

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	_____	(Y/N)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

1 Committee/Subcommittee hearing bill: Constitutional Rights,
 2 Rule of Law & Government Operations Subcommittee
 3 Representative Stevenson offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraphs (i) and (k) of subsection (5) of section 121.091, Florida Statutes, are amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39) (a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information

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17 and documents required by this chapter and the department's
18 rules. The department shall adopt rules establishing procedures
19 for application for retirement benefits and for the cancellation
20 of such application when the required information or documents
21 are not received.

22 (5) TERMINATION BENEFITS.—A member whose employment is
23 terminated prior to retirement retains membership rights to
24 previously earned member-noncontributory service credit, and to
25 member-contributory service credit, if the member leaves the
26 member contributions on deposit in his or her retirement
27 account. If a terminated member receives a refund of member
28 contributions, such member may reinstate membership rights to
29 the previously earned service credit represented by the refund
30 by completing 1 year of creditable service and repaying the
31 refunded member contributions, plus interest.

32 (i) The division or the state board may not pay benefits
33 to any member convicted of a felony committed on or after
34 October 1, 2008, defined in s. 800.04 against a victim younger
35 than 16 years of age, or defined in chapter 794 against a victim
36 younger than 18 years of age, through the use or attempted use
37 of power, rights, privileges, duties, or position of the
38 member's public office or employment position. However, the
39 division or the state board shall return the member's
40 accumulated contributions, if any, that the member accumulated
41 as of the date of conviction.

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42 (k) Benefits ~~may shall~~ not be paid by the division or the
43 state board pending final resolution of such charges against a
44 member or beneficiary if the resolution of such charges could
45 require the forfeiture of benefits as provided in paragraph (f),
46 paragraph (g), paragraph (h), paragraph (i), ~~or~~ paragraph (j),
47 or chapter 112.

48 Section 2. Paragraph (b) of subsection (20) of section
49 121.4501, Florida Statutes, is amended, and paragraph (h) is
50 added to subsection (8) of that section, to read:

51 121.4501 Florida Retirement System Investment Plan.—

52 (8) INVESTMENT PLAN ADMINISTRATION.—The investment plan
53 shall be administered by the state board and affected employers.
54 The state board may require oaths, by affidavit or otherwise,
55 and acknowledgments from persons in connection with the
56 administration of its statutory duties and responsibilities for
57 the investment plan. An oath, by affidavit or otherwise, may not
58 be required of a member at the time of enrollment.

59 Acknowledgment of an employee's election to participate in the
60 program shall be no greater than necessary to confirm the
61 employee's election. The state board shall adopt rules to carry
62 out its statutory duties with respect to administering the
63 investment plan, including establishing the roles and
64 responsibilities of affected state, local government, and
65 education-related employers, the state board, the department,
66 and third-party contractors. The department shall adopt rules

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67 necessary to administer the investment plan in coordination with
68 the pension plan and the disability benefits available under the
69 investment plan.

70 (h) The state board, consistent with its fiduciary
71 responsibilities, may develop one or more investment products to
72 be offered in the investment plan.

73 (20) DESIGNATION OF BENEFICIARIES.—

74 (b) If a member is married, but does not designate his or
75 her spouse as designates a primary beneficiary, the spouse must
76 be notified and acknowledge that he or she has not been so
77 designated. Notwithstanding the foregoing, if the spouse cannot
78 be located or fails to affirmatively acknowledge that he or she
79 has not been so designated, the member may request that the
80 acknowledgement requirement be waived by the state board by
81 submitting an affidavit setting forth the particular facts and
82 circumstances other than the member's spouse, the member's
83 spouse must sign the beneficiary designation form to acknowledge
84 the designation. This requirement does not apply to the
85 designation of one or more contingent beneficiaries to receive
86 benefits remaining upon the death of the primary beneficiary or
87 beneficiaries.

88 Section 3. Paragraph (e) of subsection (2) and subsections
89 (3), (6), and (15) of section 215.47, Florida Statutes, are
90 amended to read:

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91 215.47 Investments; authorized securities; loan of
92 securities.—Subject to the limitations and conditions of the
93 State Constitution or of the trust agreement relating to a trust
94 fund, moneys available for investments under ss. 215.44-215.53
95 may be invested as follows:

96 (2) With no more than 25 percent of any fund in:

97 (e) Certain interests in real property and related
98 personal property which may be owned through affiliated limited
99 liability entities or joint ventures, which include, but are not
100 limited to, including mortgages and related instruments secured
101 by ~~on commercial or industrial~~ real property, and instruments
102 containing with provisions for equity or income participation or
103 with provisions for convertibility to equity ownership; and
104 interests in real property-related collective investment funds.
105 The State Board of Administration and its affiliated limited
106 liability entities or joint ventures may issue securities and
107 borrow money through loans or other financial obligations,
108 including bonds, equity securities, and other security
109 instruments, any of which may be unsecured or secured by
110 investments in real property or related cash flows, guaranteed
111 by the related fund, or governed by financial covenants. The
112 proceeds of such loans or financing obligations may be loaned to
113 or otherwise used as a source of funding for affiliated limited
114 liability entities or joint ventures. Associated expenditures
115 for acquisition and operation of assets purchased under this

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116 provision or of investments in private equity or other private
117 investment partnerships or limited liability companies must
118 ~~shall~~ be included as a part of the cost of the investment.

119 1. The title to real property, or ownership of the entity
120 holding title to real property, acquired under this paragraph
121 shall be vested in the name of the respective fund.

122 2. For purposes of taxation of property owned by any fund,
123 the provisions of s. 196.199(2)(b) do not apply.

124 3. Real property acquired under ~~the provisions of this~~
125 paragraph may ~~shall~~ not be considered state lands or public
126 lands and property as defined in chapter 253, and ~~the provisions~~
127 ~~of that chapter~~ does ~~de~~ not apply to such real property.

128 (3) With no more than 80 percent of any fund in equity
129 securities or securities convertible into equity securities of
130 any entity ~~common stock, preferred stock, and interest-bearing~~
131 ~~obligations of a corporation having an option to convert into~~
132 ~~common stock~~, provided that all of the following apply:

133 (a) That the entity is either:

134 1. ~~The corporation is~~ Organized under the laws of the
135 United States, any state or organized territory of the United
136 States, or the District of Columbia; or

137 2. ~~(b) The corporation is~~ Listed on any one or more of the
138 recognized national stock exchanges in the United States and
139 conforms with the periodic reporting requirements under the
140 Securities Exchange Act of 1934.

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141 ~~(b)-(e)~~ Not more than 75 percent of the fund may be in
142 internally managed equity securities ~~common stock~~.

143

144 The board ~~may shall~~ not invest more than 10 percent of the
145 equity assets of any fund in the equity securities ~~common stock,~~
146 ~~preferred stock, and interest-bearing obligations having an~~
147 ~~option to convert into common stock,~~ of any one issuing entity
148 ~~corporation~~; and the board ~~may shall~~ not invest more than 3
149 percent of the equity assets of any fund in such securities of
150 any one issuing entity ~~corporation~~ except to the extent a higher
151 percentage of the same issue is included in a nationally
152 recognized market index, based on market values, at least as
153 broad as the Standard and Poor's Composite Index of 500
154 Companies, or except upon a specific finding by the board that
155 such higher percentage is in the best interest of the fund.

156 (6) With no more than 5 percent of any fund to be invested
157 as deemed appropriate by the board, notwithstanding investment
158 limitations otherwise expressed in this section. ~~Before~~ Prior to
159 the board engages ~~engaging~~ in any investment activity not
160 otherwise authorized under ss. 215.44-215.53, excluding
161 investments in publicly traded securities, options, financial
162 futures, or similar instruments, the board shall present to the
163 Investment Advisory Council a proposed plan for such investment.
164 Such ~~Said~~ plan must ~~shall~~ include, but not be limited to, a
165 detailed analysis of the investment, the expected benefits and

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166 potential risks of such activity, and the methods for
167 monitoring and measuring the performance of the investment; ~~a~~
168 ~~complete description of the type, nature, extent and purpose of~~
169 ~~the investment, including description of issuer, security in~~
170 ~~which investment is proposed to be made, voting rights or lack~~
171 ~~thereof and control to be acquired, restrictions upon voting,~~
172 ~~transfer, and other material rights of ownership, and the~~
173 ~~existence of any contracts, arrangements, understandings, or~~
174 ~~relationships with any person or entity (naming the same) with~~
175 ~~respect to the proposed investment; and assurances that~~
176 ~~sufficient investment expertise is available to the board to~~
177 ~~properly evaluate and manage such activity. The Investment~~
178 ~~Advisory Council may obtain independent investment counsel to~~
179 ~~provide expert advice with regard to such proposed investment~~
180 ~~activity by the board, and the board shall defray such costs.~~

181 (15) With no more, in the aggregate, than 30 ~~20~~ percent of
182 any fund in alternative investments through participation in an
183 alternative investment vehicle as those terms are defined in s.
184 215.4401(3)(a), or in securities or investments that are not
185 publicly traded and not otherwise authorized by this section.

186 Section 4. For the purpose of incorporating the amendments
187 made by this act to section 215.47, Florida Statutes, in a
188 reference thereto, paragraph (a) of subsection (5) of section
189 112.661, Florida Statutes, is reenacted to read:

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190 112.661 Investment policies.—Investment of the assets of
191 any local retirement system or plan must be consistent with a
192 written investment policy adopted by the board. Such policies
193 shall be structured to maximize the financial return to the
194 retirement system or plan consistent with the risks incumbent in
195 each investment and shall be structured to establish and
196 maintain an appropriate diversification of the retirement system
197 or plan's assets.

198 (5) AUTHORIZED INVESTMENTS.—

199 (a) The investment policy shall list investments
200 authorized by the board. Investments not listed in the
201 investment policy are prohibited. Unless otherwise authorized by
202 law or ordinance, the investment of the assets of any local
203 retirement system or plan covered by this part shall be subject
204 to the limitations and conditions set forth in s. 215.47(1)-(6),
205 (8), (9), (11) and (17).

206 Section 5. For the purpose of incorporating the amendments
207 made by this act to section 215.47, Florida Statutes, in a
208 reference thereto, paragraph (a) of subsection (3) of section
209 420.503, Florida Statutes, is reenacted to read:

210 420.503 Definitions.—As used in this part, the term:

211 (3) "Authorized investments" means any of the following
212 securities:

213 (a) Investments permitted under s. 215.47(1) and (2),
214 without regard to any limitation set forth therein.

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215 Section 6. For the purpose of incorporating the amendments
216 made by this act to section 215.47, Florida Statutes, in a
217 reference thereto, paragraph (e) of subsection (4) of section
218 1002.36, Florida Statutes, is reenacted to read:

219 1002.36 Florida School for the Deaf and the Blind.—

220 (4) BOARD OF TRUSTEES.—

221 (e) The board of trustees is invested with full power and
222 authority to:

223 1. Appoint a president, faculty, teachers, and other
224 employees and remove the same as in its judgment may be best and
225 fix their compensation.

226 2. Procure professional services, such as medical, mental
227 health, architectural, and engineering.

228 3. Procure legal services without the prior written
229 approval of the Attorney General.

230 4. Determine eligibility of students and procedure for
231 admission.

232 5. Provide for the students of the school necessary
233 bedding, clothing, food, and medical attendance and such other
234 things as may be proper for the health and comfort of the
235 students without cost to their parents, except that the board of
236 trustees may set tuition and other fees for nonresidents.

237 6. Provide for the proper keeping of accounts and records
238 and for budgeting of funds.

239 7. Enter into contracts.

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240 8. Sue and be sued.

241 9. Secure public liability insurance.

242 10. Do and perform every other matter or thing requisite
243 to the proper management, maintenance, support, and control of
244 the school at the highest efficiency economically possible, the
245 board of trustees taking into consideration the purposes of the
246 establishment.

247 11. Receive gifts, donations, and bequests of money or
248 property, real or personal, tangible or intangible, from any
249 person, firm, corporation, or other legal entity. However, the
250 board of trustees may not obligate the state to any expenditure
251 or policy that is not specifically authorized by law. If the
252 bill of sale, will, trust indenture, deed, or other legal
253 conveyance specifies terms and conditions concerning the use of
254 such money or property, the board of trustees shall observe such
255 terms and conditions.

256 12. Deposit outside the State Treasury such moneys as are
257 received as gifts, donations, or bequests and may disburse and
258 expend such moneys, upon its own warrant, for the use and
259 benefit of the Florida School for the Deaf and the Blind and its
260 students, as the board of trustees deems to be in the best
261 interest of the school and its students. Such money or property
262 does not constitute and may not be considered a part of any
263 legislative appropriation.

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264 13. Sell or convey by bill of sale, deed, or other legal
265 instrument any property, real or personal, received as a gift,
266 donation, or bequest, upon such terms and conditions as the
267 board of trustees deems to be in the best interest of the school
268 and its students.

269 14. Invest such moneys in securities enumerated under s.
270 215.47(1), (2)(c), (3), (4), and (10), and in The Common Fund,
271 an Investment Management Fund exclusively for nonprofit
272 educational institutions.

273 15. After receiving approval from the Administration
274 Commission, exercise the power of eminent domain in the manner
275 provided in chapter 73 or chapter 74.

276 Section 7. This act shall take effect upon becoming a law.

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

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Remove everything before the enacting clause and insert:

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An act relating to the State Board of Administration; amending

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s. 121.091, F.S.; prohibiting the State Board of Administration

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from paying benefits to a Florida Retirement System investment

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plan member convicted of specified felonies; requiring the state

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board to return to a member contributions that were accumulated

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up to the date of conviction; prohibiting the state board from

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paying benefits until the resolution of the proceedings of any

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potentially disqualifying offenses; amending s. 121.4501, F.S.;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1139 (2023)

Amendment No.

289 | authorizing the state board to develop investment products to be
290 | offered in the investment plan; revising the process for a
291 | member's spouse to acknowledge that he or she is not the primary
292 | beneficiary of the member's benefits; authorizing a member to
293 | request a waiver of such acknowledgement under certain
294 | circumstances; amending s. 215.47, F.S.; revising the types of
295 | investments in real property and related personal property which
296 | the state board may invest in; authorizing the state board and
297 | certain affiliated entities and ventures to issue securities and
298 | borrow money through specified means; authorizing the state
299 | board to use the proceeds of loans or financing obligations as
300 | loans to or sources of funding for certain entities or ventures;
301 | requiring the ownership of an entity holding title to real
302 | property to be vested in the name of the Florida Retirement
303 | System Trust Fund; revising the funds in which the state may
304 | invest no more than 80 percent of its moneys available for
305 | investments; revising the requirements of the proposed plan the
306 | state board must present to the Investment Advisory Council to
307 | invest in unauthorized investments; deleting authorization for
308 | the council to obtain independent investment counsel to provide
309 | expert advice on state board investment activity; revising the
310 | threshold for the amount that may be invested in alternative
311 | investments; reenacting ss. 112.661(5)(a), 420.503(3)(a), and
312 | 1002.36(4)(e), F.S., relating to authorized investments, the
313 | definition of "authorized investments", and investments made on

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1139 (2023)

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314 | behalf of the Florida School for the Deaf and the Blind,
315 | respectively, to incorporate the amendments made to s. 215.47,
316 | F.S., in references thereto; providing an effective date.