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1                                   A bill to be entitled  
 2           An act relating to public retirement plans; amending s.  
 3           175.032, F.S.; revising definitions; amending s. 175.061,  
 4           F.S.; providing duties of the board of trustees relating  
 5           to the reporting of expenses and the submission of a  
 6           proposed administrative expense budget; amending s.  
 7           175.071, F.S.; revising requirements of the board relating  
 8           to the employment of legal counsel, actuaries, and other  
 9           advisers; amending s. 175.091, F.S.; removing an  
 10          adjustment requirement for member contribution rates to a  
 11          retirement plan for firefighters; amending s. 175.351,  
 12          F.S.; revising provisions relating to benefits paid from  
 13          the premium tax by a municipality or special fire control  
 14          district that has its own pension plan; amending s.  
 15          185.02, F.S.; revising definitions; amending s. 185.05,  
 16          F.S.; providing duties of the board of trustees relating  
 17          to the reporting of expenses and the submission of a  
 18          proposed administrative expense budget; amending s.  
 19          185.06, F.S.; revising requirements of the board relating  
 20          to the employment of legal counsel, actuaries, and other  
 21          advisers; amending s. 185.07, F.S.; removing an adjustment  
 22          requirement for member contribution rates to a retirement  
 23          plan for police officers; amending s. 185.35, F.S.;  
 24          revising provisions relating to benefits paid by a  
 25          municipality that has its own pension plan; directing the  
 26          Division of Retirement in the Department of Management  
 27          Services to rate the financial strength of local  
 28          government defined benefit plans; specifying the factors

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29 | for assigning the ratings; requiring local pension boards  
 30 | and local governments to cooperate in providing data for  
 31 | the ratings; requiring the ratings to be posted on the  
 32 | division's website; creating the Task Force on Public  
 33 | Employee Disability Presumptions; providing for  
 34 | appointment and membership; specifying the issues for the  
 35 | task force to address; providing for a report to be  
 36 | submitted to the Governor, Chief Financial Officer, and  
 37 | Legislature by a certain date; providing for future  
 38 | expiration; providing a declaration of important state  
 39 | interest; providing an effective date.

40 |

41 | Be It Enacted by the Legislature of the State of Florida:

42 |

43 | Section 1. Subsection (3) of section 175.032, Florida  
 44 | Statutes, is amended to read:

45 | 175.032 Definitions.—For any municipality, special fire  
 46 | control district, chapter plan, local law municipality, local  
 47 | law special fire control district, or local law plan under this  
 48 | chapter, the following words and phrases have the following  
 49 | meanings:

50 | (3) "Compensation" or "salary" means, for noncollectively  
 51 | bargained service earned before July 1, 2011, or for service  
 52 | earned under collective bargaining agreements in place before  
 53 | July 1, 2011, the fixed monthly remuneration paid a firefighter.  
 54 | ~~If ; where, as in the case of a volunteer firefighter,~~  
 55 | remuneration is based on actual services rendered, as in the  
 56 | case of a volunteer firefighter, the term means the total cash

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57 remuneration received yearly for such services, prorated on a  
 58 monthly basis. For noncollectively bargained service earned on  
 59 or after July 1, 2011, or for service earned under collective  
 60 bargaining agreements entered into on or after July 1, 2011, the  
 61 term has the same meaning except that overtime compensation in  
 62 excess of 300 hours per year, as specified in the collective  
 63 bargaining agreement, or payments for accrued, unused sick or  
 64 annual leave, may not be included for purposes of calculating  
 65 retirement benefits.

66 ~~(a) A retirement trust fund or plan may use a definition~~  
 67 ~~of salary other than the definition in this subsection but only~~  
 68 ~~if the monthly retirement income payable to each firefighter~~  
 69 ~~covered by the retirement trust fund or plan, as determined~~  
 70 ~~under s. 175.162(2) (a) and using such other definition, equals~~  
 71 ~~or exceeds the monthly retirement income that would be payable~~  
 72 ~~to each firefighter if his or her monthly retirement income were~~  
 73 ~~determined under s. 175.162(2) (a) and using the definition in~~  
 74 ~~this subsection.~~

75 ~~(a)(b)~~ Any retirement trust fund or plan that ~~which now or~~  
 76 ~~hereafter~~ meets the requirements of this chapter does ~~shall~~ not,  
 77 solely by virtue of this subsection, reduce or diminish the  
 78 monthly retirement income otherwise payable to each firefighter  
 79 covered by the retirement trust fund or plan.

80 ~~(b)(e)~~ The member's compensation or salary contributed as  
 81 employee-elective salary reductions or deferrals to any salary  
 82 reduction, deferred compensation, or tax-sheltered annuity  
 83 program authorized under the Internal Revenue Code shall be  
 84 deemed to be the compensation or salary the member would receive

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85 | if he or she were not participating in such program and shall be  
 86 | treated as compensation for retirement purposes under this  
 87 | chapter.

88 |        (c)~~(d)~~ For any person who first becomes a member in any  
 89 | plan year beginning on or after January 1, 1996, compensation  
 90 | for that ~~any~~ plan year may ~~shall~~ not include any amounts in  
 91 | excess of the Internal Revenue Code s. 401(a)(17) limitation,  
 92 | ~~(as amended by the Omnibus Budget Reconciliation Act of 1993),~~  
 93 | which limitation of \$150,000 shall be adjusted as required by  
 94 | federal law for qualified government plans and shall be further  
 95 | adjusted for changes in the cost of living in the manner  
 96 | provided by Internal Revenue Code s. 401(a)(17)(B). For any  
 97 | person who first became a member before ~~prior to~~ the first plan  
 98 | year beginning on or after January 1, 1996, the limitation on  
 99 | compensation may ~~shall be~~ not be less than the maximum  
 100 | compensation amount that was allowed to be taken into account  
 101 | under the plan as in effect on July 1, 1993, which limitation  
 102 | shall be adjusted for changes in the cost of living since 1989  
 103 | in the manner provided by Internal Revenue Code s.  
 104 | 401(a)(17)(1991).

105 |        Section 2. Subsections (4), (5), (6), and (7) of section  
 106 | 175.061, Florida Statutes, are renumbered as subsections (5),  
 107 | (6), (7), and (8), respectively, and subsection (4) is added to  
 108 | that section, to read:

109 |        175.061 Board of trustees; members; terms of office;  
 110 | meetings; legal entity; costs; attorney's fees.—For any  
 111 | municipality, special fire control district, chapter plan, local  
 112 | law municipality, local law special fire control district, or

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113 local law plan under this chapter:

114 (4) The board of trustees shall:

115 (a) Provide a detailed accounting report of its expenses  
 116 for each fiscal year to the plan sponsor and the Department of  
 117 Management Services and shall make the report available to every  
 118 member of the plan. The report must include, but need not be  
 119 limited to, all administrative expenses, which for purposes of  
 120 this subsection are all expenses relating to any legal counsel,  
 121 actuary, plan administrator, and all other consultants, and all  
 122 travel and other expenses paid to or on behalf of the members of  
 123 the board of trustees or anyone else on behalf of the plan.

124 (b) Submit its proposed administrative expense budget for  
 125 each fiscal year at least 120 days before the beginning of the  
 126 fiscal year to the plan sponsor for review and modification. The  
 127 administrative expense budget is effective only upon approval by  
 128 the plan sponsor and must regulate the administrative expenses  
 129 of the board of trustees. The board of trustees may not amend  
 130 the budget without the prior approval of the plan sponsor.

131 Section 3. Subsection (7) of section 175.071, Florida  
 132 Statutes, is amended to read:

133 175.071 General powers and duties of board of trustees.—  
 134 For any municipality, special fire control district, chapter  
 135 plan, local law municipality, local law special fire control  
 136 district, or local law plan under this chapter:

137 (7) To assist the board in meeting its responsibilities  
 138 under this chapter, the board, if it so elects, and subject to  
 139 s. 175.061(4), may:

140 (a) Employ independent legal counsel at the pension fund's

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141 expense.

142 (b) Employ an independent actuary, as defined in s.  
143 175.032(7), at the pension fund's expense.

144 (c) Employ such independent professional, technical, or  
145 other advisers as it deems necessary at the pension fund's  
146 expense.

147

148 If the board chooses to use the municipality's or special  
149 district's legal counsel or actuary, or chooses to use any of  
150 the municipality's or special district's other professional,  
151 technical, or other advisers, it must do so only under terms and  
152 conditions acceptable to the board.

153 Section 4. Paragraph (b) of subsection (2) of section  
154 175.091, Florida Statutes, is amended to read:

155 175.091 Creation and maintenance of fund.—For any  
156 municipality, special fire control district, chapter plan, local  
157 law municipality, local law special fire control district, or  
158 local law plan under this chapter:

159 (2) Member contribution rates may be adjusted as follows:

160 (b) Firefighter member contributions may be increased by  
161 consent of the members' collective bargaining representative or,  
162 if none, by majority consent of firefighter members of the fund  
163 ~~to provide greater benefits.~~

164

165 Nothing in this section shall be construed to require adjustment  
166 of member contribution rates in effect on the date this act  
167 becomes a law, including rates that exceed 5 percent of salary,  
168 provided that such rates are at least one-half of 1 percent of

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169 salary.

170 Section 5. Section 175.351, Florida Statutes, is amended

171 to read:

172 175.351 Municipalities and special fire control districts

173 having their own pension plans for firefighters.—For any

174 municipality, special fire control district, local law

175 municipality, local law special fire control district, or local

176 law plan under this chapter, in order for municipalities and

177 special fire control districts with their own pension plans for

178 firefighters, or for firefighters and police officers, where

179 included, to participate in the distribution of the tax fund

180 established pursuant to s. 175.101, local law plans must provide

181 a benefit or benefits within those pension plans for

182 firefighters, or for firefighters and police officers, where

183 included, that is in addition to or greater than a pension

184 benefit provided to general employees of the municipality or

185 special fire control district regardless of when such additional

186 or greater benefit was or is provided ~~meet the minimum benefits~~

187 ~~and minimum standards set forth in this chapter.~~

188 (1) For the purpose of this chapter:

189 (a) "Additional premium tax revenues" means revenues

190 received by a municipality or special fire control district

191 pursuant to s. 175.121 which exceed that amount received for

192 calendar year 1997.

193 (b) "Extra benefits" means benefits in addition to or

194 greater than those provided to general employees of the

195 municipality or special fire control district regardless of when

196 such additional or greater benefit was or is provided.

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197 ~~PREMIUM TAX INCOME. If a municipality has a pension plan for~~  
 198 ~~firefighters, or a pension plan for firefighters and police~~  
 199 ~~officers, where included, which in the opinion of the division~~  
 200 ~~meets the minimum benefits and minimum standards set forth in~~  
 201 ~~this chapter, the board of trustees of the pension plan, as~~  
 202 ~~approved by a majority of firefighters of the municipality, may:~~

203 ~~(a) Place the income from the premium tax in s. 175.101 in~~  
 204 ~~such pension plan for the sole and exclusive use of its~~  
 205 ~~firefighters, or for firefighters and police officers, where~~  
 206 ~~included, where it shall become an integral part of that pension~~  
 207 ~~plan and shall be used to pay extra benefits to the firefighters~~  
 208 ~~included in that pension plan; or~~

209 ~~(b) Place the income from the premium tax in s. 175.101 in~~  
 210 ~~a separate supplemental plan to pay extra benefits to~~  
 211 ~~firefighters, or to firefighters and police officers where~~  
 212 ~~included, participating in such separate supplemental plan.~~

213 (2) For plans that comply with the minimum benefit  
 214 provisions of this chapter, the additional premium tax revenues  
 215 provided by this chapter shall in all cases be used in its  
 216 entirety to:

217 (a) Pay ~~provide~~ extra benefits to firefighters, or to  
 218 firefighters and police officers, where included; or

219 (b) Pay the unfunded actuarial accrued liabilities of the  
 220 plan. If the aggregate level cost method is the actuarial cost  
 221 method used to fund the plan, the unfunded actuarial accrued  
 222 liabilities shall be measured using the entry age normal cost  
 223 method.

224 (3) For ~~However,~~ local law plans in effect on October 1,



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225 1998, that do not ~~shall be required to~~ comply with the minimum  
 226 benefit provisions of this chapter, as only to the extent that  
 227 additional premium tax revenues become available, such revenues  
 228 shall be used to incrementally fund the cost of such compliance  
 229 as provided in s. 175.162(2)(a).

230 (4) If ~~When~~ a plan is in compliance with such minimum  
 231 benefit provisions, as subsequent additional premium tax  
 232 revenues become available, they shall be used to pay for ~~provide~~  
 233 extra benefits or to pay the unfunded actuarial accrued  
 234 liabilities of the plan, as provided in subsection (2). ~~For the~~  
 235 ~~purpose of this chapter, "additional premium tax revenues" means~~  
 236 ~~revenues received by a municipality or special fire control~~  
 237 ~~district pursuant to s. 175.121 which exceed that amount~~  
 238 ~~received for calendar year 1997, and the term "extra benefits"~~  
 239 ~~means benefits in addition to or greater than those provided to~~  
 240 ~~general employees of the municipality and in addition to those~~  
 241 ~~in existence for firefighters on March 12, 1999.~~

242 (5) Local law plans created by special act before May 23,  
 243 1939, shall be deemed to comply with this chapter.

244 (6) ~~(2) A ADOPTION OR REVISION OF A LOCAL LAW PLAN. No~~  
 245 retirement plan or amendment to a retirement plan may not ~~shall~~  
 246 be proposed for adoption unless the proposed plan or amendment  
 247 contains an actuarial estimate of the costs involved. The ~~No~~  
 248 ~~such~~ proposed plan or proposed plan change may not ~~shall~~ be  
 249 adopted without the approval of the municipality, special fire  
 250 control district, or, where permitted, the Legislature. Copies  
 251 of the proposed plan or proposed plan change and the actuarial  
 252 impact statement of the proposed plan or proposed plan change

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253 shall be furnished to the division before ~~prior to~~ the last  
 254 public hearing thereon. Such statement must ~~shall~~ also indicate  
 255 whether the proposed plan or proposed plan change is in  
 256 compliance with s. 14, Art. X of the State Constitution and  
 257 those provisions of part VII of chapter 112 which are not  
 258 expressly provided in this chapter. Notwithstanding any other  
 259 provision, only those local law plans created by special act of  
 260 legislation before ~~prior to~~ May 23, 1939, are ~~shall be~~ deemed to  
 261 meet the minimum benefits and minimum standards only in this  
 262 chapter.

263 ~~(7)(3)~~ Notwithstanding any other provision, with respect  
 264 to any supplemental plan municipality:

265 (a) Section 175.032(3)(a) does ~~shall~~ not apply, and a  
 266 local law plan and a supplemental plan may continue to use their  
 267 definition of compensation or salary in existence on March 12,  
 268 1999 ~~the effective date of this act.~~

269 (b) Section 175.061(1)(b) does ~~shall~~ not apply, and a  
 270 local law plan and a supplemental plan shall continue to be  
 271 administered by a board or boards of trustees numbered,  
 272 constituted, and selected as the board or boards were numbered,  
 273 constituted, and selected on December 1, 2000.

274 (c) The election set forth in paragraph (1)(b) is ~~shall be~~  
 275 deemed to have been made.

276 ~~(8)(4)~~ The retirement plan setting forth the benefits and  
 277 the trust agreement, if any, covering the duties and  
 278 responsibilities of the trustees and the regulations of the  
 279 investment of funds must be in writing, and copies ~~thereof must~~  
 280 ~~be~~ made available to the participants and to the general public.

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281 Section 6. Subsection (4) of section 185.02, Florida  
 282 Statutes, is amended to read:

283 185.02 Definitions.—For any municipality, chapter plan,  
 284 local law municipality, or local law plan under this chapter,  
 285 the following words and phrases as used in this chapter shall  
 286 have the following meanings, unless a different meaning is  
 287 plainly required by the context:

288 (4) "Compensation" or "salary" means, for noncollectively  
 289 bargained service earned before July 1, 2011, or for service  
 290 earned under collective bargaining agreements in place before  
 291 July 1, 2011, the total cash remuneration including "overtime"  
 292 paid by the primary employer to a police officer for services  
 293 rendered, but not including any payments for extra duty or a  
 294 special detail work performed on behalf of a second party  
 295 employer. ~~However,~~ A local law plan may limit the amount of  
 296 overtime payments which can be used for retirement benefit  
 297 calculation purposes; however, ~~but in no event shall~~ such  
 298 overtime limit may not be less than 300 hours per officer per  
 299 calendar year. For noncollectively bargained service earned on  
 300 or after July 1, 2011, or for service earned under collective  
 301 bargaining agreements entered into on or after July 1, 2011, the  
 302 term has the same meaning except that overtime compensation in  
 303 excess of 300 hours per year, as specified in the collective  
 304 bargaining agreement, or payments for accrued, unused sick or  
 305 annual leave, may not be included for purposes of calculating  
 306 retirement benefits.

307 (a) Any retirement trust fund or plan that ~~which now or~~  
 308 ~~hereafter~~ meets the requirements of this chapter does ~~shall~~ not,

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309 solely by virtue of this subsection, reduce or diminish the  
 310 monthly retirement income otherwise payable to each police  
 311 officer covered by the retirement trust fund or plan.

312 (b) The member's compensation or salary contributed as  
 313 employee-elective salary reductions or deferrals to any salary  
 314 reduction, deferred compensation, or tax-sheltered annuity  
 315 program authorized under the Internal Revenue Code shall be  
 316 deemed to be the compensation or salary the member would receive  
 317 if he or she were not participating in such program and shall be  
 318 treated as compensation for retirement purposes under this  
 319 chapter.

320 (c) For any person who first becomes a member in any plan  
 321 year beginning on or after January 1, 1996, compensation for  
 322 that ~~any~~ plan year may ~~shall~~ not include any amounts in excess  
 323 of the Internal Revenue Code s. 401(a)(17) limitation, ~~(as~~  
 324 ~~amended by the Omnibus Budget Reconciliation Act of 1993),~~ which  
 325 limitation of \$150,000 shall be adjusted as required by federal  
 326 law for qualified government plans and shall be further adjusted  
 327 for changes in the cost of living in the manner provided by  
 328 Internal Revenue Code s. 401(a)(17)(B). For any person who first  
 329 became a member before ~~prior to~~ the first plan year beginning on  
 330 or after January 1, 1996, the limitation on compensation may  
 331 ~~shall be~~ not be less than the maximum compensation amount that  
 332 was allowed to be taken into account under the plan as in effect  
 333 on July 1, 1993, which limitation shall be adjusted for changes  
 334 in the cost of living since 1989 in the manner provided by  
 335 Internal Revenue Code s. 401(a)(17)(1991).

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336 Section 7. Subsections (4), (5), (6), and (7) of section  
 337 185.05, Florida Statutes, are renumbered as subsections (5),  
 338 (6), (7), and (8), respectively, and subsection (4) is added to  
 339 that section, to read:

340 185.05 Board of trustees; members; terms of office;  
 341 meetings; legal entity; costs; attorney's fees.—For any  
 342 municipality, chapter plan, local law municipality, or local law  
 343 plan under this chapter:

344 (4) The board of trustees shall:

345 (a) Provide a detailed accounting report of its expenses  
 346 for each fiscal year to the plan sponsor and the Department of  
 347 Management Services and shall make the report available to every  
 348 member of the plan. The report must include, but need not be  
 349 limited to, all administrative expenses, which for purposes of  
 350 this subsection are all expenses relating to any legal counsel,  
 351 actuary, plan administrator, and all other consultants, and all  
 352 travel and other expenses paid to or on behalf of the members of  
 353 the board of trustees or anyone else on behalf of the plan.

354 (b) Submit its proposed administrative expense budget for  
 355 each fiscal year at least 120 days before the beginning of the  
 356 fiscal year to the plan sponsor for review and modification. The  
 357 administrative expense budget is effective only upon approval by  
 358 the plan sponsor and must regulate the administrative expenses  
 359 of the board of trustees. The board of trustees may not amend  
 360 the budget without the prior approval of the plan sponsor.

361 Section 8. Subsection (6) of section 185.06, Florida  
 362 Statutes, is amended to read:

363 185.06 General powers and duties of board of trustees.—For

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364 any municipality, chapter plan, local law municipality, or local  
 365 law plan under this chapter:

366 (6) To assist the board in meeting its responsibilities  
 367 under this chapter, the board, if it so elects, and subject to  
 368 s. 185.05(4), may:

369 (a) Employ independent legal counsel at the pension fund's  
 370 expense.

371 (b) Employ an independent actuary, as defined in s.  
 372 185.02(8), at the pension fund's expense.

373 (c) Employ such independent professional, technical, or  
 374 other advisers as it deems necessary at the pension fund's  
 375 expense.

376

377 If the board chooses to use the municipality's or special  
 378 district's legal counsel or actuary, or chooses to use any of  
 379 the municipality's other professional, technical, or other  
 380 advisers, it must do so only under terms and conditions  
 381 acceptable to the board.

382 Section 9. Paragraph (b) of subsection (2) of section  
 383 185.07, Florida Statutes, is amended to read:

384 185.07 Creation and maintenance of fund.—For any  
 385 municipality, chapter plan, local law municipality, or local law  
 386 plan under this chapter:

387 (2) Member contribution rates may be adjusted as follows:

388 (b) Police officer member contributions may be increased  
 389 by consent of the members' collective bargaining representative  
 390 or, if none, by majority consent of police officer members of  
 391 the fund ~~to provide greater benefits.~~

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392  
 393 Nothing in this section shall be construed to require adjustment  
 394 of member contribution rates in effect on the date this act  
 395 becomes a law, including rates that exceed 5 percent of salary,  
 396 provided that such rates are at least one-half of 1 percent of  
 397 salary.

398 Section 10. Section 185.35, Florida Statutes, is amended  
 399 to read:

400 185.35 Municipalities having their own pension plans for  
 401 police officers.—For any municipality, chapter plan, local law  
 402 municipality, or local law plan under this chapter, in order for  
 403 municipalities with their own pension plans for police officers,  
 404 or for police officers and firefighters where included, to  
 405 participate in the distribution of the tax fund established  
 406 pursuant to s. 185.08, local law plans must provide a benefit or  
 407 benefits within those pension plans for police officers, or for  
 408 police officers and firefighters, where included, that is in  
 409 addition to or greater than a pension benefit provided to  
 410 general employees of the municipality regardless of when such  
 411 additional or greater benefit was or is provided. meet the  
 412 ~~minimum benefits and minimum standards set forth in this~~  
 413 ~~chapter:~~

414 (1) For the purpose of this chapter:

415 (a) "Additional premium tax revenues" means revenues  
 416 received by a municipality pursuant to s. 185.10 which exceed  
 417 the amount received for calendar year 1997.

418 (b) "Extra benefits" means benefits in addition to or  
 419 greater than those provided to general employees of the

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420 municipality regardless of when such additional or greater  
 421 benefit was or is provided.

422 ~~PREMIUM TAX INCOME.—If a municipality has a pension plan for~~  
 423 ~~police officers, or for police officers and firefighters where~~  
 424 ~~included, which, in the opinion of the division, meets the~~  
 425 ~~minimum benefits and minimum standards set forth in this~~  
 426 ~~chapter, the board of trustees of the pension plan, as approved~~  
 427 ~~by a majority of police officers of the municipality, may:~~

428 ~~(a) Place the income from the premium tax in s. 185.08 in~~  
 429 ~~such pension plan for the sole and exclusive use of its police~~  
 430 ~~officers, or its police officers and firefighters where~~  
 431 ~~included, where it shall become an integral part of that pension~~  
 432 ~~plan and shall be used to pay extra benefits to the police~~  
 433 ~~officers included in that pension plan; or~~

434 ~~(b) May place the income from the premium tax in s. 185.08~~  
 435 ~~in a separate supplemental plan to pay extra benefits to the~~  
 436 ~~police officers, or police officers and firefighters where~~  
 437 ~~included, participating in such separate supplemental plan.~~

438 (2) For plans that comply with the minimum benefit  
 439 provisions of this chapter, the additional premium tax revenues  
 440 provided by this chapter shall in all cases be used in its  
 441 entirety to:

442 (a) Pay provide extra benefits to police officers, or to  
 443 police officers and firefighters, where included; or

444 (b) Pay the unfunded actuarial accrued liabilities of the  
 445 plan. If the aggregate level cost method is the actuarial cost  
 446 method used to fund the plan, the unfunded actuarial accrued  
 447 liabilities shall be measured using the entry age normal cost



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448 method.  
 449 (3) ~~For However,~~ local law plans in effect on October 1,  
 450 1998, that do not ~~shall be required to~~ comply with the minimum  
 451 benefit provisions of this chapter, as ~~only to the extent that~~  
 452 additional premium tax revenues become available, such revenues  
 453 shall be used to incrementally fund the cost of such compliance  
 454 as provided in s. 185.16(2).  
 455 (4) ~~If when~~ a plan is in compliance with such minimum  
 456 benefit provisions, as subsequent additional tax revenues become  
 457 available, they shall be used to pay for ~~provide~~ extra benefits  
 458 or to pay the unfunded actuarial accrued liabilities of the  
 459 plan, as provided in subsection (2). ~~For the purpose of this~~  
 460 ~~chapter, "additional premium tax revenues" means revenues~~  
 461 ~~received by a municipality pursuant to s. 185.10 which exceed~~  
 462 ~~the amount received for calendar year 1997, and the term "extra~~  
 463 ~~benefits" means benefits in addition to or greater than those~~  
 464 ~~provided to general employees of the municipality and in~~  
 465 ~~addition to those in existence for police officers on March 12,~~  
 466 ~~1999.~~  
 467 (5) Local law plans created by special act before May 23,  
 468 1939, shall be deemed to comply with this chapter.  
 469 (6) ~~(2) A ADOPTION OR REVISION OF A LOCAL LAW PLAN.~~ ~~No~~  
 470 retirement plan or amendment to a retirement plan may not ~~shall~~  
 471 be proposed for adoption unless the proposed plan or amendment  
 472 contains an actuarial estimate of the costs involved. The ~~No~~  
 473 ~~such~~ proposed plan or proposed plan change may not ~~shall~~ be  
 474 adopted without the approval of the municipality or, where  
 475 permitted, the Legislature. Copies of the proposed plan or

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476 | proposed plan change and the actuarial impact statement of the  
 477 | proposed plan or proposed plan change shall be furnished to the  
 478 | division before ~~prior to~~ the last public hearing thereon. Such  
 479 | statement must ~~shall~~ also indicate whether the proposed plan or  
 480 | proposed plan change is in compliance with s. 14, Art. X of the  
 481 | State Constitution and those provisions of part VII of chapter  
 482 | 112 which are not expressly provided in this chapter.  
 483 | Notwithstanding any other provision, only those local law plans  
 484 | created by special act of legislation before ~~prior to~~ May 23,  
 485 | 1939, are ~~shall be~~ deemed to meet the minimum benefits and  
 486 | minimum standards only in this chapter.

487 |        (7) ~~(3)~~ Notwithstanding any other provision, with respect  
 488 | to any supplemental plan municipality:

489 |           (a) Section 185.02(4)(a) does ~~shall~~ not apply, and a local  
 490 | law plan and a supplemental plan may continue to use their  
 491 | definition of compensation or salary in existence on March 12,  
 492 | 1999 ~~the effective date of this act.~~

493 |           (b) Section 185.05(1)(b) does ~~shall~~ not apply, and a local  
 494 | law plan and a supplemental plan shall continue to be  
 495 | administered by a board or boards of trustees numbered,  
 496 | constituted, and selected as the board or boards were numbered,  
 497 | constituted, and selected on December 1, 2000.

498 |           (c) The election set forth in paragraph (1)(b) is ~~shall be~~  
 499 | deemed to have been made.

500 |        (8) ~~(4)~~ The retirement plan setting forth the benefits and  
 501 | the trust agreement, if any, covering the duties and  
 502 | responsibilities of the trustees and the regulations of the  
 503 | investment of funds must be in writing and copies made available

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504 to the participants and to the general public.

505 Section 11. Financial rating of local pension plans.—The  
 506 Division of Retirement in the Department of Management Services  
 507 shall develop standardized ratings for classifying the financial  
 508 strength of all local government defined benefit pension plans.

509 (1) In assigning a rating to a plan, the division shall  
 510 consider, without limitation:

511 (a) The plan's current and future unfunded liabilities.

512 (b) The plan's net asset value, managed returns, and  
 513 funded ratio.

514 (c) Metrics related to the sustainability of the plan,  
 515 including, but not limited to, the percentage that the annual  
 516 contribution is of the participating employee payroll.

517 (d) Municipal bond ratings for the local government, if  
 518 applicable.

519 (e) Whether the local government has reduced contribution  
 520 rates to the plan when the plan has an actuarial surplus.

521 (f) Whether the local government uses any actuarial  
 522 surplus in the plan for obligations outside the plan.

523 (2) The division may obtain all necessary data to  
 524 formulate the ratings from all relevant entities, including  
 525 local pension boards and local governments, all of which shall  
 526 cooperate with the division in supplying all necessary  
 527 information.

528 (3) The ratings shall be posted on the division's website  
 529 in a standardized format.

530 Section 12. Task Force on Public Employee Disability  
 531 Presumptions.—

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532           (1) The Task Force on Public Employee Disability  
 533 Presumptions is created for the purpose of developing findings  
 534 and issuing recommendations on the disability presumptions in  
 535 ss. 112.18, 175.231, and 185.34, Florida Statutes.

536           (2) All members of the task force shall be appointed on or  
 537 before July 15, 2011, and the task force shall hold its first  
 538 meeting on or before August 15, 2011. The task force shall be  
 539 composed of nine members as follows:

540           (a) Three members appointed by the President of the  
 541 Senate, one of whom must be an attorney in private practice who  
 542 has experience in the relevant laws; one of whom must be a  
 543 representative of organized labor and who is a member of a  
 544 pension plan under chapter 175, Florida Statutes; and one of  
 545 whom must be from the Florida Association of Counties.

546           (b) Three members appointed by the Speaker of the House of  
 547 Representatives, one of whom must be an attorney in private  
 548 practice who has experience in the relevant laws; one of whom  
 549 must be a representative of organized labor and who is a member  
 550 of a pension plan under chapter 185, Florida Statutes; and one  
 551 of whom must be from the Florida League of Cities.

552           (c) A member employed by the Office of the Auditor General  
 553 who has experience in local government auditing and finances.

554           (d) A member employed by the Division of Retirement of the  
 555 Department of Management Services who has experience in local  
 556 government pension plans, appointed by the Governor.

557           (e) A member employed by the Department of Financial  
 558 Services who has relevant expertise in state risk management,  
 559 appointed by the Chief Financial Officer.

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560       (3) The task force shall address issues, including, but  
 561 not limited to:

562       (a) Data related to the operation of the statutory  
 563 disability presumptions.

564       (b) The manner in which other states handle disability  
 565 presumptions.

566       (c) Proposals for changes to the existing disability  
 567 presumptions.

568       (4) The Department of Financial Services shall provide  
 569 administrative support to the task force.

570       (5) Members of the task force shall serve without  
 571 compensation while in the performance of their duties, but are  
 572 entitled to reimbursement for per diem and travel expenses in  
 573 accordance with s. 112.061, Florida Statutes.

574       (6) The task force may obtain data, information, and  
 575 assistance from any officer or state agency and any political  
 576 subdivision thereof. All such officers, agencies, and political  
 577 subdivisions shall provide the task force with all relevant  
 578 information and assistance on any matter within their knowledge  
 579 or control.

580       (7) The task force shall submit a report, including  
 581 findings and recommendations, to the Governor, the Chief  
 582 Financial Officer, the President of the Senate, and the Speaker  
 583 of the House of Representatives by January 1, 2012. The report  
 584 must include specific recommendations for legislative action  
 585 during the 2012 Regular Session of the Legislature.

586       (8) The task force is dissolved upon submission of its  
 587 report.

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588           Section 13. The Legislature finds that a proper and  
 589 legitimate state purpose is served when employees and retirees  
 590 of the state and of its political subdivisions, and the  
 591 dependents, survivors, and beneficiaries of such employees and  
 592 retirees, are extended the basic protections afforded by  
 593 governmental retirement systems that provide fair and adequate  
 594 benefits and that are managed, administered, and funded in an  
 595 actuarially sound manner as required by s. 14, Art. X of the  
 596 State Constitution and part VII of chapter 112, Florida  
 597 Statutes. Therefore, the Legislature determines and declares  
 598 that this act fulfill an important state interest.

599           Section 14. This act shall take effect July 1, 2011.