

By Senators Crist, Miller, Lee and Sebesta

13-827-02

See HB 1037

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; authorizing the
6 City of Tampa to enter into a supplemental
7 contract with certain firefighters and police
8 officers to revise the benefit reduction
9 provisions of said Pension Fund; providing for
10 the purchase of creditable service in said
11 Pension Fund for past service; amending chapter
12 23559 (1945), Laws of Florida, as amended,
13 relating to the General Employees' Pension Plan
14 of the City of Tampa; revising the benefits to
15 certain firefighters and police officers;
16 providing that the act is contingent upon
17 execution of a contract between the city and
18 the bargaining agents for the firefighters and
19 police officers; providing that active
20 firefighters and police officers must execute
21 certain supplemental contract provisions by a
22 date certain or forever be barred from doing
23 so; confirming in part the City of Tampa
24 Firefighters and Police Officers Pension
25 Contract; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. The City of Tampa is authorized and
30 empowered to enter into a supplemental contract with each and
31 every firefighter or police officer who is an active or

1 contributing member of the City Pension for Firefighters and
2 Police Officers in the City of Tampa on or after the date this
3 act becomes a law, or who hereafter enters into a pension
4 contract with the City, amending Section 7(A), (B), and (C),
5 Section 8(A), and Section 9(A) and (C), and creating Section
6 28 of the City of Tampa Firefighters and Police Officers
7 Pension Contract as prescribed by Section 28-17 of the City of
8 Tampa Code [Ordinance No. 4746-A, enacted September 30, 1969],
9 as amended by Section 28-19 of the City of Tampa Code
10 [Ordinance No. 6038-A, enacted September 17, 1974], pursuant
11 to chapter 74-613, Laws of Florida, as further amended by
12 Ordinance No. 89-314, enacted December 21, 1989, and approved,
13 ratified, validated, and confirmed by chapter 90-391, Laws of
14 Florida; and as further amended by chapter 92-231, Laws of
15 Florida, chapter 94-463, Laws of Florida, chapter 98-515, Laws
16 of Florida, chapter 2000-485, Laws of Florida, and chapter
17 2001-288, Laws of Florida, to read:

18 Section 7. BENEFITS, PENSIONS TO MEMBERS.

19 (A) Any member of the Fund having an aggregate of 10
20 years of service as defined in Section 17 in said departments,
21 and having reached the age of 46 years, who then shall receive
22 in monthly installments a pension equal to 25 percent of the
23 member's average earnings for the three (3) highest years
24 within the last 10 years of service with a minimum pension of
25 \$100 per month. For each additional year of such service after
26 10 years, a member shall receive 2.5 percent of average
27 earnings, not to exceed a total pension of 100 percent of said
28 average earnings. After 10 years of service as defined in
29 Section 17, this pension right shall be a vested right with
30 the payment thereof to begin upon the employee's separation
31 from the service or the employee's reaching the age of 46

1 years, whichever occurs later, so that an employee having 10
2 or more years of such service who resigns, retires, or is
3 otherwise separated from the service prior to reaching the age
4 of 46 years may elect to allow his contributions to remain in
5 the Pension Fund and upon reaching the age of 46 years shall
6 be entitled to commence receiving a pension based upon his
7 service as herein provided, and should such employee die
8 before reaching 46 years of age, then at the time that
9 decedent would have reached 46 years of age the widow or
10 widower shall receive such benefit as the widow or widower
11 would have received under subparagraph 9(C) if the employee
12 had died while receiving a pension. Provided however, any
13 member of the Pension Fund who prior to October 16, 1992, was
14 a participant of Division B of the General Employees Pension
15 Plan as established by chapter 81-497, Laws of Florida, as
16 amended, shall receive benefits from this Pension Fund at the
17 rate of 2.5 percent of average earnings for each year of
18 service in this Pension Fund, provided however, the 2.5
19 percent accrual shall not apply to any service while the
20 member was a participant of Division B of the General
21 Employees Pension Plan; provided, further, that upon reaching
22 social security normal retirement age, except as provided in
23 Section 28(C) of this Contract, the benefit paid herein shall
24 be reduced by an amount equal to the actual social security
25 benefit earned by the member for employment as a firefighter
26 or police officer for the City to the extent that such
27 employment is considered to be creditable service under this
28 Fund. The effect of such reduction shall be that the sum of
29 the benefit paid herein and said social security benefit shall
30 be equal to the amount of the benefit otherwise payable
31 herein. Each such member shall, upon demand by the Board,

1 authorize the Social Security Administration to release any
2 information necessary to calculate such reduction. The Board
3 shall not make any payment for the benefit payable herein for
4 any period during which such member willfully fails or refuses
5 to authorize the release of such information in the manner and
6 within the time prescribed by rules adopted by the Board to 60
7 percent of the initial benefit amount.

8 (B) Any member who in the service has received or
9 shall receive within or without the city any injuries, disease
10 or disability, which injury, disease or disability now
11 permanently incapacitates him physically or mentally from
12 regular and continuous duty as a firefighter or police
13 officer, then he shall receive in equal monthly installments
14 an amount equal to 65% of monthly salary in effect at date of
15 disability retirement with a minimum of \$100.00 per month,
16 plus 1/12 of any other earnings received within one year prior
17 to date of disability retirement. Any injury, disease or
18 disability received prior to becoming a member of this Pension
19 Fund, which injury, disease or disability later permanently
20 incapacitates the member, physically or mentally from regular
21 and continuous duty as a firefighter or police officer, shall
22 not qualify for benefits herein. For any member of this
23 Pension Fund who prior to October 16, 1992 was a member of
24 Division B of the General Employees Pension Plan as
25 established by Chapter 81-497, Laws of Florida, as amended,
26 upon reaching social security normal retirement age or
27 qualifying for social security disability benefits, whichever
28 comes first, except as provided in Section 28(C) of this
29 Contract, the benefit paid herein shall be reduced by an
30 amount equal to the actual social security benefit earned by
31 the member for employment as a firefighter or police officer

1 for the City to the extent that such employment is considered
2 to be creditable service under this Fund to sixty per centum
3 ~~(60%) of the initial benefit amount~~; provided, however, that
4 if such member's social security disability benefits cease
5 prior to attaining social security retirement age, such
6 reduction shall be deferred until such time as the member
7 reaches his social security retirement age. The effect of such
8 reduction shall be that the sum of the benefit paid herein and
9 said social security benefit shall be equal to the amount of
10 the benefit otherwise payable herein. Each such member shall,
11 upon demand by the Board, authorize the Social Security
12 Administration to release any information necessary to
13 calculate such reduction. The Board shall not make any payment
14 for the benefit payable herein for any period during which
15 such member willfully fails or refuses to authorize the
16 release of such information in the manner and within the time
17 prescribed by rules adopted by the Board.

18 (C) Any member of the fund who has completed ten (10)
19 years of creditable service and becomes permanently
20 incapacitated, physically or mentally, from regular and
21 continuous service as a firefighter or police officer as a
22 result of any injury, disease or disability which is not
23 incurred in the service of the City, shall receive in equal
24 monthly installments an amount equal to the greater of (1) 2%
25 of his average salary (as above computed) for each year of
26 service with a minimum of 25% and a maximum of 50% of average
27 salary or (2) the accrued benefit under Section 7(A) based
28 upon years of service and average salary determined as of the
29 date of disability. Any injury, disease or disability received
30 prior to becoming a member of this Fund, which injury, disease
31 or disability later permanently incapacitates the member,

1 physically or mentally from regular and continuous duty as a
2 firefighter or police officer, shall not qualify for benefits
3 herein. For any member of this Fund who prior to October 16,
4 1992 was a member of Division B of the General Employees
5 Pension Plan as established by Chapter 81-497, Laws of
6 Florida, as amended, upon reaching social security normal
7 retirement age, or qualifying for social security disability
8 benefits, whichever comes first, except as provided in Section
9 28(C) of this Contract, the benefit paid herein shall be
10 reduced by an amount equal to the actual social security
11 benefit earned by the member for employment as a firefighter
12 or police officer for the City to the extent that such
13 employment is considered to be creditable service under this
14 Fund to sixty per centum (60%) of the initial benefit amount;
15 provided, however, that if such member's social security
16 disability benefits cease prior to attaining social security
17 retirement age, such reduction shall be deferred until such
18 time as the member reaches his social security retirement age.
19 The effect of such reduction shall be that the sum of the
20 benefit paid herein and said social security benefit shall be
21 equal to the amount of the benefit otherwise payable herein.
22 Each such member shall, upon demand by the Board, authorize
23 the Social Security Administration to release any information
24 necessary to calculate such reduction. The Board shall not
25 make any payment for the benefit payable herein for any period
26 during which such member willfully fails or refuses to
27 authorize the release of such information in the manner and
28 within the time prescribed by rules adopted by the Board.

29 Section 8(A) To the widow or widower in equal monthly
30 installments an amount equal to fifty per centum (50%) of the
31 member's final year's earnings, computed from date of death,

1 until death. For the widow or widower of any member of this
2 Pension Fund who prior to October 16, 1992 was a member of
3 Division B of the General Employees Pension Plan as
4 established by Chapter 81-497, Laws of Florida, as amended,
5 upon the reaching social security normal retirement age,
6 except as provided in Section 28(C) of this Contract, the
7 benefit paid to the widow or widower shall be reduced by an
8 amount equal to the actual social security benefit earned by
9 the member for employment as a firefighter or police officer
10 for the City to the extent that such employment is considered
11 to be creditable service under this Fund; provided, however,
12 that if the widow or widower does not receive the member's
13 accrued social security benefit, there shall be no reduction
14 in benefits paid to such widow or widower. The effect of such
15 reduction shall be that the sum of the benefit paid herein and
16 said social security benefit shall be equal to the amount of
17 the benefit otherwise payable herein. The widow or widower of
18 each such member shall, upon demand by the Board, authorize
19 the Social Security Administration to release any information
20 necessary to calculate such reduction. The Board shall not
21 make any payment for the benefit payable herein for any period
22 during which such widow or widower willfully fails or refuses
23 to authorize the release of such information in the manner and
24 within the time prescribed by rules adopted by the Board to
25 ~~sixty per centum (60%) of the initial benefit amount paid to~~
26 ~~the widow or widower.~~

27 Section 9(A) To the widow or widower in equal monthly
28 installments sixty-five per centum (65%) of the service
29 retirement pension earned by the member at date of death. For
30 the widow or widower of any member of this Pension Fund who
31 prior to October 16, 1992 was a member of Division B of the

1 General Employees Pension Plan as established by Chapter
2 81-497, Laws of Florida, as amended, upon the reaching social
3 security normal retirement age, except as provided in Section
4 28(C) of this Contract, the benefit paid to the widow or
5 widower shall be reduced by an amount equal to the actual
6 social security benefit earned by the member for employment as
7 a firefighter or police officer for the City to the extent
8 that such employment is considered to be creditable service
9 under this Fund; provided, however, that if the widow or
10 widower does not receive the member's accrued social security
11 benefit, there shall be no reduction in benefits paid to such
12 widow or widower. The effect of such reduction shall be that
13 the sum of the benefit paid herein and said social security
14 benefit shall be equal to the amount of the benefit otherwise
15 payable herein. The widow or widower of each such member
16 shall, upon demand by the Board, authorize the Social Security
17 Administration to release any information necessary to
18 calculate such reduction. The Board shall not make any payment
19 for the benefit payable herein for any period during which
20 such widow or widower willfully fails or refuses to authorize
21 the release of such information in the manner and within the
22 time prescribed by rules adopted by the Board to sixty per
23 centum (60%) of the initial benefit amount paid to the widow
24 or widower.

25 (C) The widow or widower of a member who dies while
26 receiving a retirement pension shall receive sixty-five per
27 centum (65%) of the pension which the member was receiving;
28 provided, however, that no pension shall be allowed to any
29 widow or widower unless she or he was married to the member
30 prior to the date of retirement of the member. For the widow
31 or widower of any member of this Pension Fund who prior to

1 October 16, 1992 was a member of Division B of the General
2 Employees Pension Plan as established by Chapter 81-497, Laws
3 of Florida, as amended, upon the reaching social security
4 normal retirement age, except as provided in Section 28(C) of
5 this Contract, the benefit paid to the widow or widower shall
6 be reduced by an amount equal to the actual social security
7 benefit earned by the member for employment as a firefighter
8 or police officer for the City to the extent that such
9 employment is considered to be creditable service under this
10 Fund; provided, however, that if the widow or widower does not
11 receive the member's accrued social security benefit, there
12 shall be no reduction in benefits paid to such widow or
13 widower. The effect of such reduction shall be that the sum of
14 the benefit paid herein and said social security benefit shall
15 be equal to the amount of the benefit otherwise payable
16 herein. The widow or widower of each such member shall, upon
17 demand by the Board, authorize the Social Security
18 Administration to release any information necessary to
19 calculate such reduction. The Board shall not make any payment
20 for the benefit payable herein for any period during which
21 such widow or widower willfully fails or refuses to authorize
22 the release of such information in the manner and within the
23 time prescribed by rules adopted by the Board ~~to sixty per~~
24 ~~centum (60%) of the initial benefit amount paid to the widow~~
25 ~~or widower.~~

26 Section 28. ELECTION TO PURCHASE PAST CREDITABLE
27 SERVICE BY CERTAIN FIREFIGHTERS AND POLICE OFFICERS.

28 (A) Each firefighter and police officer who, on
29 October 15, 1992, was a member in Division B of the General
30 Employees' Pension Plan for the City of Tampa, who became a
31 member of this Fund for service occurring on and after October

1 16, 1992, and who is a member of this Fund on or after June 1,
2 2002, may elect to purchase creditable service under this
3 Pension Contract for service as a firefighter or police
4 officer with the City of Tampa prior to October 16, 1992, if
5 said employee complies with the following:

6 (1) Notify the City of Tampa and the Board of Trustees
7 of this Fund, in writing, at any time between July 1, 2002,
8 and December 31, 2002, of his or her desire to purchase
9 creditable service for all or any portion of such past service
10 and the time period of such service to be purchased;

11 (2) Upon electing to purchase creditable service for
12 such past service, submit on a form required by the City an
13 irrevocable waiver of any pension benefits under the General
14 Employees' Pension Plan for the City of Tampa, which waiver
15 shall apply only to the time period of such service to be
16 purchased; and

17 (3) By September 30, 2003, pay into the Pension Fund a
18 sum of money equal to the aggregate employee contributions,
19 plus compound interest thereon at a rate as determined by the
20 Board, which the employee would have paid into the Fund
21 pursuant to Section 2(D) of this Contract, had the employee
22 participated in the Fund during the period of such prior
23 service that said employee has elected to purchase.

24 (B) For each firefighter and police officer electing
25 to purchase creditable service for past service as provided in
26 this section, the City shall pay into the Pension Fund, by
27 September 30, 2003, a sum of money equal to the City
28 contributions, plus compound interest thereon at the rate
29 determined by the Board pursuant to Section 28(A)(3), which
30 the City would have paid into the Fund for such firefighters
31 and police officers pursuant to Section 2(B) and (C) of this

1 Contract, had such firefighters and police officers
2 participated in the Fund during the period of such prior
3 service that such firefighters and police officers have
4 elected to purchase.

5 (C) Benefits for creditable service purchased by
6 firefighters and police officers pursuant to this section
7 shall be calculated in the same manner as are such
8 firefighters' and police officers' benefits for creditable
9 service commencing on October 16, 1992, provided that there
10 shall be no reduction in benefits for such creditable service
11 purchased as otherwise required pursuant to Section 7(A), (B),
12 or (C), Section 8(A), or Section 9(A) or (C) of this Contract.

13 (D) The Board of Trustees shall make such rules as are
14 necessary for the effective and efficient administration of
15 this section, provided that such rules are not inconsistent
16 with the terms of any collective bargaining agreement entered
17 into by the City and the certified bargaining agents for
18 firefighters and police officers. Notwithstanding any other
19 provision of this section to the contrary, any provision of
20 this section shall be construed and administered in such
21 manner that such program will qualify as a qualified
22 governmental pension plan under existing or hereafter enacted
23 provisions of the Internal Revenue Code of the United States,
24 and the Board of Trustees may adopt any rule to accomplish the
25 purpose of this section as is necessary to retain tax
26 qualification, which rules shall have the force of law and
27 shall be considered part of this pension Contract.

28 Section 2. Section 21 of chapter 23559 (1945), Laws of
29 Florida, as amended, is amended to read:

30 Section 21. Pension Benefits; Certain Firefighters and
31 Police Officers.

1 Notwithstanding any other provision of this Act to the
2 contrary, the following provisions shall apply only to those
3 firefighters and police officers who prior to October 16,
4 1992, (the effective date of the Older Workers Benefit
5 Protection Act [the "OWBPA Effective Date"] were participants
6 in Division B of the Plan and who became ~~become~~ members of the
7 City Pension Fund for Firefighters and Police Officers in the
8 City of Tampa as of the OWBPA Effective Date pursuant to
9 chapter 94-463, Laws of Florida:

10 (1) Longevity retirement, deferred pension, early
11 retirement and death benefits accrued as of the OWBPA
12 Effective Date shall be computed by using only that period of
13 Service prior to the OWBPA Effective Date as members of
14 Division B of the Plan and shall be paid to, or paid on behalf
15 of, each such firefighter or police officer on and after the
16 OWBPA Effective Date as set forth under the terms of this Act.

17 (2) Death benefits payable on behalf of any such
18 firefighter or police officer shall be provided only as set
19 forth in subparagraphs 2, 3, and 4 of Section 12(B) of this
20 Plan; provided, however, that if a death benefit is paid under
21 the City Pension Fund for Firefighters and Police Officers in
22 the City of Tampa on behalf of any such firefighter or police
23 officer on account of death resulting from injuries or causes
24 occurring while in the discharge of duty as a firefighter or
25 police officer, then no death benefit shall be paid on behalf
26 of such firefighter or police officer under this Act.

27 (3) Disability benefits shall not be paid to any such
28 firefighter or police officer after the OWBPA Effective Date.

29 (4) For purposes of determining the minimum number of
30 years necessary to have a vested pension and the Normal
31 Retirement Date of any such firefighter or police officer,

1 Service after the OWBPA Effective Date shall be counted as
2 Continuous Service under this Act.

3 (5) The Average Monthly Salary of each such
4 firefighter or police officer shall be determined by
5 calculating the average of such firefighter's or police
6 officer's salary for the highest 3 of the last 10 years of
7 participation in Division B of the Plan prior to the OWBPA
8 Effective Date, and dividing by 12; provided, however, that in
9 the event such firefighter or police officer does not have 10
10 years of participation in Division B of the Plan prior to the
11 OWBPA Effective Date at the time his Average Monthly Salary is
12 calculated, the average for the highest 3 of the total number
13 of years of participation in Division B of the Plan prior to
14 the OWBPA Effective Date, shall be used; provided, further,
15 that if such firefighter or police officer does not have 3
16 years of participation in Division B of the Plan prior to the
17 OWBPA Effective Date, the average for years of such
18 participation shall be used.

19 (6) Notwithstanding any other provision of this Act to
20 the contrary, for purposes of determining the longevity
21 retirement, deferred pension, early retirement, death
22 benefits, and average monthly salary of each such firefighter
23 or police officer, service prior to the OWBPA Effective Date
24 shall not be included to the extent that such firefighter or
25 police officer purchases creditable service under the City
26 Pension Fund for Firefighters and Police Officers in the City
27 of Tampa for service as a firefighter or police officer with
28 the City of Tampa prior to the OWBPA Effective Date.

29 Section 3. This act is only an enabling act, and the
30 execution by the City of Tampa of the aforesaid supplemental
31 contract and entitlement to the pension benefits referred to

1 in this act for all firefighters and police officers,
2 regardless of whether or not in the respective certified
3 bargaining unit for firefighters or police officers, and the
4 effectiveness of this act, is contingent upon contractual
5 agreement through the collective bargaining process between
6 the City of Tampa and the respective certified bargaining
7 agents for firefighters and police officers.

8 Section 4. The benefits provided in this act and the
9 changes to the pension contract provided for in this act for
10 active and contributing members of the City Pension Fund for
11 Firefighters and Police Officers in the City of Tampa on the
12 date this act becomes a law and any other benefits or pension
13 contract changes for active and contributing members of the
14 City Pension Fund for Firefighters and Police Officers in the
15 City of Tampa provided for in any other special act adopted by
16 the Florida Legislature in the year 2000, year 2001, or year
17 2002 Legislative Sessions shall be made available in one or
18 more supplemental pension contracts, and a member shall not be
19 permitted to select some of said benefits or changes and
20 reject others of said benefits or changes. Any active or
21 contributing member of the City Pension Fund for Firefighters
22 and Police Officers in the City of Tampa on the date this act
23 becomes a law who fails to sign said supplemental pension
24 contract before October 1, 2002, shall be forever barred from
25 receiving said benefits. However, any person who becomes a
26 member of the City Pension Fund for Firefighters and Police
27 Officers in the City of Tampa on or after the date this act
28 becomes a law shall be required as a condition of membership
29 into said pension fund to sign a pension contract which
30 includes the provisions of this act, and shall be required to
31 make the contributions required as a result of such benefits.

1 Section 5. The City of Tampa Firefighters and Police
2 Officers Pension Contract as prescribed by Section 28-17 of
3 the City of Tampa Code [Ordinance No. 4746-A, enacted
4 September 30, 1969], as amended by Section 28-19 of the City
5 of Tampa Code [Ordinance No. 6038-A, enacted September 17,
6 1974], pursuant to chapter 74-613, Laws of Florida; as further
7 amended by Ordinance No. 89-314, enacted December 21, 1989,
8 and approved, ratified, validated, and confirmed by chapter
9 90-391, Laws of Florida; and as further amended by chapter
10 92-231, Laws of Florida, chapter 94-463, Laws of Florida,
11 chapter 98-515, Laws of Florida, chapter 2000-485, Laws of
12 Florida, and chapter 2001-288, Laws of Florida, is in all
13 other respects approved, ratified, validated, and confirmed.

14 Section 6. This act shall take effect June 1, 2002.
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