

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative Harrison offered the following:

3
 4 **Substitute Amendment for Amendment (382943) by**
 5 **Representative Adkins (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 175.061, Florida Statutes, is amended
 8 to read:

9 175.061 Board of trustees; members; terms of office;
 10 meetings; legal entity; costs; attorney's fees.—For any
 11 municipality, special fire control district, chapter plan, local
 12 law municipality, local law special fire control district, ~~or~~
 13 local law plan under this chapter, or local law plan created by
 14 special act before May 23, 1939:

15 (1) In each municipality and in each special fire control
 16 district there is hereby created a board of trustees of the
 17 firefighters' pension trust fund, which shall be solely

Amendment No.

18 responsible for administering the trust fund. Effective October
19 1, 1986, and thereafter:

20 (a) The membership of the board of trustees for a chapter
21 plan, whose members shall serve staggered terms, consists of
22 five members, two of whom, unless otherwise prohibited by law,
23 must be legal residents of the municipality or special fire
24 control district and must be appointed by the governing body of
25 the municipality or special fire control district, and two of
26 whom must be full-time firefighters as defined in s. 175.032 who
27 are elected by a majority of the active firefighters who are
28 members of such plan. With respect to any chapter plan or local
29 law plan that, on January 1, 1997, allowed retired firefighters
30 to vote in such elections, retirees may continue to vote in such
31 elections. The fifth member shall be chosen by a majority of the
32 previous four members as provided herein, and such person's name
33 shall be submitted to the governing body of the municipality or
34 special fire control district. Upon receipt of the fifth
35 person's name, the governing body of the municipality or special
36 fire control district shall, as a ministerial duty, appoint such
37 person to the board of trustees. The fifth member shall have the
38 same rights as each of the other four members, shall serve as
39 trustee for a period of 2 years, and may succeed himself or
40 herself in office. Each resident member shall serve as trustee
41 for a period of 2 years, unless sooner replaced by the governing
42 body at whose pleasure he or she serves, and may succeed himself
43 or herself as a trustee. Each firefighter member shall serve as

Amendment No.

44 trustee for a period of 2 years, unless he or she sooner leaves
45 the employment of the municipality or special fire control
46 district as a firefighter, whereupon a successor shall be chosen
47 in the same manner as an original appointment. Each firefighter
48 may succeed himself or herself in office. The terms of office of
49 the appointed and elected members may be amended by municipal
50 ordinance, special act of the Legislature, or resolution adopted
51 by the governing body of the special fire control district to
52 extend the terms from 2 years to 4 years. The length of the
53 terms of office shall be the same for all board members.

54 (b) The membership of boards of trustees for local law
55 plans shall be as follows:

56 1. If a municipality or special fire control district has
57 a pension plan for firefighters only, the provisions of
58 paragraph (a) apply.

59 2. If a municipality has a pension plan for firefighters
60 and police officers, the provisions of paragraph (a) apply,
61 except that in a municipality with a population of 800,000 or
62 more, the board of trustees shall consist of nine members, four
63 of whom shall be appointed by the governing body of the
64 municipality, two of whom ~~one member of the board~~ must be
65 firefighters ~~a firefighter~~ and two of whom ~~one member of the~~
66 board must be a police officers ~~officer~~ as defined in s. 185.02,
67 respectively elected by a majority of the active firefighters or
68 police officers who are members of the plan.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1279 (2015)

Amendment No.

69 3. A board of trustees operating a local law plan on July
70 1, 1999, which is combined with a plan for general employees
71 shall hold an election of the firefighters, or firefighters and
72 police officers, if included, to determine whether a plan is to
73 be established for firefighters only, or for firefighters and
74 police officers where included. Based on the election results, a
75 new board shall be established as provided in subparagraph 1. or
76 subparagraph 2., as appropriate. The municipality or fire
77 control district shall enact an ordinance or resolution to
78 implement the new board by October 1, 1999. The newly
79 established board shall take whatever action is necessary to
80 determine the amount of assets attributable to firefighters, or
81 firefighters and police officers where included. Such assets
82 include all employer, employee, and state contributions made by
83 or on behalf of firefighters, or firefighters and police
84 officers where included, and any investment income derived from
85 such contributions. All such moneys shall be transferred into
86 the newly established retirement plan, as directed by the board.

87
88 With respect to a board of trustees operating a local law plan
89 on June 30, 1986, this paragraph does not permit the reduction
90 of the membership percentage of firefighters, or of firefighters
91 and police officers where a joint or mixed fund exists. However,
92 for the sole purpose of changing municipal representation, a
93 municipality may by ordinance change the municipal
94 representation on the board of trustees operating a local law

432115 - HB 1279 substitute amendment.docx

Published On: 4/13/2015 7:17:54 PM

Amendment No.

95 plan by ordinance, only if such change does not reduce the
96 membership percentage of firefighters, or firefighters and
97 police officers, or the membership percentage of the municipal
98 representation.

99 (c) Whenever the active firefighter membership of a closed
100 chapter plan or closed local law plan as provided in s. 175.371
101 falls below 10, an active firefighter member seat may be held by
102 either a retired member or an active firefighter member of the
103 plan who is elected by the active and retired members of the
104 plan. If there are no active or retired firefighters remaining
105 in the plan or capable of serving, the remaining board members
106 may elect an individual to serve in the active firefighter seat.
107 Upon receipt of such person's name, the legislative body of the
108 municipality or special fire control district shall, as a
109 ministerial duty, appoint such person to the board of trustees.
110 This paragraph applies only to those plans that are closed to
111 new members under s. 175.371(2), and does not apply to any other
112 municipality or fire control district having a chapter or local
113 law plan.

114 (2) The trustees shall by a majority vote elect from their
115 number a chair and a secretary. The secretary of the board shall
116 keep a complete minute book of the actions, proceedings, or
117 hearings of the board. The trustees shall not receive any
118 compensation as such, but may receive expenses and per diem as
119 provided by Florida law.

Amendment No.

120 (3) The board of trustees shall meet at least quarterly
121 each year.

122 (4) Each board of trustees shall be a legal entity with,
123 in addition to other powers and responsibilities contained
124 herein, the power to bring and defend lawsuits of every kind,
125 nature, and description.

126 (5) In any judicial proceeding or administrative
127 proceeding under chapter 120 brought under or pursuant to the
128 provisions of this chapter, the prevailing party shall be
129 entitled to recover the costs thereof, together with reasonable
130 attorney's fees.

131 (6) The provisions of this section may not be altered by a
132 participating municipality or special fire control district
133 operating a chapter plan or local law plan under this chapter.

134 (7) The board of trustees may, upon written request of the
135 retiree of the plan, or by a dependent, if authorized by the
136 retiree or the retiree's beneficiary, authorize the plan
137 administrator to withhold from the monthly retirement payment
138 funds that are necessary to pay for the benefits being received
139 through the governmental entity from which the employee retired,
140 to pay the certified bargaining agent of the governmental
141 entity, and to make any payments for child support or alimony.
142 Upon the written request of the retiree of the plan, the board
143 may also authorize the plan administrator to withhold from the
144 retirement payment those funds necessary to pay for premiums for
145 accident, health, and long-term care insurance for the retiree

Amendment No.

146 and the retiree's spouse and dependents. A retirement plan does
147 not incur liability for participation in this permissive program
148 if its actions are taken in good faith.

149 (8) The board of trustees shall establish qualifications
150 for the plan administrator, and the plan administrator must be
151 approved by a majority plus one vote of the plan sponsor.

152 (9) The governing body of a municipality may terminate a
153 plan administrator's pension or retirement plan if any provision
154 of such pension or retirement plan is found unlawful by a court
155 of competent jurisdiction.

156 (10) Notwithstanding s. 175.351(2) and (3), a local law
157 plan created by special act before May 23, 1939, must comply
158 with this section.

159 Section 2. Subsection (6) is added to section 175.351,
160 Florida Statutes, to read:

161 175.351 Municipalities and special fire control districts
162 having their own pension plans for firefighters.—For any
163 municipality, special fire control district, local law
164 municipality, local law special fire control district, or local
165 law plan under this chapter, in order for municipalities and
166 special fire control districts with their own pension plans for
167 firefighters, or for firefighters and police officers if
168 included, to participate in the distribution of the tax fund
169 established pursuant to s. 175.101, local law plans must meet
170 the minimum benefits and minimum standards set forth in this
171 chapter.

Amendment No.

172 (6) (a) A municipality having its own pension plan that has
173 an assets-to-liabilities ratio, using the most recent plan
174 actuarial report, of 50 percent or less, shall, every 3 years,
175 conduct an internal audit of the plan's management and
176 accounting practices and investments. The audit shall be paid
177 for by the board of trustees of the pension trust fund. The
178 results of the audit shall be provided to the municipality and
179 the Department of Management Services.

180 (b) Notwithstanding subsections (2) and (3), a local law
181 plan created by special act before May 23, 1939, must comply
182 with this subsection.

183 Section 3. Section 185.05, Florida Statutes, is amended to
184 read:

185 185.05 Board of trustees; members; terms of office;
186 meetings; legal entity; costs; attorney's fees.—For any
187 municipality, chapter plan, local law municipality, ~~or~~ local law
188 plan under this chapter, or a local law plan created by special
189 act before May 23, 1939:

190 (1) In each municipality described in s. 185.03 there is
191 hereby created a board of trustees of the municipal police
192 officers' retirement trust fund, which shall be solely
193 responsible for administering the trust fund. Effective October
194 1, 1986, and thereafter:

195 (a) The membership of the board of trustees for chapter
196 plans, whose members shall serve staggered terms, consists of
197 five members, two of whom, unless otherwise prohibited by law,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1279 (2015)

Amendment No.

198 must be legal residents of the municipality and must be
199 appointed by the legislative body of the municipality, and two
200 of whom must be police officers as defined in s. 185.02 who are
201 elected by a majority of the active police officers who are
202 members of such plan. With respect to any chapter plan or local
203 law plan that, on January 1, 1997, allowed retired police
204 officers to vote in such elections, retirees may continue to
205 vote in such elections. The fifth member shall be chosen by a
206 majority of the previous four members, and such person's name
207 shall be submitted to the legislative body of the municipality.
208 Upon receipt of the fifth person's name, the legislative body
209 shall, as a ministerial duty, appoint such person to the board
210 of trustees. The fifth member shall have the same rights as each
211 of the other four members appointed or elected, shall serve as
212 trustee for a period of 2 years, and may succeed himself or
213 herself in office. Each resident member shall serve as trustee
214 for a period of 2 years, unless sooner replaced by the
215 legislative body at whose pleasure the member serves, and may
216 succeed himself or herself as a trustee. Each police officer
217 member shall serve as trustee for a period of 2 years, unless he
218 or she sooner leaves the employment of the municipality as a
219 police officer, whereupon a successor shall be chosen in the
220 same manner as an original appointment. Each police officer may
221 succeed himself or herself in office. The terms of office of the
222 appointed and elected members of the board of trustees may be
223 amended by municipal ordinance or special act of the Legislature

432115 - HB 1279 substitute amendment.docx

Published On: 4/13/2015 7:17:54 PM

Amendment No.

224 to extend the terms from 2 years to 4 years. The length of the
225 terms of office shall be the same for all board members.

226 (b) The membership of boards of trustees for local law
227 plans is as follows:

228 1. If a municipality has a pension plan for police
229 officers only, the provisions of paragraph (a) shall apply.

230 2. If a municipality has a pension plan for police
231 officers and firefighters, the provisions of paragraph (a)
232 apply, except that in a municipality with a population of
233 800,000 or more, the board of trustees shall consist of nine
234 members, four of whom shall be appointed by the governing body
235 of the municipality, two of whom ~~one member of the board~~ shall
236 be police officers, a police officer and two of whom ~~one member~~
237 shall be firefighters ~~a firefighter~~ as defined in s. 175.032,
238 respectively, elected by a majority of the active firefighters
239 and police officers who are members of the plan.

240 3. Any board of trustees operating a local law plan on
241 July 1, 1999, which is combined with a plan for general
242 employees shall hold an election of the police officers, or
243 police officers and firefighters if included, to determine
244 whether a plan is to be established for police officers only, or
245 for police officers and firefighters where included. Based on
246 the election results, a new board shall be established as
247 provided in subparagraph 1. or subparagraph 2., as appropriate.
248 The municipality shall enact an ordinance to implement the new
249 board by October 1, 1999. The newly established board shall take

Amendment No.

250 whatever action is necessary to determine the amount of assets
251 which is attributable to police officers, or police officers and
252 firefighters where included. Such assets shall include all
253 employer, employee, and state contributions made by or on behalf
254 of police officers, or police officers and firefighters where
255 included, and any investment income derived from such
256 contributions. All such moneys shall be transferred into the
257 newly established retirement plan, as directed by the board.
258

259 With respect to any board of trustees operating a local law plan
260 on June 30, 1986, this paragraph does not permit the reduction
261 of the membership percentage of police officers or police
262 officers and firefighters. However, for the sole purpose of
263 changing municipal representation, a municipality may by
264 ordinance change the municipal representation on the board of
265 trustees operating a local law plan by ordinance, only if such
266 change does not reduce the membership percentage of police
267 officers, or police officers and firefighters, or the membership
268 percentage of the municipal representation.

269 (c) Whenever the active police officer membership of a
270 closed chapter plan or closed local law plan as provided in s.
271 185.38 falls below 10, an active police officer member seat may
272 be held by either a retired police officer or an active police
273 officer member of the plan who is elected by the active and
274 retired members of the plan. If there are no active or retired
275 police officers remaining in the plan or capable of serving, the

Amendment No.

276 remaining board members may elect an individual to serve in the
277 active police officer member seat. Upon receipt of such person's
278 name, the legislative body of the municipality shall, as a
279 ministerial duty, appoint such person to the board of trustees.
280 This paragraph applies only to those plans that are closed to
281 new members under s. 185.38(2), and does not apply to any other
282 municipality having a chapter or local law plan.

283 (d) If the chapter plan or local law plan with an active
284 membership of 10 or more is closed to new members, the member
285 seats may be held by either a retiree, as defined in s. 185.02,
286 or an active police officer of the plan who has been elected by
287 the active police officers. A closed plan means a plan that is
288 closed to new members but continues to operate, pursuant to s.
289 185.38(2), for participants who elect to remain in the existing
290 plan. This paragraph applies only to those plans that are closed
291 to new members pursuant to s. 185.38(2) and does not apply to
292 any other municipality that has a chapter plan or a local law
293 plan.

294 (2) The trustees shall by majority vote elect from its
295 members a chair and a secretary. The secretary of the board
296 shall keep a complete minute book of the actions, proceedings,
297 or hearings of the board. The trustees shall not receive any
298 compensation as such, but may receive expenses and per diem as
299 provided by Florida law.

300 (3) The board of trustees shall meet at least quarterly
301 each year.

Amendment No.

302 (4) Each board of trustees shall be a legal entity that
303 shall have, in addition to other powers and responsibilities
304 contained herein, the power to bring and defend lawsuits of
305 every kind, nature, and description.

306 (5) In any judicial proceeding or administrative
307 proceeding under chapter 120 brought under or pursuant to the
308 provisions of this chapter, the prevailing party shall be
309 entitled to recover the costs thereof, together with reasonable
310 attorney's fees.

311 (6) The board of trustees may, upon written request by the
312 retiree of the plan, or by a dependent, if authorized by the
313 retiree or the retiree's beneficiary, authorize the plan
314 administrator to withhold from the monthly retirement payment
315 funds necessary to pay for the benefits being received through
316 the governmental entity from which the employee retired, to pay
317 the certified bargaining agent of the governmental entity, and
318 to make any payments for child support or alimony. Upon the
319 written request of the retiree of the plan, the board of
320 trustees may also authorize the plan administrator to withhold
321 from the retirement payment those funds necessary to pay for
322 premiums for accident, health, and long-term care insurance for
323 the retiree and the retiree's spouse and dependents. A
324 retirement plan does not incur liability for participation in
325 this permissive program if its actions are taken in good faith.

Amendment No.

326 (7) The provisions of this section may not be altered by a
327 participating municipality operating a chapter or local law plan
328 under this chapter.

329 (8) The board of trustees shall establish qualifications
330 for the plan administrator, and the plan administrator must be
331 approved by a majority plus one vote of the plan sponsor.

332 (9) The governing body of a municipality may terminate a
333 plan administrator's pension or retirement plan if any provision
334 of such pension or retirement plan is found unlawful by a court
335 of competent jurisdiction.

336 (10) Notwithstanding s. 185.35(2) and (3), a local law
337 plan created by special act before May 23, 1939, must comply
338 with this section.

339 Section 4. Subsection (6) is added to section 185.35,
340 Florida Statutes, to read:

341 185.35 Municipalities having their own pension plans for
342 police officers.—For any municipality, chapter plan, local law
343 municipality, or local law plan under this chapter, in order for
344 municipalities with their own pension plans for police officers,
345 or for police officers and firefighters if included, to
346 participate in the distribution of the tax fund established
347 pursuant to s. 185.08, local law plans must meet the minimum
348 benefits and minimum standards set forth in this chapter:

349 (6) (a) A municipality having its own pension plan that has
350 an assets-to-liabilities ratio, using the most recent plan
351 actuarial report, of 50 percent or less, shall, every 3 years,

Amendment No.

352 conduct an internal audit of the plan's management and
353 accounting practices and investments. The audit shall be paid
354 for by the board of trustees of the pension trust fund. The
355 results of the audit shall be provided to the municipality and
356 the Department of Management Services.

357 (b) Notwithstanding subsections (2) and (3), a local law
358 plan created by special act before May 23, 1939, must comply
359 with this subsection.

360 Section 5. The Legislature finds that a proper and
361 legitimate state purpose is served when employees and retirees
362 of the state and its political subdivisions, and the dependents,
363 survivors, and beneficiaries of such employees and retirees, are
364 extended the basic protections afforded by governmental
365 retirement systems that provide fair and adequate benefits and
366 that are managed, administered, and funded in an actuarially
367 sound manner as required by s. 14, Article X of the State
368 Constitution and part VII of chapter 112, Florida Statutes.
369 Therefore, the Legislature determines and declares that this act
370 fulfills an important state interest.

371 Section 6. This act shall take effect July 1, 2015.

372

373 -----

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

375 Remove everything before the enacting clause and insert:
376 An act relating to retirement; amending ss. 175.061 and 185.05,
377 F.S.; providing applicability; requiring the members for the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1279 (2015)

Amendment No.

378 board of trustees of the firefighters' pension trust fund and
379 the municipal police officers' retirement trust fund to serve
380 staggered terms; providing duties of the board relating to the
381 establishment of requirements for the plan administrator;
382 authorizing the governing body of a municipality to terminate a
383 plan administrator's pension or retirement plan under certain
384 conditions; amending ss. 175.351 and 185.35, F.S., relating to
385 municipalities and special fire control districts that have
386 their own pension plans and want to participate in the
387 distribution of a tax fund; providing requirements for
388 municipalities with plans with an unfunded liability; providing
389 applicability; providing a declaration of important state
390 interest; providing an effective date.