of trustees operating a local law
 444 plan on June 30, 1986, ~~nothing in this paragraph~~ does not shall
 445 permit the reduction of the membership percentage of police
 446 officers or police officers and firefighters. However, for the
 447 purpose of changing municipal representation only, a
 448 municipality may change the municipal representation on the

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449 board of trustees operating a local law plan by ordinance, only
450 if such change does not reduce the membership percentage of
451 police officers, or police officers and firefighters, or the
452 membership percentage of the municipal representation.

453 (4) The board of trustees shall:

454 (a) Provide a detailed accounting report of its expenses
455 for each fiscal year to the plan sponsor and the Department of
456 Management Services and make the report available to every
457 member of the plan. The report must include, but need not be
458 limited to, all administrative expenses which, for purposes of
459 this subsection, are all expenses relating to any legal counsel,
460 actuary, plan administrator, and all other consultants, and all
461 travel and other expenses paid to or on behalf of the members of
462 the board of trustees or anyone else on behalf of the plan.

463 (b) Operate under an administrative expense budget for
464 each fiscal year, provide a copy of the budget to the plan
465 sponsor, and make available a copy of the budget to plan
466 members, before the beginning of the fiscal year. The
467 administrative expense budget must regulate the administrative
468 expenses of the board of trustees. If the board of trustees
469 amends the administrative expense budget, the board must provide
470 a copy of the amended budget to the plan sponsor and make
471 available a copy of the amended budget to plan members before
472 the amendment takes effect.

473 Section 8. Subsection (6) of section 185.06, Florida
474 Statutes, is amended to read:

475 185.06 General powers and duties of board of trustees.—For
476 any municipality, chapter plan, local law municipality, or local

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477 law plan under this chapter:

478 (6) To assist the board in meeting its responsibilities
 479 under this chapter, the board, if it so elects, and subject to
 480 s. 185.05(4), may:

481 (a) Employ independent legal counsel at the pension fund's
 482 expense.

483 (b) Employ an independent actuary, as defined in s.
 484 185.02(8), at the pension fund's expense.

485 (c) Employ such independent professional, technical, or
 486 other advisers as it deems necessary at the pension fund's
 487 expense.

488
 489 If the board chooses to use the municipality's or special
 490 district's legal counsel or actuary, or chooses to use any of
 491 the municipality's other professional, technical, or other
 492 advisers, it must do so only under terms and conditions
 493 acceptable to the board.

494 Section 9. Paragraph (b) of subsection (2) of section
 495 185.07, Florida Statutes, is amended to read:

496 185.07 Creation and maintenance of fund.—For any
 497 municipality, chapter plan, local law municipality, or local law
 498 plan under this chapter:

499 (2) Member contribution rates may be adjusted as follows:

500 (b) Police officer member contributions may be increased
 501 by consent of the members' collective bargaining representative
 502 or, if none, by majority consent of police officer members of
 503 the fund ~~to provide greater benefits.~~

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505 Nothing in this section shall be construed to require adjustment
 506 of member contribution rates in effect on the date this act
 507 becomes a law, including rates that exceed 5 percent of salary,
 508 provided that such rates are at least one-half of 1 percent of
 509 salary.

510 Section 10. Section 185.35, Florida Statutes, is amended
 511 to read:

512 185.35 Municipalities having their own pension plans for
 513 police officers.—For any municipality, chapter plan, local law
 514 municipality, or local law plan under this chapter, in order for
 515 municipalities with their own pension plans for police officers,
 516 or for police officers and firefighters where included, to
 517 participate in the distribution of the tax fund established
 518 pursuant to s. 185.08, local law plans must meet the minimum
 519 benefits and minimum standards set forth in this chapter.†

520 (1) Notwithstanding any other provision, retirement
 521 benefits provided pursuant to this chapter and the use of the
 522 income from the premium tax in s. 185.08 must be determined and
 523 implemented in accordance with the collective bargaining
 524 process, and where collective bargaining is not applicable, in
 525 accordance with the pension plan, except as provided in
 526 subsection (2). ~~PREMIUM TAX INCOME.—If a municipality has a~~
 527 ~~pension plan for police officers, or for police officers and~~
 528 ~~firefighters where included, which, in the opinion of the~~
 529 ~~division, meets the minimum benefits and minimum standards set~~
 530 ~~forth in this chapter, the board of trustees of the pension~~
 531 ~~plan, as approved by a majority of police officers of the~~
 532 ~~municipality, may:~~

533 ~~(a) Place the income from the premium tax in s. 185.08 in~~
 534 ~~such pension plan for the sole and exclusive use of its police~~
 535 ~~officers, or its police officers and firefighters where~~
 536 ~~included, where it shall become an integral part of that pension~~
 537 ~~plan and shall be used to pay extra benefits to the police~~
 538 ~~officers included in that pension plan; or~~

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

543
 544 ~~The premium tax provided by this chapter shall in all cases be~~
 545 ~~used in its entirety to provide extra benefits to police~~
 546 ~~officers, or to police officers and firefighters, where~~
 547 ~~included.~~

548 (2) For ~~However,~~ local law plans in effect on October 1,
 549 1998, that do not ~~shall be required to~~ comply with the minimum
 550 benefit provisions of this chapter, as ~~only to the extent that~~
 551 additional premium tax revenues become available, such revenues
 552 shall be used to incrementally fund the cost of such compliance
 553 as provided in s. 185.16(2). "Additional premium tax revenues"
 554 means revenues received by a municipality pursuant to s. 185.10
 555 that exceed that amount received for the calendar year of 1997.
 556 Once a plan is in compliance with the minimum benefit provisions
 557 of this chapter, the provisions of subsection (1) apply. ~~When a~~
 558 ~~plan is in compliance with such minimum benefit provisions, as~~
 559 ~~subsequent additional tax revenues become available, they shall~~
 560 ~~be used to provide extra benefits. For the purpose of this~~

561 ~~chapter, "additional premium tax revenues" means revenues~~
 562 ~~received by a municipality pursuant to s. 185.10 which exceed~~
 563 ~~the amount received for calendar year 1997, and the term "extra~~
 564 ~~benefits" means benefits in addition to or greater than those~~
 565 ~~provided to general employees of the municipality and in~~
 566 ~~addition to those in existence for police officers on March 12,~~
 567 ~~1999.~~

568 (3) Local law plans created by special act before May 27
 569 23, 1939, shall be deemed to comply with this chapter.

570 ~~(4)-(2) A ADOPTION OR REVISION OF A LOCAL LAW PLAN. No~~
 571 ~~retirement plan or amendment to a retirement plan may not shall~~
 572 ~~be proposed for adoption unless the proposed plan or amendment~~
 573 ~~contains an actuarial estimate of the costs involved. The No~~
 574 ~~such proposed plan or proposed plan change may not shall be~~
 575 ~~adopted without the approval of the municipality or, where~~
 576 ~~permitted, the Legislature. Copies of the proposed plan or~~
 577 ~~proposed plan change and the actuarial impact statement of the~~
 578 ~~proposed plan or proposed plan change shall be furnished to the~~
 579 ~~division before ~~prior to~~ the last public hearing thereon. Such~~
 580 ~~statement must shall also indicate whether the proposed plan or~~
 581 ~~proposed plan change is in compliance with s. 14, Art. X of the~~
 582 ~~State Constitution and those provisions of part VII of chapter~~
 583 ~~112 which are not expressly provided in this chapter.~~
 584 ~~Notwithstanding any other provision, only those local law plans~~
 585 ~~created by special act of legislation before ~~prior to~~ May 27 23,~~
 586 ~~1939, are shall be deemed to meet the minimum benefits and~~
 587 ~~minimum standards only in this chapter.~~

588 (5)-(3) Notwithstanding any other provision, with respect

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589 to any supplemental plan municipality:

590 (a) Section 185.02(4)(a) does ~~shall~~ not apply, and a local
591 law plan and a supplemental plan may continue to use their
592 definition of compensation or salary in existence on March 12,
593 1999 ~~the effective date of this act.~~

594 (b) Section 185.05(1)(b) does ~~shall~~ not apply, and a local
595 law plan and a supplemental plan shall continue to be
596 administered by a board or boards of trustees numbered,
597 constituted, and selected as the board or boards were numbered,
598 constituted, and selected on December 1, 2000.

599 (c) The election set forth in paragraph (1)(b) is ~~shall be~~
600 deemed to have been made.

601 (d) The annual amount of premium tax revenues allocated to
602 the supplemental plan shall be determined through collective
603 bargaining, where applicable, and by the plan sponsor where
604 collective bargaining does not apply, provided the annual amount
605 of premium tax revenues allocated to the supplemental plan is
606 not less than the amount received for the 1997 calendar year
607 plus 50 percent of the additional premium tax revenues.

608 (e) Each plan sponsor must establish a defined
609 contribution supplemental plan by October 1, 2011. However, the
610 plan sponsor of any plan established by special act of the
611 Legislature has until July 1, 2012, to create a defined
612 contribution supplemental plan. The defined contribution
613 supplemental plan shall be funded as provided in paragraph (d),
614 subject to the provisions of any collective bargaining agreement
615 in effect on July 1, 2011.

616 (6)-(4) The retirement plan setting forth the benefits and

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617 the trust agreement, if any, covering the duties and
618 responsibilities of the trustees and the regulations of the
619 investment of funds must be in writing and copies made available
620 to the participants and to the general public.

621 Section 11. Task Force on Public Employee Disability
622 Presumptions.—

623 (1) The Task Force on Public Employee Disability
624 Presumptions is created for the purpose of developing findings
625 and issuing recommendations on the disability presumptions in
626 ss. 112.18, 175.231, and 185.34, Florida Statutes.

627 (2) All members of the task force shall be appointed on or
628 before July 15, 2011, and the task force shall hold its first
629 meeting on or before August 15, 2011. The task force shall be
630 composed of eight members as follows:

631 (a) Three members appointed by the President of the
632 Senate, one of whom must be an attorney who primarily represents
633 plaintiffs and who has experience in the relevant laws, one of
634 whom must be a representative of organized labor and a member of
635 a pension plan under chapter 175, Florida Statutes, and one of
636 whom must be from the Florida Association of Counties.

637 (b) Three members appointed by the Speaker of the House of
638 Representatives, one of whom must be an attorney who primarily
639 represents defendants and who has experience in the relevant
640 laws, one of whom must be a representative of organized labor
641 and a member of a pension plan under chapter 185, Florida
642 Statutes, and one of whom must be from the Florida League of
643 Cities.

644 (c) A member employed by the Division of Retirement of the

645 Department of Management Services who has experience in local
 646 government pension plans, appointed by the Governor.

647 (d) A member employed by the Department of Financial
 648 Services who has relevant expertise in state risk management,
 649 appointed by the Chief Financial Officer.

650 (3) The task force shall address issues, including, but
 651 not limited to:

652 (a) Data related to the operation of the statutory
 653 disability presumptions, and the fiscal impact on public
 654 employers in the areas of pensions and workers' compensation.

655 (b) The manner in which other states handle disability
 656 presumptions, and the fiscal impact on those public employers.

657 (c) Proposals for changes to the existing disability
 658 presumptions.

659 (d) Evidentiary standards and burdens of proof necessary
 660 to overcome statutory disability presumptions, and whether
 661 consideration of risk factors and epidemiological data relating
 662 to non-work-related conditions, such as blood cholesterol, body
 663 mass index, history of tobacco and alcohol use, and other
 664 medical conditions or behaviors unique to the individual
 665 employee that are associated with the diseases or conditions
 666 listed in disability presumptions, are appropriate to consider.

667 (4) The Department of Financial Services shall provide
 668 administrative support to the task force.

669 (5) Members of the task force shall serve without
 670 compensation, but are entitled to reimbursement for per diem and
 671 travel expenses in accordance with s. 112.061, Florida Statutes.

672 (6) The task force may obtain data, information, and

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673 assistance from any officer or state agency and any political
674 subdivision thereof. All such officers, agencies, and political
675 subdivisions shall provide the task force with all relevant
676 information and assistance on any matter within their knowledge
677 or control.

678 (7) The task force shall submit a report, including
679 findings and recommendations, to the Governor, the Chief
680 Financial Officer, the President of the Senate, and the Speaker
681 of the House of Representatives by January 1, 2012. The report
682 must include specific recommendations for legislative action
683 during the 2012 Regular Session of the Legislature.

684 (8) The task force is dissolved upon submission of its
685 report.

686 Section 12. The Legislature finds that a proper and
687 legitimate state purpose is served when employees and retirees
688 of the state and its political subdivisions, and the dependents,
689 survivors, and beneficiaries of such employees and retirees, are
690 extended the basic protections afforded by governmental
691 retirement systems that provide fair and adequate benefits and
692 that are managed, administered, and funded in an actuarially
693 sound manner as required by s. 14, Art. X of the State
694 Constitution and part VII of chapter 112, Florida Statutes.
695 Therefore, the Legislature determines and declares that this act
696 fulfill an important state interest.

697 Section 13. This act shall take effect July 1, 2011.