

1                   A bill to be entitled  
2           An act relating to the City of Tampa,  
3           Hillsborough County, and particularly to the  
4           City Pension Fund for Firefighters and Police  
5           Officers in the City of Tampa; enabling an  
6           increase in the accrual of benefits from 2  
7           percent to 2.5 percent for additional years of  
8           service after 26 years; providing for pension  
9           benefits after 20 years of service without  
10          reduction upon separation; providing for a  
11          Deferred Retirement Option Program; providing  
12          for additional benefits; providing for  
13          contribution rates; providing an effective  
14          date.

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

17  
18           Section 1. The City of Tampa is authorized and  
19          empowered to enter into a supplemental contract with each and  
20          every firefighter or police officer who was an active or  
21          contributing member of the City Pension Fund for Firefighters  
22          and Police Officers in the City of Tampa on or after the date  
23          this act becomes a law, or who may hereafter enter into a  
24          pension contract with the City, amending subparagraph 7(A) of  
25          the City of Tampa Firefighters and Police Officers Pension  
26          Contract as prescribed by Section 28-17 of the City of Tampa  
27          Code [Ordinance No. 4746-A, enacted September 30, 1969], as  
28          amended by Section 28-19 of the City of Tampa Code [Ordinance  
29          No. 6038-A, enacted September 17, 1974], pursuant to chapter  
30          74-613, Laws of Florida, as further amended by chapter 92-231,  
31          Laws of Florida, and chapter 94-463, Laws of Florida, to read:

1 Section 7. Benefits, Pensions to  
 2 Members-Compulsory.--The Board shall upon its application  
 3 retire:

4 (A) Any member of the Fund having an aggregate of 10  
 5 years of ~~actual~~ service as defined in Section 17 in said  
 6 departments, and having reached the age of 46 years, who then  
 7 shall receive in monthly installments a pension equal to 25  
 8 percent of the member's average earnings for the three (3)  
 9 highest years within the last 10 years of service with a  
 10 minimum pension of \$100 per month. For each additional year of  
 11 such ~~actual~~ service after 10 years, ~~up to and including twenty~~  
 12 ~~six (26) years,~~ a member shall receive 2.5 percent of average  
 13 earnings, ~~. For each additional year of such actual service~~  
 14 ~~after 26 years, a member shall receive 2 percent of average~~  
 15 ~~earnings~~ not to exceed a total pension of 100 percent of said  
 16 average earnings. After 10 years of ~~actual~~ service as defined  
 17 in Section 17, this pension right shall be a vested right with  
 18 the payment thereof to begin upon the employee's separation  
 19 from the service or the employee's reaching the age of 46  
 20 years, whichever occurs later, so that an employee having 10  
 21 or more years of such ~~actual~~ service who resigns, retires, or  
 22 is otherwise separated from the service prior to reaching the  
 23 age of 46 years may elect to allow his contributions to remain  
 24 in the Pension Fund and upon reaching the age of 46 years  
 25 shall be entitled to commence receiving a pension based upon  
 26 his ~~creditable~~ service as herein provided, and should such  
 27 employee die before reaching 46 years of age, then at the time  
 28 that decedent would have reached 46 years of age the widow or  
 29 widower shall receive such benefit as the widow or widower  
 30 would have received under subparagraph ~~subsection~~ 9(C) if the  
 31 employee had died while receiving a pension. Provided however,

1 any member of the Pension Fund who prior to October 16, 1992,  
 2 was a participant ~~member~~ of Division B of the General  
 3 Employees Pension Plan as established by chapter 81-497, Laws  
 4 of Florida, as amended, shall receive benefits from this  
 5 Pension Fund at the rate of 2.5 percent of average earnings  
 6 for each year of service in this Pension Fund, provided  
 7 however, the 2.5 percent accrual shall not apply to any  
 8 service while the member was a participant of Division B of  
 9 the General Employees Pension Plan ~~for the first twenty-six~~  
 10 ~~(26) years of service after October 16, 1992, and two per~~  
 11 ~~centum (2%) for each year of service thereafter.~~ Upon reaching  
 12 social security normal retirement age, the benefit paid herein  
 13 shall be reduced to 60 percent of the initial benefit amount.

14 Section 2. If the City of Tampa enters into  
 15 supplemental contracts as provided in section 1 of this act,  
 16 each firefighter and police officer who was an active or  
 17 contributing member of the City Pension Fund for Firefighters  
 18 and Police Officers in the City of Tampa on or after the date  
 19 this act becomes a law, with more than 26 years of service, is  
 20 entitled to receive pension benefits, including the cost of  
 21 living adjustments pursuant to Section 23, from the fund upon  
 22 the same basis as if the member's contract had been  
 23 supplemented in the manner provided by section 1 of this act  
 24 before the member's separation from service, retroactive to  
 25 the date of the member's separation from service, without  
 26 interest.

27 Section 3. The City of Tampa is authorized and  
 28 empowered to enter into a supplemental contract with each and  
 29 every firefighter or police officer who was an active or  
 30 contributing member of the City Pension Fund for Firefighters  
 31 and Police Officers in the City of Tampa on or after the date

1 this act becomes a law, or who may hereafter enter into a  
2 pension contract with the City, amending subparagraph 7(D) and  
3 subsection 23(3) of the City of Tampa Firefighters and Police  
4 Officers Pension Contract as prescribed by chapter 94-463,  
5 Laws of Florida, to read:

6 (D) Notwithstanding the foregoing, any member of this  
7 Pension Fund having an aggregate of 20 years of ~~actual~~ service  
8 as a firefighter or police officer in said departments either  
9 in this Pension Fund or Division B of the General Employees  
10 Pension Plan, or a combination thereof, may elect to enter  
11 into the Deferred Retirement Option Program (DROP), or, if the  
12 member who separates from the service as a firefighter or  
13 police officer, may elect to commence immediate receipt of  
14 benefits regardless of age, ~~provided, however, that the~~  
15 ~~benefit otherwise payable pursuant to subparagraph 7(A) shall~~  
16 ~~be reduced by .048 percent for each month prior to the member~~  
17 ~~reaching the age of 46 years. To the extent that this~~  
18 ~~subparagraph would result in a forfeiture of the right of the~~  
19 ~~Pension Fund to participate in the distribution of tax funds~~  
20 ~~established in chapters 175 and 185, Florida Statutes, this~~  
21 ~~paragraph shall be null and void.~~

22 (3) If a member elects to commence receipt of  
23 subparagraph section 7(A) benefits after 20 years of service  
24 immediately upon separation from service as provided in  
25 subparagraph 7(D) or to enter into the Deferred Retirement  
26 Option Program (DROP) and prior to reaching the age of 46  
27 years, adjustments provided for in this section shall not  
28 commence on ~~until~~ January 1 immediately following the October  
29 1 on or before which the member separates from service as a  
30 firefighter or police officer in the fire department or police  
31 department, respectively, or enters the Deferred Retirement

1 ~~Option Program (DROP).attains 46 years of age, and provided~~  
2 ~~further that such cost of living adjustments shall be paid on~~  
3 ~~the actuarially reduced benefits calculated pursuant to~~  
4 ~~subparagraph 7(D).~~

5 Section 4. The City of Tampa is authorized and  
6 empowered to enter into a supplemental contract with each and  
7 every firefighter or police officer who was an active or  
8 contributing member of the City Pension for Firefighters and  
9 Police Officers in the City of Tampa on or after the date this  
10 act becomes a law, or who may hereafter enter into a pension  
11 contract with the City, creating Section 26 of the City of  
12 Tampa Firefighters and Police Officers Pension Contract to  
13 read:

14 Section 26. DEFERRED RETIREMENT OPTION  
15 PROGRAM.--Notwithstanding any other provisions of this  
16 contract, and subject to the provisions of this section, the  
17 Deferred Retirement Option Program, hereinafter referred to as  
18 the DROP, is an option under which an eligible member may  
19 elect to have the member's pension benefits calculated as of a  
20 certain date prior to retirement, and accumulate benefits plus  
21 the investment return pursuant to this section during the DROP  
22 calculation period. Participation in the DROP does not  
23 guarantee employment for the DROP calculation period, as  
24 defined in this section.

25 (A) Eligibility.--In order to be eligible for the DROP  
26 option, the member must meet the following eligibility  
27 criteria:

28 (1) The member must have attained at least 20 years of  
29 service but no more than 30 years of service at the time the  
30 member files an election under this section. The service must  
31 be as a firefighter or police officer in the fire department

1 or the police department, respectively, either in this Pension  
2 Fund or Division B of the General Employees Pension Plan, or a  
3 combination thereof. A member is eligible for accumulations  
4 pursuant to the DROP for the lesser of 5 years, or the  
5 difference between 30 years of service and the member's  
6 service as of the effective date of the member's DROP  
7 election. However, if a member has attained at least 25 years  
8 of service on the date this act becomes a law and elects to  
9 participate in the DROP within 90 days after receipt of  
10 written notice from the Board of Trustees, the member is  
11 eligible for a 5-year DROP calculation period following the  
12 date this act becomes a law.

13 (2) The member must meet all eligibility requirements  
14 for pension benefits, other than separation from service as a  
15 firefighter or police officer in the fire department or police  
16 department, respectively.

17 (3) Upon electing to participate in the DROP, the  
18 member shall submit on forms required by the City and the  
19 Board of Trustees:

20 (a) An irrevocable written election to participate in  
21 the DROP, specifying a DROP benefit calculation date. This  
22 DROP benefit calculation date is used to determine the DROP  
23 calculation period, which commences on the DROP benefit  
24 calculation date and ends on the earlier of (i) the last day  
25 of DROP eligibility as determined under paragraph (1) or (ii)  
26 the member's separation from service or death;

27 (b) An irrevocable notice of employment termination to  
28 take effect upon the expiration of the DROP calculation  
29 period; provided that a DROP participant shall not be  
30 precluded from voluntarily terminating employment with the  
31 City as a firefighter or police officer before the expiration

1 of the DROP calculation period, nor shall the City be  
2 precluded from terminating such DROP participant's employment  
3 as applicable due to disciplinary action, layoff, or other  
4 separation in accordance with the applicable collective  
5 bargaining agreement, civil service law, or other applicable  
6 law;

7 (c) A properly completed application for longevity  
8 retirement benefits to be calculated pursuant to subparagraph  
9 7(A) or subparagraph 7(D) as of the DROP benefit calculation  
10 date; and

11 (d) Any other information required by the Board of  
12 Trustees.

13 (4) A member may only make one DROP election during  
14 the member's lifetime.

15 (B) Status.--For pension purposes only:

16 (1) During the DROP calculation period, there shall be  
17 no pension contribution deductions made from the earnings,  
18 wages, salary, or compensation earned by the DROP participant.

19 (2) Upon entry into the DROP, a DROP participant shall  
20 no longer be entitled to disability benefits pursuant to  
21 subparagraph 7(B) or subparagraph 7(C).

22 (3) Death benefits under the DROP.--Upon the death of  
23 a DROP participant, the named beneficiary or beneficiaries  
24 shall be entitled to receive the benefits accumulated during  
25 the DROP calculation period as of the date of death. After the  
26 death of such DROP participant, pension benefits shall be paid  
27 as required by Section 9, provided however that a surviving  
28 spouse who was not married to the member during some period of  
29 the member's employment as a firefighter or police officer  
30 prior to the date of the member's entry into the DROP shall  
31 not be entitled to Section 9 benefits. Eligibility to

1 participate in the DROP terminates upon the death of such DROP  
2 participant.

3 (4) A DROP participant shall not be eligible to be  
4 elected as a member of the Board of Trustees.

5 (5) During DROP participation, a DROP participant  
6 shall be entitled to the 13th check benefit pursuant to  
7 Section 27.

8 (C) Benefits under the DROP.--

9 (1) Effective with the DROP benefit calculation date,  
10 a DROP participant's monthly pension installments calculated  
11 pursuant to Section 7, including creditable service, such  
12 participant's average earnings and the effective date of  
13 retirement shall be fixed.

14 (2) The DROP accumulation shall be calculated as  
15 follows:

16 (a) The amount of the monthly installments to which  
17 the member would have been entitled to receive from the DROP  
18 benefit calculation date to the end of the member's DROP  
19 calculation period.

20 (b) The amount of any cost of living adjustments  
21 pursuant to Section 23 during the DROP benefit calculation  
22 period.

23 (c) Interest accumulation as set forth in this  
24 section.

25 (d) The amount of the 13th check pursuant to Section  
26 27.

27 (3) At the conclusion of the member's DROP benefit  
28 calculation period, the Board of Trustees shall distribute the  
29 member's benefits, subject to the following provisions:

30 (a) The Board of Trustees shall receive verification  
31 by the City that such DROP participant's employment as a



1 firefighter or police officer with the fire department or  
2 police department, respectively, has terminated.

3 (b) A terminated DROP participant or, if deceased,  
4 such participant's named beneficiary or beneficiaries, shall  
5 elect on forms provided by the Board of Trustees to receive  
6 the DROP benefits in accordance with one of the options  
7 provided in subparagraph 26(E)(1). Once a DROP participant  
8 commences distribution under a payment method (or receives a  
9 lump sum), no further interest shall be payable to the DROP  
10 participant. For a DROP participant or beneficiary who fails  
11 to elect a method of payment within 60 days of termination of  
12 DROP participation, the Board of Trustees will pay a lump sum  
13 as provided hereafter.

14 (D) Interest and Administrative Costs.--Interest shall  
15 accumulate annually at the rate to reflect the Fund's net  
16 investment performance, whether positive or negative, during  
17 the DROP calculation period, less the cost of administering  
18 the DROP, all of which shall be determined by the Board of  
19 Trustees.

20 (E) Payment.--

21 (1) Upon termination of employment with the City as a  
22 firefighter or police officer in the fire department or police  
23 department, respectively, the accumulated DROP benefits at the  
24 option of the terminated DROP participant, or if deceased,  
25 such participant's designated beneficiary or beneficiaries,  
26 shall be distributed to the extent allowed by law by rollover  
27 to another qualified plan, as a lump sum payment, as a  
28 combination of both, or in such other forms as provided by  
29 rules and regulations adopted by the Board of Trustees,  
30 provided that such distribution may be adjusted by the Board  
31

1 of Trustees to maintain Internal Revenue Code qualification of  
2 the Fund.

3 (2) If a DROP participant dies during the DROP  
4 calculation period, or on or before the DROP participant's  
5 full DROP accumulation is distributed, any remaining DROP  
6 accumulation shall be distributed to the DROP participant's  
7 designated beneficiary or beneficiaries, or, if there is no  
8 surviving designated beneficiary, to the participant's spouse,  
9 or if there is no surviving designated beneficiary and no  
10 surviving spouse, to the participant's estate. Any such  
11 payment shall be made in a lump sum payment, unless the  
12 participant had already commenced benefit payment of their  
13 DROP accumulation in an optional plan. In such an event,  
14 benefits shall continue to be paid pursuant to the optional  
15 benefit form selected.

16 (3) The form of distribution elected by a DROP  
17 participant or surviving beneficiary must comply with the  
18 applicable requirements of the Internal Revenue Code.

19 (4) A DROP participant who is involuntarily discharged  
20 who seeks review of such discharge shall not be entitled to  
21 receipt of pension benefits or benefits accumulation while in  
22 the DROP until it has been determined that the discharge was  
23 lawful, or at the expiration of DROP participation provided in  
24 subparagraph 26(A)(1), whichever is first.

25 (5) The accumulated benefits of any DROP participant,  
26 including any interest thereon, shall not be subject to  
27 assignment, garnishment, execution, attachment, or to any  
28 legal process whatsoever, except income deduction orders as  
29 provided in section 61.1301, Florida Statutes, and federal  
30 income tax levies.

31

1           (6) Upon termination from employment with the City as  
 2 a firefighter or police officer in the fire department or  
 3 police department, respectively, the monthly pension  
 4 installments pursuant to Section 7 and the cost of living  
 5 adjustments pursuant to Section 23, shall be paid to the  
 6 member, and upon death of the member, monthly pension  
 7 installments shall be paid pursuant to Section 9 with cost of  
 8 living adjustments pursuant to Section 23.

9           (F) Conflict of Laws.--To the extent that any  
 10 provision of this section is in conflict with sections  
 11 112.60-112.67, Florida Statutes, or those provisions of  
 12 chapters 175 and 185, Florida Statutes, that apply to local  
 13 law plans established by municipal ordinance or special act,  
 14 or provisions of Florida Statutes made applicable to pension  
 15 funds established by special act, or to the extent that any  
 16 provision of this section would result in the loss of tax  
 17 exempt status of the Pension Fund, the Board of Trustees is  
 18 hereby delegated the authority to adopt by rule changes to  
 19 this section in order to comply with said laws, which shall  
 20 have the force of law and shall be considered part of this  
 21 pension contract.

22           (G) Administration of Program.--The Board of Trustees  
 23 shall make such rules as are necessary for the effective and  
 24 efficient administration of this section, provided that such  
 25 rules are not inconsistent with the terms of any collective  
 26 bargaining agreement entered into by the City and the  
 27 certified bargaining agents for firefighters and police  
 28 officers concerning the DROP. The Board of Trustees shall not  
 29 be required to advise members of the federal tax consequences  
 30 of an election related to the DROP but may advise members to  
 31 seek independent advice. Notwithstanding any other provision

1 of this section to the contrary, any provision of this section  
2 shall be construed and administered in such manner that such  
3 program will qualify as a qualified governmental pension plan  
4 under existing or hereafter enacted provisions of the Internal  
5 Revenue Code of the United States, and the Board of Trustees  
6 may adopt any rule necessary to accomplish the purpose of this  
7 section as is necessary to retain tax qualification, which  
8 rule shall have the force of law and shall be considered part  
9 of this pension contract.

10 Section 5. The City of Tampa is authorized and  
11 empowered to enter into a supplemental contract with each and  
12 every firefighter or police officer who was an active or  
13 contributing member of the City Pension Fund for Firefighters  
14 and Police Officers in the City of Tampa on or after the date  
15 this act becomes a law, or who may hereafter enter into a  
16 pension contract with the City, creating Section 27 of the  
17 City of Tampa Firefighters and Police Officers Pension  
18 Contract to read:

19 Section 27. 13TH CHECK PROGRAM.--Notwithstanding any  
20 other provisions of this contract, and subject to the  
21 provisions of this section, the 13th Check Program is a  
22 program which authorizes the Board of Trustees to establish  
23 and make a supplemental pension distribution commencing in  
24 January 1999, and in January of each year thereafter, pursuant  
25 to the following terms and conditions:

26 (A) Eligibility.--The following persons shall be  
27 eligible for the supplemental pension distribution payable in  
28 January of each year:

29 (1) All retired members who have terminated employment  
30 as a firefighter or police officer in the fire department or  
31 police department, respectively, who, on the October 1

1 immediately preceding the January in which distributions are  
2 to be made, were eligible to receive pension benefits for at  
3 least 1 year. For purposes of this section only, a DROP  
4 participant shall be considered a retired member and, during  
5 the DROP calculation period, a DROP participant shall be  
6 eligible for the 13th check benefit, provided that, on the  
7 October 1 immediately preceding the January in which  
8 distributions are to be made, such DROP participant had  
9 participated in the DROP for at least 1 year;

10 (2) All qualifying spouses who were eligible to  
11 receive pension benefits pursuant to Section 8 or Section 9  
12 for at least 1 year on the October 1 immediately preceding the  
13 January in which distributions are to be made; and

14 (3) All qualifying surviving spouses, who on the  
15 October 1 immediately preceding the January in which  
16 distributions are to be made, were eligible for receipt of  
17 Section 8 or Section 9 benefits but who have not received such  
18 pension benefits for at least 1 year provided that the  
19 deceased member was eligible for receipt of pension benefits  
20 on October 1 of the prior year.

21 (B) 13th Check Account.--

22 (1) There is hereby created a 13th check account  
23 within the Fund, which shall consist of those employees'  
24 contributions set forth in subparagraph 27(B)(2) and the  
25 City's contributions set forth in subparagraph 27(B)(3) in  
26 excess of those contributions otherwise required by Section 2  
27 for the normal annual cost of benefits, other than benefits  
28 arising from post retirement adjustments made pursuant to  
29 Section 23 and other than benefits arising from the 13th Check  
30 Program, plus any interest earnings thereon.

31

1           (2) Notwithstanding any other provision of this  
2 contract, commencing October 1, 1998, employees covered under  
3 this contract shall continue to contribute pursuant to Section  
4 2 at the rates required for employees to fund the normal  
5 annual cost of benefits, other than benefits arising from post  
6 retirement adjustments made pursuant to Section 23 and other  
7 than benefits arising from the 13th check program made  
8 pursuant to this section, plus an additional 100 percent of  
9 9.874 percent of the full scale contribution rate (FSCR) set  
10 forth in Section 2(D) to the 13th check program.

11           (3) Notwithstanding any other provision of this  
12 contract, the City shall contribute:

13           (a) An amount required to fund the normal annual cost  
14 of benefits, other than benefits arising from post-retirement  
15 adjustments made pursuant to Section 23 and other than  
16 benefits arising from the 13th check program made pursuant to  
17 this section, plus;

18           (b) Commencing October 1, 2001, to the 13th check  
19 program, 134 percent of 9.874 percent of the full scale  
20 contribution rate (FSCR) for employees set forth in Section  
21 2(D); provided, however, if the sum of the City's contribution  
22 for the normal annual cost of benefits plus the 134 percent of  
23 9.874 percent of the full scale contribution rate (FSCR) is  
24 greater than 134 percent of 28.789 percent of the full scale  
25 contribution rate (FSCR), then the City's contribution to the  
26 13th check program shall be the positive difference between  
27 134 percent of 28.789 percent of the full scale contribution  
28 rate (FSCR) and the amount set forth in subparagraph  
29 27(B)(3)(a) [134 percent of the normal annual cost of benefits  
30 of the full scale contribution rate (FSCR) for employees set  
31

1 forth in Section 2(D)], but no less than 134 percent of 3  
2 percent of the full scale contribution rate (FSCR).

3 (4) Notwithstanding any other provision of this  
4 contract, the City's contributions to the 13th check program  
5 shall not require the City to make additional contributions to  
6 the 13th check program to reimburse the 13th check account for  
7 the contributions the City would have otherwise made to the  
8 13th check program had it contributed thereto for the period  
9 of October 1, 1998, through September 30, 2001.

10 (C) Amount of the 13th Check.--The amount of the 13th  
11 check shall be determined as follows:

12 (1)(a) The amount of the 13th check shall be the same  
13 for all retired members, regardless of years of service, age,  
14 years retired, or monthly installment.

15 (b) All eligible surviving spouses shall be entitled  
16 to 50 percent of what the eligible retired member would have  
17 received but for death.

18 (c) If a retired member is eligible on October 1 but  
19 dies before payment of the 13th check in the following  
20 January, the retired member's spouse shall receive the full  
21 amount of the payment, and if there is no surviving spouse,  
22 the retired member's designated beneficiary or beneficiaries,  
23 or if none, the retired member's estate shall receive the  
24 payment.

25 (2) The Board of Trustees shall establish by rule  
26 adopted no later than December 15, 1998, the amount of the  
27 13th check, subject to the following:

28 (a) The amount of the 13th check, or a method for  
29 calculating the amount of the 13th check in a manner that is  
30 definitely determinable and in accordance with the  
31

1 requirements of the Internal Revenue Code applicable to a  
2 qualified governmental plan; and

3 (b) Certification by the Fund's actuary that the  
4 amount of the payment will be funded on a sound actuarial  
5 basis as required by Section 14, Article X of the State  
6 Constitution.

7 (D) Conflict of Laws.--To the extent that any  
8 provision of this section is in conflict with sections  
9 112.60-112.67, Florida Statutes, or those provisions of  
10 chapters 175 and 185, Florida Statutes, that apply to local  
11 law plans established by municipal ordinance or special act,  
12 or provisions of Florida Statutes made applicable to pension  
13 funds established by special act, or to the extent that any  
14 provision of this section would result in the loss of tax  
15 exempt status of the Pension Fund, the Board of Trustees is  
16 hereby delegated the authority to adopt by rules changes to  
17 this section in order to comply with said laws, which shall  
18 have the force of law and shall be considered part of this  
19 pension contract.

20 (E) Administration of Program.--The Board of Trustees  
21 shall make such rules as are necessary for the effective and  
22 efficient administration of this section, provided that such  
23 rules are not inconsistent with the terms of any collective  
24 bargaining agreement entered into by the City and the  
25 certified bargaining agents for firefighters and police  
26 officers concerning the 13th Check Program. Notwithstanding  
27 any other provision of this section to the contrary, any  
28 provision of this section shall be construed and administered  
29 in such manner that such program will qualify as a qualified  
30 governmental pension plan under existing or hereafter enacted  
31 provisions of the Internal Revenue Code of the United States,



1 and the Board of Trustees may adopt any rule to accomplish the  
2 purpose of this section as is necessary to retain tax  
3 qualification, which rules shall have the force of law and  
4 shall be considered part of this pension contract.

5 Section 6. The City of Tampa is authorized and  
6 empowered to enter into a supplemental contract with each and  
7 every firefighter or police officer who was an active or  
8 contributing member of the City Pension Fund for Firefighters  
9 and Police Officers in the City of Tampa on or after the date  
10 this act becomes a law, or who may hereafter enter into a  
11 pension contract with the City, amending subparagraphs 2(B)(1)  
12 and (4) and 2(D), creating subparagraph 2(K), and amending  
13 subsection 23(1) of the City of Tampa Firefighters and Police  
14 Officers Pension Contract as prescribed by chapter 94-463,  
15 Laws of Florida, to read:

16 Section 2(B)

17 (1) The normal annual cost of the benefits other than  
18 benefits arising from post-retirement adjustments made  
19 pursuant to Section 23 and other than the 13th check benefits  
20 pursuant to Section 27, provided for in this contract; and

21 (4) Provided, however, that in no case shall the  
22 contributions by the City in any year, and exclusive of income  
23 from other sources, be less than 133 percent, or 134 percent  
24 if paid quarterly, of the total sum contributed by employees  
25 as provided in (D) below, excluding contributions for the 13th  
26 check benefit; it being expressly understood that when the  
27 requirements for continued actuarial soundness of the plan are  
28 determined to require less contributions than would result  
29 hereby, the contributions from the City and employees will be  
30 proportionately reduced to rates which will reasonably  
31 generate such reduced amount.

1 (D) Except as provided by subparagraph 2(B)(4) and  
 2 subparagraph 27(B)(2), the employees covered under this  
 3 contract shall contribute at the rates set forth below, based  
 4 upon all of their earnings during each twelve month period  
 5 commencing on October 1, which contributions shall be deducted  
 6 from said earnings before the same are paid and shall be  
 7 promptly deposited in the Fund:

8 Earnings in	Employee
9 Twelve-Month Period	Contribution
10 <u>Commencing October 1</u>	<u>Rate</u>
11 First \$4,000	6%
12 Next 1,000	7%
13 Next 1,000	8%
14 Next 1,000	9%
15 Next 1,000	10%
16 Next 1,000	11%
17 Next 1,000	12%
18 Next 2,500	15%
19 Excess over \$12,500	25%

20  
 21 If the City's rate of contribution, pursuant to Section 2(B),  
 22 exceeds 40 percent, the employee contribution scale above  
 23 shall be increased in the ratio of the City's contribution  
 24 rate, pursuant to Section 2(B), to 40 percent.

25 (K) Notwithstanding any other provisions of this  
 26 section, the City and the employees shall make additional  
 27 contributions to the 13th Check Benefit Program to the extent  
 28 set forth in Section 27.

29 Section 23.

30 (1) Commencing September 30, 1970, the size of the  
 31 Fund, excluding the 13th check account, determined on a market

1 value basis, shall be compared with the amount that would have  
2 been in the Fund, excluding the 13th check account, had the  
3 fund, excluding the 13th check account, earned 5 percent,  
4 inclusive of realized and unrealized capital gains and losses,  
5 compounded annually from October 1, 1969. If on any September  
6 30, the actual fund, excluding the 13th check account, exceeds  
7 the 5 percent accumulation, the excess will be known as the  
8 Post Retirement Adjustment Account, provided that for this  
9 purpose the 5 percent accumulation will not be reduced by any  
10 post-retirement benefit adjustment payments.

11 Section 7. The City of Tampa is authorized and  
12 empowered to enter into a supplemental contract with each and  
13 every firefighter or police officer who was an active or  
14 contributing member of the City Pension Fund for Firefighters  
15 and Police Officers in the City of Tampa on or after the date  
16 this act becomes a law, or who may hereafter enter into a  
17 pension contract with the City, amending Section 24 of the  
18 City of Tampa Firefighters and Police Officers Pension  
19 Contract to read:

20 Section 24.

21 (A) In the event that the provisions of the federal  
22 Internal Revenue Code operate to limit the benefit amount that  
23 the member or the member's survivors would otherwise be  
24 eligible to receive pursuant to the City of Tampa Firefighters  
25 and Police Officers Pension Contract, then the member or the  
26 member's survivors shall not receive from the City Pension  
27 Fund for Firefighters and Police Officers in the City of Tampa  
28 retirement benefits in an amount in excess of the limits  
29 provided by the federal Internal Revenue Code or in an amount  
30 that would cause the City Pension Fund for Firefighters and  
31

1 Police Officers in the City of Tampa to lose its federal  
2 income tax exempt status.

3 (B) In order to maintain the tax exempt status of the  
4 City Pension Fund for Firefighters and Police Officers in the  
5 City of Tampa, said pension fund shall not be required to pay  
6 benefits in excess of the appropriate limits established by  
7 Section 415 of the Internal Revenue Code (26 USC Section 415),  
8 nor shall said pension fund be required to pay any benefits  
9 which would jeopardize its tax exempt status.

10 (C) Should the benefits otherwise payable pursuant to  
11 the City of Tampa Firefighters and Police Officers Pension  
12 Contract by the City Pension Fund for Firefighters and Police  
13 Officers in the City of Tampa be limited pursuant to Section  
14 415 of the Internal Revenue Code, then the City of Tampa shall  
15 provide for payment of those benefits in excess of the limits  
16 in Section 415 of the Internal Revenue Code.

17 (D) Notwithstanding any other provision of this  
18 pension contract to the contrary, any provision of this  
19 pension contract shall be construed and administered in such  
20 manner that this Pension Fund will qualify as a qualified  
21 governmental pension plan under existing or hereafter enacted  
22 provisions of the Internal Revenue Code of the United States,  
23 and the Board of Trustees may adopt any rule necessary to  
24 retain tax qualification, which rules shall have the force of  
25 law and shall be considered part of this pension contract.

26 Section 8. If the City of Tampa enters into  
27 supplemental pension contracts as provided in Section 5 of  
28 this act, each retired firefighter and retired police officer  
29 who is living on the date this act becomes a law and each  
30 qualifying surviving spouse, who is living on the date this  
31 act becomes a law, is entitled to receive the same benefits

1 from the 13th check account upon the same basis as if the  
 2 member's contract had been supplemented in the manner provided  
 3 by Section 5 of this act before the member's separation from  
 4 service; provided however said retired firefighter, retired  
 5 police officer and eligible surviving spouse as a condition of  
 6 participation in the 13th check program shall be subject to  
 7 the provisions of Section 24 of the pension contract as  
 8 provided for in Section 7.

9           Section 9. The City of Tampa Firefighters and Police  
 10 Officers Pension Contract as prescribed by Section 28-17 of  
 11 the City of Tampa Code [Ordinance No. 4746-A, enacted  
 12 September 30, 1969], as amended by Section 28-19 of the City  
 13 of Tampa Code [Ordinance No. 6038-A, enacted September 17,  
 14 1974], pursuant to chapter 74-613, Laws of Florida; as further  
 15 amended by Ordinance No. 89-314, enacted December 21, 1989,  
 16 and approved, ratified, validated, and confirmed by chapter  
 17 90-391, Laws of Florida; and as further amended by chapter  
 18 94-463, Laws of Florida, is in all other respects approved,  
 19 ratified, validated, and confirmed.

20           Section 10. The benefits provided for herein by  
 21 Sections 1, 3, 4, and 5 and the changes to the pension  
 22 contract provided for herein by Sections 1, 3, 4, 5, 6, and 7  
 23 for active and contributing members on the date this act  
 24 becomes a law shall be made available in one supplemental  
 25 pension contract, and a member shall not be permitted to  
 26 select some of said benefits and reject others of said  
 27 benefits. Any active or contributing member on the date this  
 28 act becomes a law who fails to sign said supplemental pension  
 29 contract before October 1, 1998, or within 90 days of  
 30 ratification of any respective collective bargaining  
 31 agreement, whichever is later, shall be forever barred from

1 receiving said benefits and shall not be required to make any  
2 contributions required as a result of such benefits. However,  
3 any person who becomes a member of the City Pension Fund for  
4 Firefighters and Police Officers in the City of Tampa on or  
5 after the date this act becomes a law, shall be required as a  
6 condition of membership into said pension fund to sign a  
7 pension contract which includes the provisions of Sections 1,  
8 3, 4, 5, 6, and 7, and shall be required to make the  
9 contributions required as a result of such benefits.

10 Section 11. This act is only an enabling act, and the  
11 execution by the City of Tampa of the aforesaid supplemental  
12 contract and entitlement to the pension benefits referred to  
13 in Sections 1, 3, 4, and 5 for all firefighters regardless of  
14 whether or not in the certified bargaining unit is contingent  
15 upon contractual agreement through the collective bargaining  
16 process between the City of Tampa and the certified bargaining  
17 agent for firefighters and for all police officers regardless  
18 of whether or not in the certified bargaining unit is  
19 contingent upon contractual agreement through the collective  
20 bargaining process between the City of Tampa and the certified  
21 bargaining agent for police officers.

22 Section 12. Notwithstanding the provisions of Section  
23 5, the initial distribution of the 13th check shall be payable  
24 within 30 days of receipt of a favorable determination letter  
25 from the Internal Revenue Service that the 13th check program  
26 does not adversely impact the tax qualification of the plan,  
27 but no earlier than January 1999.

28 Section 13. This act shall take effect upon becoming a  
29 law.  
30  
31