

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends  
2 the following:

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4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the City of Tampa, Hillsborough County;  
8 amending chapter 23559 (1945), Laws of Florida, as  
9 amended; revising provisions relating to the pension fund  
10 for general employees of the City of Tampa; clarifying  
11 covered employees; revising the definition of "average  
12 monthly salary," "pension credit," and "normal retirement  
13 date" to provide for 6-year vesting; revising deferred  
14 pension, early retirement, and disability retirement  
15 provisions to provide for 6-year vesting; providing  
16 additional cost-of-living adjustments; revising benefits  
17 provisions regarding reemployment after termination to  
18 provide for 6-year vesting; providing for 6-year vesting  
19 for elective officers, department heads, and appointive  
20 officers; revising the eligibility requirements for the  
21 Deferred Retirement Option Program to provide for 6-year  
22 vesting; adding a provision regarding limitations on  
23 amounts of benefits; providing an effective date.

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

Section 1. Section 2, subsections (I), (K), and (L) of section 4, section 9, subsection (A) of section 10, subsection (A) of section 11, subsection (C) of section 13, section 15, subsection (A) of section 17, and subsection (A) of section 22 of chapter 23559 (1945), Laws of Florida, as amended, are amended, and subsection (G) is added to section 24 of said chapter, to read:

Section 2. Creation.

A pension fund is hereby created for all employees of the City of Tampa, Florida, who are not now members of any other pension fund for employees of the City of Tampa, Florida, heretofore created by the Legislature of the State of Florida.

Section 4. Definitions.

(I) Average Monthly Salary. The Average Monthly Salary shall be determined by calculating the average of an Employee's Salary for the highest 3 of the last 6 ~~10~~ years of Continuous Service ending on the date of retirement, and dividing by 12. In the event an Employee does not have 6 ~~10~~ years service at the time his or her Average Monthly Salary is calculated, the average for the highest 3 of the total number of years employed shall be used for this definition. If the Employee does not have 3 years service, the average for years employed shall be used.

(K) Pension Credit. Pension Credit shall refer to the minimum number ~~numbers~~ of years necessary to have a vested

52 pension. For the purposes of this Act, an Employee shall work 6  
53 ~~10~~ continuous years to earn Pension credit.

54 (L) Normal Retirement Date. This shall mean the date an  
55 Employee qualifies for benefits under this Act. For Division A  
56 Employees the Normal Retirement Date shall mean the date an  
57 Employee has both 6 ~~10~~ years of Continuous Service and has  
58 attained the age of 55 years. For Division B Employees the  
59 Normal Retirement Date shall mean the date an Employee has both  
60 6 ~~10~~ years of Continuous Service and attains the age of 62  
61 years.

62 Section 9. Deferred Pension.

63 (A) Division A Employees. Any Employee who has been in  
64 the service of the City of Tampa for a period of not less than 6  
65 ~~10~~ years continuously who voluntarily terminates his employment  
66 or is discharged may elect to allow the amount contributed to  
67 the pension Fund to remain in said Fund, and upon attaining the  
68 age of 55 years shall be entitled to a pension in an amount  
69 equal to the Employee's Accrued Pension based upon the number of  
70 years and months of actual Service.

71 (B) Division B Employees. Any Employee in Division B who  
72 has worked for the City of Tampa for a period of 6 ~~10~~ years  
73 continuously who leaves the employ of the City either  
74 voluntarily or by discharge, and who has not reached his 62<sup>nd</sup>  
75 birthday, upon attaining his 62<sup>nd</sup> birthday, shall be entitled to  
76 a pension equal to his Accrued Pension based upon the number of  
77 years and months of actual Service. However, if such Employee  
78 was previously a member of Division A and elects to withdraw his  
79 employee contributions in Division A, his period of Service as a

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80 member of Division A shall not be used to qualify under this  
81 subsection, or, if he otherwise qualifies, in computing his  
82 pension~~7~~ hereunder.

83 Section 10. Early Retirement.

84 (A) An Employee in Division B of this Plan, on or after  
85 his 55<sup>th</sup> birthday, may elect to take an Early Retirement,  
86 provided that he has been in the Service of the City of Tampa  
87 for 6 ~~10~~ continuous years.

88 Section 11. Disability Retirement.

89 (A) An Employee in Division A or Division B who has been  
90 in the service of the City of Tampa for a period of not less  
91 than 6 ~~10~~ years~~7~~, continuously who becomes totally and  
92 permanently disabled physically or mentally, or both, from  
93 further rendering useful and efficient service as an Employee  
94 shall be entitled to immediately receive a monthly disability  
95 pension equal to his Accrued Pension.

96 Section 13. Cost-of-living adjustment.

97 (C) Commencing January 1, 2000, and each January 1  
98 thereafter, the pension benefit due each retired Employee or  
99 beneficiary shall be adjusted as follows:

100 1. For those retired Employees, and beneficiaries thereof,  
101 in Division A, the amount of the monthly pension benefit due for  
102 the 12-month period commencing on the adjustment date shall be  
103 the amount of the retired Employee's or beneficiary's monthly  
104 benefit being received on December 31 immediately preceding the  
105 adjustment date plus an amount equal to 2 percent of such  
106 benefit. Commencing January 1, 2005, the 2-percent adjustment

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107 amount provided for in this subparagraph (C)1. shall be revised  
 108 to 2.2 percent.

109 2. For those retired Employees, and beneficiaries thereof,  
 110 in Division B, the amount of the monthly pension benefit due for  
 111 the 12-month period commencing on the adjustment date shall be  
 112 the amount of the retired Employee's or beneficiary's monthly  
 113 benefit being received on December 31 immediately preceding the  
 114 adjustment date plus an amount equal to 1 percent of such  
 115 benefit. Commencing January 1, 2005, the 1-percent adjustment  
 116 amount provided for in this subparagraph (C)2. shall be revised  
 117 to 1.2 percent.

118 Section 15. Reemployment After Termination.

119 (A) Should any former Employee in Division A of the City  
 120 of Tampa who had participated in this Fund and had withdrawn his  
 121 contributions be reinstated or reemployed, said Employee may  
 122 receive credit towards retirement for any previous service under  
 123 the provisions of this Act, provided said Employee shall  
 124 redeposit in the pension Fund the amount refunded upon the  
 125 Employee's voluntary resignation or discharge and shall pay a  
 126 yearly interest rate as determined by the Board of Trustees upon  
 127 the amount so redeposited for the period of time elapsing  
 128 between receipt of the refunded moneys provided for herein and  
 129 redeposit of the same in the pension Fund. In order to receive  
 130 credit for past service under this subsection, an Employee must  
 131 return to work with the City within 5 years of the date of  
 132 withdrawal of his contributions. Employees who have already  
 133 received a refund on the effective date of this Act shall have 5  
 134 years from the effective date of this Act to be eligible to

135 repurchase past Service. Such Employee cannot receive any  
 136 benefit under this Act unless he shall then serve continuously  
 137 for a period of 6 ~~10~~ years. Past Service in Division A  
 138 repurchased by a Division B Employee shall be treated as  
 139 Division B Service for the purpose of calculating benefits  
 140 subject to the minimum benefits specific in Section 8(B)2.

141 (B) An Employee in Division B who terminates his  
 142 employment with the City or is terminated, if he is reemployed  
 143 with the City, shall receive credit for his past Service if he  
 144 returns to employment with the City within 5 years of his  
 145 voluntary termination or discharge. However, the Employee shall  
 146 work 6 ~~10~~ continuous years from his date of reemployment before  
 147 becoming eligible to receive any benefits under this Act.

148 (C) An Employee in Division A or B who elects to take a  
 149 Deferred Pension as defined in Section 9 of this Act and  
 150 subsequently returns to employment with the City shall not  
 151 receive any additional benefits (in computing Average Monthly  
 152 Salary, Continuous Service, or otherwise) until he shall then  
 153 serve for a period of 6 ~~10~~ continuous years from his date of  
 154 reemployment. However, an Employee who earned a Deferred  
 155 Pension in Division A who returns to work with the City may have  
 156 either his Deferred Pension in Division A considered separate  
 157 and apart from his Service upon reemployment in Division B+ (in  
 158 which case, he may receive his Division A benefits at age 55,  
 159 provided he is no longer in the employ of the City); or, he may  
 160 have his Service earned in Division A converted to Division B  
 161 Service subject to the minimum benefits of Section 8(B)2. This

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162 election shall be made at the date of retirement after  
163 reemployment.

164 Section 17. Officers.

165 (A) Elective officers, department heads, and appointive  
166 officers of the City shall participate in the pension or  
167 retirement Plan. Such elective officers, department heads, and  
168 appointive officers shall have the same status for pension  
169 purposes as permanent Employees; provided, however, ~~the minimum~~  
170 ~~number of years necessary for an elective officer of the City to~~  
171 ~~have a vested pension under the plan and be eligible for the~~  
172 ~~Deferred Retirement Option Program set forth in section 22 of~~  
173 ~~this Plan shall be 8 continuous years of Service; and provided~~  
174 ~~further that~~ any such elective officer, department head, or  
175 appointive officer of the City who (1) shall have participated  
176 in the pension or retirement Plan and acquired a vested right to  
177 a deferred proportionate pension thereunder, (2) shall have at  
178 the end of any term in office (a) unsuccessfully sought  
179 election, (b) not been appointed, or (c) not declined  
180 appointment to any office of the City, (3) shall have left his  
181 contributions in the Fund if he was a member of Division A and  
182 had contributed to the Fund, and (4) is or shall have been  
183 subsequently elected or appointed to any office or employed in  
184 any position in the City, shall resume his participation in the  
185 Plan; and the period during which such person shall have been  
186 out of office shall not constitute a break in Service, but no  
187 creditable Service shall be allowed for such period. Pensions  
188 under this section shall be calculated in the same manner as any

189 pensions of Employees receiving retirement benefits who were  
190 subsequently reemployed (section 16).

191 Section 22. Deferred Retirement Option Program.

192 (A) Eligibility. In order to be eligible for the DROP  
193 option, the member must meet the following eligibility criteria:

194 1. The member must have attained the age of 55 years and  
195 at least 6 ~~10~~ years of continuous Service at the time the member  
196 files an election under this section. A member is eligible for  
197 accumulations pursuant to the DROP for a maximum of 7 years.

198 2. The member must meet all eligibility requirements for  
199 pension benefits, other than separation from Service as an  
200 Employee of the City.

201 3. Upon electing to participate in the DROP, the member  
202 shall submit on forms required by the City and the Board of  
203 Trustees:

204 a. An irrevocable written election to participate in the  
205 DROP, specifying a DROP benefit calculation date. The DROP  
206 benefit calculation date is used to determine the DROP  
207 calculation period, which commences on the DROP benefit  
208 calculation date and ends on the earlier of the member's  
209 separation from service or death;

210 b. An irrevocable notice of employment termination to take  
211 effect upon the expiration of the DROP calculation period;  
212 provided that a DROP participant shall not be precluded from  
213 voluntarily terminating employment with the City before the  
214 expiration of the DROP calculation period, nor shall the City be  
215 precluded from terminating such DROP participant's employment as  
216 applicable due to disciplinary action, layoff, or other



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217 separation in accordance with the applicable collective  
 218 bargaining agreement, civil service law, or other applicable  
 219 law;

220 c. A properly completed application for longevity  
 221 retirement benefits to be calculated pursuant to Section 8 or  
 222 Section 10 as of the DROP benefit calculation date; and

223 d. Any other information required by the Board of  
 224 Trustees.

225 4. A member may only make one DROP election during the  
 226 member's lifetime.

227 Section 24. Limitations on Amounts of Benefits.

228 (G) Notwithstanding any other provision of this Plan,  
 229 benefits and limitations under this Plan shall satisfy all the  
 230 applicable provisions of Section 415 of the Code and the  
 231 regulations thereunder, which provisions and regulations are  
 232 incorporated by reference.

233 Section 2. This act shall take effect January 1, 2005.