

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Cummings offered the following:

2  
3 **Amendment**

4 Remove lines 42-91 and insert:

5 (b) The payroll of all employees in classifications  
6 covered by a closed retirement plan or system that receives  
7 funds from the pension liability surtax must be included in  
8 determining the unfunded liability amortization schedule for the  
9 closed plan, regardless of the plan in which the employees  
10 currently participate, and the payroll growth assumption must be  
11 adjusted to reflect the payroll of those employees when  
12 calculating the amortization of the unfunded liability.

13 Section 2. Subsection (9) is added to section 212.055,  
14 Florida Statutes, to read:

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15           212.055 Discretionary sales surtaxes; legislative intent;  
16 authorization and use of proceeds.—It is the legislative intent  
17 that any authorization for imposition of a discretionary sales  
18 surtax shall be published in the Florida Statutes as a  
19 subsection of this section, irrespective of the duration of the  
20 levy. Each enactment shall specify the types of counties  
21 authorized to levy; the rate or rates which may be imposed; the  
22 maximum length of time the surtax may be imposed, if any; the  
23 procedure which must be followed to secure voter approval, if  
24 required; the purpose for which the proceeds may be expended;  
25 and such other requirements as the Legislature may provide.  
26 Taxable transactions and administrative procedures shall be as  
27 provided in s. 212.054.

28           (9) PENSION LIABILITY SURTAX.—

29           (a) The governing body of a county may levy a pension  
30 liability surtax to fund an underfunded defined benefit  
31 retirement plan or system, pursuant to an ordinance conditioned  
32 to take effect upon approval by a majority vote of the electors  
33 of the county voting in a referendum, at a rate that may not  
34 exceed 0.5 percent. The county may not impose a pension  
35 liability surtax unless the underfunded defined benefit  
36 retirement plan or system is below 80 percent of actuarial  
37 funding at the time the ordinance or referendum is passed. The  
38 most recent actuarial report submitted to the Department of  
39 Management Services pursuant to s. 112.63 must be used to  
40 establish the level of actuarial funding for purposes of

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41 determining eligibility to impose the surtax. The governing body  
42 of a county may only impose the surtax if:

43 1. An employee, including a police officer or firefighter,  
44 who enters employment on or after the date when the local  
45 government certifies that the defined benefit retirement plan or  
46 system formerly available to such an employee has been closed  
47 may not enroll in a defined benefit retirement plan or system  
48 that will receive surtax proceeds.

49 2. The local government and the collective bargaining  
50 representative for the members of the underfunded defined  
51 benefit retirement plan or system or, if there is no  
52 representative, a majority of the members of the plan or system,  
53 mutually consent to requiring each member to make an employee  
54 retirement contribution of at least 10 percent of each member's  
55 salary for each pay period beginning with the first pay period  
56 after the plan or system is closed.

57 3. The pension board of trustees for the underfunded  
58 defined benefit retirement plan or system, if such board exists,  
59 is prohibited from participating in the collective bargaining  
60 process and engaging in the determination of pension benefits.

61 4. The county currently levies a local government  
62 infrastructure surtax pursuant to subsection (2) which is  
63 scheduled to terminate and is not subject to renewal.

64 5. The pension liability surtax does not take effect until  
65 the local government infrastructure surtax described in  
66 subparagraph 4. is terminated.

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