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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/10/2014	.	
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The Committee on Appropriations (Ring) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 625 - 1147

and insert:

Section 7. Subsection (2) of section 185.01, Florida Statutes, is amended to read:

185.01 Legislative declaration.—

(2) This chapter hereby establishes, for all municipal pension plans ~~now or hereinafter~~ provided for under this chapter, including chapter plans and local law plans, minimum



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11 benefits and minimum standards for the operation and funding of  
12 such plans, hereinafter referred to as municipal police  
13 officers' retirement trust funds, which must be met as  
14 conditions precedent to the plans or plan sponsors receiving a  
15 distribution of insurance premium tax revenues under s. 185.10.  
16 The minimum benefits and minimum standards for each plan as set  
17 forth in this chapter may not be diminished by local ordinance  
18 or by special act of the Legislature and may not, ~~nor may the~~  
19 ~~minimum benefits or minimum standards~~ be reduced or offset by  
20 any other local, state, or federal plan that includes may  
21 ~~include~~ police officers in its operation, except as provided  
22 under s. 112.65.

23 Section 8. Section 185.02, Florida Statutes, is amended to  
24 read:

25 185.02 Definitions.—For any municipality, chapter plan,  
26 local law municipality, or local law plan under this chapter,  
27 the term following words and phrases as used in this chapter  
28 ~~shall have the following meanings, unless a different meaning is~~  
29 ~~plainly required by the context:~~

30 (1) "Additional premium tax revenues" means revenues  
31 received by a municipality pursuant to s. 185.10 which exceed  
32 base premium tax revenues.

33 (2) ~~(1)~~ "Average final compensation" means one-twelfth of  
34 the average annual compensation of the 5 best years of the last  
35 10 years of creditable service prior to retirement, termination,  
36 or death.

37 (3) "Base premium tax revenues" means the revenues received  
38 by a municipality pursuant to s. 185.10 for the calendar year  
39 1997.



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40           (4)~~(2)~~ "Casualty insurance" means automobile public  
41 liability and property damage insurance to be applied at the  
42 place of residence of the owner, or if the subject is a  
43 commercial vehicle, to be applied at the place of business of  
44 the owner; automobile collision insurance; fidelity bonds;  
45 burglary and theft insurance; and plate glass insurance. The  
46 term "multiple peril" means a combination or package policy that  
47 includes both property coverage and casualty coverage for a  
48 single premium.

49           (5)~~(3)~~ "Chapter plan" means a separate defined benefit  
50 pension plan for police officers which incorporates by reference  
51 the provisions of this chapter and has been adopted by the  
52 governing body of a municipality as provided in s. 185.08.  
53 Except as ~~may be~~ specifically authorized in this chapter, the  
54 provisions of a chapter plan may not differ from the plan  
55 provisions set forth in ss. 185.01-185.341 and ss. 185.37-  
56 185.39. Actuarial valuations of chapter plans shall be conducted  
57 by the division as provided by s. 185.221(1)(b).

58           (6)~~(4)~~ "Compensation" or "salary" means, for  
59 noncollectively bargained service earned before July 1, 2011, or  
60 for service earned under collective bargaining agreements in  
61 place before July 1, 2011, the total cash remuneration including  
62 "overtime" paid by the primary employer to a police officer for  
63 services rendered, which overtime payments for use in retirement  
64 benefit calculations may be limited in a local law plan under  
65 applicable law before July 1, 2011, but not including any  
66 payments for extra duty or special detail work performed on  
67 behalf of a second party employer. A local law plan may limit  
68 the amount of overtime payments which can be used for retirement



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69 ~~benefit calculation purposes; however, such overtime limit may~~  
70 ~~not be less than 300 hours per officer per calendar year.~~ For  
71 noncollectively bargained service earned on or after July 1,  
72 2011, or for service earned under collective bargaining  
73 agreements entered into on or after July 1, 2011, the term has  
74 the same meaning except that when calculating retirement  
75 benefits, up to 300 hours per year in overtime compensation may  
76 be included as specified in the plan or collective bargaining  
77 agreement, but payments for accrued unused sick or annual leave  
78 may not be included.

79 (a) Any retirement trust fund or plan that meets the  
80 requirements of this chapter does not, solely by virtue of this  
81 subsection, reduce or diminish the monthly retirement income  
82 otherwise payable to each police officer covered by the  
83 retirement trust fund or plan.

84 (b) The member's compensation or salary contributed as  
85 employee-elective salary reductions or deferrals to any salary  
86 reduction, deferred compensation, or tax-sheltered annuity  
87 program authorized under the Internal Revenue Code shall be  
88 deemed to be the compensation or salary the member would receive  
89 if he or she were not participating in such program and shall be  
90 treated as compensation for retirement purposes under this  
91 chapter.

92 (c) For any person who first becomes a member in any plan  
93 year beginning on or after January 1, 1996, compensation for  
94 that plan year may not include any amounts in excess of the  
95 Internal Revenue Code s. 401(a)(17) limitation, as amended by  
96 the Omnibus Budget Reconciliation Act of 1993, which limitation  
97 of \$150,000 shall be adjusted as required by federal law for



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98 qualified government plans and ~~shall be~~ further adjusted for  
99 changes in the cost of living in the manner provided by Internal  
100 Revenue Code s. 401(a)(17)(B). For any person who first became a  
101 member before the first plan year beginning on or after January  
102 1, 1996, the limitation on compensation may not be less than the  
103 maximum compensation amount that was allowed to be taken into  
104 account under the plan ~~as~~ in effect on July 1, 1993, which  
105 limitation shall be adjusted for changes in the cost of living  
106 since 1989 in the manner provided by Internal Revenue Code s.  
107 401(a)(17)(1991).

108 (7)~~(5)~~ "Creditable service" or "credited service" means the  
109 aggregate number of years of service and fractional parts of  
110 years of service of any police officer, omitting intervening  
111 years and fractional parts of years when such police officer may  
112 not have been employed by the municipality subject to the  
113 following conditions:

114 (a) A ~~No~~ police officer may not ~~will~~ receive credit for  
115 years or fractional parts of years of service if he or she has  
116 withdrawn his or her contributions to the fund for those years  
117 or fractional parts of years of service, unless the police  
118 officer repays into the fund the amount he or she has withdrawn,  
119 plus interest as determined by the board. The member has ~~shall~~  
120 ~~have~~ at least 90 days after his or her reemployment to make  
121 repayment.

122 (b) A police officer may voluntarily leave his or her  
123 contributions in the fund for ~~a period of~~ 5 years after leaving  
124 the employ of the police department, pending the possibility of  
125 his or her being rehired by the same department, without losing  
126 credit for the time he or she has participated actively as a



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127 police officer. If he or she is not reemployed as a police  
128 officer with the same department within 5 years, his or her  
129 contributions shall be returned ~~to him or her~~ without interest.

130 (c) Credited service under this chapter shall be provided  
131 only for service as a police officer, ~~as defined in subsection~~  
132 ~~(11)~~, or for military service and may not include credit for any  
133 other type of service. A municipality ~~may~~, by local ordinance,  
134 may provide for the purchase of credit for military service  
135 occurring before employment as well as prior service as a police  
136 officer for some other employer as long as the police officer is  
137 not entitled to receive a benefit for such ~~other~~ prior service  
138 ~~as a police officer~~. For purposes of determining credit for  
139 prior service, in addition to service as a police officer in  
140 this state, credit may be given for federal, other state, or  
141 county service as long as such service is recognized by the  
142 Criminal Justice Standards and Training Commission within the  
143 Department of Law Enforcement as provided in ~~under~~ chapter 943  
144 or the police officer provides proof to the board of trustees  
145 that such service is equivalent to the service required to meet  
146 the definition of a police officer under subsection (16) ~~(11)~~.

147 (d) In determining the creditable service of a ~~any~~ police  
148 officer, credit for up to 5 years of the time spent in the  
149 military service of the Armed Forces of the United States shall  
150 be added to the years of actual service, if:

151 1. The police officer is in the active employ of the  
152 municipality before ~~prior to~~ such service and leaves a position,  
153 other than a temporary position, for the purpose of voluntary or  
154 involuntary service in the Armed Forces of the United States.

155 2. The police officer is entitled to reemployment under ~~the~~



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156 ~~provisions~~ of the Uniformed Services Employment and Reemployment  
157 Rights Act.

158 3. The police officer returns to his or her employment as a  
159 police officer of the municipality within 1 year after ~~from~~ the  
160 date of his or her release from such active service.

161 (8) ~~(6)~~ "Deferred Retirement Option Plan" or "DROP" means a  
162 local law plan retirement option in which a police officer may  
163 elect to participate. A police officer may retire for all  
164 purposes of the plan and defer receipt of retirement benefits  
165 into a DROP account while continuing employment with his or her  
166 employer. However, a police officer who enters ~~the~~ DROP and who  
167 is otherwise eligible to participate may ~~shall~~ not ~~thereby~~ be  
168 precluded from participation or continued participation  
169 ~~participating, or continuing to participate,~~ in a supplemental  
170 plan in existence on, or created after, March 12, 1999 ~~the~~  
171 ~~effective date of this act.~~

172 (9) "Defined contribution plan" means the component of a  
173 local law plan, as provided in s. 185.35(1), to which deposits,  
174 if any, are made to provide benefits for police officers, or for  
175 police officers and firefighters if both are included. Such  
176 component is an element of a local law plan and exists in  
177 conjunction with the defined benefit component that meets the  
178 minimum benefits and minimum standards of this chapter. The  
179 retirement benefits, if any, of the defined contribution plan  
180 shall be provided through individual member accounts in  
181 accordance with the applicable provisions of the Internal  
182 Revenue Code and related regulations and are limited to the  
183 contributions, if any, made into each member's account and the  
184 actual accumulated earnings, net of expenses, earned on the



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185 member's account.

186 (10)-(7) "Division" means the Division of Retirement of the  
187 Department of Management Services.

188 (11)-(8) "Enrolled actuary" means an actuary who is enrolled  
189 under Subtitle C of Title III of the Employee Retirement Income  
190 Security Act of 1974 and who is a member of the Society of  
191 Actuaries or the American Academy of Actuaries.

192 (12)-(9) "Local law municipality" means ~~is~~ any municipality  
193 in which ~~there exists~~ a local law plan exists.

194 (13)-(10) "Local law plan" means a retirement defined  
195 benefit pension plan, which includes both a defined benefit plan  
196 component and a defined contribution plan component, for police  
197 officers, or for police officers and firefighters if both are  
198 ~~where~~ included, as described in s. 185.35, established by  
199 municipal ordinance or special act of the Legislature, which  
200 ~~enactment~~ sets forth all plan provisions. Local law plan  
201 provisions may vary from the provisions of this chapter if the  
202 ~~provided that required~~ minimum benefits and minimum standards of  
203 this chapter are met. However, any such variance must ~~shall~~  
204 provide a greater benefit for police officers. Actuarial  
205 valuations of local law plans shall be conducted by an enrolled  
206 actuary as provided in s. 185.221(2)(b).

207 (14) "Minimum benefits" means the benefits set forth in ss.  
208 185.01-185.341 and ss. 185.37-185.50.

209 (15) "Minimum standards" means the standards set forth in  
210 ss. 185.01-185.341 and ss. 185.37-185.50.

211 (16)-(11) "Police officer" means any person who is elected,  
212 appointed, or employed full time by a ~~any~~ municipality, who is  
213 certified or required to be certified as a law enforcement





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214 officer in compliance with s. 943.1395, who is vested with  
215 authority to bear arms and make arrests, and whose primary  
216 responsibility is the prevention and detection of crime or the  
217 enforcement of the penal, criminal, traffic, or highway laws of  
218 the state. The term ~~This definition~~ includes all certified  
219 supervisory and command personnel whose duties include, in whole  
220 or in part, the supervision, training, guidance, and management  
221 responsibilities of full-time law enforcement officers, part-  
222 time law enforcement officers, or auxiliary law enforcement  
223 officers, but does not include part-time law enforcement  
224 officers or auxiliary law enforcement officers as those terms  
225 ~~the same~~ are defined in s. 943.10(6) and (8), respectively. For  
226 the purposes of this chapter only, the term also includes  
227 ~~"police officer" also shall include~~ a public safety officer who  
228 is responsible for performing both police and fire services. Any  
229 plan may provide that the police chief shall have an option to  
230 participate, ~~or not,~~ in that plan.

231 (17) ~~(12)~~ "Police Officers' Retirement Trust Fund" means a  
232 trust fund, by whatever name known, as provided under s. 185.03  
233 for the purpose of assisting municipalities in establishing and  
234 maintaining a retirement plan for police officers.

235 (18) ~~(13)~~ "Retiree" or "retired police officer" means a  
236 police officer who has entered retirement status. For the  
237 purposes of a plan that includes a Deferred Retirement Option  
238 Plan (DROP), a police officer who enters ~~the~~ DROP is ~~shall be~~  
239 considered a retiree for all purposes of the plan. However, a  
240 police officer who enters ~~the~~ DROP and who is otherwise eligible  
241 to participate may ~~shall~~ not ~~thereby~~ be precluded from  
242 participating, or continuing to participate, in a supplemental



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243 plan in existence on, or created after, March 12, 1999 ~~the~~  
244 ~~effective date of this act.~~

245 (19)~~(14)~~ "Retirement" means a police officer's separation  
246 from municipal ~~city~~ employment as a police officer with  
247 immediate eligibility for ~~receipt of~~ benefits under the plan.  
248 For purposes of a plan that includes a Deferred Retirement  
249 Option Plan (DROP), "retirement" means the date a police officer  
250 enters ~~the~~ DROP.

251 (20) "Special act plan" means a plan subject to the  
252 provisions of this chapter which was created by an act of the  
253 Legislature and continues to require an act of the Legislature  
254 to alter plan benefits.

255 (21) "Special benefits" means benefits provided in a  
256 defined contribution plan for police officers.

257 (22)~~(15)~~ "Supplemental plan" means a plan to which deposits  
258 of the premium tax moneys as provided in s. 185.08 are made to  
259 provide extra benefits to police officers, or police officers  
260 and firefighters if both are ~~where included, under this chapter.~~  
261 Such a plan is an element of a local law plan and exists in  
262 conjunction with a defined benefit component ~~plan~~ that meets the  
263 minimum benefits and minimum standards of this chapter. Any  
264 supplemental plan in existence on March 1, 2014, shall be deemed  
265 to be a defined contribution plan in compliance with s.  
266 185.35(6).

267 (23)~~(16)~~ "Supplemental plan municipality" means a any local  
268 law municipality in which ~~there existed~~ a supplemental plan  
269 existed as of December 1, 2000.

270 Section 9. Subsection (6) of section 185.06, Florida  
271 Statutes, is amended to read:



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272           185.06 General powers and duties of board of trustees.—For  
273 any municipality, chapter plan, local law municipality, or local  
274 law plan under this chapter:

275           (6) To assist the board in meeting its responsibilities  
276 under this chapter, the board, if it so elects, may:

277           (a) Employ independent legal counsel at the pension fund's  
278 expense.

279           (b) Employ an independent enrolled actuary, as defined in  
280 s. 185.02~~(8)~~, at the pension fund's expense.

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

284  
285 If the board chooses to use the municipality's or special  
286 district's legal counsel or actuary, or chooses to use any of  
287 the municipality's other professional, technical, or other  
288 advisers, it must do so only under terms and conditions  
289 acceptable to the board.

290           Section 10. Paragraph (d) of subsection (1) of section  
291 185.07, Florida Statutes, is amended to read:

292           185.07 Creation and maintenance of fund.—For any  
293 municipality, chapter plan, local law municipality, or local law  
294 plan under this chapter:

295           (1) The municipal police officers' retirement trust fund in  
296 each municipality described in s. 185.03 shall be created and  
297 maintained in the following manner:

298           (d) By payment by the municipality or other sources of a  
299 sum equal to the normal cost and the amount required to fund any  
300 actuarial deficiency shown by an actuarial valuation conducted



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301 under as provided in part VII of chapter 112 after taking into  
302 account the amounts described in paragraphs (b), (c), (e), (f),  
303 and (g) and the tax proceeds described in paragraph (a) which  
304 must be used to fund defined benefit plan benefits.

305  
306 Nothing in this section shall be construed to require adjustment  
307 of member contribution rates in effect on the date this act  
308 becomes a law, including rates that exceed 5 percent of salary,  
309 provided that such rates are at least one-half of 1 percent of  
310 salary.

311 Section 11. Subsection (2) of section 185.16, Florida  
312 Statutes, is amended to read:

313 185.16 Requirements for retirement.—For any municipality,  
314 chapter plan, local law municipality, or local law plan under  
315 this chapter, any police officer who completes 10 or more years  
316 of creditable service as a police officer and attains age 55, or  
317 completes 25 years of creditable service as a police officer and  
318 attains age 52, and for such period has been a member of the  
319 retirement fund is eligible for normal retirement benefits.

320 Normal retirement under the plan is retirement from the service  
321 of the city on or after the normal retirement date. In such  
322 event, for chapter plans and local law plans, payment of  
323 retirement income will be governed by the following provisions  
324 of this section:

325 (2) The amount of the monthly retirement income payable to  
326 a police officer who retires on or after his or her normal  
327 retirement date shall be an amount equal to the number of the  
328 police officer's years of credited service multiplied by 2.75 ~~2~~  
329 percent of his or her average final compensation. ~~However, if~~



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330 ~~current state contributions pursuant to this chapter are not~~  
331 ~~adequate to fund the additional benefits to meet the minimum~~  
332 ~~requirements in this chapter, only increment increases shall be~~  
333 ~~required as state moneys are adequate to provide. Such~~  
334 ~~increments shall be provided as state moneys become available.~~

335 (a) Effective July 1, 2014, a plan that is in compliance  
336 with this chapter except that the plan provides a benefit that  
337 is less than 2.75 percent of the average final compensation of a  
338 police officer, as defined in section 185.16(2) (a), must  
339 maintain, at a minimum, the percentage amount in effect on July  
340 1, 2014, and is not required to increase the benefit to 2.75  
341 percent of the average final compensation of a police officer.

342 (b) Effective July 1, 2014, a plan that is in compliance  
343 with this chapter except that the plan provides a benefit that  
344 is less than 2.75 percent of the average final compensation of a  
345 police officer, as defined in section 185.16(2) (a), and that  
346 changes its accrual rate to 2.75 percent, or greater, of the  
347 average final compensation of a police officer, as defined in  
348 section 185.16(2) (a), may not thereafter decrease the accrual  
349 rate to less than 2.75 percent of the average final compensation  
350 of a police officer as defined in section 185.16(2) (a).

351 Section 12. Section 185.35, Florida Statutes, is amended to  
352 read:

353 185.35 Municipalities that have ~~having~~ their own retirement  
354 pension plans for police officers. ~~For any municipality, chapter~~  
355 ~~plan, local law municipality, or local law plan under this~~  
356 ~~chapter,~~ In order for a municipality that has its municipalities  
357 with their own retirement plan ~~pension plans~~ for police  
358 officers, or for police officers and firefighters if both are



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359 included, to participate in the distribution of the tax fund  
360 established under ~~pursuant to~~ s. 185.08, a local law plan and  
361 its plan sponsor plans must meet the minimum benefits and  
362 minimum standards set forth in this chapter:

363 (1) If a municipality has a retirement ~~pension~~ plan for  
364 police officers, or for police officers and firefighters if both  
365 are included, which, in the opinion of the division, meets the  
366 minimum benefits and minimum standards set forth in this  
367 chapter, the board of trustees of the pension plan must, ~~as~~  
368 ~~approved by a majority of police officers of the municipality,~~  
369 ~~may:~~

370 ~~(a)~~ place the income from the premium tax in s. 185.08 in  
371 such ~~pension~~ plan for the sole and exclusive use of its police  
372 officers, or its police officers and firefighters if both are  
373 included, where it shall become an integral part of that ~~pension~~  
374 plan and ~~shall~~ be used to fund benefits as provided herein.  
375 Effective October 1, 2014, for noncollectively bargained service  
376 or upon entering into a collective bargaining agreement on or  
377 after July 1, 2014:

378 (a) The base premium tax revenues must be used to fund  
379 minimum benefits or other retirement benefits in excess of the  
380 minimum benefits as determined by the municipality.

381 (b) Of the additional premium tax revenues received which  
382 are in excess of the amount received for the 2013 calendar year,  
383 50 percent must be used to fund minimum benefits or other  
384 retirement benefits in excess of the minimum benefits as  
385 determined by the municipality, and 50 percent must be placed in  
386 a defined contribution plan to fund special benefits.

387 (c) Additional premium tax revenues not described in



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388 paragraph (b) must be used to fund benefits that are not  
389 included in the minimum benefits.

390 (d) Any accumulations of additional tax revenues which have  
391 not been applied to fund benefits in excess of the minimum  
392 benefits or applied to fund a supplemental plan shall be used to  
393 fund special benefits ~~pay extra benefits to the police officers~~  
394 ~~included in that pension plan; or~~

395 ~~(b) May place the income from the premium tax in s. 185.08~~  
396 ~~in a separate supplemental plan to pay extra benefits to the~~  
397 ~~police officers, or police officers and firefighters if~~  
398 ~~included, participating in such separate supplemental plan.~~

399 (e) For a plan created after March 1, 2014, 50 percent of  
400 the insurance premium tax revenues shall be used to fund defined  
401 benefit plan component benefits, with the remainder used to fund  
402 defined contribution plan component benefits.

403 (f) If a plan offers benefits in excess of the minimum  
404 benefits, excluding supplemental plan benefits in effect as of  
405 September 30, 2013, such benefits may be reduced if the plan  
406 continues to meet the minimum benefits and the minimum standards  
407 set forth in this chapter. The amount of insurance premium tax  
408 revenues previously used to fund benefits in excess of the  
409 minimum benefits, excluding supplemental plan benefits in effect  
410 as of September 30, 2013, before the reduction must be used as  
411 provided in paragraph (b). However, benefits in excess of the  
412 minimum benefits may not be reduced if a plan does not meet the  
413 minimum accrual rate of 2.75 percent, or greater, of the average  
414 final compensation of a police officer, as defined in section  
415 185.16(2) (a).

416 (g) Notwithstanding any other provisions of this



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417 subsection, the use of premium tax revenues, including any  
418 accumulations of additional tax revenues which have not been  
419 applied to fund benefits in excess of the minimum benefits, may  
420 deviate from the provisions of this subsection by mutual consent  
421 of the members' collective bargaining representative or, if  
422 none, by majority consent of the police office members of the  
423 fund, and by consent of the municipality, provided that the plan  
424 continues to meet the minimum benefits and minimum standards of  
425 this chapter. Such mutually agreed deviation shall continue  
426 until modified or revoked by subsequent mutual consent of the  
427 members' collective bargaining representative or, if none, by a  
428 majority of the police office members of the fund, and the  
429 municipality. A special act plan or a plan within a supplemental  
430 plan municipality shall be considered to have mutually consented  
431 to such deviation as of July 1 ,2014, regarding the existing  
432 arrangement on the use of premium tax revenues.

433 (2) The premium tax provided by this chapter shall ~~in all~~  
434 ~~eases~~ be used in its entirety to provide retirement ~~extra~~  
435 benefits to police officers, or to police officers and  
436 firefighters if both are included. ~~However, local law plans in~~  
437 ~~effect on October 1, 1998, must comply with the minimum benefit~~  
438 ~~provisions of this chapter only to the extent that additional~~  
439 ~~premium tax revenues become available to incrementally fund the~~  
440 ~~cost of such compliance as provided in s. 185.16(2). If a plan~~  
441 ~~is in compliance with such minimum benefit provisions, as~~  
442 ~~subsequent additional tax revenues become available, they shall~~  
443 ~~be used to provide extra benefits.~~ Local law plans created by  
444 special act before May 27, 1939, shall be deemed to comply with  
445 this chapter. ~~For the purpose of this chapter, the term:~~





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446           ~~(a) "Additional premium tax revenues" means revenues~~  
447 ~~received by a municipality pursuant to s. 185.10 which exceed~~  
448 ~~the amount received for calendar year 1997.~~

449           ~~(b) "Extra benefits" means benefits in addition to or~~  
450 ~~greater than those provided to general employees of the~~  
451 ~~municipality and in addition to those in existence for police~~  
452 ~~officers on March 12, 1999.~~

453           (3) A retirement plan or amendment to a retirement plan may  
454 not be proposed for adoption unless the proposed plan or  
455 amendment contains an actuarial estimate of the costs involved.  
456 Such proposed plan or proposed plan change may not be adopted  
457 without the approval of the municipality or, where required  
458 ~~permitted~~, the Legislature. Copies of the proposed plan or  
459 proposed plan change and the actuarial impact statement of the  
460 proposed plan or proposed plan change shall be furnished to the  
461 division before the last public hearing on the proposal is held  
462 ~~thereon~~. Such statement must also indicate whether the proposed  
463 plan or proposed plan change is in compliance with s. 14, Art. X  
464 of the State Constitution and those provisions of part VII of  
465 chapter 112 which are not expressly provided in this chapter.  
466 Notwithstanding any other provision, only those local law plans  
467 created by special act of legislation before May 27, 1939, are  
468 deemed to meet the minimum benefits and minimum standards only  
469 in this chapter.

470           (4) Notwithstanding any other provision, with respect to  
471 any supplemental plan municipality:

472           (a) Section 185.02(6)(a) ~~185.02(4)(a)~~ does not apply, and a  
473 local law plan and a supplemental plan may continue to use their  
474 definition of compensation or salary in existence on March 12,



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475 1999.

476 (b) A local law plan and a supplemental plan must continue  
477 to be administered by a board or boards of trustees numbered,  
478 constituted, and selected as the board or boards were numbered,  
479 constituted, and selected on December 1, 2000.

480 ~~(c) The election set forth in paragraph (1)(b) is deemed to~~  
481 ~~have been made.~~

482 (5) The retirement plan setting forth the benefits and the  
483 trust agreement, if any, covering the duties and  
484 responsibilities of the trustees and the regulations of the  
485 investment of funds must be in writing and copies made available  
486 to the participants and to the general public.

487 (6) In addition to the defined benefit component of the  
488 local law plan, each plan sponsor must have a defined  
489 contribution plan component within the local law plan by October  
490 1, 2014, upon entering into a collective bargaining agreement on  
491 or after July 1, 2014, or upon the creation date of a new  
492 participating plan. Depending upon the application of subsection  
493 (1), a defined contribution component may or may not receive any  
494 funding.

495 (7) Notwithstanding any other provision of this chapter, a  
496 municipality that has implemented or proposed changes to a local  
497 law plan based on the municipality's reliance on an  
498 interpretation of this chapter by the department on or after  
499 August 14, 2012, and before March 4, 2014, may continue the  
500 implemented changes or continue to implement proposed changes.  
501 Such reliance must be evidenced by a written collective  
502 bargaining proposal or agreement, or formal correspondence  
503 between the municipality and the department which describes the



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504 specific changes to the local law plan, with the initial  
505 proposal, agreement, or correspondence from the municipality  
506 dated before March 4, 2014. Changes to the local law plan which  
507 are otherwise contrary to the minimum benefits and minimum  
508 standards of this chapter may continue in effect until the  
509 earlier of October 1, 2017, or the effective date of a  
510 collective bargaining agreement that is contrary to the changes  
511 to the local law plan.

512  
513 ===== T I T L E A M E N D M E N T =====

514 And the title is amended as follows:

515 Delete lines 34 - 51

516 and insert:

517 by the act and adding new definitions; revising  
518 applicability of the limitation on the amount of  
519 overtime payments which may be used for retirement  
520 benefit calculations; amending s. 185.06, F.S.;  
521 conforming a cross-reference; amending s. 185.07,  
522 F.S.; revising the method of creating and maintaining  
523 a police officers' retirement trust fund; amending s.  
524 185.16, F.S.; deleting a provision basing the  
525 availability of additional benefits in a police  
526 officer pension plan upon state funding; revising the  
527 calculation of monthly retirement income for a police  
528 officer; providing that certain police officer pension  
529 plans must maintain a certain minimum percentage of  
530 average final compensation after a specified date;  
531 amending s. 185.35, F.S., relating to municipalities  
532 that have their own pension plans for police officers



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533 and want to participate in the distribution of a tax  
534 fund; conforming a cross-reference; revising criteria  
535 governing the use of revenues from the premium tax;  
536 authorizing a plan to reduce excess benefits if the  
537 plan continues to meet certain minimum benefits and  
538 minimum standards; providing that the use of premium  
539 tax revenues may deviate from the requirements of ch.  
540 185, F.S., under specified circumstances;