



624798

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
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The Committee on Community Affairs (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (14) of section 175.032, Florida
Statutes, is amended to read:

175.032 Definitions.—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, the term:



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11 (14) "Local law plan" means a retirement plan that includes
12 both a defined benefit plan component and a defined contribution
13 plan component for firefighters, or for firefighters and police
14 officers if both are included, as described in s. 175.351,
15 established by ~~municipal~~ ordinance, special district resolution,
16 or special act of the Legislature, which enactment sets forth
17 all plan provisions. Local law plan provisions may vary from the
18 provisions of this chapter if minimum benefits and minimum
19 standards are met. However, any such variance must provide a
20 greater benefit for firefighters, or firefighters and police
21 officers if both are included. Actuarial valuations of local law
22 plans shall be conducted by an enrolled actuary as provided in
23 s. 175.261(2).

24 Section 2. Section 175.041, Florida Statutes, is amended to
25 read:

26 175.041 Firefighters' Pension Trust Fund created;
27 applicability of provisions.—For any municipality, municipal
28 services taxing unit, special fire control district, chapter
29 plan, local law municipality, local law special fire control
30 district, or local law plan under this chapter:

31 (1) There shall be established a special fund exclusively
32 for the purpose of this chapter, which ~~in the case of chapter~~
33 ~~plans~~ shall be known as the "Firefighters' Pension Trust Fund,"
34 in each municipality, municipal services taxing unit, and ~~each~~
35 special fire control district of this state ~~heretofore or~~
36 ~~hereafter created~~ which now has or which may hereafter have a
37 constituted fire department or an authorized volunteer fire
38 department, or any combination thereof.

39 (2) To qualify as a fire department or volunteer fire



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40 department or combination thereof under ~~the provisions of~~ this
41 chapter, the department shall own and use apparatus for the
42 fighting of fires that was in compliance with National Fire
43 Protection Association Standards for Automotive Fire Apparatus
44 at the time of purchase.

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

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

61 (b) With respect to the distribution of premium taxes, a
62 single consolidated government consisting of a former county and
63 one or more municipalities, consolidated under ~~pursuant to~~ s. 3
64 or s. 6(e), Art. VIII of the State Constitution, is also
65 eligible to participate under this chapter. The consolidated
66 government shall notify the division when it has entered into an
67 interlocal agreement to provide fire services to a municipality
68 within its boundaries. The municipality may enact an ordinance



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69 levying the tax as provided in s. 175.101. Upon being provided
70 copies of the interlocal agreement and the municipal ordinance
71 levying the tax, the division may distribute any premium taxes
72 reported for the municipality to the consolidated government as
73 long as the interlocal agreement is in effect.

74 (c) Any municipality that has entered into an interlocal
75 agreement to provide fire protection services to any other
76 incorporated municipality, in its entirety, or a municipal
77 services taxing unit in an unincorporated area, ~~in its entirety,~~
78 for a period of 12 months or more may be eligible to receive the
79 premium taxes reported for such other municipality or municipal
80 services taxing unit. In order to be eligible for such premium
81 taxes, the municipality providing the fire services must notify
82 the division that it has entered into an interlocal agreement
83 with another municipality or a county on behalf of a municipal
84 services taxing unit. The municipality receiving the fire
85 services, or a county on behalf of the municipal services taxing
86 unit receiving the fire services, may enact an ordinance levying
87 the tax as provided in s. 175.101. Upon being provided copies of
88 the interlocal agreement and the ~~municipal~~ ordinance levying the
89 tax, the division may distribute any premium taxes reported for
90 the municipality or municipal services taxing unit receiving the
91 fire services to the participating municipality providing the
92 fire services as long as the interlocal agreement is in effect.

93 (4) No municipality shall establish more than one
94 retirement plan for public safety officers which is supported in
95 whole or in part by the distribution of premium tax funds as
96 provided by this chapter or chapter 185, nor shall any
97 municipality establish a retirement plan for public safety



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98 officers which receives premium tax funds from both this chapter
99 and chapter 185.

100 Section 3. Section 175.071, Florida Statutes, is amended to
101 read:

102 175.071 General powers and duties of board of trustees.—For
103 any municipality, municipal services taxing unit, special fire
104 control district, chapter plan, local law municipality, local
105 law special fire control district, or local law plan under this
106 chapter:

107 (1) The board of trustees, subject to the fiduciary
108 standards in ss. 112.656, 112.661, and 518.11 and the Code of
109 Ethics in ss. 112.311-112.3187, may:

110 (a) Invest and reinvest the assets of the firefighters'
111 pension trust fund in annuity and life insurance contracts of
112 life insurance companies in amounts sufficient to provide, in
113 whole or in part, the benefits to which all of the participants
114 in the firefighters' pension trust fund are entitled under this
115 chapter and pay the initial and subsequent premiums thereon.

116 (b) Invest and reinvest the assets of the firefighters'
117 pension trust fund in:

118 1. Time or savings accounts of a national bank, a state
119 bank insured by the Bank Insurance Fund, or a savings, building,
120 and loan association insured by the Savings Association
121 Insurance Fund administered by the Federal Deposit Insurance
122 Corporation or a state or federal chartered credit union whose
123 share accounts are insured by the National Credit Union Share
124 Insurance Fund.

125 2. Obligations of the United States or obligations
126 guaranteed as to principal and interest by the government of the



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127 United States.

128 3. Bonds issued by the State of Israel.

129 4. Bonds, stocks, or other evidences of indebtedness issued
130 or guaranteed by a corporation organized under the laws of the
131 United States, any state or organized territory of the United
132 States, or the District of Columbia, if:

133 a. The corporation is listed on any one or more of the
134 recognized national stock exchanges or on the National Market
135 System of the NASDAQ Stock Market and, in the case of bonds
136 only, holds a rating in one of the three highest classifications
137 by a major rating service; and

138 b. The board of trustees may not invest more than 5 percent
139 of its assets in the common stock or capital stock of any one
140 issuing company, nor may the aggregate investment in any one
141 issuing company exceed 5 percent of the outstanding capital
142 stock of that company or the aggregate of its investments under
143 this subparagraph at cost exceed 50 percent of the assets of the
144 fund.

145
146 This paragraph applies to all boards of trustees and
147 participants. However, if a municipality, municipal services
148 taxing unit, or special fire control district has a duly enacted
149 pension plan under ~~pursuant to~~, and in compliance with, s.
150 175.351, and the trustees desire to vary the investment
151 procedures, the trustees of such plan must request a variance of
152 the investment procedures as outlined herein only through an a
153 ~~municipal~~ ordinance, special act of the Legislature, or
154 resolution by the governing body of the special fire control
155 district; if a special act, or a municipality by ordinance



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156 adopted before July 1, 1998, permits a greater than 50-percent
157 equity investment, such municipality is not required to comply
158 with the aggregate equity investment provisions of this
159 paragraph. Notwithstanding any other provision of law, this
160 section may not be construed to take away any preexisting legal
161 authority to make equity investments that exceed the
162 requirements of this paragraph. Notwithstanding any other
163 provision of law, the board of trustees may invest up to 25
164 percent of plan assets in foreign securities on a market-value
165 basis. The investment cap on foreign securities may not be
166 revised, amended, increased, or repealed except as provided by
167 general law.

168 (c) Issue drafts upon the firefighters' pension trust fund
169 pursuant to this act and rules prescribed by the board of
170 trustees. All such drafts must be consecutively numbered, be
171 signed by the chair and secretary, or by two individuals
172 designated by the board who are subject to the same fiduciary
173 standards as the board of trustees under this subsection, and
174 state upon their faces the purpose for which the drafts are
175 drawn. The treasurer or depository of each municipality or
176 special fire control district shall retain such drafts when
177 paid, as permanent vouchers for disbursements made, and no money
178 may be otherwise drawn from the fund.

179 (d) Convert into cash any securities of the fund.

180 (e) Keep a complete record of all receipts and
181 disbursements and the board's acts and proceedings.

182 (2) Any and all acts and decisions shall be effectuated by
183 vote of a majority of the members of the board; however, no
184 trustee shall take part in any action in connection with the



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185 trustee's own participation in the fund, and no unfair
186 discrimination shall be shown to any individual firefighter
187 participating in the fund.

188 (3) The board's action on all claims for retirement under
189 this act shall be final, provided, however, that the rules and
190 regulations of the board have been complied with.

191 (4) The secretary of the board of trustees shall keep a
192 record of all persons receiving retirement payments under ~~the~~
193 ~~provisions of~~ this chapter, in which shall be noted the time
194 when the pension is allowed and the time when the pension shall
195 cease to be paid. In this record, the secretary shall keep a
196 list of all firefighters employed by the municipality, municipal
197 services taxing unit, or special fire control district. The
198 record shall show the name, address, and time of employment of
199 such firefighters and when they cease to be employed by the
200 municipality, municipal services taxing unit, or special fire
201 control district.

202 (5) The sole and exclusive administration of, and the
203 responsibilities for, the proper operation of the firefighters'
204 pension trust fund and for making effective ~~the provisions of~~
205 this chapter are vested in the board of trustees; however,
206 nothing herein shall empower a board of trustees to amend ~~the~~
207 ~~provisions of~~ a retirement plan without the approval of the
208 municipality, municipal services taxing unit, or special fire
209 control district. The board of trustees shall keep in convenient
210 form such data as shall be necessary for an actuarial valuation
211 of the firefighters' pension trust fund and for checking the
212 actual experience of the fund.

213 (6) (a) At least once every 3 years, the board of trustees



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214 shall retain a professionally qualified independent consultant
215 who shall evaluate the performance of any existing professional
216 money manager and shall make recommendations to the board of
217 trustees regarding the selection of money managers for the next
218 investment term. These recommendations shall be considered by
219 the board of trustees at its next regularly scheduled meeting.
220 The date, time, place, and subject of this meeting shall be
221 advertised in the same manner as for any meeting of the board.

222 (b) For purposes of this subsection, the term
223 "professionally qualified independent consultant" means a
224 consultant who, based on education and experience, is
225 professionally qualified to evaluate the performance of
226 professional money managers, and who, at a minimum:

- 227 1. Provides his or her services on a flat-fee basis.
- 228 2. Is not associated in any manner with the money manager
229 for the pension fund.
- 230 3. Makes calculations according to the American Banking
231 Institute method of calculating time-weighted rates of return.
232 All calculations must be made net of fees.
- 233 4. Has 3 or more years of experience working in the public
234 sector.

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

237 (a) Employ independent legal counsel at the pension fund's
238 expense.

239 (b) Employ an independent enrolled actuary, as defined in
240 s. 175.032, at the pension fund's expense.

241 (c) Employ such independent professional, technical, or
242 other advisers as it deems necessary at the pension fund's



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243 expense.

244

245 If the board chooses to use the municipality's, municipal
246 services taxing unit's, or special district's legal counsel or
247 actuary, or chooses to use any of the municipality's, municipal
248 services taxing unit's, or special district's other
249 professional, technical, or other advisers, it must do so only
250 under terms and conditions acceptable to the board.

251 (8) Notwithstanding paragraph (1)(b) and as provided in s.
252 215.473, the board of trustees must identify and publicly report
253 any direct or indirect holdings it may have in any scrutinized
254 company, as defined in that section, and proceed to sell,
255 redeem, divest, or withdraw all publicly traded securities it
256 may have in that company beginning January 1, 2010. The
257 divestiture of any such security must be completed by September
258 30, 2010. The board and its named officers or investment
259 advisors may not be deemed to have breached their fiduciary duty
260 in any action taken to dispose of any such security, and the
261 board shall have satisfactorily discharged the fiduciary duties
262 of loyalty, prudence, and sole and exclusive benefit to the
263 participants of the pension fund and their beneficiaries if the
264 actions it takes are consistent with the duties imposed by s.
265 215.473, and the manner of the disposition, if any, is
266 reasonable as to the means chosen. For the purposes of effecting
267 compliance with that section, the pension fund shall designate
268 terror-free plans that allocate their funds among securities not
269 subject to divestiture. No person may bring any civil, criminal,
270 or administrative action against the board of trustees or any
271 employee, officer, director, or advisor of such pension fund



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272 based upon the divestiture of any security pursuant to this
273 subsection.

274 Section 4. Section 175.101, Florida Statutes, is amended to
275 read:

276 175.101 State excise tax on property insurance premiums
277 authorized; procedure.—For any municipality, municipal services
278 taxing unit, special fire control district, chapter plan, local
279 law municipality, local law special fire control district, or
280 local law plan under this chapter:

281 (1) Each municipality, municipal services taxing unit, or
282 special fire control district in this state described and
283 classified in s. 175.041, having a lawfully established
284 ~~firefighters'~~ pension trust fund, ~~or~~ municipal fund, or special
285 fire control district fund, by whatever name known, providing
286 pension benefits to firefighters, or firefighters and police
287 officers if both are included, as provided under this chapter,
288 or receiving fire protection services from a municipality
289 participating under this chapter, may assess and impose on every
290 insurance company, corporation, or other insurer now engaged in
291 or carrying on, or who shall hereinafter engage in or carry on,
292 the business of property insurance as shown by the records of
293 the Office of Insurance Regulation of the Financial Services
294 Commission, an excise tax in addition to any lawful license or
295 excise tax now levied by each of the municipalities, municipal
296 services taxing units, or special fire control districts,
297 respectively, amounting to 1.85 percent of the gross amount of
298 receipts of premiums from policyholders on all premiums
299 collected on property insurance policies covering property
300 within the corporate limits of such municipalities or within the



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301 | legally defined boundaries of municipal services taxing units or
302 | special fire control districts, respectively. Whenever the
303 | boundaries of a special fire control district that has lawfully
304 | established a firefighters' pension trust fund encompass a
305 | portion of the corporate territory of a municipality that has
306 | also lawfully established a firefighters' pension trust fund, or
307 | a municipal services taxing unit receiving fire protection
308 | services from a municipality participating under this chapter,
309 | that portion of the tax receipts attributable to insurance
310 | policies covering property situated both within the municipality
311 | or municipal services taxing unit and the special fire control
312 | district shall be given to the fire service provider. For the
313 | purpose of this section, the boundaries of a special fire
314 | control district include an area that has been annexed until the
315 | completion of the 4-year period provided for in s. 171.093(4),
316 | or other agreed-upon extension, or if a special fire control
317 | district is providing services under an interlocal agreement
318 | executed in accordance with s. 171.093(3). The agent shall
319 | identify the fire service provider on the property owner's
320 | application for insurance. Remaining revenues collected under
321 | ~~pursuant to~~ this chapter shall be distributed to the
322 | municipality or special fire control district according to the
323 | location of the insured property.

324 | (2) In the case of multiple peril policies with a single
325 | premium for both the property and casualty coverages in such
326 | policies, 70 percent of such premium shall be used as the basis
327 | for the 1.85-percent tax.

328 | (3) This excise tax is ~~shall be~~ payable annually on March 1
329 | of each year after the passage of an ordinance, in the case of a



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330 municipality or municipal services taxing unit, or resolution,
331 in the case of a special fire control district, assessing and
332 imposing the tax authorized by this section. Installments of
333 taxes shall be paid according to ~~the provision of s.~~
334 624.5092(2) (a), (b), and (c).

335
336 This section also applies to any municipality consisting of a
337 single consolidated government which is made up of a former
338 county and one or more municipalities, consolidated under
339 ~~pursuant to~~ the authority in s. 3 or s. 6(e), Art. VIII of the
340 State Constitution, and to property insurance policies covering
341 property within the boundaries of the consolidated government,
342 regardless of whether the properties are located within one or
343 more separately incorporated areas within the consolidated
344 government, provided the properties are being provided fire
345 protection services by the consolidated government. This section
346 also applies to any municipality or municipal services taxing
347 unit in an unincorporated area, as provided in s. 175.041(3)(c),
348 which has entered into an interlocal agreement to receive fire
349 protection services from another municipality participating
350 under this chapter. The excise tax may be levied on all premiums
351 collected on property insurance policies covering property
352 located within the corporate limits of the municipality or
353 municipality services taxing unit receiving the fire protection
354 services, but will be available for distribution to the
355 municipality providing the fire protection services.

356 Section 5. Section 175.111, Florida Statutes, is amended to
357 read:

358 175.111 Certified copy of ordinance or resolution filed;



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359 insurance companies' annual report of premiums; duplicate files;
360 book of accounts.—For any municipality, municipal services
361 taxing unit, special fire control district, chapter plan, local
362 law municipality, local law special fire control district, or
363 local law plan under this chapter, whenever any municipality, or
364 any county on behalf of a municipal services taxing unit, passes
365 an ordinance or whenever any special fire control district
366 passes a resolution establishing a chapter plan or local law
367 plan assessing and imposing the taxes authorized in s. 175.101,
368 a certified copy of such ordinance or resolution shall be
369 deposited with the division. Thereafter every insurance company,
370 association, corporation, or other insurer carrying on the
371 business of property insurance on real or personal property, on
372 or before the succeeding March 1 after the date of the passage
373 of the ordinance or resolution, shall report fully in writing
374 and under oath to the division and the Department of Revenue a
375 just and true account of all premiums by such insurer received
376 for property insurance policies covering or insuring any real or
377 personal property located within the corporate limits of each
378 such municipality, municipal services taxing unit, or special
379 fire control district during the period of time elapsing between
380 the date of the passage of the ordinance or resolution and the
381 end of the calendar year. The report shall include the code
382 designation as prescribed by the division for each piece of
383 insured property, real or personal, located within the corporate
384 limits of each municipality and within the legally defined
385 boundaries of each special fire control district and municipal
386 services taxing unit. The ~~aforsaid~~ insurer shall annually
387 thereafter, on March 1, file with the Department of Revenue a



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388 similar report covering the preceding year's premium receipts,
389 and every such insurer at the same time of making such reports
390 shall pay to the Department of Revenue the amount of the imposed
391 tax ~~hereinbefore mentioned~~. Every insurer engaged in carrying on
392 such insurance business in the state shall keep accurate books
393 of accounts of all such business done by it within the corporate
394 limits of each such municipality and within the legally defined
395 boundaries of each such special fire control district and
396 municipal services taxing unit, and in such manner as to be able
397 to comply with ~~the provisions of~~ this chapter. Based on the
398 insurers' reports of premium receipts, the division shall
399 prepare a consolidated premium report and shall furnish to any
400 municipality, municipal services taxing unit, or special fire
401 control district requesting the same a copy of the relevant
402 section of that report.

403 Section 6. Section 175.121, Florida Statutes, is amended to
404 read:

405 175.121 Department of Revenue and Division of Retirement to
406 keep accounts of deposits; disbursements.—For any municipality,
407 municipal services taxing unit, or special fire control district
408 having a chapter or local law plan established under ~~pursuant to~~
409 this chapter:

410 (1) The Department of Revenue shall keep a separate account
411 of all moneys collected for each municipality, municipal
412 services taxing unit, and ~~each~~ special fire control district
413 under ~~the provisions of~~ this chapter. All moneys so collected
414 must be transferred to the Police and Firefighters' Premium Tax
415 Trust Fund and shall be separately accounted for by the
416 division. The moneys budgeted as necessary to pay the expenses



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417 of the division for the daily oversight and monitoring of the
418 firefighters' pension plans under this chapter and for the
419 oversight and actuarial reviews conducted under part VII of
420 chapter 112 are annually appropriated from the interest and
421 investment income earned on the moneys collected for each
422 municipality, municipal services taxing unit, or special fire
423 control district and deposited in the Police and Firefighters'
424 Premium Tax Trust Fund. Interest and investment income remaining
425 thereafter in the trust fund which is unexpended and otherwise
426 unallocated by law shall revert to the General Revenue Fund on
427 June 30 of each year.

428 (2) The Chief Financial Officer shall, on or before July 1
429 of each year, and at such other times as authorized by the
430 division, draw his or her warrants on the full net amount of
431 money then on deposit in the Police and Firefighters' Premium
432 Tax Trust Fund under ~~pursuant to~~ this chapter, specifying the
433 municipalities, municipal services taxing units, and special
434 fire control districts to which the moneys must be paid and the
435 net amount collected for and to be paid to each municipality,
436 municipal services taxing unit, or special fire control
437 district, respectively, subject to the limitation on
438 disbursement under s. 175.122. The sum payable to each
439 municipality, municipal services taxing unit, or special fire
440 control district is appropriated annually out of the Police and
441 Firefighters' Premium Tax Trust Fund. The warrants of the Chief
442 Financial Officer shall be payable to the respective
443 municipalities, municipal services taxing units, and special
444 fire control districts entitled to receive them and shall be
445 remitted annually by the division to the respective



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446 municipalities, municipal services taxing units, and special
447 fire control districts. In lieu thereof, the municipality,
448 municipal services taxing unit, or special fire control district
449 may provide authorization to the division for the direct payment
450 of the premium tax to the board of trustees. In order for a
451 municipality, municipal services taxing unit, or special fire
452 control district and its pension fund to participate in the
453 distribution of premium tax moneys under this chapter, all the
454 provisions shall be complied with annually, including state
455 acceptance under ~~pursuant to~~ part VII of chapter 112.

456 (3) (a) All moneys not distributed to municipalities,
457 municipal services taxing units, and special fire control
458 districts under this section as a result of the limitation on
459 disbursement contained in s. 175.122, or as a result of any
460 municipality, municipal services taxing unit, or special fire
461 control district not having qualified in any given year, or
462 portion thereof, shall be transferred to the Firefighters'
463 Supplemental Compensation Trust Fund administered by the
464 Department of Revenue, as provided in s. 633.422.

465 (b)1. Moneys transferred under paragraph (a) but not needed
466 to support the supplemental compensation program in a given year
467 shall be redistributed pro rata to those participating
468 municipalities, municipal services taxing units, and special
469 fire control districts that transfer any portion of their funds
470 to support the supplemental compensation program in that year.
471 Such additional moneys shall be used to cover or offset costs of
472 the retirement plan.

473 2. To assist the Department of Revenue, the division shall
474 identify those municipalities, municipal services taxing units,



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475 and special fire control districts that are eligible for
476 redistribution as provided in s. 633.422(3)(c)2., by listing the
477 municipalities, municipal services taxing units, and special
478 fire control districts from which funds were transferred under
479 paragraph (a) and specifying the amount transferred by each.

480 Section 7. Section 175.122, Florida Statutes, is amended to
481 read:

482 175.122 Limitation of disbursement.—For any municipality,
483 municipal services taxing unit, special fire control district,
484 chapter plan, local law municipality, local law special fire
485 control district, or local law plan under this chapter, any
486 municipality, municipal services taxing unit, or special fire
487 control district participating in the firefighters' pension
488 trust fund under ~~pursuant to the provisions of~~ this chapter,
489 whether under a chapter plan or local law plan, is ~~shall be~~
490 limited to receiving any moneys from such fund in excess of that
491 produced by one-half of the excise tax, as provided for in s.
492 175.101; however, any such municipality, municipal services
493 taxing unit, or special fire control district receiving less
494 than 6 percent of its fire department payroll from such fund is
495 ~~shall be~~ entitled to receive from such fund the amount
496 determined under s. 175.121, in excess of one-half of the excise
497 tax, not to exceed 6 percent of its fire department payroll.
498 Payroll amounts of members included in the Florida Retirement
499 System are ~~shall~~ not be included.

500 Section 8. Section 175.351, Florida Statutes, is amended to
501 read:

502 175.351 Municipalities, municipal services taxing units,
503 and special fire control districts that have their own



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504 retirement plans for firefighters.—In order for a municipality,
505 municipal services taxing unit, or special fire control district
506 that has its own retirement plan for firefighters, or for
507 firefighters and police officers if both are included, to
508 participate in the distribution of the tax fund established
509 under s. 175.101, a local law plan must meet minimum benefits
510 and minimum standards, except as provided in the mutual consent
511 provisions in paragraph (1)(g) with respect to the minimum
512 benefits not met as of October 1, 2012.

513 (1) If a municipality, municipal services taxing unit, or
514 special fire control district has a retirement plan for
515 firefighters, or for firefighters and police officers if both
516 are included, which in the opinion of the division meets minimum
517 benefits and minimum standards, the board of trustees of the
518 retirement plan must place the income from the premium tax in s.
519 175.101 in such plan for the sole and exclusive use of its
520 firefighters, or for firefighters and police officers if both
521 are included, where it shall become an integral part of that
522 plan and be used to fund benefits as provided herein. Effective
523 October 1, 2015, for noncollectively bargained service or upon
524 entering into a collective bargaining agreement on or after July
525 1, 2015:

526 (a) The base premium tax revenues must be used to fund
527 minimum benefits or other retirement benefits in excess of the
528 minimum benefits as determined by the municipality, municipal
529 services taxing unit, or special fire control district.

530 (b) Of the additional premium tax revenues received that
531 are in excess of the amount received for the 2012 calendar year,
532 50 percent must be used to fund minimum benefits or other



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533 retirement benefits in excess of the minimum benefits as
534 determined by the municipality, municipal services taxing unit,
535 or special fire control district, and 50 percent must be placed
536 in a defined contribution plan to fund special benefits.

537 (c) Additional premium tax revenues not described in
538 paragraph (b) must be used to fund benefits that are not
539 included in the minimum benefits. If the additional premium tax
540 revenues subject to this paragraph exceed the full annual cost
541 of benefits provided through the plan which are in excess of the
542 minimum benefits, any amount in excess of the full annual cost
543 must be used as provided in paragraph (b).

544 (d) Of any accumulations of additional premium tax revenues
545 which have not been allocated to fund benefits in excess of the
546 minimum benefits, 50 percent of the amount of the accumulations
547 must be used to fund special benefits, and 50 percent must be
548 applied to fund any unfunded actuarial liabilities of the plan;
549 provided that any amount of accumulations in excess of the
550 amount required to fund the unfunded actuarial liabilities must
551 be used to fund special benefits.

552 (e) For a plan created after March 1, 2015, 50 percent of
553 the insurance premium tax revenues must be used to fund defined
554 benefit plan component benefits, with the remainder used to fund
555 defined contribution plan component benefits.

556 (f) If a plan offers benefits in excess of the minimum
557 benefits, such benefits, excluding supplemental plan benefits in
558 effect as of September 30, 2014, may be reduced if the plan
559 continues to meet minimum benefits and minimum standards. The
560 amount of insurance premium tax revenues previously used to fund
561 benefits in excess of minimum benefits before the reduction,



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562 excluding the amount of any additional premium tax revenues
563 distributed to a supplemental plan for the 2012 calendar year,
564 must be used as provided in paragraph (b). However, benefits in
565 excess of minimum benefits may not be reduced if a plan does not
566 meet the minimum percentage amount of 2.75 percent of the
567 average final compensation of a full-time firefighter, as
568 required by s. 175.162(2)(a)1., or provides an effective benefit
569 that is below 2.75 percent as a result of a maximum benefit
570 limitation as described in s. 175.162(2)(a)2.

571 (g) Notwithstanding paragraphs (a)-(f), the use of premium
572 tax revenues, including any accumulations of additional premium
573 tax revenues which have not been allocated to fund benefits in
574 excess of minimum benefits, may deviate from the provisions of
575 this subsection by mutual consent of the members' collective
576 bargaining representative or, if there is no representative, by
577 a majority of the firefighter members, or firefighter and police
578 officer members if both are included, of the fund, and by
579 consent of the municipality, municipal services taxing unit, or
580 special fire control district, provided that the plan continues
581 to meet minimum benefits and minimum standards; however, a plan
582 that operates under ~~pursuant to~~ this paragraph and does not meet
583 minimum benefits as of October 1, 2012, may continue to provide
584 the benefits that do not meet the minimum benefits at the same
585 level as was provided as of October 1, 2012, and all other
586 benefit levels must continue to meet the minimum benefits. Such
587 mutually agreed deviation must continue until modified or
588 revoked by subsequent mutual consent of the members' collective
589 bargaining representative or, if none, by a majority of the
590 firefighter members, or firefighter and police officer members



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591 if both are included, of the fund, and the municipality,
592 municipal services taxing unit, or special fire control
593 district. An existing arrangement for the use of premium tax
594 revenues contained within a special act plan or a plan within a
595 supplemental plan municipality is considered, as of July 1,
596 2015, to be a deviation for which mutual consent has been
597 granted.

598 (2) The premium tax provided by this chapter must be used
599 in its entirety to provide retirement benefits to firefighters,
600 or to firefighters and police officers if both are included.
601 Local law plans created by special act before May 27, 1939, are
602 deemed to comply with this chapter.

603 (3) A retirement plan or amendment to a retirement plan may
604 not be proposed for adoption unless the proposed plan or
605 amendment contains an actuarial estimate of the costs involved.
606 Such proposed plan or proposed plan change may not be adopted
607 without the approval of the municipality, municipal services
608 taxing unit, special fire control district, or, if where
609 required, the Legislature. Copies of the proposed plan or
610 proposed plan change and the actuarial impact statement of the
611 proposed plan or proposed plan change shall be furnished to the
612 division before the last public hearing on the proposal is held.
613 Such statement must also indicate whether the proposed plan or
614 proposed plan change is in compliance with s. 14, Art. X of the
615 State Constitution and those provisions of part VII of chapter
616 112 which are not expressly provided in this chapter.
617 Notwithstanding any other provision, only those local law plans
618 created by special act of legislation before May 27, 1939, are
619 deemed to meet minimum benefits and minimum standards.



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620 (4) Notwithstanding any other provision, with respect to
621 any supplemental plan municipality:

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

625 (b) Section 175.061(1)(b) does not apply, and a local law
626 plan and a supplemental plan shall continue to be administered
627 by a board or boards of trustees numbered, constituted, and
628 selected as the board or boards were numbered, constituted, and
629 selected on December 1, 2000.

630 (5) The retirement plan setting forth the benefits and the
631 trust agreement, if any, covering the duties and
632 responsibilities of the trustees and the regulations of the
633 investment of funds must be in writing, and copies made
634 available to the participants and to the general public.

635 (6) In addition to the defined benefit plan component of
636 the local law plan, each plan sponsor must have a defined
637 contribution plan component within the local law plan by October
638 1, 2015, for noncollectively bargained service, upon entering
639 into a collective bargaining agreement on or after July 1, 2015,
640 or upon the creation date of a new participating plan. Depending
641 upon the application of subsection (1), a defined contribution
642 plan component may or may not receive any funding.

643 (7) Notwithstanding any other provision of this chapter, a
644 municipality, municipal services taxing unit, or special fire
645 control district that has implemented or proposed changes to a
646 local law plan based on the municipality's, municipal services
647 taxing unit's, or district's reliance on an interpretation of
648 this chapter by the Department of Management Services on or



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649 after August 14, 2012, and before March 3, 2015, may continue
650 the implemented changes or continue to implement proposed
651 changes. Such reliance must be evidenced by a written collective
652 bargaining proposal or agreement, or formal correspondence
653 between the municipality, municipal services taxing unit, or
654 district and the Department of Management Services which
655 describes the specific changes to the local law plan, with the
656 initial proposal, agreement, or correspondence from the
657 municipality, municipal services taxing unit, or district dated
658 before March 3, 2015. Changes to the local law plan which are
659 otherwise contrary to minimum benefits and minimum standards may
660 continue in effect until the earlier of October 1, 2018, or the
661 effective date of a collective bargaining agreement that is
662 contrary to the changes to the local law plan.

663 Section 9. Section 175.381, Florida Statutes, is amended to
664 read:

665 175.381 Applicability.—This act shall apply to all
666 municipalities, municipal services taxing units, special fire
667 control districts, chapter plans, local law municipalities,
668 local law special fire control districts, or local law plans
669 presently existing or to be created under ~~pursuant to~~ this
670 chapter. Those plans presently existing under ~~pursuant to~~ s.
671 175.351 and not in compliance with ~~the provisions of~~ this act
672 must comply no later than December 31, 1999. However, the plan
673 sponsor of any plan established by special act of the
674 Legislature shall have until July 1, 2000, to comply with ~~the~~
675 ~~provisions of~~ this act, except as otherwise provided in this act
676 with regard to establishment and election of board members. ~~The~~
677 ~~provisions of~~ This act shall be construed to establish minimum



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678 standards and minimum benefit levels, and nothing contained in
679 this act or in chapter 175 operates ~~shall operate~~ to reduce
680 presently existing rights or benefits of any firefighter,
681 directly, indirectly, or otherwise.

682 Section 10. Section 175.411, Florida Statutes, is amended
683 to read:

684 175.411 Optional participation.—A municipality, municipal
685 services taxing unit, or special fire control district may
686 revoke its participation under this chapter by rescinding the
687 legislative act, ordinance, or resolution which assesses and
688 imposes the taxes authorized in s. 175.101, and by furnishing a
689 certified copy of such legislative act, ordinance, or resolution
690 to the division. Thereafter, the municipality, municipal
691 services taxing unit, or special fire control district is ~~shall~~
692 ~~be~~ prohibited from participating under this chapter, and is
693 ~~shall not be~~ eligible for future premium tax moneys. Premium tax
694 moneys previously received shall continue to be used for the
695 sole and exclusive benefit of firefighters, or firefighters and
696 police officers if both are ~~where~~ included, and no amendment,
697 legislative act, ordinance, or resolution shall be adopted which
698 has ~~shall have~~ the effect of reducing the then-vested accrued
699 benefits of the firefighters, or firefighters and police
700 officers if both are included, retirees, or their beneficiaries.
701 The municipality, municipal services taxing unit, or special
702 fire control district shall continue to furnish an annual report
703 to the division as provided in s. 175.261. If the municipality,
704 municipal services taxing unit, or special fire control district
705 subsequently terminates the defined benefit plan, they shall do
706 so in compliance with ~~the provisions of~~ s. 175.361.



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707 Section 11. Subsection (13) of section 191.006, Florida
708 Statutes, is amended to read:

709 191.006 General powers.—The district shall have, and the
710 board may exercise by majority vote, the following powers:

711 (13) To cooperate or contract with other persons or
712 entities, including other governmental agencies, as necessary,
713 convenient, incidental, or proper in connection with providing
714 effective mutual aid and furthering any power, duty, or purpose
715 authorized by this act. The district shall have, and the board
716 may exercise, all powers and duties provided in s. 163.01,
717 chapter 189, and this chapter, including such powers within or
718 without the district's boundary in cooperation with another
719 governmental agency when such agency shares such powers in
720 common with the district.

721 Section 12. Paragraph (c) of subsection (3) of section
722 633.422, Florida Statutes, is amended to read:

723 633.422 Firefighters; supplemental compensation.—

724 (3) FUNDING.—

725 (c) There is appropriated from the Police and Firefighter's
726 Premium Tax Trust Fund to the Firefighters' Supplemental
727 Compensation Trust Fund, which is created under the Department
728 of Revenue, all moneys which have not been distributed to
729 municipalities, municipal services taxing units, and special
730 fire control districts in accordance with s. 175.121 as a result
731 of the limitation contained in s. 175.122 on the disbursement of
732 revenues collected under ~~pursuant to~~ chapter 175 or as a result
733 of any municipality, municipal services taxing unit, or special
734 fire control district not having qualified in any given year, or
735 portion thereof, for participation in the distribution of the



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736 revenues collected under ~~pursuant to~~ chapter 175. The total
737 required annual distribution from the Firefighters' Supplemental
738 Compensation Trust Fund shall equal the amount necessary to pay
739 supplemental compensation as provided in this section, provided
740 that:

741 1. Any deficit in the total required annual distribution
742 shall be made up from accrued surplus funds existing in the
743 Firefighters' Supplemental Compensation Trust Fund on June 30,
744 1990, for as long as such funds last. If the accrued surplus is
745 insufficient to cure the deficit in any given year, the
746 proration of the appropriation among the counties,
747 municipalities, municipal services taxing units, and special
748 fire service taxing districts shall equal the ratio of
749 compensation paid in the prior year to county, municipal,
750 municipal services taxing unit, and special fire service taxing
751 district firefighters under ~~pursuant to~~ this section. This ratio
752 shall be provided annually to the Department of Revenue by the
753 division. Surplus funds that have accrued or accrue on or after
754 July 1, 1990, shall be redistributed to municipalities,
755 municipal services taxing units, and special fire control
756 districts as provided in subparagraph 2.

757 2. By October 1 of each year, any funds that have accrued
758 or accrue on or after July 1, 1990, and remain in the
759 Firefighters' Supplemental Compensation Trust Fund following the
760 required annual distribution shall be redistributed by the
761 Department of Revenue pro rata to those municipalities,
762 municipal services taxing units, and special fire control
763 districts identified by the Department of Management Services as
764 being eligible for additional funds under ~~pursuant to~~ s.



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765 175.121(3)(b).

766 Section 13. This act shall take effect July 1, 2020.

767

768 ===== T I T L E A M E N D M E N T =====

769 And the title is amended as follows:

770 Delete everything before the enacting clause

771 and insert:

772 A bill to be entitled

773 An act relating to fire control districts and

774 firefighter pensions; amending s. 175.041, F.S.;

775 revising applicability of the Firefighters' Pension

776 Trust Fund; authorizing a municipality that provides

777 fire protection services to a municipal services

778 taxing unit under an interlocal agreement to receive

779 property insurance premium taxes; authorizing a county

780 to enact an ordinance levying a tax on behalf of a

781 municipal services taxing unit receiving fire

782 protection services; amending s. 175.101, F.S.;

783 authorizing a municipal services taxing unit that

784 enters into an interlocal agreement for fire

785 protection services with a municipality to impose an

786 excise tax on property insurance premiums; amending s.

787 175.111, F.S.; requiring a municipal services taxing

788 unit to provide the Division of Retirement of the

789 Department of Management Services with a certified

790 copy of an ordinance assessing and imposing certain

791 taxes; amending ss. 175.121, 175.122, and 175.351,

792 F.S.; revising provisions relating to the disbursement

793 of moneys by the division and the Department of



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794 Revenue and the limitation of disbursement to conform
795 to changes made by the act; amending s. 175.411, F.S.;
796 authorizing a municipal services taxing unit to revoke
797 its participation and cease to receive property
798 insurance premium taxes under certain conditions;
799 amending s. 191.006, F.S.; requiring an independent
800 special fire control district to have, and authorizing
801 the board of such district to exercise by majority
802 vote, specified powers; amending ss. 175.032, 175.071,
803 175.381, and 633.422, F.S.; conforming provisions to
804 changes made by the act; providing an effective date.