

1 A bill to be entitled

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

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

21  
22 Section 1. Section 2, subsections (I), (K), and (L) of  
23 section 4, section 9, subsection (A) of section 10, subsection  
24 (A) of section 11, subsection (C) of section 13, section 15,  
25 subsection (A) of section 17, and subsection (A) of section 22  
26 of chapter 23559 (1945), Laws of Florida, as amended, are  
27 amended, and subsection (G) is added to section 24 of said  
28 chapter, to read:

29 Section 2. Creation.

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

34 Section 4. Definitions.

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

45 (K) Pension Credit. Pension Credit shall refer to the  
46 minimum number ~~numbers~~ of years necessary to have a vested  
47 pension. For the purposes of this Act, an Employee shall work 6  
48 ~~10~~ continuous years to earn Pension credit.

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

57 Section 9. Deferred Pension.

58 (A) Division A Employees. Any Employee who has been in  
59 the service of the City of Tampa for a period of not less than 6  
60 ~~10~~ years continuously who voluntarily terminates his employment  
61 or is discharged may elect to allow the amount contributed to  
62 the pension Fund to remain in said Fund, and upon attaining the  
63 age of 55 years shall be entitled to a pension in an amount  
64 equal to the Employee's Accrued Pension based upon the number of  
65 years and months of actual Service.

66 (B) Division B Employees. Any Employee in Division B who  
67 has worked for the City of Tampa for a period of 6 ~~10~~ years  
68 continuously who leaves the employ of the City either  
69 voluntarily or by discharge, and who has not reached his 62<sup>nd</sup>  
70 birthday, upon attaining his 62<sup>nd</sup> birthday, shall be entitled to  
71 a pension equal to his Accrued Pension based upon the number of  
72 years and months of actual Service. However, if such Employee  
73 was previously a member of Division A and elects to withdraw his  
74 employee contributions in Division A, his period of Service as a  
75 member of Division A shall not be used to qualify under this  
76 subsection, or, if he otherwise qualifies, in computing his  
77 pension~~7~~ hereunder.

78 Section 10. Early Retirement.

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

83 Section 11. Disability Retirement.

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

91 Section 13. Cost-of-living adjustment.

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

95 1. For those retired Employees, and beneficiaries thereof,  
96 in Division A, the amount of the monthly pension benefit due for  
97 the 12-month period commencing on the adjustment date shall be  
98 the amount of the retired Employee's or beneficiary's monthly  
99 benefit being received on December 31 immediately preceding the  
100 adjustment date plus an amount equal to 2 percent of such  
101 benefit. Commencing January 1, 2005, the 2-percent adjustment  
102 amount provided for in this subparagraph (C)1. shall be revised  
103 to 2.2 percent.

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

111 amount provided for in this subparagraph (C)2. shall be revised  
 112 to 1.2 percent.

113 Section 15. Reemployment After Termination.

114 (A) Should any former Employee in Division A of the City  
 115 of Tampa who had participated in this Fund and had withdrawn his  
 116 contributions be reinstated or reemployed, said Employee may  
 117 receive credit towards retirement for any previous service under  
 118 the provisions of this Act, provided said Employee shall  
 119 redeposit in the pension Fund the amount refunded upon the  
 120 Employee's voluntary resignation or discharge and shall pay a  
 121 yearly interest rate as determined by the Board of Trustees upon  
 122 the amount so redeposited for the period of time elapsing  
 123 between receipt of the refunded moneys provided for herein and  
 124 redeposit of the same in the pension Fund. In order to receive  
 125 credit for past service under this subsection, an Employee must  
 126 return to work with the City within 5 years of the date of  
 127 withdrawal of his contributions. Employees who have already  
 128 received a refund on the effective date of this Act shall have 5  
 129 years from the effective date of this Act to be eligible to  
 130 repurchase past Service. Such Employee cannot receive any  
 131 benefit under this Act unless he shall then serve continuously  
 132 for a period of 6 ~~10~~ years. Past Service in Division A  
 133 repurchased by a Division B Employee shall be treated as  
 134 Division B Service for the purpose of calculating benefits  
 135 subject to the minimum benefits specific in Section 8(B)2.

136 (B) An Employee in Division B who terminates his  
 137 employment with the City or is terminated, if he is reemployed  
 138 with the City, shall receive credit for his past Service if he

139 returns to employment with the City within 5 years of his  
 140 voluntary termination or discharge. However, the Employee shall  
 141 work 6 ~~10~~ continuous years from his date of reemployment before  
 142 becoming eligible to receive any benefits under this Act.

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

159 Section 17. Officers~~,~~

160 (A) Elective officers, department heads~~,~~ and appointive  
 161 officers of the City shall participate in the pension or  
 162 retirement Plan. Such elective officers, department heads~~,~~ and  
 163 appointive officers shall have the same status for pension  
 164 purposes as permanent Employees; provided, however, ~~the minimum~~  
 165 ~~number of years necessary for an elective officer of the City to~~  
 166 ~~have a vested pension under the plan and be eligible for the~~

167 ~~Deferred Retirement Option Program set forth in section 22 of~~  
 168 ~~this Plan shall be 8 continuous years of Service; and provided~~  
 169 ~~further that~~ any such elective officer, department head, or  
 170 appointive officer of the City who (1) shall have participated  
 171 in the pension or retirement Plan and acquired a vested right to  
 172 a deferred proportionate pension thereunder, (2) shall have at  
 173 the end of any term in office (a) unsuccessfully sought  
 174 election, (b) not been appointed, or (c) not declined  
 175 appointment to any office of the City, (3) shall have left his  
 176 contributions in the Fund if he was a member of Division A and  
 177 had contributed to the Fund, and (4) is or shall have been  
 178 subsequently elected or appointed to any office or employed in  
 179 any position in the City, shall resume his participation in the  
 180 Plan; and the period during which such person shall have been  
 181 out of office shall not constitute a break in Service, but no  
 182 creditable Service shall be allowed for such period. Pensions  
 183 under this section shall be calculated in the same manner as any  
 184 pensions of Employees receiving retirement benefits who were  
 185 subsequently reemployed (section 16).

186 Section 22. Deferred Retirement Option Program.

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

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

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

196           3. Upon electing to participate in the DROP, the member  
197 shall submit on forms required by the City and the Board of  
198 Trustees:

199           a. An irrevocable written election to participate in the  
200 DROP, specifying a DROP benefit calculation date. The DROP  
201 benefit calculation date is used to determine the DROP  
202 calculation period, which commences on the DROP benefit  
203 calculation date and ends on the earlier of the member's  
204 separation from service or death;

205           b. An irrevocable notice of employment termination to take  
206 effect upon the expiration of the DROP calculation period;  
207 provided that a DROP participant shall not be precluded from  
208 voluntarily terminating employment with the City before the  
209 expiration of the DROP calculation period, nor shall the City be  
210 precluded from terminating such DROP participant's employment as  
211 applicable due to disciplinary action, layoff, or other  
212 separation in accordance with the applicable collective  
213 bargaining agreement, civil service law, or other applicable  
214 law;

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

218           d. Any other information required by the Board of  
219 Trustees.



220 4. A member may only make one DROP election during the  
221 member's lifetime.

222 Section 24. Limitations on Amounts of Benefits.

223 (G) Notwithstanding any other provision of this Plan,  
224 benefits and limitations under this Plan shall satisfy all the  
225 applicable provisions of Section 415 of the Code and the  
226 regulations thereunder, which provisions and regulations are  
227 incorporated by reference.

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