

By Senators Sebesta, Miller and Crist

16-1081-04

See HB 1023

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

25  
26 Be It Enacted by the Legislature of the State of Florida:

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28           Section 1. Section 2, subsections (I), (K), and (L) of  
29           section 4, section 9, subsection (A) of section 10, subsection  
30           (A) of section 11, subsection (C) of section 13, section 15,  
31           subsection (A) of section 17, and subsection (A) of section 22

1 of chapter 23559 (1945), Laws of Florida, as amended, are  
2 amended, and subsection (G) is added to section 24 of said  
3 chapter, to read:

4 Section 2. Creation.

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

10 Section 4. Definitions.

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

21 (K) Pension Credit. Pension Credit shall refer to the  
22 minimum number ~~numbers~~ of years necessary to have a vested  
23 pension. For the purposes of this Act, an Employee shall work  
24 6 ~~10~~ continuous years to earn Pension credit.

25 (L) Normal Retirement Date. This shall mean the date  
26 an Employee qualifies for benefits under this Act. For  
27 Division A Employees the Normal Retirement Date shall mean the  
28 date an Employee has both 6 ~~10~~ years of Continuous Service and  
29 has attained the age of 55 years. For Division B Employees  
30 the Normal Retirement Date shall mean the date an Employee has  
31

1 both 6 ~~10~~ years of Continuous Service and attains the age of  
2 62 years.

3 Section 9. Deferred Pension.

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

12 (B) Division B Employees. Any Employee in Division B  
13 who has worked for the City of Tampa for a period of 6 ~~10~~  
14 years continuously who leaves the employ of the City either  
15 voluntarily or by discharge, and who has not reached his 62nd  
16 birthday, upon attaining his 62nd birthday, shall be entitled  
17 to a pension equal to his Accrued Pension based upon the  
18 number of years and months of actual Service. However, if  
19 such Employee was previously a member of Division A and elects  
20 to withdraw his employee contributions in Division A, his  
21 period of Service as a member of Division A shall not be used  
22 to qualify under this subsection, or, if he otherwise  
23 qualifies, in computing his pension, hereunder.

24 Section 10. Early Retirement.

25 (A) An Employee in Division B of this Plan, on or  
26 after his 55th birthday, may elect to take an Early  
27 Retirement, provided that he has been in the Service of the  
28 City of Tampa for 6 ~~10~~ continuous years.

29 Section 11. Disability Retirement.

30 (A) An Employee in Division A or Division B who has  
31 been in the service of the City of Tampa for a period of not

1 less than 6 ~~10~~ years, continuously who becomes totally and  
2 permanently disabled physically or mentally, or both, from  
3 further rendering useful and efficient service as an Employee  
4 shall be entitled to immediately receive a monthly disability  
5 pension equal to his Accrued Pension.

6 Section 13. Cost-of-living adjustment.

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

10 1. For those retired Employees, and beneficiaries  
11 thereof, in Division A, the amount of the monthly pension  
12 benefit due for the 12-month period commencing on the  
13 adjustment date shall be the amount of the retired Employee's  
14 or beneficiary's monthly benefit being received on December 31  
15 immediately preceding the adjustment date plus an amount equal  
16 to 2 percent of such benefit. Commencing January 1, 2005, the  
17 2-percent adjustment amount provided for in this subparagraph  
18 (C)1. shall be revised to 2.2 percent.

19 2. For those retired Employees, and beneficiaries  
20 thereof, in Division B, the amount of the monthly pension  
21 benefit due for the 12-month period commencing on the  
22 adjustment date shall be the amount of the retired Employee's  
23 or beneficiary's monthly benefit being received on December 31  
24 immediately preceding the adjustment date plus an amount equal  
25 to 1 percent of such benefit. Commencing January 1, 2005, the  
26 1-percent adjustment amount provided for in this subparagraph  
27 (C)2. shall be revised to 1.2 percent.

28 Section 15. Reemployment After Termination.

29 (A) Should any former Employee in Division A of the  
30 City of Tampa who had participated in this Fund and had  
31 withdrawn his contributions be reinstated or reemployed, said

1 Employee may receive credit towards retirement for any  
2 previous service under the provisions of this Act, provided  
3 said Employee shall redeposit in the pension Fund the amount  
4 refunded upon the Employee's voluntary resignation or  
5 discharge and shall pay a yearly interest rate as determined  
6 by the Board of Trustees upon the amount so redeposited for  
7 the period of time elapsing between receipt of the refunded  
8 moneys provided for herein and redeposit of the same in the  
9 pension Fund. In order to receive credit for past service  
10 under this subsection, an Employee must return to work with  
11 the City within 5 years of the date of withdrawal of his  
12 contributions. Employees who have already received a refund  
13 on the effective date of this Act shall have 5 years from the  
14 effective date of this Act to be eligible to repurchase past  
15 Service. Such Employee cannot receive any benefit under this  
16 Act unless he shall then serve continuously for a period of 6  
17 ~~10~~ years. Past Service in Division A repurchased by a  
18 Division B Employee shall be treated as Division B Service for  
19 the purpose of calculating benefits subject to the minimum  
20 benefits specific in Section 8(B)2.

21 (B) An Employee in Division B who terminates his  
22 employment with the City or is terminated, if he is reemployed  
23 with the City, shall receive credit for his past Service if he  
24 returns to employment with the City within 5 years of his  
25 voluntary termination or discharge. However, the Employee  
26 shall work 6 ~~10~~ continuous years from his date of reemployment  
27 before becoming eligible to receive any benefits under this  
28 Act.

29 (C) An Employee in Division A or B who elects to take  
30 a Deferred Pension as defined in Section 9 of this Act and  
31 subsequently returns to employment with the City shall not

1 receive any additional benefits (in computing Average Monthly  
2 Salary, Continuous Service, or otherwise) until he shall then  
3 serve for a period of 6 ~~10~~ continuous years from his date of  
4 reemployment. However, an Employee who earned a Deferred  
5 Pension in Division A who returns to work with the City may  
6 have either his Deferred Pension in Division A considered  
7 separate and apart from his Service upon reemployment in  
8 Division B ~~+~~(in which case, he may receive his Division A  
9 benefits at age 55, provided he is no longer in the employ of  
10 the City); or, he may have his Service earned in Division A  
11 converted to Division B Service subject to the minimum  
12 benefits of Section 8(B)2. This election shall be made at the  
13 date of retirement after reemployment.

14 Section 17. Officers.

15 (A) Elective officers, department heads, and  
16 appointive officers of the City shall participate in the  
17 pension or retirement Plan. Such elective officers,  
18 department heads, and appointive officers shall have the same  
19 status for pension purposes as permanent Employees; provided,  
20 however, ~~the minimum number of years necessary for an elective~~  
21 ~~officer of the City to have a vested pension under the plan~~  
22 ~~and be eligible for the Deferred Retirement Option Program set~~  
23 ~~forth in section 22 of this Plan shall be 8 continuous years~~  
24 ~~of Service; and provided further that any such elective~~  
25 officer, department head, or appointive officer of the City  
26 who (1) shall have participated in the pension or retirement  
27 Plan and acquired a vested right to a deferred proportionate  
28 pension thereunder, (2) shall have at the end of any term in  
29 office (a) unsuccessfully sought election, (b) not been  
30 appointed, or (c) not declined appointment to any office of  
31 the City, (3) shall have left his contributions in the Fund if

1 he was a member of Division A and had contributed to the Fund,  
2 and (4) is or shall have been subsequently elected or  
3 appointed to any office or employed in any position in the  
4 City, shall resume his participation in the Plan; and the  
5 period during which such person shall have been out of office  
6 shall not constitute a break in Service, but no creditable  
7 Service shall be allowed for such period. Pensions under this  
8 section shall be calculated in the same manner as any pensions  
9 of Employees receiving retirement benefits who were  
10 subsequently reemployed (section 16).

11 Section 22. Deferred Retirement Option Program.

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

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

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

23 3. Upon electing to participate in the DROP, the  
24 member shall submit on forms required by the City and the  
25 Board of Trustees:

26 a. An irrevocable written election to participate in  
27 the DROP, specifying a DROP benefit calculation date. The  
28 DROP benefit calculation date is used to determine the DROP  
29 calculation period, which commences on the DROP benefit  
30 calculation date and ends on the earlier of the member's  
31 separation from service or death;

1           b. An irrevocable notice of employment termination to  
2 take effect upon the expiration of the DROP calculation  
3 period; provided that a DROP participant shall not be  
4 precluded from voluntarily terminating employment with the  
5 City before the expiration of the DROP calculation period, nor  
6 shall the City be precluded from terminating such DROP  
7 participant's employment as applicable due to disciplinary  
8 action, layoff, or other separation in accordance with the  
9 applicable collective bargaining agreement, civil service law,  
10 or other applicable law;

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

14           d. Any other information required by the Board of  
15 Trustees.

16           4. A member may only make one DROP election during the  
17 member's lifetime.

18           Section 24. Limitations on Amounts of Benefits.

19           (G) Notwithstanding any other provision of this Plan,  
20 benefits and limitations under this Plan shall satisfy all the  
21 applicable provisions of Section 415 of the Code and the  
22 regulations thereunder, which provisions and regulations are  
23 incorporated by reference.

24           Section 2. All laws or parts of laws in conflict  
25 herewith are hereby repealed to the extent of such conflict.

26           Section 3. This act shall take effect January 1, 2005.  
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