

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Caldwell offered the following:

2
3 **Amendment**

4 Remove lines 1530-2533 and insert:

5 (3) "Base premium tax revenues" means:

6 (a) For a local law plan in effect on October 1, 1998, the
7 revenues received by a municipality or special fire control
8 district pursuant to s. 175.121 for calendar year 1997.

9 (b) For a local law plan created between October 1, 1998,
10 and March 1, 2014, inclusive, the revenues received by a
11 municipality or special fire control district pursuant to s.
12 175.121 based upon the tax collections during the second
13 calendar year of participation.

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

14 ~~(4)~~(2) "Chapter plan" means a separate defined benefit
15 pension plan for firefighters which incorporates by reference
16 the provisions of this chapter and has been adopted by the
17 governing body of a municipality or special district. Except as
18 ~~may be~~ specifically authorized in this chapter, the provisions
19 of a chapter plan may not differ from the plan provisions set
20 forth in ss. 175.021-175.341 and ss. 175.361-175.401. Actuarial
21 valuations of chapter plans shall be conducted by the division
22 as provided by s. 175.261(1).

23 ~~(5)~~(3) "Compensation" or "salary" means, for
24 noncollectively bargained service earned before July 1, 2011, or
25 for service earned under collective bargaining agreements in
26 place before July 1, 2011, the fixed monthly remuneration paid a
27 firefighter. If remuneration is based on actual services
28 rendered, as in the case of a volunteer firefighter, the term
29 means the total cash remuneration received yearly for such
30 services, prorated on a monthly basis. For noncollectively
31 bargained service earned on or after July 1, 2011, or for
32 service earned under collective bargaining agreements entered
33 into on or after July 1, 2011, the term has the same meaning
34 except that when calculating retirement benefits, up to 300
35 hours per year in overtime compensation may be included as
36 specified in the plan or collective bargaining agreement, but
37 payments for accrued unused sick or annual leave may not be
38 included.

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

39 (a) Any retirement trust fund or plan that meets the
40 requirements of this chapter does not, solely by virtue of this
41 subsection, reduce or diminish the monthly retirement income
42 otherwise payable to each firefighter covered by the retirement
43 trust fund or plan.

44 (b) The member's compensation or salary contributed as
45 employee-elective salary reductions or deferrals to any salary
46 reduction, deferred compensation, or tax-sheltered annuity
47 program authorized under the Internal Revenue Code shall be
48 deemed to be the compensation or salary the member would receive
49 if he or she were not participating in such program and ~~shall be~~
50 treated as compensation for retirement purposes under this
51 chapter.

52 (c) For any person who first becomes a member in any plan
53 year beginning on or after January 1, 1996, compensation for
54 that plan year may not include any amounts in excess of the
55 Internal Revenue Code s. 401(a)(17) limitation, as amended by
56 the Omnibus Budget Reconciliation Act of 1993, which limitation
57 of \$150,000 shall be adjusted as required by federal law for
58 qualified government plans and ~~shall be~~ further adjusted for
59 changes in the cost of living in the manner provided by Internal
60 Revenue Code s. 401(a)(17)(B). For any person who first became a
61 member before the first plan year beginning on or after January
62 1, 1996, the limitation on compensation may not be less than the
63 maximum compensation amount that was allowed to be taken into
64 account under the plan in effect on July 1, 1993, which

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

65 limitation shall be adjusted for changes in the cost of living
66 since 1989 in the manner provided by Internal Revenue Code s.
67 401(a)(17)(1991).

68 ~~(6)~~(4) "Creditable service" or "credited service" means
69 the aggregate number of years of service~~7~~ and fractional parts
70 of years of service~~7~~ of any firefighter, omitting intervening
71 years and fractional parts of years when such firefighter may
72 not have been employed by the municipality or special fire
73 control district, subject to the following conditions:

74 (a) ~~A~~ ~~No~~ firefighter may not ~~will~~ receive credit for years
75 or fractional parts of years of service if he or she has
76 withdrawn his or her contributions to the fund for those years
77 or fractional parts of years of service, unless the firefighter
78 repays into the fund the amount he or she has withdrawn, plus
79 interest determined by the board. The member shall have at least
80 90 days after his or her reemployment to make repayment.

81 (b) A firefighter may voluntarily leave his or her
82 contributions in the fund for ~~a period of~~ 5 years after leaving
83 the employ of the fire department, pending the possibility of
84 being rehired by the same department, without losing credit for
85 the time he or she has participated actively as a firefighter.
86 If the firefighter is not reemployed as a firefighter~~7~~ with the
87 same department~~7~~ within 5 years, his or her contributions shall
88 be returned without interest.

89 (c) Credited service under this chapter shall be provided
90 only for service as a firefighter~~7~~, ~~as defined in subsection (8)7~~,

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

91 or for military service and does not include credit for any
92 other type of service. A municipality ~~may~~, by local ordinance,
93 or a special fire control district ~~may~~, by resolution, may
94 provide for the purchase of credit for military service prior to
95 employment as well as for prior service as a firefighter for
96 some other employer as long as a firefighter is not entitled to
97 receive a benefit for such prior service ~~as a firefighter~~. For
98 purposes of determining credit for prior service as a
99 firefighter, in addition to service as a firefighter in this
100 state, credit may be given for federal, other state, or county
101 service if the prior service is recognized by the Division of
102 State Fire Marshal as provided in ~~under~~ chapter 633, or the
103 firefighter provides proof to the board of trustees that his or
104 her service is equivalent to the service required to meet the
105 definition of a firefighter under subsection (11) ~~(8)~~.

106 (d) In determining the creditable service of any
107 firefighter, credit for up to 5 years of the time spent in the
108 military service of the Armed Forces of the United States shall
109 be added to the years of actual service if:

110 1. The firefighter is in the active employ of an employer
111 immediately prior to such service and leaves a position, other
112 than a temporary position, for the purpose of voluntary or
113 involuntary service in the Armed Forces of the United States.

114 2. The firefighter is entitled to reemployment under the
115 provisions of the Uniformed Services Employment and Reemployment
116 Rights Act.

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

117 3. The firefighter returns to his or her employment as a
118 firefighter of the municipality or special fire control district
119 within 1 year from the date of release from such active service.

120 ~~(7)(5)~~ "Deferred Retirement Option Plan" or "DROP" means a
121 local law plan retirement option in which a firefighter may
122 elect to participate. A firefighter may retire for all purposes
123 of the plan and defer receipt of retirement benefits into a DROP
124 account while continuing employment with his or her employer.
125 However, a firefighter who enters ~~the~~ DROP and who is otherwise
126 eligible to participate may shall not ~~thereby~~ be precluded from
127 participation or continued participation participating, or
128 continuing to participate, in a supplemental plan in existence
129 on, or created after, March 12, 1999 ~~the effective date of this~~
130 ~~act.~~

131 (8) "Defined contribution plan" means the component of a
132 local law plan, as provided in s. 175.351(1), to which deposits,
133 if any, are made to provide benefits for firefighters, or for
134 firefighters and police officers if both are included. Such
135 component is an element of a local law plan and exists in
136 conjunction with the defined benefit component that meets the
137 minimum benefits and minimum standards of this chapter. The
138 retirement benefits, if any, of the defined contribution plan
139 shall be provided through individual member accounts in
140 accordance with the applicable provisions of the Internal
141 Revenue Code and related regulations and are limited to the
142 contributions, if any, made into each member's account and the

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

143 actual accumulated earnings, net of expenses, earned on the
144 member's account.

145 ~~(9)(6)~~ "Division" means the Division of Retirement of the
146 Department of Management Services.

147 ~~(10)(7)~~ "Enrolled actuary" means an actuary who is
148 enrolled under Subtitle C of Title III of the Employee
149 Retirement Income Security Act of 1974 and who is a member of
150 the Society of Actuaries or the American Academy of Actuaries.

151 ~~(11)(8)~~(a) "Firefighter" means a person employed solely by
152 a constituted fire department of any municipality or special
153 fire control district who is certified as a firefighter as a
154 condition of employment in accordance with s. 633.408 and whose
155 duty it is to extinguish fires, to protect life, or to protect
156 property. The term includes all certified, supervisory, and
157 command personnel whose duties include, in whole or in part, the
158 supervision, training, guidance, and management responsibilities
159 of full-time firefighters, part-time firefighters, or auxiliary
160 firefighters but does not include part-time firefighters or
161 auxiliary firefighters. However, for purposes of this chapter
162 only, the term also includes public safety officers who are
163 responsible for performing both police and fire services, who
164 are certified as police officers or firefighters, and who are
165 certified by their employers to the Chief Financial Officer as
166 participating in this chapter before October 1, 1979. Effective
167 October 1, 1979, public safety officers who have not been
168 certified as participating in this chapter are considered police

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

169 officers for retirement purposes and are eligible to participate
170 in chapter 185. Any plan may provide that the fire chief has an
171 option to participate, ~~or not,~~ in that plan.

172 (b) "Volunteer firefighter" means any person whose name is
173 carried on the active membership roll of a constituted volunteer
174 fire department or a combination of a paid and volunteer fire
175 department of any municipality or special fire control district
176 and whose duty it is to extinguish fires, to protect life, and
177 to protect property. Compensation for services rendered by a
178 volunteer firefighter does ~~shall~~ not disqualify him or her as a
179 volunteer. A person may ~~shall~~ not be disqualified as a volunteer
180 firefighter solely because he or she has other gainful
181 employment. Any person who volunteers assistance at a fire but
182 is not an active member of a department described herein is not
183 a volunteer firefighter within the meaning of this paragraph.

184 ~~(12)-(9)~~ "Firefighters' Pension Trust Fund" means a trust
185 fund, by whatever name known, as provided under s. 175.041, for
186 the purpose of assisting municipalities and special fire control
187 districts in establishing and maintaining a retirement plan for
188 firefighters.

189 ~~(13)-(10)~~ "Local law municipality" is any municipality in
190 which ~~there exists~~ a local law plan exists.

191 ~~(14)-(11)~~ "Local law plan" means a retirement defined
192 benefit pension plan that includes both a defined benefit plan
193 component and a defined contribution plan component for
194 firefighters, or for firefighters and ~~or~~ police officers if both

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

195 are ~~where~~ included, as described in s. 175.351, established by
196 municipal ordinance, special district resolution, or special act
197 of the Legislature, which ~~enactment~~ sets forth all plan
198 provisions. Local law plan provisions may vary from the
199 provisions of this chapter if the, ~~provided that required~~
200 minimum benefits and minimum standards of this chapter are met.
201 However, any such variance must ~~shall~~ provide a greater benefit
202 for firefighters. Actuarial valuations of local law plans shall
203 be conducted by an enrolled actuary as provided in s.
204 175.261(2).

205 ~~(15)-(12)~~ "Local law special fire control district" means
206 ~~is~~ any special fire control district in which ~~there exists~~ a
207 local law plan exists.

208 ~~(16)~~ "Minimum benefits" means the benefits set forth in
209 ss. 175.021-175.341 and ss. 175.361-175.401.

210 ~~(17)~~ "Minimum standards" means the standards set forth in
211 ss. 175.021-175.401.

212 ~~(18)-(13)~~ "Property insurance" means property insurance as
213 defined in s. 624.604 and covers real and personal property
214 within the corporate limits of a ~~any~~ municipality, or within the
215 boundaries of a ~~any~~ special fire control district, within the
216 state. The term "multiple peril" means a combination or package
217 policy that includes both property and casualty coverage for a
218 single premium.

219 ~~(19)-(14)~~ "Retiree" or "retired firefighter" means a
220 firefighter who has entered retirement status. For the purposes

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

221 of a plan that includes a Deferred Retirement Option Plan
222 (DROP), a firefighter who enters ~~the~~ DROP is ~~shall be~~ considered
223 a retiree for all purposes of the plan. However, a firefighter
224 who enters ~~the~~ DROP and who is otherwise eligible to participate
225 may shall not ~~thereby~~ be precluded from participation or
226 continued participation participating, or continuing to
227 participate, in a supplemental plan in existence on, or created
228 after, March 12, 1999 ~~the effective date of this act.~~

229 (20)-(15) "Retirement" means a firefighter's separation
230 from municipal city or fire district employment as a firefighter
231 with immediate eligibility for ~~receipt of~~ benefits under the
232 plan. For purposes of a plan that includes a Deferred Retirement
233 Option Plan (DROP), "retirement" means the date a firefighter
234 enters ~~the~~ DROP.

235 (21) "Special act plan" means a plan subject to the
236 provisions of this chapter which was created by an act of the
237 Legislature and continues to require an act of the Legislature
238 to alter plan benefits.

239 (22) "Special benefits" means benefits provided in a
240 defined contribution plan for firefighters.

241 (23)-(16) "Special fire control district" means a special
242 district, as defined in s. 189.403~~(1)~~, established for the
243 purposes of extinguishing fires, protecting life, and protecting
244 property within the incorporated or unincorporated portions of a
245 ~~any~~ county or combination of counties, or within any combination
246 of incorporated and unincorporated portions of a ~~any~~ county or

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

247 combination of counties. The term does not include any dependent
248 or independent special district, as those terms are defined in
249 s. 189.403, whose ~~s. 189.403(2) and (3), respectively,~~ the
250 ~~employees of which~~ are members of the Florida Retirement System
251 pursuant to s. 121.051(1) or (2).

252 ~~(24)-(17)~~ "Supplemental plan" means a plan to which
253 deposits are made to provide special ~~extra~~ benefits for
254 firefighters, or for firefighters and police officers if both
255 are ~~where~~ included ~~under this chapter~~. Such a plan is an element
256 of a local law plan and exists in conjunction with a defined
257 benefit component ~~plan~~ that meets the minimum benefits and
258 minimum standards of this chapter. Any supplemental plan in
259 existence on March 1, 2014, shall be deemed to be a defined
260 contribution plan in compliance with s. 175.351(6).

261 ~~(25)-(18)~~ "Supplemental plan municipality" means a ~~any~~
262 local law municipality in which any ~~there existed a~~ supplemental
263 plan existed, ~~of any type or nature,~~ as of December 1, 2000.

264 Section 12. Subsection (7) of section 175.071, Florida
265 Statutes, is amended to read:

266 175.071 General powers and duties of board of trustees.—
267 For any municipality, special fire control district, chapter
268 plan, local law municipality, local law special fire control
269 district, or local law plan under this chapter:

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

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

272 (a) Employ independent legal counsel at the pension fund's
273 expense.

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

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

279
280 If the board chooses to use the municipality's or special
281 district's legal counsel or actuary, or chooses to use any of
282 the municipality's or special district's other professional,
283 technical, or other advisers, it must do so only under terms and
284 conditions acceptable to the board.

285 Section 13. Paragraph (d) of subsection (1) of section
286 175.091, Florida Statutes, is amended to read:

287 175.091 Creation and maintenance of fund.—For any
288 municipality, special fire control district, chapter plan, local
289 law municipality, local law special fire control district, or
290 local law plan under this chapter:

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

294 (d) By mandatory payment by the municipality or special
295 fire control district of a sum equal to the normal cost of and
296 the amount required to fund any actuarial deficiency shown by an
297 actuarial valuation conducted under ~~as provided in~~ part VII of

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

298 chapter 112 after taking into account the amounts described in
299 paragraphs (b), (c), (e), (f), and (g) and the tax proceeds
300 described in paragraph (a) which are used to fund defined
301 benefit plan benefits.

302

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

308 Section 14. Paragraph (a) of subsection (2) of section
309 175.162, Florida Statutes, is amended to read:

310 175.162 Requirements for retirement.—For any municipality,
311 special fire control district, chapter plan, local law
312 municipality, local law special fire control district, or local
313 law plan under this chapter, any firefighter who completes 10 or
314 more years of creditable service as a firefighter and attains
315 age 55, or completes 25 years of creditable service as a
316 firefighter and attains age 52, and who for such minimum period
317 has been a member of the firefighters' pension trust fund
318 operating under a chapter plan or local law plan, is eligible
319 for normal retirement benefits. Normal retirement under the plan
320 is retirement from the service of the municipality or special
321 fire control district on or after the normal retirement date. In
322 such event, payment of retirement income will be governed by the
323 following provisions of this section:

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

324 (2) (a) 1. The amount of monthly retirement income payable
325 to a full-time firefighter who retires on or after his or her
326 normal retirement date shall be an amount equal to the number of
327 his or her years of credited service multiplied by 2.75 ~~2~~
328 percent of his or her average final compensation as a full-time
329 firefighter. ~~However, if current state contributions pursuant to~~
330 ~~this chapter are not adequate to fund the additional benefits to~~
331 ~~meet the minimum requirements in this chapter, only such~~
332 ~~incremental increases shall be required as state moneys are~~
333 ~~adequate to provide. Such increments shall be provided as state~~
334 ~~moneys become available.~~

335 2. 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 full-time firefighter for all years of credited service, as
339 provided in subparagraph 1., or provides an effective benefit
340 that is below 2.75 percent as a result of a maximum benefit
341 limitation, must maintain, at a minimum, the percentage amount
342 or maximum benefit limitation in effect on July 1, 2014, and is
343 not required to increase the benefit to 2.75 percent of the
344 average final compensation of a full-time firefighter for all
345 years of credited service.

346 3. Effective July 1, 2014, a plan that is in compliance
347 with this chapter except that the plan provides a benefit that
348 is less than 2.75 percent of the average final compensation of a
349 full-time firefighter for all years of credited service, as

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

350 provided in subparagraph 1., or provides an effective benefit
351 that is below 2.75 percent as a result of a maximum benefit
352 limitation, and which changes the percentage amount or maximum
353 benefit limitation to 2.75 percent, or greater, of the average
354 final compensation of a full-time firefighter for all years of
355 credited service, as provided in subparagraph 1., may not
356 thereafter decrease the percentage amount or maximum benefit
357 limitation to less than 2.75 percent of the average final
358 compensation of a full-time firefighter for all years of
359 credited service, as provided in subparagraph 1.

360 Section 15. Section 175.351, Florida Statutes, is amended
361 to read:

362 175.351 Municipalities and special fire control districts
363 that have having their own retirement pension plans for
364 firefighters. ~~For any municipality, special fire control~~
365 ~~district, local law municipality, local law special fire control~~
366 ~~district, or local law plan under this chapter,~~ In order for a
367 municipality or municipalities and special fire control district
368 that has its districts with their own retirement plan pension
369 plans for firefighters, or for firefighters and police officers
370 if both are included, to participate in the distribution of the
371 tax fund established under ~~pursuant to~~ s. 175.101, a local law
372 plan plans must meet the minimum benefits and minimum standards
373 set forth in this chapter, except as provided in the mutual
374 consent provisions in paragraph (1)(g) with respect to the
375 minimum benefits not met as of October 1, 2012.

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

376 (1) If a municipality has a retirement ~~pension~~ plan for
377 firefighters, or a ~~pension plan~~ for firefighters and police
378 officers if both are included, which in the opinion of the
379 division meets the minimum benefits and minimum standards set
380 forth in this chapter, the board of trustees of the pension plan
381 ~~must, as approved by a majority of firefighters of the~~
382 ~~municipality, may:~~

383 ~~(a)~~ place the income from the premium tax in s. 175.101 in
384 such ~~pension~~ plan for the sole and exclusive use of its
385 firefighters, or for firefighters and police officers if both
386 are included, where it shall become an integral part of that
387 ~~pension~~ plan and ~~shall~~ be used to fund benefits as provided
388 herein. Effective October 1, 2014, for noncollectively bargained
389 service or upon entering into a collective bargaining agreement
390 on or after July 1, 2014:

391 (a) The base premium tax revenues must be used to fund
392 minimum benefits or other retirement benefits in excess of the
393 minimum benefits as determined by the municipality or special
394 fire control district.

395 (b) Of the additional premium tax revenues received which
396 are in excess of the amount received for the 2012 calendar year,
397 50 percent must be used to fund minimum benefits or other
398 retirement benefits in excess of the minimum benefits as
399 determined by the municipality or special fire control district,
400 and 50 percent must be placed in a defined contribution plan to
401 fund special benefits.

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

402 (c) Additional premium tax revenues not described in
403 paragraph (b) must be used to fund benefits that are not
404 included in the minimum benefits. If the additional premium tax
405 revenues subject to this paragraph exceed the full annual cost
406 of benefits provided through the plan which are in excess of the
407 minimum benefits, any amount in excess of the full annual cost
408 must be used as provided in paragraph (b).

409 (d) Of any accumulations of additional premium tax
410 revenues which have not been allocated to fund benefits in
411 excess of the minimum benefits, 50 percent of the amount of the
412 accumulations must be used to fund special benefits, and 50
413 percent must be applied to fund any unfunded actuarial
414 liabilities of the plan; provided that any amount of
415 accumulations in excess of the amount required to fund the
416 unfunded actuarial liabilities must be used to fund special
417 benefits to pay extra benefits to the firefighters included in
418 that pension plan; or

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

423 (e) For a plan created after March 1, 2014, 50 percent of
424 the insurance premium tax revenues must be used to fund defined
425 benefit plan component benefits, with the remainder used to fund
426 defined contribution plan component benefits.

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

427 (f) If a plan offers benefits in excess of the minimum
428 benefits, such benefits, excluding supplemental plan benefits in
429 effect as of September 30, 2013, may be reduced if the plan
430 continues to meet the minimum benefits and the minimum standards
431 set forth in this chapter. The amount of insurance premium tax
432 revenues previously used to fund benefits in excess of minimum
433 benefits, excluding the amount of any additional premium tax
434 revenues distributed to a supplemental plan for calendar year
435 2012, before the reduction must be used as provided in paragraph
436 (b). However, benefits in excess of the minimum benefits may not
437 be reduced if a plan does not meet the minimum percentage amount
438 of 2.75 percent, or greater, of the average final compensation
439 of a full-time firefighter, as provided in s. 175.162(2)(a)1.,
440 or provides an effective benefit that is below 2.75 percent as a
441 result of a maximum benefit limitation, as described in s.
442 175.162(2)(a)2.

443 (g) Notwithstanding paragraphs (a)-(f), the use of premium
444 tax revenues, including any accumulations of additional premium
445 tax revenues which have not been allocated to fund benefits in
446 excess of the minimum benefits, may deviate from the provisions
447 of this subsection by mutual consent of the members' collective
448 bargaining representative or, if none, by majority consent of
449 the firefighter members of the fund, and by consent of the
450 municipality or special fire control district, provided that the
451 plan continues to meet the minimum benefits and minimum
452 standards of this chapter; however, a plan that operates

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

453 pursuant to this paragraph which does not meet the minimum
454 benefits as of October 1, 2012, may continue to provide the
455 benefits that do not meet the minimum benefits at the same level
456 as was provided as of October 1, 2012, and all other benefit
457 levels must continue to meet the minimum benefits. Such mutually
458 agreed deviation shall continue until modified or revoked by
459 subsequent mutual consent of the members' collective bargaining
460 representative or, if none, by a majority of the firefighter
461 members of the fund, and the municipality or special fire
462 control district. An existing arrangement for the use of premium
463 tax revenues contained within a special act plan or a plan
464 within a supplemental plan municipality is considered, as of
465 July 1, 2014, to be a deviation for which mutual consent has
466 been granted.

467 (2) The premium tax provided by this chapter shall ~~in all~~
468 ~~eases~~ be used in its entirety to provide retirement ~~extra~~
469 benefits to firefighters, or to firefighters and police officers
470 if both are included. ~~However, local law plans in effect on~~
471 ~~October 1, 1998, must comply with the minimum benefit provisions~~
472 ~~of this chapter only to the extent that additional premium tax~~
473 ~~revenues become available to incrementally fund the cost of such~~
474 ~~compliance as provided in s. 175.162(2)(a). If a plan is in~~
475 ~~compliance with such minimum benefit provisions, as subsequent~~
476 ~~additional premium tax revenues become available, they must be~~
477 ~~used to provide extra benefits.~~ Local law plans created by

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

478 special act before May 27, 1939, are deemed to comply with this
479 chapter. ~~For the purpose of this chapter, the term:~~

480 ~~(a) "Additional premium tax revenues" means revenues~~
481 ~~received by a municipality or special fire control district~~
482 ~~pursuant to s. 175.121 which exceed that amount received for~~
483 ~~calendar year 1997.~~

484 ~~(b) "Extra benefits" means benefits in addition to or~~
485 ~~greater than those provided to general employees of the~~
486 ~~municipality and in addition to those in existence for~~
487 ~~firefighters on March 12, 1999.~~

488 (3) A retirement plan or amendment to a retirement plan
489 may not be proposed for adoption unless the proposed plan or
490 amendment contains an actuarial estimate of the costs involved.
491 Such proposed plan or proposed plan change may not be adopted
492 without the approval of the municipality, special fire control
493 district, or, where required ~~permitted~~, the Legislature. Copies
494 of the proposed plan or proposed plan change and the actuarial
495 impact statement of the proposed plan or proposed plan change
496 shall be furnished to the division before the last public
497 hearing on the proposal is held ~~thereon~~. Such statement must
498 also indicate whether the proposed plan or proposed plan change
499 is in compliance with s. 14, Art. X of the State Constitution
500 and those provisions of part VII of chapter 112 which are not
501 expressly provided in this chapter. Notwithstanding any other
502 provision, only those local law plans created by special act of

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

503 legislation before May 27, 1939, are deemed to meet the minimum
504 benefits and minimum standards only in this chapter.

505 (4) Notwithstanding any other provision, with respect to
506 any supplemental plan municipality:

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

510 (b) Section 175.061(1)(b) does not apply, and a local law
511 plan and a supplemental plan shall continue to be administered
512 by a board or boards of trustees numbered, constituted, and
513 selected as the board or boards were numbered, constituted, and
514 selected on December 1, 2000.

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

517 (5) The retirement plan setting forth the benefits and the
518 trust agreement, if any, covering the duties and
519 responsibilities of the trustees and the regulations of the
520 investment of funds must be in writing, and copies made
521 available to the participants and to the general public.

522 (6) In addition to the defined benefit component of the
523 local law plan, each plan sponsor must have a defined
524 contribution plan component within the local law plan by October
525 1, 2014, for noncollectively bargained service, upon entering
526 into a collective bargaining agreement on or after July 1, 2014,
527 or upon the creation date of a new participating plan. Depending

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

528 upon the application of subsection (1), a defined contribution
529 component may or may not receive any funding.

530 (7) Notwithstanding any other provision of this chapter, a
531 municipality or special fire control district that has
532 implemented or proposed changes to a local law plan based on the
533 municipality's or district's reliance on an interpretation of
534 this chapter by the Department of Management Services on or
535 after August 14, 2012, and before March 4, 2014, may continue
536 the implemented changes or continue to implement proposed
537 changes. Such reliance must be evidenced by a written collective
538 bargaining proposal or agreement, or formal correspondence
539 between the municipality or district and the Department of
540 Management Services which describes the specific changes to the
541 local law plan, with the initial proposal, agreement, or
542 correspondence from the municipality or district dated before
543 March 4, 2014. Changes to the local law plan which are otherwise
544 contrary to the minimum benefits and minimum standards in this
545 chapter may continue in effect until the earlier of October 1,
546 2017, or the effective date of a collective bargaining agreement
547 that is contrary to the changes to the local law plan.

548 Section 16. Subsection (2) of section 185.01, Florida
549 Statutes, is amended to read:

550 185.01 Legislative declaration.—

551 (2) This chapter hereby establishes, for all municipal
552 pension plans ~~now or hereinafter~~ provided for under this
553 chapter, including chapter plans and local law plans, minimum

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

554 benefits and minimum standards for the operation and funding of
555 such plans, hereinafter referred to as municipal police
556 officers' retirement trust funds, which must be met as
557 conditions precedent to the plans or plan sponsors receiving a
558 distribution of insurance premium tax revenues under s. 185.10.
559 The minimum benefits and minimum standards for each plan as set
560 forth in this chapter may not be diminished by local ordinance
561 or by special act of the Legislature and may not, ~~nor may the~~
562 ~~minimum benefits or minimum standards~~ be reduced or offset by
563 any other local, state, or federal plan that includes ~~may~~
564 ~~include~~ police officers in its operation, except as provided
565 under s. 112.65.

566 Section 17. Section 185.02, Florida Statutes, is amended
567 to read:

568 185.02 Definitions.—For any municipality, chapter plan,
569 local law municipality, or local law plan under this chapter,
570 the term following words and phrases as used in this chapter
571 ~~shall have the following meanings, unless a different meaning is~~
572 ~~plainly required by the context:~~

573 (1) "Additional premium tax revenues" means revenues
574 received by a municipality pursuant to s. 185.10 which exceed
575 base premium tax revenues.

576 (2) ~~(1)~~ "Average final compensation" means one-twelfth of
577 the average annual compensation of the 5 best years of the last
578 10 years of creditable service prior to retirement, termination,
579 or death.

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

580 (3) "Base premium tax revenues" means:

581 (a) For a local law plan in effect on October 1, 1998, the
582 revenues received by a municipality pursuant to s. 185.10 for
583 the calendar year 1997.

584 (b) For a local law plan created between October 1, 1998,
585 and March 1, 2014, inclusive, the revenues received by a
586 municipality pursuant to s. 185.10 based upon the tax
587 collections during the second calendar year of participation.

588 (4)~~(2)~~ "Casualty insurance" means automobile public
589 liability and property damage insurance to be applied at the
590 place of residence of the owner, or if the subject is a
591 commercial vehicle, to be applied at the place of business of
592 the owner; automobile collision insurance; fidelity bonds;
593 burglary and theft insurance; and plate glass insurance. The
594 term "multiple peril" means a combination or package policy that
595 includes both property coverage and casualty coverage for a
596 single premium.

597 (5)~~(3)~~ "Chapter plan" means a separate defined benefit
598 pension plan for police officers which incorporates by reference
599 the provisions of this chapter and has been adopted by the
600 governing body of a municipality as provided in s. 185.08.
601 Except as ~~may be~~ specifically authorized in this chapter, the
602 provisions of a chapter plan may not differ from the plan
603 provisions set forth in ss. 185.01-185.341 and ss. 185.37-
604 185.39. Actuarial valuations of chapter plans shall be conducted
605 by the division as provided by s. 185.221(1)(b).

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

606 ~~(6)(4)~~ "Compensation" or "salary" means, for
607 noncollectively bargained service earned before July 1, 2011, or
608 for service earned under collective bargaining agreements in
609 place before July 1, 2011, the total cash remuneration including
610 "overtime" paid by the primary employer to a police officer for
611 services rendered, but not including any payments for extra duty
612 or special detail work performed on behalf of a second party
613 employer. Overtime may be limited prior to July 1, 2011, in a
614 local law plan by the plan provisions ~~A local law plan may limit~~
615 ~~the amount of overtime payments which can be used for retirement~~
616 ~~benefit calculation purposes; however, such overtime limit may~~
617 ~~not be less than 300 hours per officer per calendar year.~~ For
618 noncollectively bargained service earned on or after July 1,
619 2011, or for service earned under collective bargaining
620 agreements entered into on or after July 1, 2011, the term has
621 the same meaning except that when calculating retirement
622 benefits, up to 300 hours per year in overtime compensation may
623 be included as specified in the plan or collective bargaining
624 agreement, but payments for accrued unused sick or annual leave
625 may not be included.

626 (a) Any retirement trust fund or plan that meets the
627 requirements of this chapter does not, solely by virtue of this
628 subsection, reduce or diminish the monthly retirement income
629 otherwise payable to each police officer covered by the
630 retirement trust fund or plan.

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

631 (b) The member's compensation or salary contributed as
632 employee-elective salary reductions or deferrals to any salary
633 reduction, deferred compensation, or tax-sheltered annuity
634 program authorized under the Internal Revenue Code shall be
635 deemed to be the compensation or salary the member would receive
636 if he or she were not participating in such program and shall be
637 treated as compensation for retirement purposes under this
638 chapter.

639 (c) For any person who first becomes a member in any plan
640 year beginning on or after January 1, 1996, compensation for
641 that plan year may not include any amounts in excess of the
642 Internal Revenue Code s. 401(a)(17) limitation, as amended by
643 the Omnibus Budget Reconciliation Act of 1993, which limitation
644 of \$150,000 shall be adjusted as required by federal law for
645 qualified government plans and ~~shall be~~ further adjusted for
646 changes in the cost of living in the manner provided by Internal
647 Revenue Code s. 401(a)(17)(B). For any person who first became a
648 member before the first plan year beginning on or after January
649 1, 1996, the limitation on compensation may not be less than the
650 maximum compensation amount that was allowed to be taken into
651 account under the plan ~~as~~ in effect on July 1, 1993, which
652 limitation shall be adjusted for changes in the cost of living
653 since 1989 in the manner provided by Internal Revenue Code s.
654 401(a)(17)(1991).

655 (7)~~(5)~~ "Creditable service" or "credited service" means
656 the aggregate number of years of service and fractional parts of

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

657 years of service of any police officer, omitting intervening
658 years and fractional parts of years when such police officer may
659 not have been employed by the municipality subject to the
660 following conditions:

661 (a) A ~~No~~ police officer may not ~~will~~ receive credit for
662 years or fractional parts of years of service if he or she has
663 withdrawn his or her contributions to the fund for those years
664 or fractional parts of years of service, unless the police
665 officer repays into the fund the amount he or she has withdrawn,
666 plus interest as determined by the board. The member has ~~shall~~
667 ~~have~~ at least 90 days after his or her reemployment to make
668 repayment.

669 (b) A police officer may voluntarily leave his or her
670 contributions in the fund for ~~a period of~~ 5 years after leaving
671 the employ of the police department, pending the possibility of
672 his or her being rehired by the same department, without losing
673 credit for the time he or she has participated actively as a
674 police officer. If he or she is not reemployed as a police
675 officer with the same department within 5 years, his or her
676 contributions shall be returned ~~to him or her~~ without interest.

677 (c) Credited service under this chapter shall be provided
678 only for service as a police officer, ~~as defined in subsection~~
679 ~~(11)~~, or for military service and may not include credit for any
680 other type of service. A municipality ~~may~~, by local ordinance,
681 may provide for the purchase of credit for military service
682 occurring before employment as well as prior service as a police

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

683 officer for some other employer as long as the police officer is
684 not entitled to receive a benefit for such ~~other~~ prior service
685 ~~as a police officer~~. For purposes of determining credit for
686 prior service, in addition to service as a police officer in
687 this state, credit may be given for federal, other state, or
688 county service as long as such service is recognized by the
689 Criminal Justice Standards and Training Commission within the
690 Department of Law Enforcement as provided in ~~under~~ chapter 943
691 or the police officer provides proof to the board of trustees
692 that such service is equivalent to the service required to meet
693 the definition of a police officer under subsection (16) ~~(11)~~.

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

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

702 2. The police officer is entitled to reemployment under
703 ~~the provisions of~~ the Uniformed Services Employment and
704 Reemployment Rights Act.

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

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

708 ~~(8)+(6)~~ "Deferred Retirement Option Plan" or "DROP" means a
709 local law plan retirement option in which a police officer may
710 elect to participate. A police officer may retire for all
711 purposes of the plan and defer receipt of retirement benefits
712 into a DROP account while continuing employment with his or her
713 employer. However, a police officer who enters ~~the~~ DROP and who
714 is otherwise eligible to participate may shall not ~~thereby~~ be
715 precluded from participation or continued participation
716 ~~participating, or continuing to participate,~~ in a supplemental
717 plan in existence on, or created after, March 12, 1999 ~~the~~
718 ~~effective date of this act.~~

719 (9) "Defined contribution plan" means the component of a
720 local law plan, as provided in s. 185.35(1), to which deposits,
721 if any, are made to provide benefits for police officers, or for
722 police officers and firefighters if both are included. Such
723 component is an element of a local law plan and exists in
724 conjunction with the defined benefit component that meets the
725 minimum benefits and minimum standards of this chapter. The
726 retirement benefits, if any, of the defined contribution plan
727 shall be provided through individual member accounts in
728 accordance with the applicable provisions of the Internal
729 Revenue Code and related regulations and are limited to the
730 contributions, if any, made into each member's account and the
731 actual accumulated earnings, net of expenses, earned on the
732 member's account.

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

733 ~~(10)-(7)~~ "Division" means the Division of Retirement of the
734 Department of Management Services.

735 ~~(11)-(8)~~ "Enrolled actuary" means an actuary who is
736 enrolled under Subtitle C of Title III of the Employee
737 Retirement Income Security Act of 1974 and who is a member of
738 the Society of Actuaries or the American Academy of Actuaries.

739 ~~(12)-(9)~~ "Local law municipality" means ~~is~~ any municipality
740 in which ~~there exists~~ a local law plan exists.

741 ~~(13)-(10)~~ "Local law plan" means a retirement defined
742 benefit pension plan that includes both a defined benefit plan
743 component and a defined contribution plan component for police
744 officers, or for police officers and firefighters if both are,
745 ~~where~~ included, as described in s. 185.35, established by
746 municipal ordinance or special act of the Legislature, which
747 ~~enactment~~ sets forth all plan provisions. Local law plan
748 provisions may vary from the provisions of this chapter if the,
749 ~~provided that required~~ minimum benefits and minimum standards of
750 this chapter are met. However, any such variance must ~~shall~~
751 provide a greater benefit for police officers. Actuarial
752 valuations of local law plans shall be conducted by an enrolled
753 actuary as provided in s. 185.221(2) (b).

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

756 (15) "Minimum standards" means the standards set forth in
757 ss. 185.01-185.50.

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

758 (16)~~(11)~~ "Police officer" means any person who is elected,
759 appointed, or employed full time by a ~~any~~ municipality, who is
760 certified or required to be certified as a law enforcement
761 officer in compliance with s. 943.1395, who is vested with
762 authority to bear arms and make arrests, and whose primary
763 responsibility is the prevention and detection of crime or the
764 enforcement of the penal, criminal, traffic, or highway laws of
765 the state. The term ~~This definition~~ includes all certified
766 supervisory and command personnel whose duties include, in whole
767 or in part, the supervision, training, guidance, and management
768 responsibilities of full-time law enforcement officers, part-
769 time law enforcement officers, or auxiliary law enforcement
770 officers, but does not include part-time law enforcement
771 officers or auxiliary law enforcement officers as those terms
772 ~~the same~~ are defined in s. 943.10~~(6)~~ and ~~(8)~~, ~~respectively~~. For
773 the purposes of this chapter only, the term also includes
774 ~~"police officer"~~ ~~also shall include~~ a public safety officer who
775 is responsible for performing both police and fire services. Any
776 plan may provide that the police chief shall have an option to
777 participate, ~~or not,~~ in that plan.

778 (17)~~(12)~~ "Police Officers' Retirement Trust Fund" means a
779 trust fund, by whatever name known, as provided under s. 185.03
780 for the purpose of assisting municipalities in establishing and
781 maintaining a retirement plan for police officers.

782 (18)~~(13)~~ "Retiree" or "retired police officer" means a
783 police officer who has entered retirement status. For the

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

784 purposes of a plan that includes a Deferred Retirement Option
785 Plan (DROP), a police officer who enters ~~the~~ DROP is ~~shall be~~
786 considered a retiree for all purposes of the plan. However, a
787 police officer who enters ~~the~~ DROP and who is otherwise eligible
788 to participate may ~~shall~~ not ~~thereby~~ be precluded from
789 participating, or continuing to participate, in a supplemental
790 plan in existence on, or created after, March 12, 1999 ~~the~~
791 ~~effective date of this act.~~

792 (19) ~~(14)~~ "Retirement" means a police officer's separation
793 from municipal city employment as a police officer with
794 immediate eligibility for ~~receipt of~~ benefits under the plan.
795 For purposes of a plan that includes a Deferred Retirement
796 Option Plan (DROP), "retirement" means the date a police officer
797 enters ~~the~~ DROP.

798 (20) "Special act plan" means a plan subject to the
799 provisions of this chapter which was created by an act of the
800 Legislature and continues to require an act of the Legislature
801 to alter plan benefits.

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

804 (22) ~~(15)~~ "Supplemental plan" means a plan to which
805 deposits of the premium tax moneys as provided in s. 185.08 are
806 made to provide special ~~extra~~ benefits to police officers, or
807 police officers and firefighters if both are ~~where~~ included,
808 ~~under this chapter.~~ Such a plan is an element of a local law
809 plan and exists in conjunction with a defined benefit component

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

810 ~~plan~~ that meets the minimum benefits and minimum standards of
811 this chapter. Any supplemental plan in existence on March 1,
812 2014, shall be deemed to be a defined contribution plan in
813 compliance with s. 185.35(6).

814 ~~(23)(16)~~ "Supplemental plan municipality" means a ~~any~~
815 local law municipality in which ~~there existed~~ a supplemental
816 plan existed as of December 1, 2000.

817 Section 18. Subsection (6) of section 185.06, Florida
818 Statutes, is amended to read:

819 185.06 General powers and duties of board of trustees.—For
820 any municipality, chapter plan, local law municipality, or local
821 law plan under this chapter:

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

824 (a) Employ independent legal counsel at the pension fund's
825 expense.

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

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

831
832 If the board chooses to use the municipality's or special
833 district's legal counsel or actuary, or chooses to use any of
834 the municipality's other professional, technical, or other

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

835 advisers, it must do so only under terms and conditions
836 acceptable to the board.

837 Section 19. Paragraph (d) of subsection (1) of section
838 185.07, Florida Statutes, is amended to read:

839 185.07 Creation and maintenance of fund.—For any
840 municipality, chapter plan, local law municipality, or local law
841 plan under this chapter:

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

845 (d) By payment by the municipality or other sources of a
846 sum equal to the normal cost and the amount required to fund any
847 actuarial deficiency shown by an actuarial valuation conducted
848 under as provided in part VII of chapter 112 after taking into
849 account the amounts described in paragraphs (b), (c), (e), (f),
850 and (g) and the tax proceeds described in paragraph (a) which
851 are used to fund defined benefit plan benefits.

852
853 Nothing in this section shall be construed to require adjustment
854 of member contribution rates in effect on the date this act
855 becomes a law, including rates that exceed 5 percent of salary,
856 provided that such rates are at least one-half of 1 percent of
857 salary.

858 Section 20. Subsection (2) of section 185.16, Florida
859 Statutes, is amended to read:

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

860 185.16 Requirements for retirement.—For any municipality,
861 chapter plan, local law municipality, or local law plan under
862 this chapter, any police officer who completes 10 or more years
863 of creditable service as a police officer and attains age 55, or
864 completes 25 years of creditable service as a police officer and
865 attains age 52, and for such period has been a member of the
866 retirement fund is eligible for normal retirement benefits.
867 Normal retirement under the plan is retirement from the service
868 of the city on or after the normal retirement date. In such
869 event, for chapter plans and local law plans, payment of
870 retirement income will be governed by the following provisions
871 of this section:

872 (2) (a) The amount of the monthly retirement income payable
873 to a police officer who retires on or after his or her normal
874 retirement date shall be an amount equal to the number of the
875 police officer's years of credited service multiplied by 2.75 ~~2~~
876 percent of his or her average final compensation. ~~However, if~~
877 ~~current state contributions pursuant to this chapter are not~~
878 ~~adequate to fund the additional benefits to meet the minimum~~
879 ~~requirements in this chapter, only increment increases shall be~~
880 ~~required as state moneys are adequate to provide. Such~~
881 ~~increments shall be provided as state moneys become available.~~

882 (b) Effective July 1, 2014, a plan that is in compliance
883 with this chapter except that the plan provides a benefit that
884 is less than 2.75 percent of the average final compensation of a
885 police officer for all years of credited service, as provided in

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

886 paragraph (a), or provides an effective benefit that is below
887 2.75 percent as a result of a maximum benefit limitation, must
888 maintain, at a minimum, the percentage amount or maximum benefit
889 limitation in effect on July 1, 2014, and is not required to
890 increase the benefit to 2.75 percent of the average final
891 compensation of a police officer for all years of credited
892 service.

893 (c) Effective July 1, 2014, a plan that is in compliance
894 with this chapter except that the plan provides a benefit that
895 is less than 2.75 percent of the average final compensation of a
896 police officer for all years of credited service, as provided in
897 paragraph (a), or provides an effective benefit that is below
898 2.75 percent as a result of a maximum benefit limitation, and
899 which changes the percentage amount or maximum benefit
900 limitation to 2.75 percent, or greater, of the average final
901 compensation of a police officer for all years of credited
902 service, as provided in paragraph (a), may not thereafter
903 decrease the percentage amount or the maximum benefit limitation
904 to less than 2.75 percent of the average final compensation of a
905 police officer for all years of credited service, as provided in
906 paragraph (a).

907 Section 21. Section 185.35, Florida Statutes, is amended
908 to read:

909 185.35 Municipalities that have ~~having~~ their own
910 retirement ~~pension~~ plans for police officers. ~~For any~~
911 ~~municipality, chapter plan, local law municipality, or local law~~

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

912 ~~plan under this chapter,~~ In order for a municipality that has
913 its municipalities with their own retirement plan pension plans
914 for police officers, or for police officers and firefighters if
915 both are included, to participate in the distribution of the tax
916 fund established under pursuant to s. 185.08, a local law plan
917 ~~plans~~ must meet the minimum benefits and minimum standards set
918 forth in this chapter, except as provided in the mutual consent
919 provisions in paragraph (1)(g) with respect to the minimum
920 benefits not met as of October 1, 2012.÷

921 (1) If a municipality has a retirement pension plan for
922 police officers, or for police officers and firefighters if both
923 are included, which, in the opinion of the division, meets the
924 minimum benefits and minimum standards set forth in this
925 chapter, the board of trustees of the pension plan must,~~as~~
926 ~~approved by a majority of police officers of the municipality,~~
927 ~~may:~~

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

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

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

939 (b) Of the additional premium tax revenues received which
940 are in excess of the amount received for the 2012 calendar year,
941 50 percent must be used to fund minimum benefits or other
942 retirement benefits in excess of the minimum benefits as
943 determined by the municipality, and 50 percent must be placed in
944 a defined contribution plan to fund special benefits.

945 (c) Additional premium tax revenues not described in
946 paragraph (b) must be used to fund benefits that are not
947 included in the minimum benefits. If the additional premium tax
948 revenues subject to this paragraph exceed the full annual cost
949 of benefits provided through the plan which are in excess of the
950 minimum benefits, any amount in excess of the full annual cost
951 must be used as provided in paragraph (b).

952 (d) Of any accumulations of additional premium tax
953 revenues which have not been allocated to fund benefits in
954 excess of the minimum benefits, 50 percent of the amount of the
955 accumulations must be used to fund special benefits and 50
956 percent must be applied to fund any unfunded actuarial
957 liabilities of the plan; provided that any amount of
958 accumulations in excess of the amount required to fund the
959 unfunded actuarial liabilities must be used to fund special
960 benefits ~~pay extra benefits to the police officers included in~~
961 ~~that pension plan; or~~

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

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

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

970 (f) If a plan offers benefits in excess of the minimum
971 benefits, such benefits, excluding supplemental plan benefits in
972 effect as of September 30, 2013, may be reduced if the plan
973 continues to meet the minimum benefits and the minimum standards
974 set forth in this chapter. The amount of insurance premium tax
975 revenues previously used to fund benefits in excess of the
976 minimum benefits, excluding the amount of any additional premium
977 tax revenues distributed to a supplemental plan for calendar
978 year 2012, before the reduction must be used as provided in
979 paragraph (b). However, benefits in excess of the minimum
980 benefits may not be reduced if a plan does not meet the minimum
981 percentage amount of 2.75 percent, or greater, of the average
982 final compensation of a police officer, as provided in s.
983 185.16(2) (a), or provides an effective benefit that is below
984 2.75 percent as a result of a maximum benefit limitation, as
985 described in s. 185.16(2) (b).

986 (g) Notwithstanding paragraphs (a)-(f), the use of premium
987 tax revenues, including any accumulations of additional premium

046739

Approved For Filing: 4/24/2014 10:15:24 PM

Amendment No.

988 tax revenues which have not been allocated to fund benefits in
989 excess of the minimum benefits, may deviate from the provisions
990 of this subsection by mutual consent of the members' collective
991 bargaining representative or, if none, by majority consent of
992 the police officer members of the fund, and by consent of the
993 municipality, provided that the plan continues to meet the
994 minimum benefits and minimum standards of this chapter; however,
995 a plan that operates pursuant to this paragraph which does not
996 meet the minimum benefits as of October 1, 2012, may continue to
997 provide the benefits that do not meet the minimum benefits at
998 the same level as was provided as of October 1, 2012, and all
999 other benefit levels must continue to meet the minimum benefits.
1000 Such mutually agreed deviation shall continue until modified or
1001 revoked by subsequent mutual consent of the members' collective
1002 bargaining representative or, if none, by a majority of the
1003 police officer members of the fund, and the municipality. An
1004 existing arrangement for the use of premium tax revenues
1005 contained within a special act plan or a plan within a
1006 supplemental plan municipality is considered, as of July 1,
1007 2014, to be a deviation for which mutual consent has been
1008 granted.

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