

CS/HB 365

2012

1 A bill to be entitled
2 An act relating to public retirement plans; amending
3 s. 175.351, F.S.; revising provisions relating to
4 benefits paid from the premium tax by a municipality
5 or special fire control district that has its own
6 pension plan for firefighters; providing for
7 retroactive application; amending s. 185.02, F.S.;
8 revising the definition of the term "compensation" or
9 "salary" for purposes of police officers' pensions;
10 amending s. 185.35, F.S.; revising provisions relating
11 to benefits paid by a municipality that has its own
12 pension plan for police officers; providing for
13 retroactive application; providing a declaration of
14 important state interest; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsection (6) is added to section 175.351,
19 Florida Statutes, to read:

20 175.351 Municipalities and special fire control districts
21 having their own pension plans for firefighters.—For any
22 municipality, special fire control district, local law
23 municipality, local law special fire control district, or local
24 law plan under this chapter, in order for municipalities and
25 special fire control districts with their own pension plans for
26 firefighters, or for firefighters and police officers if
27 included, to participate in the distribution of the tax fund
28 established pursuant to s. 175.101, local law plans must meet

29 | the minimum benefits and minimum standards set forth in this
 30 | chapter.

31 | (6) Notwithstanding any other provision, with respect to
 32 | any plan established under this chapter, if the municipality or
 33 | special fire control district and the plan members' collective
 34 | bargaining representative or, if none, a majority of the plan
 35 | members, agree to the retirement benefits provided in the plan
 36 | or to the use of income from the premium tax provided pursuant
 37 | to this chapter, the provisions of the agreement shall be deemed
 38 | to comply with this chapter for all purposes. This subsection
 39 | applies retroactively to any agreement entered into or effective
 40 | on or after October 1, 2010.

41 | Section 2. Subsection (4) of section 185.02, Florida
 42 | Statutes, is amended to read:

43 | 185.02 Definitions.—For any municipality, chapter plan,
 44 | local law municipality, or local law plan under this chapter,
 45 | the following words and phrases as used in this chapter shall
 46 | have the following meanings, unless a different meaning is
 47 | plainly required by the context:

48 | (4) "Compensation" or "salary" means, for noncollectively
 49 | bargained service earned before July 1, 2011, or for service
 50 | earned under collective bargaining agreements in place before
 51 | July 1, 2011, the total cash remuneration including ~~"overtime"~~
 52 | paid by the primary employer to a police officer for services
 53 | rendered, but not including any payments for extra duty or
 54 | special detail work performed on behalf of a second party
 55 | employer. A local law plan may limit the amount of overtime
 56 | payments which can be used for retirement benefit calculation

57 | ~~purposes; however, such overtime limit may not be less than 300~~
58 | ~~hours per officer per calendar year.~~ For noncollectively
59 | bargained service earned on or after July 1, 2011, or for
60 | service earned under collective bargaining agreements entered
61 | into on or after July 1, 2011, the term has the same meaning
62 | except that when calculating retirement benefits, up to 300
63 | hours per year in overtime compensation may be included as
64 | specified in the plan or collective bargaining agreement, but
65 | payments for accrued unused sick or annual leave may not be
66 | included.

67 | (a) Any retirement trust fund or plan that meets the
68 | requirements of this chapter does not, solely by virtue of this
69 | subsection, reduce or diminish the monthly retirement income
70 | otherwise payable to each police officer covered by the
71 | retirement trust fund or plan.

72 | (b) The member's compensation or salary contributed as
73 | employee-elective salary reductions or deferrals to any salary
74 | reduction, deferred compensation, or tax-sheltered annuity
75 | program authorized under the Internal Revenue Code shall be
76 | deemed to be the compensation or salary the member would receive
77 | if he or she were not participating in such program and shall be
78 | treated as compensation for retirement purposes under this
79 | chapter.

80 | (c) For any person who first becomes a member in any plan
81 | year beginning on or after January 1, 1996, compensation for
82 | that plan year may not include any amounts in excess of the
83 | Internal Revenue Code s. 401(a)(17) limitation, as amended by
84 | the Omnibus Budget Reconciliation Act of 1993, which limitation

85 of \$150,000 shall be adjusted as required by federal law for
 86 qualified government plans and shall be further adjusted for
 87 changes in the cost of living in the manner provided by Internal
 88 Revenue Code s. 401(a)(17)(B). For any person who first became a
 89 member before the first plan year beginning on or after January
 90 1, 1996, the limitation on compensation may not be less than the
 91 maximum compensation amount that was allowed to be taken into
 92 account under the plan as in effect on July 1, 1993, which
 93 limitation shall be adjusted for changes in the cost of living
 94 since 1989 in the manner provided by Internal Revenue Code s.
 95 401(a)(17)(1991).

96 Section 3. Subsection (6) is added to section 185.35,
 97 Florida Statutes, to read:

98 185.35 Municipalities having their own pension plans for
 99 police officers.—For any municipality, chapter plan, local law
 100 municipality, or local law plan under this chapter, in order for
 101 municipalities with their own pension plans for police officers,
 102 or for police officers and firefighters if included, to
 103 participate in the distribution of the tax fund established
 104 pursuant to s. 185.08, local law plans must meet the minimum
 105 benefits and minimum standards set forth in this chapter.÷

106 (6) Notwithstanding any other provision, with respect to
 107 any plan established under this chapter, if the municipality and
 108 the plan members' collective bargaining representative or, if
 109 none, a majority of the plan members, agree to the retirement
 110 benefits provided in the plan or to the use of income from the
 111 premium tax provided pursuant to this chapter, the provisions of
 112 the agreement shall be deemed to comply with this chapter for

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113 all purposes. This subsection applies retroactively to any
114 agreement entered into or effective on or after October 1, 2010.

115 Section 4. The Legislature finds that a proper and
116 legitimate state purpose is served when employees and retirees
117 of the state and its political subdivisions, and the dependents,
118 survivors, and beneficiaries of such employees and retirees, are
119 extended the basic protections afforded by governmental
120 retirement systems that provide fair and adequate benefits and
121 that are managed, administered, and funded in an actuarially
122 sound manner as required by s. 14, Art. X of the State
123 Constitution and part VII of chapter 112, Florida Statutes.
124 Therefore, the Legislature determines and declares that this act
125 fulfills an important state interest.

126 Section 5. This act shall take effect upon becoming a law.