

1 A bill to be entitled

2 An act relating to publicly funded retirement
3 programs; amending s. 175.041, F.S.; revising
4 applicability of the Marvin B. Clayton Firefighters
5 Pension Trust Fund Act; providing that any
6 municipality that provides fire protection services to
7 a municipal services taxing unit under an interlocal
8 agreement is eligible to receive property insurance
9 premium taxes; amending s. 175.101, F.S.; authorizing
10 a municipal services taxing unit that enters into an
11 interlocal agreement for fire protection services with
12 another municipality to impose an excise tax on
13 property insurance premiums; amending s. 175.111,
14 F.S.; requiring municipal services taxing units to
15 provide the Division of Retirement of the Department
16 of Management Services with a certified copy of the
17 ordinance assessing and imposing certain taxes;
18 amending ss. 175.122 and 175.351, F.S.; revising
19 provisions relating to the limitation of disbursement
20 to conform to changes made by the act; amending s.
21 175.411, F.S.; authorizing a municipal services taxing
22 unit, under certain conditions, to revoke its
23 participation and cease to receive property insurance
24 premium taxes; providing an effective date.

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26 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Subsection (3) of section 175.041, Florida Statutes, is amended to read:

175.041 Firefighters' Pension Trust Fund created; applicability of provisions.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(3) ~~The provisions of~~ This chapter applies ~~shall apply~~ only to municipalities organized and established pursuant to the laws of the state and to special fire control districts. This chapter does, ~~and said provisions shall~~ not apply to the unincorporated areas of any county or counties except with respect to municipal services taxing units established in unincorporated areas for the purpose of receiving fire protection service from a municipality and special fire control districts that include unincorporated areas. This chapter also does not, ~~nor shall the provisions hereof~~ apply to any governmental entity whose firefighters are eligible to participate in the Florida Retirement System.

(a) Special fire control districts that include, or consist exclusively of, unincorporated areas of one or more counties may levy and impose the tax and participate in the retirement programs enabled by this chapter.

(b) With respect to the distribution of premium taxes, a single consolidated government consisting of a former county and

53 one or more municipalities, consolidated pursuant to s. 3 or s.
54 6(e), Art. VIII of the State Constitution, is also eligible to
55 participate under this chapter. The consolidated government
56 shall notify the division when it has entered into an interlocal
57 agreement to provide fire services to a municipality within its
58 boundaries. The municipality may enact an ordinance levying the
59 tax as provided in s. 175.101. Upon being provided copies of the
60 interlocal agreement and the municipal ordinance levying the
61 tax, the division may distribute any premium taxes reported for
62 the municipality to the consolidated government as long as the
63 interlocal agreement is in effect.

64 (c) Any municipality that has entered into an interlocal
65 agreement to provide fire protection services to any other
66 incorporated municipality or a municipal services taxing unit in
67 an unincorporated area, in its entirety, for a period of 12
68 months or more may be eligible to receive the premium taxes
69 reported for such other municipality or municipal services
70 taxing unit. In order to be eligible for such premium taxes, the
71 municipality providing the fire services must notify the
72 division that it has entered into an interlocal agreement with
73 another municipality or a county on behalf of a municipal
74 services taxing unit. The municipality receiving the fire
75 services may enact an ordinance levying the tax as provided in
76 s. 175.101. Upon being provided copies of the interlocal
77 agreement and the municipal ordinance levying the tax, the
78 division may distribute any premium taxes reported for the

79 municipality or municipal services taxing unit receiving the
 80 fire services to the participating municipality providing the
 81 fire services as long as the interlocal agreement is in effect.

82 Section 2. Subsections (1) and (3) of section 175.101,
 83 Florida Statutes, are amended to read:

84 175.101 State excise tax on property insurance premiums
 85 authorized; procedure.—For any municipality, special fire
 86 control district, chapter plan, local law municipality, local
 87 law special fire control district, or local law plan under this
 88 chapter:

89 (1) Each municipality, ~~or~~ special fire control district,
 90 or municipal services taxing unit in this state described and
 91 classified in s. 175.041, having a lawfully established
 92 firefighters' pension trust fund or municipal fund or special
 93 fire control district fund, by whatever name known, providing
 94 pension benefits to firefighters as provided under this chapter,
 95 or receiving fire protection services from a municipality
 96 participating under this chapter, may assess and impose on every
 97 insurance company, corporation, or other insurer now engaged in
 98 or carrying on, or who shall hereinafter engage in or carry on,
 99 the business of property insurance as shown by the records of
 100 the Office of Insurance Regulation of the Financial Services
 101 Commission, an excise tax in addition to any lawful license or
 102 excise tax now levied by each of the municipalities, ~~or~~ special
 103 fire control districts, or municipal services taxing units,
 104 respectively, amounting to 1.85 percent of the gross amount of

105 receipts of premiums from policyholders on all premiums
106 collected on property insurance policies covering property
107 within the corporate limits of such municipalities or within the
108 legally defined boundaries of special fire control districts or
109 municipal services taxing units, respectively. Whenever the
110 boundaries of a special fire control district that has lawfully
111 established a firefighters' pension trust fund encompass a
112 portion of the corporate territory of a municipality that has
113 also lawfully established a firefighters' pension trust fund, or
114 a municipal services taxing unit receiving fire protection
115 services from a municipality participating under this chapter,
116 that portion of the tax receipts attributable to insurance
117 policies covering property situated both within the
118 municipality, or municipal services taxing unit, and the special
119 fire control district shall be given to the fire service
120 provider. For the purpose of this section, the boundaries of a
121 special fire control district include an area that has been
122 annexed until the completion of the 4-year period provided for
123 in s. 171.093(4), or other agreed-upon extension, or if a
124 special fire control district or municipal services taxing unit
125 is providing services under an interlocal agreement executed in
126 accordance with s. 171.093(3). The agent shall identify the fire
127 service provider on the property owner's application for
128 insurance. Remaining revenues collected pursuant to this chapter
129 shall be distributed to the municipality, ~~or~~ special fire
130 control district, or municipal services taxing unit according to

131 the location of the insured property.

132 (3) This excise tax shall be payable annually on March 1
133 of each year after the passage of an ordinance, in the case of a
134 municipality, or resolution, in the case of a special fire
135 control district or municipal services taxing unit, assessing
136 and imposing the tax authorized by this section. Installments of
137 taxes shall be paid according to the provision of s.
138 624.5092(2) (a), (b), and (c).

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140 This section also applies to any municipality consisting of a
141 single consolidated government which is made up of a former
142 county and one or more municipalities, consolidated pursuant to
143 the authority in s. 3 or s. 6(e), Art. VIII of the State
144 Constitution, and to property insurance policies covering
145 property within the boundaries of the consolidated government,
146 regardless of whether the properties are located within one or
147 more separately incorporated areas within the consolidated
148 government, provided the properties are being provided fire
149 protection services by the consolidated government. This section
150 also applies to any municipality, as provided in s.
151 175.041(3) (c), which has entered into an interlocal agreement to
152 receive fire protection services from another municipality
153 participating under this chapter. The excise tax may be levied
154 on all premiums collected on property insurance policies
155 covering property located within the corporate limits of the
156 municipality receiving the fire protection services, but will be

157 available for distribution to the municipality providing the
158 fire protection services.

159 Section 3. Section 175.111, Florida Statutes, is amended
160 to read:

161 175.111 Certified copy of ordinance or resolution filed;
162 insurance companies' annual report of premiums; duplicate files;
163 book of accounts.—For any municipality, municipal services
164 taxing unit, special fire control district, chapter plan, local
165 law municipality, local law special fire control district, or
166 local law plan under this chapter, whenever any municipality
167 passes an ordinance or whenever any special fire control
168 district passes a resolution establishing a chapter plan or
169 local law plan assessing and imposing the taxes authorized in s.
170 175.101, a certified copy of such ordinance or resolution shall
171 be deposited with the division. Thereafter every insurance
172 company, association, corporation, or other insurer carrying on
173 the business of property insurance on real or personal property,
174 on or before the succeeding March 1 after date of the passage of
175 the ordinance or resolution, shall report fully in writing and
176 under oath to the division and the Department of Revenue a just
177 and true account of all premiums by such insurer received for
178 property insurance policies covering or insuring any real or
179 personal property located within the corporate limits of each
180 such municipality, municipal services taxing unit, or special
181 fire control district during the period of time elapsing between
182 the date of the passage of the ordinance or resolution and the

183 end of the calendar year. The report shall include the code
184 designation as prescribed by the division for each piece of
185 insured property, real or personal, located within the corporate
186 limits of each municipality and within the legally defined
187 boundaries of each special fire control district and municipal
188 services taxing unit. The aforesaid insurer shall annually
189 thereafter, on March 1, file with the Department of Revenue a
190 similar report covering the preceding year's premium receipts,
191 and every such insurer at the same time of making such reports
192 shall pay to the Department of Revenue the amount of the tax
193 hereinbefore mentioned. Every insurer engaged in carrying on
194 such insurance business in the state shall keep accurate books
195 of accounts of all such business done by it within the corporate
196 limits of each such municipality and within the legally defined
197 boundaries of each such special fire control district and
198 municipal services taxing unit, and in such manner as to be able
199 to comply with the provisions of this chapter. Based on the
200 insurers' reports of premium receipts, the division shall
201 prepare a consolidated premium report and shall furnish to any
202 municipality, municipal services taxing unit, or special fire
203 control district requesting the same a copy of the relevant
204 section of that report.

205 Section 4. Section 175.122, Florida Statutes, is amended
206 to read:

207 175.122 Limitation of disbursement.—For any municipality,
208 municipal services taxing unit, special fire control district,

209 chapter plan, local law municipality, local law special fire
 210 control district, or local law plan under this chapter, any
 211 municipality, municipal services taxing unit, or special fire
 212 control district participating in the firefighters' pension
 213 trust fund pursuant to the provisions of this chapter, whether
 214 under a chapter plan or local law plan, shall be limited to
 215 receiving any moneys from such fund in excess of that produced
 216 by one-half of the excise tax, as provided for in s. 175.101;
 217 however, any such municipality, municipal services taxing unit,
 218 or special fire control district receiving less than 6 percent
 219 of its fire department payroll from such fund shall be entitled
 220 to receive from such fund the amount determined under s.
 221 175.121, in excess of one-half of the excise tax, not to exceed
 222 6 percent of its fire department payroll. Payroll amounts of
 223 members included in the Florida Retirement System shall not be
 224 included.

225 Section 5. Subsection (1) of section 175.351, Florida
 226 Statutes, is amended to read:

227 175.351 Municipalities, municipal services taxing units,
 228 and special fire control districts having their own pension
 229 plans for firefighters.—For any municipality, municipal services
 230 taxing unit, special fire control district, local law
 231 municipality, local law special fire control district, or local
 232 law plan under this chapter, in order for municipalities,
 233 municipal services taxing units, and special fire control
 234 districts with their own pension plans for firefighters, or for

235 firefighters and police officers if included, to participate in
236 the distribution of the tax fund established pursuant to s.
237 175.101, local law plans must meet the minimum benefits and
238 minimum standards set forth in this chapter.

239 (1) If a municipality has a pension plan for firefighters,
240 or a pension plan for firefighters and police officers if
241 included, which in the opinion of the division meets the minimum
242 benefits and minimum standards set forth in this chapter, the
243 board of trustees of the pension plan, as approved by a majority
244 of firefighters of the municipality, may:

245 (a) Place the income from the premium tax in s. 175.101 in
246 such pension plan for the sole and exclusive use of its
247 firefighters, or for firefighters and police officers if
248 included, where it shall become an integral part of that pension
249 plan and shall be used to pay extra benefits to the firefighters
250 included in that pension plan; or

251 (b) Place the income from the premium tax in s. 175.101 in
252 a separate supplemental plan to pay extra benefits to
253 firefighters, or to firefighters and police officers if
254 included, participating in such separate supplemental plan.

255 Section 6. Section 175.411, Florida Statutes, is amended
256 to read:

257 175.411 Optional participation.—A municipality, municipal
258 services taxing unit, or special fire control district may
259 revoke its participation under this chapter by rescinding the
260 legislative act, ordinance, or resolution which assesses and

261 imposes the taxes authorized in s. 175.101, and by furnishing a
262 certified copy of such legislative act, ordinance, or resolution
263 to the division. Thereafter, the municipality, municipal
264 services taxing unit, or special fire control district shall be
265 prohibited from participating under this chapter, and shall not
266 be eligible for future premium tax moneys. Premium tax moneys
267 previously received shall continue to be used for the sole and
268 exclusive benefit of firefighters, or firefighters and police
269 officers where included, and no amendment, legislative act,
270 ordinance, or resolution shall be adopted which shall have the
271 effect of reducing the then-vested accrued benefits of the
272 firefighters, retirees, or their beneficiaries. The
273 municipality, municipal services taxing unit, or special fire
274 control district shall continue to furnish an annual report to
275 the division as provided in s. 175.261. If the municipality,
276 municipal services taxing unit, or special fire control district
277 subsequently terminates the defined benefit plan, they shall do
278 so in compliance with the provisions of s. 175.361.

279 Section 7. This act shall take effect July 1, 2015.