

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Government Operations
2 Subcommittee

3 Representative Rooney offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (2) of section 175.021, Florida
8 Statutes, is amended to read:

9 175.021 Legislative declaration.—

10 (2) This chapter hereby establishes, for all municipal and
11 special district pension plans existing ~~now or hereafter~~ under
12 this chapter, including chapter plans and local law plans,
13 required minimum benefits and minimum standards for the
14 operation and funding of such plans, hereinafter referred to as
15 firefighters' pension trust funds, which must be met as a
16 condition precedent to the plan or plan sponsor receiving a
17 distribution of insurance premium tax revenues under s. 175.121.
18 The required minimum benefits and minimum standards for each
19 plan as set forth in this chapter may not be diminished by local

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20 charter, ordinance, or resolution or by special act of the
21 Legislature, ~~or nor may the minimum benefits or minimum~~
22 ~~standards~~ be reduced or offset by any other local, state, or
23 federal law that may include firefighters in its operation,
24 except as provided under s. 112.65.

25 Section 2. Section 175.032, Florida Statutes, is amended
26 to read:

27 175.032 Definitions.—For any municipality, special fire
28 control district, chapter plan, local law municipality, local
29 law special fire control district, or local law plan under this
30 chapter, the term ~~following words and phrases have the following~~
31 ~~meanings:~~

32 (1) "Additional premium tax revenues" means revenues
33 received by a municipality or special fire control district
34 pursuant to s. 175.121 which exceed base premium tax revenues.

35 ~~(2)-(1)(a)~~ "Average final compensation" for:

36 (a) A full-time firefighter means one-twelfth of the
37 average annual compensation of the 5 best years of the last 10
38 years of creditable service before ~~prior to~~ retirement,
39 termination, or death, or the career average as a full-time
40 firefighter since July 1, 1953, whichever is greater. A year is
41 ~~shall be~~ 12 consecutive months or such other consecutive period
42 of time as is used and consistently applied.

43 (b) ~~"Average final compensation" for~~ A volunteer
44 firefighter means the average salary of the 5 best years of the
45 last 10 best contributing years before a ~~prior to~~ change in
46 status to a permanent full-time firefighter or retirement as a
47 volunteer firefighter or the career average of a volunteer

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48 firefighter, since July 1, 1953, whichever is greater.

49 (3) "Base benefits" means the level of benefits in
50 existence for firefighters on March 12, 1999.

51 (4) "Base premium tax revenues" means revenues received by
52 a municipality or special fire control district pursuant to s.
53 175.121 equal to the amount of such revenues received for
54 calendar year 1997.

55 (5)~~(2)~~ "Chapter plan" means a separate defined benefit
56 pension plan for firefighters which incorporates by reference
57 the provisions of this chapter and has been adopted by the
58 governing body of a municipality or special district. Except as
59 may be specifically authorized in this chapter, the provisions
60 of a chapter plan may not differ from the plan provisions set
61 forth in ss. 175.021-175.341 and 175.361-175.401. Actuarial
62 valuations of chapter plans shall be conducted by the division
63 as provided by s. 175.261(1).

64 (6)~~(3)~~ "Compensation" or "salary" means, for
65 noncollectively bargained service earned before July 1, 2011, or
66 for service earned under collective bargaining agreements in
67 place before July 1, 2011, the fixed monthly remuneration paid a
68 firefighter. If remuneration is based on actual services
69 rendered, as in the case of a volunteer firefighter, the term
70 means the total cash remuneration received yearly for such
71 services, prorated on a monthly basis. For noncollectively
72 bargained service earned on or after July 1, 2011, or for
73 service earned under collective bargaining agreements entered
74 into on or after July 1, 2011, the term has the same meaning
75 except that when calculating retirement benefits, up to 300

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76 hours per year in overtime compensation may be included as
77 specified in the plan or collective bargaining agreement, but
78 payments for accrued unused sick or annual leave may not be
79 included.

80 (a) Any retirement trust fund or plan that meets the
81 requirements of this chapter does not, solely by virtue of this
82 subsection, reduce or diminish the monthly retirement income
83 otherwise payable to each firefighter covered by the retirement
84 trust fund or plan.

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

93 (c) For any person who first becomes a member in any plan
94 year beginning on or after January 1, 1996, compensation for
95 that plan year may not include any amounts in excess of the
96 Internal Revenue Code s. 401(a)(17) limitation, as amended by
97 the Omnibus Budget Reconciliation Act of 1993, which limitation
98 of \$150,000 shall be adjusted as required by federal law for
99 qualified government plans and ~~shall be~~ further adjusted for
100 changes in the cost of living in the manner provided by Internal
101 Revenue Code s. 401(a)(17)(B). For any person who first became a
102 member before the first plan year beginning on or after January
103 1, 1996, the limitation on compensation may not be less than the

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104 maximum compensation amount that was allowed to be taken into
105 account under the plan in effect on July 1, 1993, which
106 limitation shall be adjusted for changes in the cost of living
107 since 1989 in the manner provided by Internal Revenue Code s.
108 401(a)(17)(1991).

109 ~~(7)-(4)~~ "Creditable service" or "credited service" means
110 the aggregate number of years of service, and fractional parts
111 of years of service, of any firefighter, omitting intervening
112 years and fractional parts of years when such firefighter may
113 not have been employed by the municipality or special fire
114 control district, subject to the following conditions:

115 (a) A ~~No~~ firefighter may not ~~will~~ receive credit for years
116 or fractional parts of years of service if he or she has
117 withdrawn his or her contributions to the fund for those years
118 or fractional parts of years of service, unless the firefighter
119 repays into the fund the amount he or she has withdrawn, plus
120 interest determined by the board. The member shall have at least
121 90 days after his or her reemployment to make repayment.

122 (b) A firefighter may voluntarily leave his or her
123 contributions in the fund for ~~a period of~~ 5 years after leaving
124 the employ of the fire department, pending the possibility of
125 being rehired by the same department, without losing credit for
126 the time he or she has participated actively as a firefighter.
127 If the firefighter is not reemployed as a firefighter, with the
128 same department, within 5 years, his or her contributions shall
129 be returned without interest.

130 (c) Credited service under this chapter shall be provided
131 only for service as a firefighter, ~~as defined in subsection (8),~~

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132 or for military service and does not include credit for any
133 other type of service. A municipality ~~may~~, by local ordinance,
134 or a special fire control district ~~may~~, by resolution, may
135 provide for the purchase of credit for military service prior to
136 employment as well as for prior service as a firefighter for
137 some other employer as long as a firefighter is not entitled to
138 receive a benefit for such prior service ~~as a firefighter~~. For
139 purposes of determining credit for prior service as a
140 firefighter, in addition to service as a firefighter in this
141 state, credit may be given for federal, other state, or county
142 service if the prior service is recognized by the Division of
143 State Fire Marshal as provided under chapter 633, or the
144 firefighter provides proof to the board of trustees that his or
145 her service is equivalent to the service required to meet the
146 definition of a firefighter under subsection (12) ~~(8)~~.

147 (8)-(5) "Deferred Retirement Option Plan" or "DROP" means a
148 local law plan retirement option in which a firefighter may
149 elect to participate. A firefighter may retire for all purposes
150 of the plan and defer receipt of retirement benefits into a DROP
151 account while continuing employment with his or her employer.
152 However, a firefighter who enters ~~the~~ DROP and who is otherwise
153 eligible to participate may ~~shall~~ not ~~thereby~~ be precluded from
154 participating, or continuing to participate, in a supplemental
155 plan in existence on, or created after, March 12, 1999 ~~the~~
156 ~~effective date of this act.~~

157 (9) "Defined contribution plan" means the component of a
158 local law plan to which deposits are made to provide benefits
159 for firefighters, or for firefighters and police officers if

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160 both are included. Such component is an element of a local law
161 plan and exists in conjunction with the defined benefit
162 component that meets the required benefits and minimum standards
163 of this chapter. The retirement benefits of the defined
164 contribution plan shall be provided through individual member
165 accounts, in accordance with the applicable provisions of the
166 Internal Revenue Code and related regulations, and are limited
167 to the contributions made into each member's account and the
168 actual accumulated earnings, net of expenses, earned on the
169 member's account.

170 ~~(10)(6)~~ "Division" means the Division of Retirement of the
171 Department of Management Services.

172 ~~(11)(7)~~ "Enrolled actuary" means an actuary who is
173 enrolled under Subtitle C of Title III of the Employee
174 Retirement Income Security Act of 1974 and who is a member of
175 the Society of Actuaries or the American Academy of Actuaries.

176 ~~(12)(8)~~(a) "Firefighter" means any person employed solely
177 by a constituted fire department of any municipality or special
178 fire control district who is certified as a firefighter as a
179 condition of employment in accordance with s. 633.35 and whose
180 duty it is to extinguish fires, to protect life, or to protect
181 property. The term includes all certified, supervisory, and
182 command personnel whose duties include, in whole or in part, the
183 supervision, training, guidance, and management responsibilities
184 of full-time firefighters, part-time firefighters, or auxiliary
185 firefighters but does not include part-time firefighters or
186 auxiliary firefighters. However, for purposes of this chapter
187 only, the term also includes public safety officers who are

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188 responsible for performing both police and fire services, who
189 are certified as police officers or firefighters, and who are
190 certified by their employers to the Chief Financial Officer as
191 participating in this chapter before October 1, 1979. Effective
192 October 1, 1979, public safety officers who have not been
193 certified as participating in this chapter are considered police
194 officers for retirement purposes and are eligible to participate
195 in chapter 185. Any plan may provide that the fire chief has an
196 option to participate, ~~or not,~~ in that plan.

197 (b) "Volunteer firefighter" means any person whose name is
198 carried on the active membership roll of a constituted volunteer
199 fire department or a combination of a paid and volunteer fire
200 department of any municipality or special fire control district
201 and whose duty it is to extinguish fires, to protect life, and
202 to protect property. Compensation for services rendered by a
203 volunteer firefighter does ~~shall~~ not disqualify him or her as a
204 volunteer. A person may ~~shall~~ not be disqualified as a volunteer
205 firefighter solely because he or she has other gainful
206 employment. Any person who volunteers assistance at a fire but
207 is not an active member of a department described herein is not
208 a volunteer firefighter within the meaning of this paragraph.

209 ~~(13)-(9)~~ "Firefighters' Pension Trust Fund" means a trust
210 fund, by whatever name known, as provided under s. 175.041, for
211 the purpose of assisting municipalities and special fire control
212 districts in establishing and maintaining a retirement plan for
213 firefighters.

214 ~~(14)-(10)~~ "Local law municipality" is any municipality in
215 which ~~there exists~~ a local law plan exists.

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216 (15)~~(11)~~ "Local law plan" means a retirement defined
217 benefit pension plan, which includes both a defined benefit plan
218 component and a defined contribution plan component, for
219 firefighters, or for firefighters or police officers if both are
220 where included, as described in s. 175.351, established by
221 municipal ordinance, special district resolution, or special act
222 of the Legislature, which enactment sets forth all plan
223 provisions. Local law plan provisions may vary from the
224 provisions of this chapter if the, provided that required
225 minimum benefits and minimum standards of this chapter are met.
226 However, any such variance must shall provide a greater benefit
227 for firefighters. Actuarial valuations of local law plans shall
228 be conducted by an enrolled actuary as provided in s.
229 175.261(2).

230 (16)~~(12)~~ "Local law special fire control district" is any
231 special fire control district in which ~~there exists~~ a local law
232 plan exists.

233 (17) "Long-term funded ratio" or "funded ratio" means the
234 ratio of the actuarial value of assets of the plan to the
235 actuarial accrued liabilities of the plan, as reported in the
236 most recent actuarial valuation of the plan, deemed to be in
237 compliance with chapter 112 by the Department of Management
238 Services.

239 (18) "Minimum benefits" means the benefits set forth in
240 ss. 175.021-175.341 and ss. 175.361-175.401.

241 (19) "Minimum standards" means the standards set forth in
242 ss. 175.021-175.341 and ss. 175.361-175.401.

243 (20)~~(13)~~ "Property insurance" means property insurance as

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244 defined in s. 624.604 and covers real and personal property
245 within the corporate limits of a any municipality, or within the
246 boundaries of a any special fire control district, within the
247 state. "Multiple peril" means a combination or package policy
248 that includes both property and casualty coverage for a single
249 premium.

250 (21) "Required benefits" means the lesser of the minimum
251 benefits set forth in this chapter and the base benefits of the
252 plan. For local law plans created after March 1, 2013, the
253 required benefits are the minimum benefits set forth in this
254 chapter.

255 (22)-(14) "Retiree" or "retired firefighter" means a
256 firefighter who has entered retirement status. For the purposes
257 of a plan that includes a Deferred Retirement Option Plan
258 (DROP), a firefighter who enters the DROP is ~~shall be~~ considered
259 a retiree for all purposes of the plan. However, a firefighter
260 who enters ~~the~~ DROP and who is otherwise eligible to participate
261 may ~~shall~~ not ~~thereby~~ be precluded from participating, or
262 continuing to participate, in a supplemental plan in existence
263 on, or created after, March 12, 1999 ~~the effective date of this~~
264 ~~act.~~

265 (23)-(15) "Retirement" means a firefighter's separation
266 from city or fire district employment as a firefighter with
267 immediate eligibility for ~~receipt of~~ benefits under the plan.
268 For purposes of a plan that includes a Deferred Retirement
269 Option Plan (DROP), "retirement" means the date a firefighter
270 enters ~~the~~ DROP.

271 (24) "Special benefits" means benefits provided in a

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272 defined contribution plan for firefighters.

273 ~~(25)-(16)~~ "Special fire control district" means a special
274 district, as defined in s. 189.403~~(1)~~, established for the
275 purposes of extinguishing fires, protecting life, and protecting
276 property within the incorporated or unincorporated portions of a
277 ~~any~~ county or combination of counties, or within any combination
278 of incorporated and unincorporated portions of a ~~any~~ county or
279 combination of counties. The term does not include any dependent
280 or independent special district, as those terms are defined in
281 s. 189.403~~(2) and (3)~~, ~~respectively~~, the employees of which are
282 members of the Florida Retirement System pursuant to s.
283 121.051(1) or (2).

284 ~~(26)-(17)~~ "Supplemental plan" means a plan to which
285 deposits are made to provide extra benefits for firefighters, or
286 for firefighters and police officers if both are ~~where~~ included
287 ~~under this chapter~~. Such a plan is an element of a local law
288 plan and exists in conjunction with a defined benefit component
289 ~~plan~~ that meets the required ~~minimum~~ benefits and minimum
290 standards of this chapter. Any supplemental plan in existence on
291 March 1, 2013, shall be deemed to be a defined contribution plan
292 in compliance with s. 175.351(8).

293 ~~(27)-(18)~~ "Supplemental plan municipality" means a ~~any~~
294 local law municipality in which ~~there existed~~ a supplemental
295 plan existed, of any type or nature, as of December 1, 2000.

296 Section 3. Paragraph (b) of subsection (7) of section
297 175.071, Florida Statutes, is amended to read:

298 175.071 General powers and duties of board of trustees.—
299 For any municipality, special fire control district, chapter

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300 plan, local law municipality, local law special fire control
301 district, or local law plan under this chapter:

302 (7) To assist the board in meeting its responsibilities
303 under this chapter, the board, if it so elects, may:

304 (b) Employ an independent enrolled actuary, as defined in
305 s. 175.032~~(7)~~, at the pension fund's expense.

306
307 If the board chooses to use the municipality's or special
308 district's legal counsel or actuary, or chooses to use any of
309 the municipality's or special district's other professional,
310 technical, or other advisers, it must do so only under terms and
311 conditions acceptable to the board.

312 Section 4. Paragraphs (d) through (g) of subsection (1) of
313 section 175.091, Florida Statutes, are amended, and a new
314 paragraph (e) is added to that subsection, to read:

315 175.091 Creation and maintenance of fund.—For any
316 municipality, special fire control district, chapter plan, local
317 law municipality, local law special fire control district, or
318 local law plan under this chapter:

319 (1) The firefighters' pension trust fund in each
320 municipality and in each special fire control district shall be
321 created and maintained in the following manner:

322 (d) By mandatory payment by the municipality or special
323 fire control district of a sum equal to the normal cost of and
324 the amount required to fund any actuarial deficiency shown by an
325 actuarial valuation as provided in part VII of chapter 112 after
326 taking into account the amounts described in paragraphs (b),
327 (c), (f), (g), and (h) and the amounts of the tax proceeds

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328 described in paragraph (a) which must be used to fund defined
329 benefit plan benefits, except as otherwise excluded from
330 consideration in determining the mandatory payment.

331 (e) For local law plans, and in addition to the mandatory
332 payment specified in paragraph (d), by mandatory payment by the
333 municipality or special fire control district of the amount
334 specified in s. 175.351(3), if the long-term funded ratio of the
335 plan is less than 80 percent.

336 (f)~~(e)~~ By all gifts, bequests, and devises when donated to
337 the fund.

338 (g)~~(f)~~ By all accretions to the fund by way of interest or
339 dividends on bank deposits, or otherwise.

340 (h)~~(g)~~ By all other sources or income now or hereafter
341 authorized by law for the augmentation of such firefighters'
342 pension trust fund.

343
344 Nothing in this section shall be construed to require adjustment
345 of member contribution rates in effect on the date this act
346 becomes a law, including rates that exceed 5 percent of salary,
347 provided that such rates are at least one-half of 1 percent of
348 salary.

349 Section 5. Paragraph (a) of subsection (2) of section
350 175.162, Florida Statutes, is amended to read:

351 175.162 Requirements for retirement.—For any municipality,
352 special fire control district, chapter plan, local law
353 municipality, local law special fire control district, or local
354 law plan under this chapter, any firefighter who completes 10 or
355 more years of creditable service as a firefighter and attains

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356 age 55, or completes 25 years of creditable service as a
357 firefighter and attains age 52, and who for such minimum period
358 has been a member of the firefighters' pension trust fund
359 operating under a chapter plan or local law plan, is eligible
360 for normal retirement benefits. Normal retirement under the plan
361 is retirement from the service of the municipality or special
362 fire control district on or after the normal retirement date. In
363 such event, payment of retirement income will be governed by the
364 following provisions of this section:

365 (2) (a) The amount of monthly retirement income payable to
366 a full-time firefighter who retires on or after his or her
367 normal retirement date shall be an amount equal to the number of
368 his or her years of credited service multiplied by 2 percent of
369 his or her average final compensation as a full-time
370 firefighter. ~~However, if current state contributions pursuant to
371 this chapter are not adequate to fund the additional benefits to
372 meet the minimum requirements in this chapter, only such
373 incremental increases shall be required as state moneys are
374 adequate to provide. Such increments shall be provided as state
375 moneys become available.~~

376 Section 6. Section 175.351, Florida Statutes, is amended
377 to read:

378 175.351 Municipalities and special fire control districts
379 that have ~~having~~ their own pension plans for firefighters. ~~For
380 any municipality, special fire control district, local law
381 municipality, local law special fire control district, or local
382 law plan under this chapter,~~ In order for a municipality or
383 municipalities and special fire control district that has its

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384 ~~districts with their own pension plan plans~~ for firefighters, or
385 for firefighters and police officers if both are included, to
386 participate in the distribution of the tax fund established
387 ~~under pursuant to~~ s. 175.101, a local law plan and its plan
388 sponsor plans must meet the required minimum benefits and
389 minimum standards set forth in this chapter.

390 (1) If a municipality has a pension plan for firefighters,
391 or ~~a pension plan~~ for firefighters and police officers if both
392 are included, which in the opinion of the division meets the
393 required minimum benefits and minimum standards set forth in
394 this chapter, the board of trustees of the pension plan, must as
395 ~~approved by a majority of firefighters of the municipality, may:~~

396 ~~(a)~~ place the income from the premium tax in s. 175.101 in
397 such ~~pension~~ plan for the sole and exclusive use of its
398 firefighters, or for firefighters and police officers if both
399 are included, where it shall become an integral part of that
400 ~~pension~~ plan and ~~shall~~ be used to fund benefits for firefighters
401 as follows:

402 (a) The base premium tax revenues must be used to fund
403 base benefits.

404 (b) Of the premium tax revenues received which are in
405 excess of the amount received for the 2012 calendar year, and
406 any accumulations of additional premium tax revenues that have
407 not been applied to fund extra benefits:

408 1. If the plan has a long-term funded ratio of less than
409 80 percent:

410 a. Fifty percent must be used as additional contributions
411 to pay the plan's actuarial deficiency and may not be considered

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412 in the determination of the mandatory payment described in s.

413 175.091(1) (d);

414 b. Twenty-five percent must be used to fund base benefits;

415 and

416 c. The remainder must be placed in a defined contribution
417 plan to fund special benefits.

418 2. If the plan has a long-term funded ratio of 80 percent
419 or greater:

420 a. Fifty percent must be used to fund base benefits; and

421 b. The remainder must be placed in a defined contribution
422 plan to fund special benefits.

423 (c) Additional premium tax revenues not described in
424 paragraph (b) must be used to fund benefits that were not
425 included in the base benefits to pay extra benefits to the
426 firefighters included in that pension plan; or

427 ~~(b) Place the income from the premium tax in s. 175.101 in~~
428 ~~a separate supplemental plan to pay extra benefits to~~
429 ~~firefighters, or to firefighters and police officers if~~
430 ~~included, participating in such separate supplemental plan.~~

431 (2) Insurance premium tax revenues may not be used to fund
432 benefits provided in a defined benefit plan which were not
433 provided by the plan as of March 1, 2013; however, for a local
434 law plan created after March 1, 2013, up to 50 percent of the
435 insurance premium tax revenues may be used to fund defined
436 benefit plan component benefits and the remainder used to fund
437 defined contribution plan component benefits.

438 (3) If a plan offers benefits in excess of its required
439 benefits, such benefits may be reduced if the plan continues to

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440 meet the required benefits of the plan and the minimum standards
441 set forth in this chapter. The amount of insurance premium tax
442 revenues previously used to fund benefits in excess of the
443 plan's required benefits before the reduction must be used as
444 provided in subsection (1)(b). Twenty-five percent of the amount
445 of any mandatory contribution paid by the municipality or
446 special fire control district which was previously used to fund
447 benefits above the level of required benefits provided before
448 the reduction must be used as additional contributions as
449 specified in s. 175.091 to fund the plan's actuarial deficiency.

450 ~~(4)(2) The premium tax provided by this chapter shall in~~
451 ~~all cases be used in its entirety to provide retirement extra~~
452 ~~benefits to firefighters, or to firefighters and police officers~~
453 ~~if both are included. However, local law plans in effect on~~
454 ~~October 1, 1998, must comply with the minimum benefit provisions~~
455 ~~of this chapter only to the extent that additional premium tax~~
456 ~~revenues become available to incrementally fund the cost of such~~
457 ~~compliance as provided in s. 175.162(2)(a). If a plan is in~~
458 ~~compliance with such minimum benefit provisions, as subsequent~~
459 ~~additional premium tax revenues become available, they must be~~
460 ~~used to provide extra benefits. Local law plans created by~~
461 ~~special act before May 27, 1939, are deemed to comply with this~~
462 ~~chapter. For the purpose of this chapter, the term:~~

463 ~~(a) "Additional premium tax revenues" means revenues~~
464 ~~received by a municipality or special fire control district~~
465 ~~pursuant to s. 175.121 which exceed that amount received for~~
466 ~~calendar year 1997.~~

467 ~~(b) "Extra benefits" means benefits in addition to or~~

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468 ~~greater than those provided to general employees of the~~
469 ~~municipality and in addition to those in existence for~~
470 ~~firefighters on March 12, 1999.~~

471 (5)~~(3)~~ A retirement plan or amendment to a retirement plan
472 may not be proposed for adoption unless the proposed plan or
473 amendment contains an actuarial estimate of the costs involved.
474 Such proposed plan or proposed plan change may not be adopted
475 without the approval of the municipality, special fire control
476 district, or, where permitted, the Legislature. Copies of the
477 proposed plan or proposed plan change and the actuarial impact
478 statement of the proposed plan or proposed plan change shall be
479 furnished to the division before the last public hearing
480 thereon. Such statement must also indicate whether the proposed
481 plan or proposed plan change is in compliance with s. 14, Art. X
482 of the State Constitution and those provisions of part VII of
483 chapter 112 which are not expressly provided in this chapter.
484 Notwithstanding any other provision, only those local law plans
485 created by special act of legislation before May 27, 1939, are
486 deemed to meet the minimum benefits and minimum standards only
487 in this chapter.

488 (6)~~(4)~~ Notwithstanding any other provision, with respect
489 to any supplemental plan municipality:

490 (a) A local law plan and a supplemental plan may continue
491 to use their definition of compensation or salary in existence
492 on March 12, 1999.

493 (b) Section 175.061(1)(b) does not apply, and a local law
494 plan and a supplemental plan shall continue to be administered
495 by a board or boards of trustees numbered, constituted, and

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496 selected as the board or boards were numbered, constituted, and
497 selected on December 1, 2000.

498 ~~(c) The election set forth in paragraph (1) (b) is deemed~~
499 ~~to have been made.~~

500 (7)-(5) The retirement plan setting forth the benefits and
501 the trust agreement, if any, covering the duties and
502 responsibilities of the trustees and the regulations of the
503 investment of funds must be in writing, and copies made
504 available to the participants and to the general public.

505 (8) In addition to the defined benefit component of the
506 local law plan, each plan sponsor must have a defined
507 contribution plan component within the local law plan by October
508 1, 2013, or upon the creation date of a new participating plan.
509 However, the plan sponsor of any plan established by special act
510 of the Legislature has until July 1, 2014, to create a defined
511 contribution component within the plan.

512 (9) Notwithstanding any other provision of this chapter, a
513 municipality or special fire control district that has
514 implemented or proposed changes to a local law plan based on the
515 municipality's or district's reliance on an interpretation of
516 this chapter by the department on or after August 14, 2012, and
517 before February 1, 2013, may continue the implemented changes or
518 continue to implement proposed changes. Such reliance must be
519 evidenced by formal correspondence between the municipality or
520 district and the department which describes the specific changes
521 to the local law plan, with the initial correspondence from the
522 municipality or district dated prior to February 1, 2013. The
523 changes to the local law plan that are otherwise contrary to the

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524 provisions of this chapter may continue in effect until the
525 earlier of October 1, 2016, or the effective date of a
526 collective bargaining agreement that is contrary to the changes
527 to the local law plan.

528 Section 7. Subsection (2) of section 185.01, Florida
529 Statutes, is amended to read:

530 185.01 Legislative declaration.—

531 (2) This chapter hereby establishes, for all municipal
532 pension plans ~~now or hereinafter~~ provided for under this
533 chapter, including chapter plans and local law plans, required
534 ~~minimum~~ benefits and minimum standards for the operation and
535 funding of such plans, hereinafter referred to as municipal
536 police officers' retirement trust funds, which must be met as a
537 condition precedent to the plan or plan sponsor receiving a
538 distribution of insurance premium tax revenues under s. 185.10.
539 The required ~~minimum~~ benefits and minimum standards for each
540 plan as set forth in this chapter may not be diminished by local
541 ordinance or by special act of the Legislature, or ~~nor may the~~
542 ~~minimum benefits or minimum standards~~ be reduced or offset by
543 any other local, state, or federal plan that may include police
544 officers in its operation, except as provided under s. 112.65.

545 Section 8. Section 185.02, Florida Statutes, is amended to
546 read:

547 185.02 Definitions.—For any municipality, chapter plan,
548 local law municipality, or local law plan under this chapter,
549 the term ~~following words and phrases as used in this chapter~~
550 ~~shall have the following meanings, unless a different meaning is~~
551 ~~plainly required by the context:~~

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552 (1) "Additional premium tax revenues" means revenues
553 received by a municipality pursuant to s. 185.10 which exceed
554 base premium tax revenues.

555 (2)~~(1)~~ "Average final compensation" means one-twelfth of
556 the average annual compensation of the 5 best years of the last
557 10 years of creditable service prior to retirement, termination,
558 or death.

559 (3) "Base benefits" means the level of benefits in
560 existence for police officers on March 12, 1999.

561 (4) "Base premium tax revenues" means revenues received by
562 a municipality pursuant to s. 185.10 equal to the amount of such
563 revenues received for calendar year 1997.

564 (5)~~(2)~~ "Casualty insurance" means automobile public
565 liability and property damage insurance to be applied at the
566 place of residence of the owner, or if the subject is a
567 commercial vehicle, to be applied at the place of business of
568 the owner; automobile collision insurance; fidelity bonds;
569 burglary and theft insurance; and plate glass insurance.
570 "Multiple peril" means a combination or package policy that
571 includes both property coverage and casualty coverage for a
572 single premium.

573 (6)~~(3)~~ "Chapter plan" means a separate defined benefit
574 pension plan for police officers which incorporates by reference
575 the provisions of this chapter and has been adopted by the
576 governing body of a municipality as provided in s. 185.08.
577 Except as may be specifically authorized in this chapter, the
578 provisions of a chapter plan may not differ from the plan
579 provisions set forth in ss. 185.01-185.341 and 185.37-185.39.

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580 Actuarial valuations of chapter plans shall be conducted by the
581 division as provided by s. 185.221(1)(b).

582 ~~(7)(4)~~ "Compensation" or "salary" means, for
583 noncollectively bargained service earned before July 1, 2011, or
584 for service earned under collective bargaining agreements in
585 place before July 1, 2011, the total cash remuneration including
586 "overtime" paid by the primary employer to a police officer for
587 services rendered, but not including any payments for extra duty
588 or special detail work performed on behalf of a second party
589 employer. ~~A local law plan may limit the amount of overtime~~
590 ~~payments which can be used for retirement benefit calculation~~
591 ~~purposes; however, such overtime limit may not be less than 300~~
592 ~~hours per officer per calendar year.~~ For noncollectively
593 bargained service earned on or after July 1, 2011, or for
594 service earned under collective bargaining agreements entered
595 into on or after July 1, 2011, the term has the same meaning
596 except that when calculating retirement benefits, up to 300
597 hours per year in overtime compensation may be included as
598 specified in the plan or collective bargaining agreement, but
599 payments for accrued unused sick or annual leave may not be
600 included.

601 (a) Any retirement trust fund or plan that meets the
602 requirements of this chapter does not, solely by virtue of this
603 subsection, reduce or diminish the monthly retirement income
604 otherwise payable to each police officer covered by the
605 retirement trust fund or plan.

606 (b) The member's compensation or salary contributed as
607 employee-elective salary reductions or deferrals to any salary

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608 reduction, deferred compensation, or tax-sheltered annuity
609 program authorized under the Internal Revenue Code shall be
610 deemed to be the compensation or salary the member would receive
611 if he or she were not participating in such program and shall be
612 treated as compensation for retirement purposes under this
613 chapter.

614 (c) For any person who first becomes a member in any plan
615 year beginning on or after January 1, 1996, compensation for
616 that plan year may not include any amounts in excess of the
617 Internal Revenue Code s. 401(a)(17) limitation, as amended by
618 the Omnibus Budget Reconciliation Act of 1993, which limitation
619 of \$150,000 shall be adjusted as required by federal law for
620 qualified government plans and ~~shall be~~ further adjusted for
621 changes in the cost of living in the manner provided by Internal
622 Revenue Code s. 401(a)(17)(B). For any person who first became a
623 member before the first plan year beginning on or after January
624 1, 1996, the limitation on compensation may not be less than the
625 maximum compensation amount that was allowed to be taken into
626 account under the plan ~~as~~ in effect on July 1, 1993, which
627 limitation shall be adjusted for changes in the cost of living
628 since 1989 in the manner provided by Internal Revenue Code s.
629 401(a)(17)(1991).

630 ~~(8)-(5)~~ "Creditable service" or "credited service" means
631 the aggregate number of years of service and fractional parts of
632 years of service of any police officer, omitting intervening
633 years and fractional parts of years when such police officer may
634 not have been employed by the municipality subject to the
635 following conditions:

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636 (a) ~~A~~ ~~No~~ police officer may not ~~will~~ receive credit for
637 years or fractional parts of years of service if he or she has
638 withdrawn his or her contributions to the fund for those years
639 or fractional parts of years of service, unless the police
640 officer repays into the fund the amount he or she has withdrawn,
641 plus interest as determined by the board. The member has ~~shall~~
642 ~~have~~ at least 90 days after his or her reemployment to make
643 repayment.

644 (b) A police officer may voluntarily leave his or her
645 contributions in the fund for ~~a period of~~ 5 years after leaving
646 the employ of the police department, pending the possibility of
647 his or her being rehired by the same department, without losing
648 credit for the time he or she has participated actively as a
649 police officer. If he or she is not reemployed as a police
650 officer with the same department within 5 years, his or her
651 contributions shall be returned to him or her without interest.

652 (c) Credited service under this chapter shall be provided
653 only for service as a police officer, ~~as defined in subsection~~
654 ~~(11)~~, or for military service and may not include credit for any
655 other type of service. A municipality ~~may~~, by local ordinance,
656 may provide for the purchase of credit for military service
657 occurring before employment as well as prior service as a police
658 officer for some other employer as long as the police officer is
659 not entitled to receive a benefit for such ~~other~~ prior service
660 ~~as a police officer~~. For purposes of determining credit for
661 prior service, in addition to service as a police officer in
662 this state, credit may be given for federal, other state, or
663 county service as long as such service is recognized by the

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664 Criminal Justice Standards and Training Commission within the
665 Department of Law Enforcement as provided under chapter 943 or
666 the police officer provides proof to the board of trustees that
667 such service is equivalent to the service required to meet the
668 definition of a police officer under subsection (16) ~~(11)~~.

669 (d) In determining the creditable service of a ~~any~~ police
670 officer, credit for up to 5 years of the time spent in the
671 military service of the Armed Forces of the United States shall
672 be added to the years of actual service, if:

673 1. The police officer is in the active employ of the
674 municipality before ~~prior to~~ such service and leaves a position,
675 other than a temporary position, for the purpose of voluntary or
676 involuntary service in the Armed Forces of the United States.

677 2. The police officer is entitled to reemployment under
678 ~~the provisions of~~ the Uniformed Services Employment and
679 Reemployment Rights Act.

680 3. The police officer returns to his or her employment as
681 a police officer of the municipality within 1 year after ~~from~~
682 the date of his or her release from such active service.

683 (9) ~~(6)~~ "Deferred Retirement Option Plan" or "DROP" means a
684 local law plan retirement option in which a police officer may
685 elect to participate. A police officer may retire for all
686 purposes of the plan and defer receipt of retirement benefits
687 into a DROP account while continuing employment with his or her
688 employer. However, a police officer who enters the DROP and who
689 is otherwise eligible to participate may ~~shall~~ not ~~thereby~~ be
690 precluded from participating, or continuing to participate, in a
691 supplemental plan in existence on, or created after, March 12,

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692 ~~1999 the effective date of this act.~~

693 (10) "Defined contribution plan" means the component of a
694 local law plan to which deposits are made to provide benefits
695 for police officers, or for police officers and firefighters if
696 both are included. Such component is an element of a local law
697 plan and exists in conjunction with the defined benefit
698 component that meets the required benefits and minimum standards
699 of this chapter. The retirement benefits of the defined
700 contribution plan shall be provided through individual member
701 accounts, in accordance with the applicable provisions of the
702 Internal Revenue Code and related regulations, and are limited
703 to the contributions made into each member's account and the
704 actual accumulated earnings, net of expenses, earned on the
705 member's account.

706 ~~(11)-(7)~~ "Division" means the Division of Retirement of the
707 Department of Management Services.

708 ~~(12)-(8)~~ "Enrolled actuary" means an actuary who is
709 enrolled under Subtitle C of Title III of the Employee
710 Retirement Income Security Act of 1974 and who is a member of
711 the Society of Actuaries or the American Academy of Actuaries.

712 ~~(13)-(9)~~ "Local law municipality" is any municipality in
713 which ~~there exists~~ a local law plan exists.

714 ~~(14)-(10)~~ "Local law plan" means a retirement defined
715 benefit pension plan, which includes both a defined benefit plan
716 component and a defined contribution plan component, for police
717 officers, or for police officers and firefighters if both are
718 ~~where~~ included, as described in s. 185.35, established by
719 municipal ordinance or special act of the Legislature, which

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720 ~~enactment~~ sets forth all plan provisions. Local law plan
721 provisions may vary from the provisions of this chapter if the
722 ~~provided that~~ required ~~minimum~~ benefits and minimum standards of
723 this chapter are met. However, any such variance must ~~shall~~
724 provide a greater benefit for police officers. Actuarial
725 valuations of local law plans shall be conducted by an enrolled
726 actuary as provided in s. 185.221(2)(b).

727 (15) "Long-term funded ratio" or "funded ratio" means the
728 ratio of the actuarial value of assets of the plan to the
729 actuarial accrued liabilities of the plan, as reported in the
730 most recent actuarial valuation of the plan, deemed to be in
731 compliance with chapter 112 by the Department of Management
732 Services.

733 (16) "Minimum benefits" means the benefits set forth in
734 ss. 185.01-185.341 and ss. 185.37-185.50.

735 (17) "Minimum standards" means the standards set forth in
736 ss. 185.01-185.341 and ss. 185.37-185.50.

737 (18) ~~(11)~~ "Police officer" means any person who is elected,
738 appointed, or employed full time by a ~~any~~ municipality, who is
739 certified or required to be certified as a law enforcement
740 officer in compliance with s. 943.1395, who is vested with
741 authority to bear arms and make arrests, and whose primary
742 responsibility is the prevention and detection of crime or the
743 enforcement of the penal, criminal, traffic, or highway laws of
744 the state. The term ~~This definition~~ includes all certified
745 supervisory and command personnel whose duties include, in whole
746 or in part, the supervision, training, guidance, and management
747 responsibilities of full-time law enforcement officers, part-

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748 time law enforcement officers, or auxiliary law enforcement
749 officers, but does not include part-time law enforcement
750 officers or auxiliary law enforcement officers as those terms
751 ~~the same~~ are defined in s. 943.10(6) and (8), respectively. For
752 the purposes of this chapter only, the term also includes
753 ~~"police officer" also shall include~~ a public safety officer who
754 is responsible for performing both police and fire services. Any
755 plan may provide that the police chief shall have an option to
756 participate, ~~or not,~~ in that plan.

757 (19) ~~(12)~~ "Police Officers' Retirement Trust Fund" means a
758 trust fund, by whatever name known, as provided under s. 185.03
759 for the purpose of assisting municipalities in establishing and
760 maintaining a retirement plan for police officers.

761 (20) "Required benefits" means the lesser of the minimum
762 benefits set forth in this chapter and the base benefits of the
763 plan. For local law plans created after March 1, 2013, the
764 required benefits are the minimum benefits set forth in this
765 chapter.

766 (21) ~~(13)~~ "Retiree" or "retired police officer" means a
767 police officer who has entered retirement status. For the
768 purposes of a plan that includes a Deferred Retirement Option
769 Plan (DROP), a police officer who enters ~~the~~ DROP is ~~shall be~~
770 considered a retiree for all purposes of the plan. However, a
771 police officer who enters ~~the~~ DROP and who is otherwise eligible
772 to participate may ~~shall~~ not ~~thereby~~ be precluded from
773 participating, or continuing to participate, in a supplemental
774 plan in existence on, or created after, March 12, 1999 ~~the~~
775 ~~effective date of this act.~~

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776 ~~(22)-(14)~~ "Retirement" means a police officer's separation
777 from city employment as a police officer with immediate
778 eligibility for ~~receipt of~~ benefits under the plan. For purposes
779 of a plan that includes a Deferred Retirement Option Plan
780 (DROP), "retirement" means the date a police officer enters ~~the~~
781 DROP.

782 (23) "Special benefits" means benefits provided in a
783 defined contribution plan for police officers.

784 ~~(24)-(15)~~ "Supplemental plan" means a plan to which
785 deposits of the premium tax moneys as provided in s. 185.08 are
786 made to provide extra benefits to police officers, or police
787 officers and firefighters if both are ~~where included, under this~~
788 ~~chapter~~. Such a plan is an element of a local law plan and
789 exists in conjunction with a defined benefit component plan that
790 meets the required minimum benefits and minimum standards of
791 this chapter. Any supplemental plan in existence on March 1,
792 2013, shall be deemed to be defined contribution plan in
793 compliance with s. 185.35(8).

794 ~~(25)-(16)~~ "Supplemental plan municipality" means a any
795 local law municipality in which ~~there existed~~ a supplemental
796 plan existed as of December 1, 2000.

797 Section 9. Paragraph (b) of subsection (6) of section
798 185.06, Florida Statutes, is amended to read:

799 185.06 General powers and duties of board of trustees.—For
800 any municipality, chapter plan, local law municipality, or local
801 law plan under this chapter:

802 (6) To assist the board in meeting its responsibilities
803 under this chapter, the board, if it so elects, may:

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804 (b) Employ an independent enrolled actuary, as defined in
805 s. 185.02~~(8)~~, at the pension fund's expense.

806
807 If the board chooses to use the municipality's or special
808 district's legal counsel or actuary, or chooses to use any of
809 the municipality's other professional, technical, or other
810 advisers, it must do so only under terms and conditions
811 acceptable to the board.

812 Section 10. Paragraphs (d) through (g) of subsection (1)
813 of section 185.07, Florida Statutes, are amended, and a new
814 paragraph (e) is added to that subsection, to read:

815 185.07 Creation and maintenance of fund.—For any
816 municipality, chapter plan, local law municipality, or local law
817 plan under this chapter:

818 (1) The municipal police officers' retirement trust fund
819 in each municipality described in s. 185.03 shall be created and
820 maintained in the following manner:

821 (d) By payment by the municipality or other sources of a
822 sum equal to the normal cost and the amount required to fund any
823 actuarial deficiency shown by an actuarial valuation as provided
824 in part VII of chapter 112 after taking into account the amounts
825 described in paragraphs (b), (c), (f), (g), and (h) and the
826 amounts of the tax proceeds described in paragraph (a) which
827 must be used to fund defined benefit plan benefits, except as
828 otherwise excluded from consideration in determining the
829 mandatory payment.

830 (e) For local law plans, and in addition to the mandatory
831 payment described in paragraph (d), by mandatory payment by the

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832 municipality of the amount specified in s. 185.35(3), if the
833 long-term funded ratio of the plan is less than 80 percent.

834 ~~(f)(e)~~ By all gifts, bequests and devises when donated to
835 the fund.

836 ~~(g)(f)~~ By all accretions to the fund by way of interest or
837 dividends on bank deposits or otherwise.

838 ~~(h)(g)~~ By all other sources of income now or hereafter
839 authorized by law for the augmentation of such municipal police
840 officers' retirement trust fund.

841
842 Nothing in this section shall be construed to require adjustment
843 of member contribution rates in effect on the date this act
844 becomes a law, including rates that exceed 5 percent of salary,
845 provided that such rates are at least one-half of 1 percent of
846 salary.

847 Section 11. Subsection (2) of section 185.16, Florida
848 Statutes, is amended to read:

849 185.16 Requirements for retirement.—For any municipality,
850 chapter plan, local law municipality, or local law plan under
851 this chapter, any police officer who completes 10 or more years
852 of creditable service as a police officer and attains age 55, or
853 completes 25 years of creditable service as a police officer and
854 attains age 52, and for such period has been a member of the
855 retirement fund is eligible for normal retirement benefits.
856 Normal retirement under the plan is retirement from the service
857 of the city on or after the normal retirement date. In such
858 event, for chapter plans and local law plans, payment of
859 retirement income will be governed by the following provisions

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860 of this section:

861 (2) The amount of the monthly retirement income payable to
862 a police officer who retires on or after his or her normal
863 retirement date shall be an amount equal to the number of the
864 police officer's years of credited service multiplied by 2
865 percent of his or her average final compensation. ~~However, if~~
866 ~~current state contributions pursuant to this chapter are not~~
867 ~~adequate to fund the additional benefits to meet the minimum~~
868 ~~requirements in this chapter, only increment increases shall be~~
869 ~~required as state moneys are adequate to provide. Such~~
870 ~~increments shall be provided as state moneys become available.~~

871 Section 12. Section 185.35, Florida Statutes, is amended
872 to read:

873 185.35 Municipalities that have ~~having~~ their own
874 retirement pension plans for police officers. ~~For any~~
875 ~~municipality, chapter plan, local law municipality, or local law~~
876 ~~plan under this chapter,~~ In order for a municipality that has
877 ~~municipalities with its~~ their own retirement plan pension plans
878 for police officers, or for police officers and firefighters if
879 both are included, to participate in the distribution of the tax
880 fund established under ~~pursuant to~~ s. 185.08, a local law plan
881 and its plan sponsor ~~plans~~ must meet the required minimum
882 benefits and minimum standards set forth in this chapter:

883 (1) If a municipality has a retirement pension plan for
884 police officers, or for police officers and firefighters if both
885 are included, which, in the opinion of the division, meets the
886 required minimum benefits and minimum standards set forth in
887 this chapter, the board of trustees of the pension plan must, ~~as~~

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888 ~~approved by a majority of police officers of the municipality,~~
889 ~~may:~~

890 ~~(a) place the income from the premium tax in s. 185.08 in~~
891 ~~such pension plan for the sole and exclusive use of its police~~
892 ~~officers, or its police officers and firefighters if included,~~
893 ~~where it shall become an integral part of that pension plan and~~
894 ~~shall be used to fund benefits for police officers as follows:~~

895 (a) The base premium tax revenues must be used to fund
896 base benefits.

897 (b) Of the premium tax revenues received which are in
898 excess of the amount received for the 2012 calendar year, and
899 any accumulations of additional premium tax revenues which have
900 not been applied to fund extra benefits:

901 1. If the plan has a long-term funded ratio of less than
902 80 percent:

903 a. Fifty percent must be used as additional contributions
904 to pay the plan's actuarial deficiency and may not be considered
905 in the determination of the mandatory payment described in s.
906 185.07(1)(d);

907 b. Twenty-five percent must be used to fund base benefits;
908 and

909 c. The remainder must be placed in a defined contribution
910 plan to fund special benefits.

911 2. If the plan has a long-term funded ratio of 80 percent
912 or greater:

913 a. Fifty percent must be used to fund base benefits; and

914 b. The remainder must be placed in a defined contribution
915 plan to fund special benefits.

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916 (c) Additional premium tax revenues not described in
917 paragraph (b) must be used to fund benefits that were not
918 included in the base benefits ~~pay extra benefits to the police~~
919 officers included in that pension plan; or

920 ~~(b) May place the income from the premium tax in s. 185.08~~
921 ~~in a separate supplemental plan to pay extra benefits to the~~
922 ~~police officers, or police officers and firefighters if~~
923 ~~included, participating in such separate supplemental plan.~~

924 (2) Insurance premium tax revenues may not be used to fund
925 benefits provided in a defined benefit plan which were not
926 provided by the plan as of March 1, 2013; however, for a local
927 law plan created after March 1, 2013, up to 50 percent of the
928 insurance premium tax revenues may be used to fund defined
929 benefit plan component benefits and the remainder used to fund
930 defined contribution plan component benefits.

931 (3) If a plan offers benefits in excess of its required
932 benefits, such benefits may be reduced if the plan continues to
933 meet the required benefits of the plan and the minimum standards
934 set forth in this chapter. The amount of insurance premium tax
935 revenues previously used to fund benefits in excess of the
936 plan's required benefits before the reduction must be used as
937 provided in subsection (1) (b). Twenty-five percent of the amount
938 of any mandatory contribution paid by the municipality or
939 special fire control district which was previously used to fund
940 benefits above the level of required benefits provided before
941 the reduction must be used as additional contributions as
942 specified in s. 185.07 to fund the plan's actuarial deficiency.

943 (4) ~~(2)~~ The premium tax provided by this chapter shall ~~in~~

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944 ~~all cases~~ be used in its entirety to provide retirement ~~extra~~
945 benefits to police officers, or to police officers and
946 firefighters if both are included. ~~However, local law plans in~~
947 ~~effect on October 1, 1998, must comply with the minimum benefit~~
948 ~~provisions of this chapter only to the extent that additional~~
949 ~~premium tax revenues become available to incrementally fund the~~
950 ~~cost of such compliance as provided in s. 185.16(2). If a plan~~
951 ~~is in compliance with such minimum benefit provisions, as~~
952 ~~subsequent additional tax revenues become available, they shall~~
953 ~~be used to provide extra benefits.~~ Local law plans created by
954 special act before May 27, 1939, shall be deemed to comply with
955 this chapter. ~~For the purpose of this chapter, the term:~~

956 ~~(a) "Additional premium tax revenues" means revenues~~
957 ~~received by a municipality pursuant to s. 185.10 which exceed~~
958 ~~the amount received for calendar year 1997.~~

959 ~~(b) "Extra benefits" means benefits in addition to or~~
960 ~~greater than those provided to general employees of the~~
961 ~~municipality and in addition to those in existence for police~~
962 ~~officers on March 12, 1999.~~

963 (5)~~(3)~~ A retirement plan or amendment to a retirement plan
964 may not be proposed for adoption unless the proposed plan or
965 amendment contains an actuarial estimate of the costs involved.
966 Such proposed plan or proposed plan change may not be adopted
967 without the approval of the municipality or, where permitted,
968 the Legislature. Copies of the proposed plan or proposed plan
969 change and the actuarial impact statement of the proposed plan
970 or proposed plan change shall be furnished to the division
971 before the last public hearing thereon. Such statement must also

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972 indicate whether the proposed plan or proposed plan change is in
973 compliance with s. 14, Art. X of the State Constitution and
974 those provisions of part VII of chapter 112 which are not
975 expressly provided in this chapter. Notwithstanding any other
976 provision, only those local law plans created by special act of
977 legislation before May 27, 1939, are deemed to meet the minimum
978 benefits and minimum standards only in this chapter.

979 ~~(6)(4)~~ Notwithstanding any other provision, with respect
980 to any supplemental plan municipality:

981 (a) Section 185.02(7)(a) ~~185.02(4)(a)~~ does not apply, and
982 a local law plan and a supplemental plan may continue to use
983 their definition of compensation or salary in existence on March
984 12, 1999.

985 (b) A local law plan and a supplemental plan must continue
986 to be administered by a board or boards of trustees numbered,
987 constituted, and selected as the board or boards were numbered,
988 constituted, and selected on December 1, 2000.

989 ~~(c) The election set forth in paragraph (1)(b) is deemed~~
990 ~~to have been made.~~

991 ~~(7)(5)~~ The retirement plan setting forth the benefits and
992 the trust agreement, if any, covering the duties and
993 responsibilities of the trustees and the regulations of the
994 investment of funds must be in writing and copies made available
995 to the participants and to the general public.

996 (8) In addition to the defined benefit component of the
997 local law plan, each plan sponsor must have a defined
998 contribution plan component within the local law plan by October
999 1, 2013, or upon the creation date of a new participating plan.

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1000 However, the plan sponsor of any plan established by special act
1001 of the Legislature has until July 1, 2014, to create a defined
1002 contribution component within the plan.

1003 (9) Notwithstanding any other provision of this chapter, a
1004 municipality that has implemented or proposed changes to a local
1005 law plan based on the municipality's reliance on an
1006 interpretation of this chapter by the department on or after
1007 August 14, 2012 and before February 1, 2013, may continue the
1008 implemented changes or continue to implement proposed changes.
1009 Such reliance must be evidenced by formal correspondence between
1010 the municipality and the department which describes the specific
1011 changes to the local law plan, with the initial correspondence
1012 from the municipality dated prior to February 1, 2013. The
1013 changes to the local law plan which are otherwise contrary to
1014 the provisions of this chapter may continue in effect until the
1015 earlier of October 1, 2016, or the effective date of a
1016 collective bargaining agreement that is contrary to the changes
1017 to the local law plan.

1018 Section 13. The Legislature finds that a proper and
1019 legitimate state purpose is served when employees and retirees
1020 of the state and its political subdivisions, and the dependents,
1021 survivors, and beneficiaries of such employees and retirees, are
1022 extended the basic protections afforded by governmental
1023 retirement systems that provide fair and adequate benefits and
1024 that are managed, administered, and funded in an actuarially
1025 sound manner as required by s. 14, Article X of the State
1026 Constitution and part VII of chapter 112, Florida Statutes.
1027 Therefore, the Legislature determines and declares that this act

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fulfills an important state interest.

Section 14. This act shall take effect July 1, 2013.

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to firefighter and police officer pension plans; amending s. 175.021, F.S.; revising the legislative declaration to require all plans to meet the requirements of ch. 175, F.S., in order to receive insurance premium tax revenues; amending s. 175.032, F.S.; revising definitions to conform to changes made by the act and adding new definitions; amending s. 175.071, F.S.; conforming a cross-reference; amending s. 175.091, F.S.; revising existing payment provisions and providing for an additional mandatory payment by the municipality or special fire control district to the firefighters' pension trust fund; amending s. 175.162, F.S.; deleting a limitation on state contributions funding additional benefits; amending s. 175.351, F.S., relating to municipalities and special fire control districts that have their own pension plans and want to participate in the distribution of a tax fund; revising criteria governing the use of income from the premium tax; requiring plan sponsors to have a defined contribution plan in place by a certain date; authorizing a municipality to implement certain changes to a local law plan which are contrary to ch. 175, F.S., under certain time-limited circumstances; amending s. 185.01, F.S.; revising the legislative declaration to require all plans to meet the requirements of ch. 185, F.S., in order to receive

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1399 (2013)

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1058 insurance premium tax revenues; amending s. 185.02, F.S.;

1059 revising definitions to conform to changes made by the act and

1060 adding new definitions; deleting a provision allowing a local

1061 law plan to limit the amount of overtime payments which can be

1062 used for retirement benefit calculations; amending s. 185.06,

1063 F.S.; conforming a cross-reference; amending s. 185.07, F.S.;

1064 revising existing payment provisions and providing for an

1065 additional mandatory payment by the municipality to the police

1066 officers' retirement trust fund; amending s. 185.16, F.S.;

1067 deleting a limitation on state contributions funding additional

1068 benefits; amending s. 185.35, F.S., relating to municipalities

1069 that have their own pension plans for police officers and want

1070 to participate in the distribution of a tax fund; revising

1071 criteria governing the use of income from the premium tax;

1072 requiring plan sponsors to have a defined contribution plan in

1073 place by a certain date; authorizing a municipality to implement

1074 certain changes to a local law plan which are contrary to ch.

1075 185, F.S., under certain time-limited circumstances; providing a

1076 declaration of important state interest; providing an effective

1077 date.