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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2012	.	
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The Committee on Banking and Insurance (Hays) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (6) is added to section 175.351,
Florida Statutes, to read:

175.351 Municipalities and special fire control districts
having their own pension plans for firefighters.—For any
municipality, special fire control district, local law
municipality, local law special fire control district, or local
law plan under this chapter, in order for municipalities and
special fire control districts with their own pension plans for



13 firefighters, or for firefighters and police officers if
14 included, to participate in the distribution of the tax fund
15 established pursuant to s. 175.101, local law plans must meet
16 the minimum benefits and minimum standards set forth in this
17 chapter.

18 (6) Notwithstanding any other provision, with respect to
19 any plan established under this chapter, if the municipality or
20 special fire control district and the plan members' collective
21 bargaining representative or, if none, a majority of the plan
22 members, agree to the retirement benefits provided in the plan
23 or to the use of income from the premium tax provided pursuant
24 to this chapter, the provisions of the agreement shall be deemed
25 to comply with this chapter for all purposes. This subsection is
26 retroactive in application to any agreement entered into or
27 effective on or after October 1, 2010.

28 Section 2. Subsection (4) of section 185.02, Florida
29 Statutes, is amended to read:

30 185.02 Definitions.—For any municipality, chapter plan,
31 local law municipality, or local law plan under this chapter,
32 the following words and phrases as used in this chapter shall
33 have the following meanings, unless a different meaning is
34 plainly required by the context:

35 (4) The term "compensation" or "salary" means, for
36 noncollectively bargained service earned before July 1, 2011, or
37 for service earned under collective bargaining agreements in
38 place before July 1, 2011, the total cash remuneration including
39 "overtime" paid by the primary employer to a police officer for
40 services rendered, but not including any payments for extra duty
41 or special detail work performed on behalf of a second party



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42 employer. A local law plan may limit the amount of overtime
43 payments which can be used for retirement benefit calculation
44 purposes; ~~however, such overtime limit may not be less than 300~~
45 ~~hours per officer per calendar year.~~ For noncollectively
46 bargained service earned on or after July 1, 2011, or for
47 service earned under collective bargaining agreements entered
48 into on or after July 1, 2011, the term has the same meaning
49 except that when calculating retirement benefits, up to 300
50 hours per year in overtime compensation may be included as
51 specified in the plan or collective bargaining agreement, but
52 payments for accrued unused sick or annual leave may not be
53 included.

54 (a) Any retirement trust fund or plan that meets the
55 requirements of this chapter does not, solely by virtue of this
56 subsection, reduce or diminish the monthly retirement income
57 otherwise payable to each police officer covered by the
58 retirement trust fund or plan.

59 (b) The member's compensation or salary contributed as
60 employee-elective salary reductions or deferrals to any salary
61 reduction, deferred compensation, or tax-sheltered annuity
62 program authorized under the Internal Revenue Code shall be
63 deemed to be the compensation or salary the member would receive
64 if he or she were not participating in such program and shall be
65 treated as compensation for retirement purposes under this
66 chapter.

67 (c) For any person who first becomes a member in any plan
68 year beginning on or after January 1, 1996, compensation for
69 that plan year may not include any amounts in excess of the
70 Internal Revenue Code s. 401(a)(17) limitation, as amended by



71 the Omnibus Budget Reconciliation Act of 1993, which limitation
72 of \$150,000 shall be adjusted as required by federal law for
73 qualified government plans and shall be further adjusted for
74 changes in the cost of living in the manner provided by Internal
75 Revenue Code s. 401(a)(17)(B). For any person who first became a
76 member before the first plan year beginning on or after January
77 1, 1996, the limitation on compensation may not be less than the
78 maximum compensation amount that was allowed to be taken into
79 account under the plan as in effect on July 1, 1993, which
80 limitation shall be adjusted for changes in the cost of living
81 since 1989 in the manner provided by Internal Revenue Code s.
82 401(a)(17)(1991).

83 Section 3. Subsection (6) is added to section 185.35,
84 Florida Statutes, to read:

85 185.35 Municipalities having their own pension plans for
86 police officers.—For any municipality, chapter plan, local law
87 municipality, or local law plan under this chapter, in order for
88 municipalities with their own pension plans for police officers,
89 or for police officers and firefighters if included, to
90 participate in the distribution of the tax fund established
91 pursuant to s. 185.08, local law plans must meet the minimum
92 benefits and minimum standards set forth in this chapter:

93 (6) Notwithstanding any other provision, with respect to
94 any plan established under this chapter, if the municipality and
95 the plan members' collective bargaining representative or, if
96 none, a majority of the plan members, agree to the retirement
97 benefits provided in the plan or to the use of income from the
98 premium tax provided pursuant to this chapter, the provisions of
99 the agreement shall be deemed to comply with this chapter for



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100 all purposes. This subsection is retroactive in application to
101 any agreement entered into or effective on or after October 1,
102 2010.

103 Section 4. The Legislature finds that a proper and
104 legitimate state purpose is served when employees and retirees
105 of the state and its political subdivisions, and the dependents,
106 survivors, and beneficiaries of such employees and retirees are
107 extended the basic protections afforded by governmental
108 retirement systems that provide fair and adequate benefits and
109 that are managed, administered, and funded in an actuarially
110 sound manner as required by s. 14, Art. X of the State
111 Constitution and part VII of chapter 112, Florida Statutes.
112 Therefore, the Legislature determines and declares that this act
113 fulfills an important state interest.

114 Section 5. This act shall take effect upon becoming a law.

116 ===== T I T L E A M E N D M E N T =====

117 And the title is amended as follows:

118 Delete everything before the enacting clause
119 and insert:

120 A bill to be entitled
121 An act relating to public retirement plans; amending
122 s. 175.351, F.S.; revising provisions relating to
123 benefits paid from the premium tax by a municipality
124 or special fire control district that has its own
125 pension plan; providing for retroactive application;
126 amending s. 185.02, F.S.; revising the definition of
127 the term "compensation" or "salary" for purposes of
128 police officers' pensions; amending s. 185.35, F.S.;



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129 revising provisions relating to benefits paid by a
130 municipality that has its own pension plan; providing
131 for retroactive application; providing a declaration
132 of important state interest; providing an effective
133 date.