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2
3 A bill to be entitled

4 An act relating to the City of Jacksonville,
5 Duval County; amending chapter 92-341, Laws
6 of Florida, as amended; revising the
7 membership of the Jacksonville Police and
8 Fire Pension Board of Trustees; providing for
9 a board member to be nominated by the city
10 council and chosen by the board; requiring
11 the board to create and submit an annual
12 budget to the mayor and city council;
13 providing that the city council may review,
14 modify, and approve parts of the budget;
15 deleting language appearing to grant
16 unspecified powers to the board; providing an
17 effective date.
18

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

20 **Section 1.** Article 22 (Jacksonville Police and Fire Pension
21 Board of Trustees), Section 22.02 (Membership) of the Charter of
22 the City of Jacksonville is amended to read as follows:

23 ARTICLE 22. JACKSONVILLE POLICE AND FIRE PENSION BOARD OF
24 TRUSTEES.

25 * * *

26 Section 22.02. - Membership.

27 (a) The membership of the Jacksonville Police and Fire
28 Pension Board of Trustees shall consist of five members, of whom
29 two shall be legal residents of the City of Jacksonville appointed
30 by the city council. One member shall be chosen by the board of
31 trustees from a list of three nominees in priority order provided

1 by the city council for selection; provided, however, that if the
2 board is unable after voting to select a nominee by majority of
3 the board, then the first-listed nominee shall be deemed selected;
4 provided further that none of the nominees shall have an interest
5 in the pension fund. † One member shall be a police officer elected
6 by a majority vote of the police officers who are members of the
7 pension fund, and one member shall be a firefighter elected by a
8 majority of the firefighters who are members of the pension fund,
9 ~~and the last shall be chosen by a majority of the previous four~~
10 ~~members. The fifth member's name shall be submitted to the City~~
11 ~~Council, which shall, as a ministerial act, appoint such person as~~
12 ~~the fifth member of the board.~~ Effective for all new appointments
13 after July 1, 2005, each resident member shall serve as a trustee
14 for a period of 4 years, unless sooner replaced by the City
15 Council at whose pleasure he or she shall serve, and may succeed
16 himself or herself as a trustee. Effective for all elections after
17 July 1, 2005, the police officer and firefighter members shall
18 serve as trustees for a period of 4 years, unless they shall
19 sooner leave the employment of the city as a police officer or
20 firefighter, whereupon the class of employees whose elected
21 representative has left office shall elect a successor to fill the
22 unexpired term of office as provided for in this section. Each
23 employee member may succeed himself or herself in office.
24 ~~Effective for all new appointments after July 1, 2005, the fifth~~
25 ~~member shall serve a term of 4 years and may succeed himself or~~
26 ~~herself in office.~~ Members shall continue to serve until their
27 respective successors are appointed, elected, or selected.

28 * * *

29 Section 22.04. General powers.—The board shall have the following
30 powers and duties ~~power to~~:

31 (a) Be the sole entity responsible for administering

1 the Jacksonville Police and Fire Pension Fund.

2 (b) Invest and reinvest the assets of the pension fund
3 in:

4 (1) Any lawful investment as provided in applicable
5 provisions of s. 215.47, Florida Statutes, provided the investment
6 is permitted in the written investment policy adopted by the board
7 as provided in chapter 112, part VII, Florida Statutes.

8 (2) Notwithstanding anything to the contrary in the
9 applicable provisions of s. 215.47, Florida Statutes, investments
10 in fixed real estate assets, not to exceed 20 percent of the assets
11 of the plan, at cost.

12 (3) Investment plan.

13 (i) In making investments for the plan, the board shall
14 make no investment after June 30, 1996, which is not in conformance
15 with the plan's investment plan. The investment plan must include,
16 among other items: the investment objectives; permitted types of
17 securities in which the board may not invest; the criteria to
18 measure annual investment performance; and any other applicable
19 criteria established by the board.

20 (ii) The investment plan shall be developed by the plan
21 administrator and shall be approved by the board. Upon adoption by
22 the board, the investment plan and any amendments shall be promptly
23 filed with the Division of Retirement, and the plan's sponsor and
24 plan actuary.

25 (iii) The effective date of the investment plan shall
26 be the 31st calendar day following the filing date with the plan
27 sponsor. Investments permitted by the investment plan shall not be
28 made prior to the effective date of the investment plan.

29 (iv) The investment plan may be amended at any time
30 subject to paragraphs (ii) and (iii).

31 (v) For each illiquid investment (an investment for

1 which a generally recognized market is not available or for which
2 there is no consistent or generally accepted pricing mechanism) the
3 investment plan shall: include the criteria set forth in s.
4 215.47(6), Florida Statutes; require a statement as to the
5 additional expected yield anticipated to compensate the plan for
6 the additional risk of such investment which additional yield is
7 not available from an investment for which there is a generally
8 recognized market; require the board to verify the determination of
9 the fair market value for each such investment as of each date as
10 of which an actuarial valuation is prepared and that the
11 determination complies with all applicable state and federal
12 requirements; and require the board to disclose to the Division of
13 Retirement and the plan's sponsor each such investment as of each
14 date as of which an actuarial valuation is prepared for which the
15 fair market value is not provided.

16 (vi) Immediately prior to the date as of which each actuarial
17 valuation is prepared, the board shall determine the total expected
18 annual rate of return for the plan's assets for the year beginning
19 with the date as of which the actuarial valuation is prepared, for
20 each of the next several years and for the long-term thereafter.
21 This determination shall be promptly filed with the Division of
22 Retirement, and the plan's sponsor and plan actuary.

23 (c) Sue and be sued, implead and be impleaded, and complain
24 and defend in all courts.

25 (d) Enter into contracts, leases, or other transactions.

26 (e) Employ and fix the compensation of an administrator and
27 any consultants, attorneys, actuaries, accountants, and other
28 employees or contractors as the board may require.

29 (f) Delegate to one or more of its agents or employees such
30 of its powers as it may deem necessary to carry out the purposes of
31 this article, subject always to the supervision and control of the

1 board.

2 (g) Determine all facts with regard to any participant's age,
3 normal retirement date, disability, amount of compensation, length
4 of service and credited service, and date of initial coverage under
5 the pension plan, and, by application of the facts so determined
6 and any other facts deemed material, determine a participant's
7 amount of benefit.

8 (h) Make rules and regulations for the administration of
9 the pension plan which are not inconsistent with the terms and
10 provisions of law.

11 (i) Construe all terms, provisions, conditions, and
12 limitations of the pension plan; and its construction thereof, made
13 in good faith, shall be final and conclusive upon the interested
14 parties.

15 (j) Correct any defect or supply any omission or reconcile
16 any inconsistency that may appear in the pension fund and make any
17 equitable adjustments for any mistakes or errors made in the
18 administration of the pension.

19 (k) Determine all questions relating to the administration of
20 the pension fund in order to promote the uniform administration of
21 the pension fund and to effectuate its purposes and provisions.

22 (l) Authorize and direct the payment from the pension fund of
23 all expenses and fees incurred in the administration of the pension
24 fund.

25 (m) Require such information as may be necessary for the
26 proper operation of the system from any participant, beneficiary,
27 or officer, department head, or other person or persons in
28 authority, as the case may be, of any employer.

29 (n) Cause a general investigation to be made by a competent
30 actuary and at least once every 3 years or as required by law
31 thereafter of the retirement, disability, separation, mortality,

1 interest, and employee earning rates; recommended, as a result of
2 such investigation, the tables to be adopted for all required
3 actuarial calculations; cause an annual determination to be made by
4 a competent actuary of the liabilities and reserves of the pension
5 plan and the annual determination of the amount of the
6 contributions required by the city; and maintain the funds of the
7 pension plan on a sound actuarial basis. A copy of this actuarial
8 study shall be furnished to the city council by the board
9 immediately upon its receipt.

10 (o) Cause an audit of the affairs of the pension plan to be
11 made annually by an independent certified public accountant, and
12 submit a copy thereof to all interested parties as soon as possible
13 after the end of the fiscal year.

14 (p) Issue subpoenas to compel the attendance of witnesses and
15 the production of books, papers, and records pertinent to any
16 investigation or hearing concerning any application for membership
17 or benefits, and to administer oaths to witnesses.

18 (q) Create and submit an annual budget to the mayor and the
19 city council. The city council shall have the same power of review,
20 modification, and approval over the administrative costs of the
21 Jacksonville Police and Fire Pension Fund as it has for all other
22 departments and agencies of the Consolidated City of Jacksonville.

23
24 ~~The foregoing list of expressed powers is not intended to be either~~
25 ~~complete or exclusive, and the board shall, in addition, have all~~
26 ~~such powers as it may reasonably determine to be necessary or~~
27 ~~appropriate to the performance of its duties under the retirement~~
28 ~~system. Any decision or judgment of the board in good faith on any~~
29 ~~questions arising hereunder in connection with the exercise of its~~
30 ~~powers shall be final, binding, and conclusive upon all parties~~
31 ~~concerned.~~

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Section 2. This act shall take effect upon becoming a law.

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