

By Senators Crist, Sebesta and Miller

12-1082-04

See HB

1 A bill to be entitled
2 An act relating to the City of Tampa,
3 Hillsborough County; revising provisions
4 relating to the City Pension Fund for
5 Firefighters and Police Officers in the City of
6 Tampa; authorizing the City of Tampa to enter
7 into a supplemental contract with certain
8 firefighters and police officers to revise the
9 definition of pensionable earnings to include
10 up to 300 hours per year of overtime and any
11 other payments required to be included under
12 chapters 175 and 185, Florida Statutes;
13 revising the medical examination requirements
14 for membership; providing for an increase in
15 the accrual of benefits from 2.5 percent to
16 3.15 percent; providing for a minimum benefit
17 for retirees; providing that the act is
18 contingent upon execution of a contract between
19 the city and the bargaining agents for the
20 firefighters and police officers; providing for
21 the execution of certain supplemental contract
22 provisions by a date certain or forever barring
23 the receipt of the benefits therein provided;
24 confirming in part the City of Tampa
25 Firefighters and Police Officers Pension
26 Contract; providing an effective date.

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

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30 Section 1. The City of Tampa is authorized and
31 empowered to enter into a supplemental contract, the

1 application of which shall be prospective commencing on
2 October 1, 2004, with each and every firefighter or police
3 officer who is entitled to benefits under the City Pension for
4 Firefighters and Police Officers in the City of Tampa and was
5 actively employed as a firefighter or police officer in the
6 City of Tampa on or after October 1, 2003, who was an active
7 and contributing member of the City Pension Fund for
8 Firefighters and Police Officers in the City of Tampa on the
9 date this act becomes a law, or who hereafter enters into a
10 pension contract with the City, amending Section 3(E), Section
11 4(3), and Section 7(A) and (B) and creating Section 7(J) of
12 the City of Tampa Firefighters and Police Officers Pension
13 Contract as prescribed by Section 28-17 of the City of Tampa
14 Code [Ordinance No. 4746-A, enacted September 30, 1969], as
15 amended by Section 28-19 of the City of Tampa Code [Ordinance
16 No. 6038-A, enacted September 17, 1974], pursuant to chapter
17 74-613, Laws of Florida; as further amended by Ordinance No.
18 89-314, enacted December 21, 1989, and approved, ratified,
19 validated, and confirmed by chapter 90-391, Laws of Florida;
20 and as further amended by chapters 92-231, 94-463, 98-515, and
21 2000-485, Laws of Florida, Ordinance No. 2001-133, enacted
22 July 3, 2001, chapters 2001-288 and 2002-369, Laws of Florida,
23 and Ordinance No. 2003-22, enacted January 23, 2003, to read:

24 Section 3(E). Commencing for earnings paid the first
25 pay date after October 1, 2004,the term "earnings" shall mean
26 total cash remuneration paid by the City to a firefighter or
27 police officer for services rendered, including any payments
28 required to be included within the definition of compensation
29 pursuant to chapters 175 and 185, Florida Statutes, but not
30 including any payments for extra duty. Commencing for earnings
31 paid the first pay date after October 1, 2004, earnings shall

1 also include payments for overtime paid by the City to a
2 firefighter or police officer up to a maximum of 300 hours of
3 overtime per calendar year ~~the base salary or wage exclusive~~
4 ~~of any casual, nonrecurring or unpredictable overtime,~~
5 ~~bonuses, or other special payments, providing that regular~~
6 ~~longevity bonuses shall be included.~~

7 Section 4(3). Pass a complete medical examination
8 including, but not limited to, echo-cardiogram, functional
9 examination of the back and neck, and any other specific
10 diagnostic tests as determined by the Medical Board based upon
11 the individual's risk factors, medical history, and physical
12 examination ~~electro-cardiogram and exercise stress test, x-ray~~
13 ~~of the entire spine, and two (2) x-rays anterior-posterior and~~
14 ~~lateral view of the lumbar sacral spines; and~~

15 Section 7. BENEFITS, PENSIONS TO MEMBERS.

16 (A) Any member of the Fund having an aggregate of 10
17 years of service as defined in Section 17 in said departments,
18 and having reached the age of 46 years, who then shall receive
19 in monthly installments a pension equal to 31.5 ~~25~~ percent of
20 the member's average earnings for the three (3) highest years
21 within the last 10 years of service ~~with a minimum pension of~~
22 ~~\$100 per month~~ for a period of ten (10) years certain and
23 life. For each additional year of such service after 10 years,
24 a member shall receive 3.15 ~~2.5~~ percent of average earnings,
25 not to exceed a total pension of 100 percent of said average
26 earnings for a period of ten (10) years certain and life.
27 After 10 years of service as defined in Section 17, this
28 pension right shall be a vested right with the payment thereof
29 to begin upon the employee's separation from the service or
30 the employee's reaching the age of 46 years, whichever occurs
31 later, so that an employee having 10 or more years of such

1 service who resigns, retires, or is otherwise separated from
2 the service prior to reaching the age of 46 years may elect to
3 allow his contributions to remain in the Pension Fund and upon
4 reaching the age of 46 years shall be entitled to commence
5 receiving a pension based upon his service as herein provided,
6 and should such employee die before reaching 46 years of age,
7 then at the time that decedent would have reached 46 years of
8 age the widow or widower shall receive such benefit as the
9 widow or widower would have received under subparagraph 9(C)
10 if the employee had died while receiving a pension. Provided
11 however, any member of the Pension Fund who was actively
12 employed as a firefighter or police officer in the City of
13 Tampa on or after October 1, 2003, or a member of the Fund on
14 or after October 1, 2003, and, prior to October 16, 1992, was
15 a participant of Division B of the General Employees Pension
16 Plan as established by chapter 81-497, Laws of Florida, as
17 amended, shall receive benefits from this Pension Fund at the
18 rate of 3.15 ~~2.5~~ percent of average earnings for each year of
19 service in this Pension Fund, provided however, the 3.15 ~~2.5~~
20 percent accrual shall not apply to any service while the
21 member was a participant of Division B of the General
22 Employees Pension Plan; provided, further, that upon reaching
23 social security normal retirement age, except as provided in
24 Section 28(C) of this Contract, the benefit paid herein shall
25 be reduced by an amount equal to the actual social security
26 benefit earned by the member for employment as a firefighter
27 or police officer for the City to the extent that such
28 employment is considered to be creditable service under this
29 Fund. The effect of such reduction shall be that the sum of
30 the benefit paid herein and said social security benefit shall
31 be equal to the amount of the benefit otherwise payable

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

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 per month~~, plus
16 1/12 of any other earnings received within one year prior to
17 date of disability retirement for a period of ten (10) years
18 certain and life. For any member of this Pension Fund who
19 prior to October 16, 1992 was a member of Division B of the
20 General Employees Pension Plan as established by Chapter
21 81-497, Laws of Florida, as amended, upon reaching social
22 security normal retirement age or qualifying for social
23 security disability benefits, whichever comes first, except as
24 provided in Section 28(C) of this Contract, the benefit paid
25 herein shall be reduced by an amount equal to the actual
26 social security benefit earned by the member for employment as
27 a firefighter or police officer for the City to the extent
28 that such employment is considered to be creditable service
29 under this Fund; provided, however, that if such member's
30 social security disability benefits cease prior to attaining
31 social security retirement age, such reduction shall be

1 deferred until such time as the member reaches his social
2 security retirement age. The effect of such reduction shall be
3 that the sum of the benefit paid herein and said social
4 security benefit shall be equal to the amount of the benefit
5 otherwise payable herein. Each such member shall, upon demand
6 by the Board, authorize the Social Security Administration to
7 release any information necessary to calculate such reduction.
8 The Board shall not make any payment for the benefit payable
9 herein for any period during which such member willfully fails
10 or refuses to authorize the release of such information in the
11 manner and within the time prescribed by rules adopted by the
12 Board.

13 (J) Effective October 1, 2004, the minimum monthly
14 pension for any retired member or eligible surviving spouse
15 shall be 100 percent of the amount of the poverty level for an
16 individual member or a member with a family of two, as the
17 case may be, as established annually by the Federal Bureau of
18 Labor and Statistics and published in the Federal Register.

19 Section 2. This act is only an enabling act, and the
20 execution by the City of Tampa of the aforesaid supplemental
21 contract and entitlement to the pension benefits referred to
22 in this act for all firefighters and police officers,
23 regardless of whether or not in the respective certified
24 bargaining unit for firefighters or police officers, and the
25 effectiveness of this act, is contingent upon contractual
26 agreement through the collective bargaining process between
27 the City of Tampa and the respective certified bargaining
28 agents for firefighters and police officers.

29 Section 3. The benefits provided for in this act and
30 the changes to the pension contract provided for in this act
31 for firefighters and police officers who are entitled to

1 benefits under the City Pension for Firefighters and Police
2 Officers in the City of Tampa that are actively employed as a
3 firefighter or police officer in the City of Tampa on or after
4 October 1, 2003, and active and contributing members of the
5 City Pension Fund for Firefighters and Police Officers in the
6 City of Tampa on the date this act becomes a law and other
7 benefits or pension contract changes provided for in any other
8 special act adopted by the Florida Legislature in the 2000,
9 2001, 2002, or 2003 Legislative Session shall be made
10 available in one or more supplemental pension contracts, and
11 an individual shall not be permitted to select some of said
12 benefits or changes and reject others of said benefits or
13 changes. Any firefighter or police officer who is entitled to
14 benefits under the City Pension for Firefighters and Police
15 Officers in the City of Tampa that is actively employed as a
16 firefighter or police officer in the City of Tampa on or after
17 October 1, 2003, or an active and contributing member of the
18 City Pension Fund for Firefighters and Police Officers in the
19 City of Tampa on the date this act becomes a law who fails to
20 sign said supplemental pension contract before October 1,
21 2004, shall be forever barred from receiving said benefits.
22 However, any person who becomes a member of the City Pension
23 Fund for Firefighters and Police Officers in the City of Tampa
24 on or after the date this act becomes law shall be required as
25 a condition of membership into said Pension Fund to sign a
26 pension contract that includes the provisions of this act, and
27 shall be required to make contributions required as a result
28 of such benefits.

29 Section 4. The City of Tampa Firefighters and Police
30 Officers Pension Contract as prescribed by Section 28-17 of
31 the City of Tampa Code [Ordinance No. 4746-A, enacted

1 September 30, 1969], as amended by Section 28-19 of the City
2 of Tampa Code [Ordinance No. 6038-A, enacted September 17,
3 1974], pursuant to chapter 74-613, Laws of Florida; as further
4 amended by Ordinance No. 89-314, enacted December 21, 1989,
5 and approved, ratified, validated, and confirmed by chapter
6 90-391, Laws of Florida; and as further amended by chapters
7 92-231, 94-463, 98-515, and 2000-485, Laws of Florida,
8 Ordinance No. 2001-133, enacted July 3, 2001, chapters
9 2001-288 and 2002-369, Laws of Florida, and Ordinance No.
10 2003-22, enacted January 23, 2003, is in all other respects
11 approved, ratified, validated, and confirmed.

12 Section 5. This act shall take effect upon becoming a
13 law.

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