

1                                   A bill to be entitled  
 2           An act relating to local government participation in  
 3           the Florida Retirement System; amending s. 121.051,  
 4           F.S.; providing that employees of a governing body of  
 5           a municipality, metropolitan planning organization, or  
 6           special district that applies to participate in the  
 7           Florida Retirement System on or after a certain date  
 8           may enroll only in the defined contribution program;  
 9           authorizing enrollment in the pension plan for  
 10          employees of governing bodies that have elected or  
 11          applied to participate in the Florida Retirement  
 12          System before a certain date; providing for  
 13          retroactive application; providing an effective date.

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

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 17           Section 1. Paragraph (b) of subsection (2) of section  
 18   121.051, Florida Statutes, is amended to read:

19           121.051 Participation in the system.—

20           (2) OPTIONAL PARTICIPATION.—

21           (b)1. The governing body of any municipality, metropolitan  
 22   planning organization, or special district in the state may  
 23   elect to participate in the Florida Retirement System upon  
 24   proper application to the administrator and may cover all of its  
 25   units as approved by the Secretary of Health and Human Services

26 | and the administrator. The department shall adopt rules  
27 | establishing procedures for the submission of documents  
28 | necessary for such application. Before being approved for  
29 | participation in the system, the governing body of a  
30 | municipality, metropolitan planning organization, or special  
31 | district that has a local retirement system must submit to the  
32 | administrator a certified financial statement showing the  
33 | condition of the local retirement system within 3 months before  
34 | the proposed effective date of membership in the Florida  
35 | Retirement System. The statement must be certified by a  
36 | recognized accounting firm that is independent of the local  
37 | retirement system. All required documents necessary for  
38 | extending Florida Retirement System coverage must be received by  
39 | the department for consideration at least 15 days before the  
40 | proposed effective date of coverage. If the municipality,  
41 | metropolitan planning organization, or special district does not  
42 | comply with this requirement, the department may require that  
43 | the effective date of coverage be changed.

44 |       2. A municipality, metropolitan planning organization, or  
45 | special district that has an existing retirement system covering  
46 | the employees in the units that are to be brought under the  
47 | Florida Retirement System may participate only after holding a  
48 | referendum in which all employees in the affected units have the  
49 | right to participate. Only those employees electing coverage  
50 | under the Florida Retirement System by affirmative vote in the

51 referendum are eligible for coverage under this chapter, and  
52 those not participating or electing not to be covered by the  
53 Florida Retirement System shall remain in their present systems  
54 and are not eligible for coverage under this chapter. After the  
55 referendum is held, all future employees are compulsory members  
56 of the Florida Retirement System.

57 3. At the time of joining the Florida Retirement System,  
58 the governing body of a municipality, metropolitan planning  
59 organization, or special district complying with subparagraph 1.  
60 may elect to provide, or not provide, benefits based on past  
61 service of officers and employees as described in s. 121.081(1).  
62 However, if such employer elects to provide past service  
63 benefits, such benefits must be provided for all officers and  
64 employees of its covered group.

65 4. Once this election is made and approved it may not be  
66 revoked, except pursuant to subparagraphs 6. and 7. ~~5. and 6.~~,  
67 and all present officers and employees electing coverage and all  
68 future officers and employees are compulsory members of the  
69 Florida Retirement System.

70 5. Enrollment in the pension plan is closed to the  
71 employees of a governing body of any municipality, metropolitan  
72 planning organization, or special district that submits an  
73 application to the administrator to participate in the Florida  
74 Retirement System pursuant to this paragraph on or after January  
75 1, 2017. On or after January 1, 2017, such employees shall be

76 enrolled in the defined contribution program established  
77 pursuant to s. 121.4501. Employees of a governing body  
78 participating, or that has applied to participate, in the  
79 Florida Retirement System before January 1, 2017, may continue  
80 or choose enrollment in the pension plan.

81 ~~6.5.~~ Subject to subparagraph 7. 6., the governing body of  
82 a hospital licensed under chapter 395 which is governed by the  
83 governing body of a special district as defined in s. 189.012 or  
84 by the board of trustees of a public health trust created under  
85 s. 154.07, hereinafter referred to as "hospital district," and  
86 which participates in the Florida Retirement System, may elect  
87 to cease participation in the system with regard to future  
88 employees in accordance with the following:

89 a. No more than 30 days and at least 7 days before  
90 adopting a resolution to partially withdraw from the system and  
91 establish an alternative retirement plan for future employees, a  
92 public hearing must be held on the proposed withdrawal and  
93 proposed alternative plan.

94 b. From 7 to 15 days before such hearing, notice of intent  
95 to withdraw, specifying the time and place of the hearing, must  
96 be provided in writing to employees of the hospital district  
97 proposing partial withdrawal and must be published in a  
98 newspaper of general circulation in the area affected, as  
99 provided by ss. 50.011-50.031. Proof of publication must be  
100 submitted to the Department of Management Services.

101 c. The governing body of a hospital district seeking to  
102 partially withdraw from the system must, before such hearing,  
103 have an actuarial report prepared and certified by an enrolled  
104 actuary, as defined in s. 112.625, illustrating the cost to the  
105 hospital district of providing, through the retirement plan that  
106 the hospital district is to adopt, benefits for new employees  
107 comparable to those provided under the system.

108 d. Upon meeting all applicable requirements of this  
109 subparagraph, and subject to subparagraph 7. 6-, partial  
110 withdrawal from the system and adoption of the alternative  
111 retirement plan may be accomplished by resolution duly adopted  
112 by the hospital district board. The hospital district board must  
113 provide written notice of such withdrawal to the division by  
114 mailing a copy of the resolution to the division, postmarked by  
115 December 15, 1995. The withdrawal shall take effect January 1,  
116 1996.

117 7.6- Following the adoption of a resolution under sub-  
118 subparagraph 6.d. 5-d-, all employees of the withdrawing  
119 hospital district who were members of the system before January  
120 1, 1996, shall remain as members of the system for as long as  
121 they are employees of the hospital district, and all rights,  
122 duties, and obligations between the hospital district, the  
123 system, and the employees remain in full force and effect. Any  
124 employee who is hired or appointed on or after January 1, 1996,  
125 may not participate in the system, and the withdrawing hospital

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126 | district has no obligation to the system with respect to such  
127 | employees.

128 |       Section 2. This act shall apply retroactively to January  
129 | 1, 2017.

130 |       Section 3. This act shall take effect upon becoming a law.

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