



333798

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2014	.	
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	.	

The Committee on Appropriations (Ring) recommended the following:

1 **Senate Substitute for Amendment (736386) (with title**
2 **amendment)**

3
4 Delete lines 625 - 1147
5 and insert:

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

8 185.01 Legislative declaration.—

9 (2) This chapter hereby establishes, for all municipal
10 pension plans ~~now or hereinafter~~ provided for under this



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11 chapter, including chapter plans and local law plans, minimum
12 benefits and minimum standards for the operation and funding of
13 such plans, hereinafter referred to as municipal police
14 officers' retirement trust funds, which must be met as
15 conditions precedent to the plans or plan sponsors receiving a
16 distribution of insurance premium tax revenues under s. 185.10.
17 The minimum benefits and minimum standards for each plan as set
18 forth in this chapter may not be diminished by local ordinance
19 or by special act of the Legislature and may not, ~~nor may the~~
20 ~~minimum benefits or minimum standards~~ be reduced or offset by
21 any other local, state, or federal plan that includes ~~may~~
22 ~~include~~ police officers in its operation, except as provided
23 under s. 112.65.

24 Section 8. Section 185.02, Florida Statutes, is amended to
25 read:

26 185.02 Definitions.—For any municipality, chapter plan,
27 local law municipality, or local law plan under this chapter,
28 the term following words and phrases as used in this chapter
29 ~~shall have the following meanings, unless a different meaning is~~
30 ~~plainly required by the context:~~

31 (1) "Additional premium tax revenues" means revenues
32 received by a municipality pursuant to s. 185.10 which exceed
33 base premium tax revenues.

34 (2) ~~(1)~~ "Average final compensation" means one-twelfth of
35 the average annual compensation of the 5 best years of the last
36 10 years of creditable service prior to retirement, termination,
37 or death.

38 (3) "Base premium tax revenues" means the revenues received
39 by a municipality pursuant to s. 185.10 for the calendar year



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40 1997.

41 (4)-(2) "Casualty insurance" means automobile public
42 liability and property damage insurance to be applied at the
43 place of residence of the owner, or if the subject is a
44 commercial vehicle, to be applied at the place of business of
45 the owner; automobile collision insurance; fidelity bonds;
46 burglary and theft insurance; and plate glass insurance. The
47 term "multiple peril" means a combination or package policy that
48 includes both property coverage and casualty coverage for a
49 single premium.

50 (5)-(3) "Chapter plan" means a separate defined benefit
51 pension plan for police officers which incorporates by reference
52 the provisions of this chapter and has been adopted by the
53 governing body of a municipality as provided in s. 185.08.
54 Except as ~~may be~~ specifically authorized in this chapter, the
55 provisions of a chapter plan may not differ from the plan
56 provisions set forth in ss. 185.01-185.341 and ss. 185.37-
57 185.39. Actuarial valuations of chapter plans shall be conducted
58 by the division as provided by s. 185.221(1)(b).

59 (6)-(4) "Compensation" or "salary" means, for
60 noncollectively bargained service earned before July 1, 2011, or
61 for service earned under collective bargaining agreements in
62 place before July 1, 2011, the total cash remuneration including
63 "overtime" paid by the primary employer to a police officer for
64 services rendered, but not including any payments for extra duty
65 or special detail work performed on behalf of a second party
66 employer. Overtime may be limited prior to July 1, 2011, in a
67 local law plan by the plan provisions. ~~A local law plan may~~
68 ~~limit the amount of overtime payments which can be used for~~



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69 ~~retirement benefit calculation purposes; however, such overtime~~
70 ~~limit may not be less than 300 hours per officer per calendar~~
71 ~~year.~~ For noncollectively bargained service earned on or after
72 July 1, 2011, or for service earned under collective bargaining
73 agreements entered into on or after July 1, 2011, the term has
74 the same meaning except that when calculating retirement
75 benefits, up to 300 hours per year in overtime compensation may
76 be included as specified in the plan or collective bargaining
77 agreement, but payments for accrued unused sick or annual leave
78 may not be included.

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

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

92 (c) For any person who first becomes a member in any plan
93 year beginning on or after January 1, 1996, compensation for
94 that plan year may not include any amounts in excess of the
95 Internal Revenue Code s. 401(a)(17) limitation, as amended by
96 the Omnibus Budget Reconciliation Act of 1993, which limitation
97 of \$150,000 shall be adjusted as required by federal law for



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98 qualified government plans and ~~shall be~~ further adjusted for
99 changes in the cost of living in the manner provided by Internal
100 Revenue Code s. 401(a)(17)(B). For any person who first became a
101 member before the first plan year beginning on or after January
102 1, 1996, the limitation on compensation may not be less than the
103 maximum compensation amount that was allowed to be taken into
104 account under the plan ~~as~~ in effect on July 1, 1993, which
105 limitation shall be adjusted for changes in the cost of living
106 since 1989 in the manner provided by Internal Revenue Code s.
107 401(a)(17)(1991).

108 (7)~~(5)~~ "Creditable service" or "credited service" means the
109 aggregate number of years of service and fractional parts of
110 years of service of any police officer, omitting intervening
111 years and fractional parts of years when such police officer may
112 not have been employed by the municipality subject to the
113 following conditions:

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

122 (b) A police officer may voluntarily leave his or her
123 contributions in the fund for ~~a period of~~ 5 years after leaving
124 the employ of the police department, pending the possibility of
125 his or her being rehired by the same department, without losing
126 credit for the time he or she has participated actively as a



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127 police officer. If he or she is not reemployed as a police
128 officer with the same department within 5 years, his or her
129 contributions shall be returned ~~to him or her~~ without interest.

130 (c) Credited service under this chapter shall be provided
131 only for service as a police officer, ~~as defined in subsection~~
132 ~~(11)~~, or for military service and may not include credit for any
133 other type of service. A municipality ~~may~~, by local ordinance,
134 may provide for the purchase of credit for military service
135 occurring before employment as well as prior service as a police
136 officer for some other employer as long as the police officer is
137 not entitled to receive a benefit for such ~~other~~ prior service
138 ~~as a police officer~~. For purposes of determining credit for
139 prior service, in addition to service as a police officer in
140 this state, credit may be given for federal, other state, or
141 county service as long as such service is recognized by the
142 Criminal Justice Standards and Training Commission within the
143 Department of Law Enforcement as provided in ~~under~~ chapter 943
144 or the police officer provides proof to the board of trustees
145 that such service is equivalent to the service required to meet
146 the definition of a police officer under subsection (16) ~~(11)~~.

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

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

155 2. The police officer is entitled to reemployment under ~~the~~



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156 ~~provisions~~ of the Uniformed Services Employment and Reemployment
157 Rights Act.

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

161 (8) ~~(6)~~ "Deferred Retirement Option Plan" or "DROP" means a
162 local law plan retirement option in which a police officer may
163 elect to participate. A police officer may retire for all
164 purposes of the plan and defer receipt of retirement benefits
165 into a DROP account while continuing employment with his or her
166 employer. However, a police officer who enters ~~the~~ DROP and who
167 is otherwise eligible to participate may ~~shall~~ not ~~thereby~~ be
168 precluded from participation or continued participation
169 ~~participating, or continuing to participate,~~ in a supplemental
170 plan in existence on, or created after, March 12, 1999 ~~the~~
171 ~~effective date of this act.~~

172 (9) "Defined contribution plan" means the component of a
173 local law plan, as provided in s. 185.35(1), to which deposits,
174 if any, are made to provide benefits for police officers, or for
175 police officers and firefighters if both are included. Such
176 component is an element of a local law plan and exists in
177 conjunction with the defined benefit component that meets the
178 minimum benefits and minimum standards of this chapter. The
179 retirement benefits, if any, of the defined contribution plan
180 shall be provided through individual member accounts in
181 accordance with the applicable provisions of the Internal
182 Revenue Code and related regulations and are limited to the
183 contributions, if any, made into each member's account and the
184 actual accumulated earnings, net of expenses, earned on the



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185 member's account.

186 (10)-(7) "Division" means the Division of Retirement of the
187 Department of Management Services.

188 (11)-(8) "Enrolled actuary" means an actuary who is enrolled
189 under Subtitle C of Title III of the Employee Retirement Income
190 Security Act of 1974 and who is a member of the Society of
191 Actuaries or the American Academy of Actuaries.

192 (12)-(9) "Local law municipality" means is any municipality
193 in which ~~there exists~~ a local law plan exists.

194 (13)-(10) "Local law plan" means a retirement defined
195 benefit pension plan, which includes both a defined benefit plan
196 component and a defined contribution plan component, for police
197 officers, or for police officers and firefighters if both are
198 ~~where~~ included, as described in s. 185.35, established by
199 municipal ordinance or special act of the Legislature, which
200 ~~enactment~~ sets forth all plan provisions. Local law plan
201 provisions may vary from the provisions of this chapter if the
202 ~~provided that required~~ minimum benefits and minimum standards of
203 this chapter are met. However, any such variance must shall
204 provide a greater benefit for police officers. Actuarial
205 valuations of local law plans shall be conducted by an enrolled
206 actuary as provided in s. 185.221(2)(b).

207 (14) "Minimum benefits" means the benefits set forth in ss.
208 185.01-185.341 and ss. 185.37-185.50.

209 (15) "Minimum standards" means the standards set forth in
210 ss. 185.01-185.341 and ss. 185.37-185.50.

211 (16)-(11) "Police officer" means any person who is elected,
212 appointed, or employed full time by a ~~any~~ municipality, who is
213 certified or required to be certified as a law enforcement



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214 officer in compliance with s. 943.1395, who is vested with
215 authority to bear arms and make arrests, and whose primary
216 responsibility is the prevention and detection of crime or the
217 enforcement of the penal, criminal, traffic, or highway laws of
218 the state. The term ~~This definition~~ includes all certified
219 supervisory and command personnel whose duties include, in whole
220 or in part, the supervision, training, guidance, and management
221 responsibilities of full-time law enforcement officers, part-
222 time law enforcement officers, or auxiliary law enforcement
223 officers, but does not include part-time law enforcement
224 officers or auxiliary law enforcement officers as those terms
225 ~~the same~~ are defined in s. 943.10 ~~(6) and (8), respectively~~. For
226 the purposes of this chapter only, the term also includes
227 ~~"police officer" also shall include~~ a public safety officer who
228 is responsible for performing both police and fire services. Any
229 plan may provide that the police chief shall have an option to
230 participate, ~~or not,~~ in that plan.

231 (17) ~~(12)~~ "Police Officers' Retirement Trust Fund" means a
232 trust fund, by whatever name known, as provided under s. 185.03
233 for the purpose of assisting municipalities in establishing and
234 maintaining a retirement plan for police officers.

235 (18) ~~(13)~~ "Retiree" or "retired police officer" means a
236 police officer who has entered retirement status. For the
237 purposes of a plan that includes a Deferred Retirement Option
238 Plan (DROP), a police officer who enters ~~the~~ DROP is ~~shall be~~
239 considered a retiree for all purposes of the plan. However, a
240 police officer who enters ~~the~~ DROP and who is otherwise eligible
241 to participate may ~~shall~~ not ~~thereby~~ be precluded from
242 participating, or continuing to participate, in a supplemental



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243 plan in existence on, or created after, March 12, 1999 ~~the~~
244 ~~effective date of this act.~~

245 (19) ~~(14)~~ "Retirement" means a police officer's separation
246 from municipal ~~city~~ employment as a police officer with
247 immediate eligibility for ~~receipt of~~ benefits under the plan.
248 For purposes of a plan that includes a Deferred Retirement
249 Option Plan (DROP), "retirement" means the date a police officer
250 enters ~~the~~ DROP.

251 (20) "Special act plan" means a plan subject to the
252 provisions of this chapter which was created by an act of the
253 Legislature and continues to require an act of the Legislature
254 to alter plan benefits.

255 (21) "Special benefits" means benefits provided in a
256 defined contribution plan for police officers.

257 (22) ~~(15)~~ "Supplemental plan" means a plan to which deposits
258 of the premium tax moneys as provided in s. 185.08 are made to
259 provide extra benefits to police officers, or police officers
260 and firefighters if both are ~~where included, under this chapter.~~
261 Such a plan is an element of a local law plan and exists in
262 conjunction with a defined benefit component ~~plan~~ that meets the
263 minimum benefits and minimum standards of this chapter. Any
264 supplemental plan in existence on March 1, 2014, shall be deemed
265 to be a defined contribution plan in compliance with s.
266 185.35(6).

267 (23) ~~(16)~~ "Supplemental plan municipality" means a ~~any~~ local
268 law municipality in which ~~there existed~~ a supplemental plan
269 existed as of December 1, 2000.

270 Section 9. Subsection (6) of section 185.06, Florida
271 Statutes, is amended to read:



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272 185.06 General powers and duties of board of trustees.—For
273 any municipality, chapter plan, local law municipality, or local
274 law plan under this chapter:

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

277 (a) Employ independent legal counsel at the pension fund's
278 expense.

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

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

284
285 If the board chooses to use the municipality's or special
286 district's legal counsel or actuary, or chooses to use any of
287 the municipality's other professional, technical, or other
288 advisers, it must do so only under terms and conditions
289 acceptable to the board.

290 Section 10. Paragraph (d) of subsection (1) of section
291 185.07, Florida Statutes, is amended to read:

292 185.07 Creation and maintenance of fund.—For any
293 municipality, chapter plan, local law municipality, or local law
294 plan under this chapter:

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

298 (d) By payment by the municipality or other sources of a
299 sum equal to the normal cost and the amount required to fund any
300 actuarial deficiency shown by an actuarial valuation conducted



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301 under as provided in part VII of chapter 112 after taking into
302 account the amounts described in paragraphs (b), (c), (e), (f),
303 and (g) and the tax proceeds described in paragraph (a) which
304 are used to fund defined benefit plan benefits.
305

306 Nothing in this section shall be construed to require adjustment
307 of member contribution rates in effect on the date this act
308 becomes a law, including rates that exceed 5 percent of salary,
309 provided that such rates are at least one-half of 1 percent of
310 salary.

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

313 185.16 Requirements for retirement.—For any municipality,
314 chapter plan, local law municipality, or local law plan under
315 this chapter, any police officer who completes 10 or more years
316 of creditable service as a police officer and attains age 55, or
317 completes 25 years of creditable service as a police officer and
318 attains age 52, and for such period has been a member of the
319 retirement fund is eligible for normal retirement benefits.

320 Normal retirement under the plan is retirement from the service
321 of the city on or after the normal retirement date. In such
322 event, for chapter plans and local law plans, payment of
323 retirement income will be governed by the following provisions
324 of this section:

325 (2) (a) The amount of the monthly retirement income payable
326 to a police officer who retires on or after his or her normal
327 retirement date shall be an amount equal to the number of the
328 police officer's years of credited service multiplied by 2.75 ~~2~~
329 percent of his or her average final compensation. ~~However, if~~



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330 ~~current state contributions pursuant to this chapter are not~~
331 ~~adequate to fund the additional benefits to meet the minimum~~
332 ~~requirements in this chapter, only increment increases shall be~~
333 ~~required as state moneys are adequate to provide. Such~~
334 ~~increments shall be provided as state moneys become available.~~

335 (b) Effective July 1, 2014, a plan that is in compliance
336 with this chapter except that the plan provides a benefit that
337 is less than 2.75 percent of the average final compensation of a
338 police officer, as defined in section 185.16(2) (a), must
339 maintain, at a minimum, the percentage amount in effect on July
340 1, 2014, and is not required to increase the benefit to 2.75
341 percent of the average final compensation of a police officer.

342 (c) Effective July 1, 2014, a plan that is in compliance
343 with this chapter except that the plan provides a benefit that
344 is less than 2.75 percent of the average final compensation of a
345 police officer, as defined in section 185.16(2) (a), and that
346 changes its accrual rate to 2.75 percent, or greater, of the
347 average final compensation of a police officer, as defined in
348 section 185.16(2) (a), may not thereafter decrease the accrual
349 rate to less than 2.75 percent of the average final compensation
350 of a police officer as defined in section 185.16(2) (a).

351 Section 12. Section 185.35, Florida Statutes, is amended to
352 read:

353 185.35 Municipalities that have ~~having~~ their own retirement
354 pension plans for police officers. ~~For any municipality, chapter~~
355 ~~plan, local law municipality, or local law plan under this~~
356 ~~chapter,~~ In order for a municipality that has its municipalities
357 with their own retirement plan ~~pension plans~~ for police
358 officers, or for police officers and firefighters if both are



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359 included, to participate in the distribution of the tax fund
360 established under ~~pursuant to~~ s. 185.08, a local law plan plans
361 must meet the minimum benefits and minimum standards set forth
362 in this chapter:

363 (1) If a municipality has a retirement ~~pension~~ plan for
364 police officers, or for police officers and firefighters if both
365 are included, which, in the opinion of the division, meets the
366 minimum benefits and minimum standards set forth in this
367 chapter, the board of trustees of the pension plan must, ~~as~~
368 ~~approved by a majority of police officers of the municipality,~~
369 ~~may:~~

370 ~~(a)~~ place the income from the premium tax in s. 185.08 in
371 such ~~pension~~ plan for the sole and exclusive use of its police
372 officers, or its police officers and firefighters if both are
373 included, where it shall become an integral part of that ~~pension~~
374 plan and ~~shall~~ be used to fund benefits as provided herein.
375 Effective October 1, 2014, for noncollectively bargained service
376 or upon entering into a collective bargaining agreement on or
377 after July 1, 2014:

378 (a) The base premium tax revenues must be used to fund
379 minimum benefits or other retirement benefits in excess of the
380 minimum benefits as determined by the municipality.

381 (b) Of the additional premium tax revenues received which
382 are in excess of the amount received for the 2013 calendar year,
383 50 percent must be used to fund minimum benefits or other
384 retirement benefits in excess of the minimum benefits as
385 determined by the municipality, and 50 percent must be placed in
386 a defined contribution plan to fund special benefits.

387 (c) Additional premium tax revenues not described in



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388 paragraph (b) must be used to fund benefits that are not
389 included in the minimum benefits. If the additional premium tax
390 revenues subject to this paragraph exceed the full cost of
391 benefits provided through the plan which are in excess of the
392 minimum benefits, any amount in excess of the full cost must be
393 used as provided in paragraph (b).

394 (d) Any accumulations of additional premium tax revenues
395 which have not been applied to fund benefits in excess of the
396 minimum benefits may be allocated by mutual consent as provided
397 in paragraph (g). If such accumulations are not allocated by
398 mutual consent, 50 percent of the amount of the accumulations
399 must be used to fund special benefits and 50 percent must be
400 applied to fund any unfunded actuarial liabilities of the plan
401 ~~pay extra benefits to the police officers included in that~~
402 ~~pension plan; or~~

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

407 (e) For a plan created after March 1, 2014, 50 percent of
408 the insurance premium tax revenues shall be used to fund defined
409 benefit plan component benefits, with the remainder used to fund
410 defined contribution plan component benefits.

411 (f) If a plan offers benefits in excess of the minimum
412 benefits, excluding supplemental plan benefits in effect as of
413 September 30, 2013, such benefits may be reduced if the plan
414 continues to meet the minimum benefits and the minimum standards
415 set forth in this chapter. The amount of insurance premium tax
416 revenues previously used to fund benefits in excess of the



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417 minimum benefits, excluding supplemental plan benefits in effect
418 as of September 30, 2013, before the reduction must be used as
419 provided in paragraph (b). However, benefits in excess of the
420 minimum benefits may not be reduced if a plan does not meet the
421 minimum accrual rate of 2.75 percent, or greater, of the average
422 final compensation of a police officer, as defined in section
423 185.16(2) (a).

424 (g) Notwithstanding any other provisions of this
425 subsection, the use of premium tax revenues, including any
426 accumulations of additional tax revenues which have not been
427 applied to fund benefits in excess of the minimum benefits, may
428 deviate from the provisions of this subsection by mutual consent
429 of the members' collective bargaining representative or, if
430 none, by majority consent of the police office members of the
431 fund, and by consent of the municipality, provided that the plan
432 continues to meet the minimum benefits and minimum standards of
433 this chapter; however, a plan operating pursuant to the
434 provisions of this paragraph which does not meet a minimum
435 benefit as of October 1, 2012, may continue to provide the
436 benefit that does not meet the minimum benefit at the same
437 level, but not less than that level, as was provided as of
438 October 1, 2012, and all other benefits must continue to meet
439 the minimum benefits. Such mutually agreed deviation shall
440 continue until modified or revoked by subsequent mutual consent
441 of the members' collective bargaining representative or, if
442 none, by a majority of the police office members of the fund,
443 and the municipality. A special act plan or a plan within a
444 supplemental plan municipality shall be considered to have
445 mutually consented to such deviation as of July 1 ,2014,



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446 regarding the existing arrangement on the use of premium tax
447 revenues.

448 (2) The premium tax provided by this chapter shall ~~in all~~
449 ~~eases~~ be used in its entirety to provide retirement ~~extra~~
450 benefits to police officers, or to police officers and
451 firefighters if both are included. ~~However, local law plans in~~
452 ~~effect on October 1, 1998, must comply with the minimum benefit~~
453 ~~provisions of this chapter only to the extent that additional~~
454 ~~premium tax revenues become available to incrementally fund the~~
455 ~~cost of such compliance as provided in s. 185.16(2). If a plan~~
456 ~~is in compliance with such minimum benefit provisions, as~~
457 ~~subsequent additional tax revenues become available, they shall~~
458 ~~be used to provide extra benefits.~~ Local law plans created by
459 special act before May 27, 1939, shall be deemed to comply with
460 this chapter. ~~For the purpose of this chapter, the term:~~

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

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

468 (3) A retirement plan or amendment to a retirement plan may
469 not be proposed for adoption unless the proposed plan or
470 amendment contains an actuarial estimate of the costs involved.
471 Such proposed plan or proposed plan change may not be adopted
472 without the approval of the municipality or, where required
473 ~~permitted~~, the Legislature. Copies of the proposed plan or
474 proposed plan change and the actuarial impact statement of the



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475 proposed plan or proposed plan change shall be furnished to the
476 division before the last public hearing on the proposal is held
477 ~~thereon~~. Such statement must also indicate whether the proposed
478 plan or proposed plan change is in compliance with s. 14, Art. X
479 of the State Constitution and those provisions of part VII of
480 chapter 112 which are not expressly provided in this chapter.
481 Notwithstanding any other provision, only those local law plans
482 created by special act of legislation before May 27, 1939, are
483 deemed to meet the minimum benefits and minimum standards only
484 in this chapter.

485 (4) Notwithstanding any other provision, with respect to
486 any supplemental plan municipality:

487 (a) Section 185.02(6)(a) ~~185.02(4)(a)~~ does not apply, and a
488 local law plan and a supplemental plan may continue to use their
489 definition of compensation or salary in existence on March 12,
490 1999.

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

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

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

502 (6) In addition to the defined benefit component of the
503 local law plan, each plan sponsor must have a defined



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504 contribution plan component within the local law plan by October
505 1, 2014, upon entering into a collective bargaining agreement on
506 or after July 1, 2014, or upon the creation date of a new
507 participating plan. Depending upon the application of subsection
508 (1), a defined contribution component may or may not receive any
509 funding.

510 (7) Notwithstanding any other provision of this chapter, a
511 municipality that has implemented or proposed changes to a local
512 law plan based on the municipality's reliance on an
513 interpretation of this chapter by the department on or after
514 August 14, 2012, and before March 4, 2014, may continue the
515 implemented changes or continue to implement proposed changes.
516 Such reliance must be evidenced by a written collective
517 bargaining proposal or agreement, or formal correspondence
518 between the municipality and the department which describes the
519 specific changes to the local law plan, with the initial
520 proposal, agreement, or correspondence from the municipality
521 dated before March 4, 2014. Changes to the local law plan which
522 are otherwise contrary to the minimum benefits and minimum
523 standards of this chapter may continue in effect until the
524 earlier of October 1, 2017, or the effective date of a
525 collective bargaining agreement that is contrary to the changes
526 to the local law plan.

527
528 ===== T I T L E A M E N D M E N T =====

529 And the title is amended as follows:

530 Delete lines 34 - 51

531 and insert:

532 by the act and adding new definitions; revising



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533 applicability of the limitation on the amount of
534 overtime payments which may be used for retirement
535 benefit calculations; amending s. 185.06, F.S.;
536 conforming a cross-reference; amending s. 185.07,
537 F.S.; revising the method of creating and maintaining
538 a police officers' retirement trust fund; amending s.
539 185.16, F.S.; deleting a provision basing the
540 availability of additional benefits in a police
541 officer pension plan upon state funding; revising the
542 calculation of monthly retirement income for a police
543 officer; providing that certain police officer pension
544 plans must maintain a certain minimum percentage of
545 average final compensation after a specified date;
546 amending s. 185.35, F.S., relating to municipalities
547 that have their own pension plans for police officers
548 and want to participate in the distribution of a tax
549 fund; conforming a cross-reference; revising criteria
550 governing the use of revenues from the premium tax;
551 authorizing a plan to reduce excess benefits if the
552 plan continues to meet certain minimum benefits and
553 minimum standards; providing that the use of premium
554 tax revenues may deviate from the requirements of ch.
555 185, F.S., under specified circumstances;