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1 A bill to be entitled

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

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. The City of Tampa is authorized and empowered
26 to enter into a supplemental contract, the application of which
27 shall be prospective commencing on October 1, 2004, with each
28 and every firefighter or police officer who is entitled to
29 benefits under the City Pension for Firefighters and Police

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30 Officers in the City of Tampa and was actively employed as a
31 firefighter or police officer in the City of Tampa on or after
32 October 1, 2003, who was an active and contributing member of
33 the City Pension Fund for Firefighters and Police Officers in
34 the City of Tampa on the date this act becomes a law, or who
35 hereafter enters into a pension contract with the City, amending
36 Section 3(E), Section 4(3), and Section 7(A) and (B) and
37 creating Section 7(J) of the City of Tampa Firefighters and
38 Police Officers Pension Contract as prescribed by Section 28-17
39 of the City of Tampa Code [Ordinance No. 4746-A, enacted
40 September 30, 1969], as amended by Section 28-19 of the City of
41 Tampa Code [Ordinance No. 6038-A, enacted September 17, 1974],
42 pursuant to chapter 74-613, Laws of Florida; as further amended
43 by Ordinance No. 89-314, enacted December 21, 1989, and
44 approved, ratified, validated, and confirmed by chapter 90-391,
45 Laws of Florida; and as further amended by chapters 92-231, 94-
46 463, 98-515, and 2000-485, Laws of Florida, Ordinance No. 2001-
47 133, enacted July 3, 2001, chapters 2001-288 and 2002-369, Laws
48 of Florida, and Ordinance No. 2003-22, enacted January 23, 2003,
49 to read:

50 Section 3(E). Commencing for earnings paid the first pay
51 date after October 1, 2004, the term "earnings" shall mean total
52 cash remuneration paid by the City to a firefighter or police
53 officer for services rendered, including any payments required
54 to be included within the definition of compensation pursuant to
55 chapters 175 and 185, Florida Statutes, but not including any
56 payments for extra duty. Commencing for earnings paid the first
57 pay date after October 1, 2004, earnings shall also include
58 payments for overtime paid by the City to a firefighter or

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59 police officer up to a maximum of 300 hours of overtime per
60 calendar year ~~the base salary or wage exclusive of any casual,~~
61 ~~nonrecurring or unpredictable overtime, bonuses, or other~~
62 ~~special payments, providing that regular longevity bonuses shall~~
63 ~~be included.~~

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

72 Section 7. BENEFITS, PENSIONS TO MEMBERS.

73 (A) Any member of the Fund having an aggregate of 10 years
74 of service as defined in Section 17 in said departments, and
75 having reached the age of 46 years, who then shall receive in
76 monthly installments a pension equal to 31.5 ~~25~~ percent of the
77 member's average earnings for the three (3) highest years within
78 the last 10 years of service ~~with a minimum pension of \$100 per~~
79 ~~month~~ for a period of ten (10) years certain and life. For each
80 additional year of such service after 10 years, a member shall
81 receive 3.15 ~~2.5~~ percent of average earnings, not to exceed a
82 total pension of 100 percent of said average earnings for a
83 period of ten (10) years certain and life. After 10 years of
84 service as defined in Section 17, this pension right shall be a
85 vested right with the payment thereof to begin upon the
86 employee's separation from the service or the employee's
87 reaching the age of 46 years, whichever occurs later, so that an

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88 employee having 10 or more years of such service who resigns,
89 retires, or is otherwise separated from the service prior to
90 reaching the age of 46 years may elect to allow his
91 contributions to remain in the Pension Fund and upon reaching
92 the age of 46 years shall be entitled to commence receiving a
93 pension based upon his service as herein provided, and should
94 such employee die before reaching 46 years of age, then at the
95 time that decedent would have reached 46 years of age the widow
96 or widower shall receive such benefit as the widow or widower
97 would have received under subparagraph 9(C) if the employee had
98 died while receiving a pension. Provided however, any member of
99 the Pension Fund who was actively employed as a firefighter or
100 police officer in the City of Tampa on or after October 1, 2003,
101 or a member of the Fund on or after October 1, 2003, and, prior
102 to October 16, 1992, was a participant of Division B of the
103 General Employees Pension Plan as established by chapter 81-497,
104 Laws of Florida, as amended, shall receive benefits from this
105 Pension Fund at the rate of 3.15 ~~2.5~~ percent of average earnings
106 for each year of service in this Pension Fund, provided however,
107 the 3.15 ~~2.5~~ percent accrual shall not apply to any service
108 while the member was a participant of Division B of the General
109 Employees Pension Plan; provided, further, that upon reaching
110 social security normal retirement age, except as provided in
111 Section 28(C) of this Contract, the benefit paid herein shall be
112 reduced by an amount equal to the actual social security benefit
113 earned by the member for employment as a firefighter or police
114 officer for the City to the extent that such employment is
115 considered to be creditable service under this Fund. The effect
116 of such reduction shall be that the sum of the benefit paid

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117 herein and said social security benefit shall be equal to the
 118 amount of the benefit otherwise payable herein. Each such member
 119 shall, upon demand by the Board, authorize the Social Security
 120 Administration to release any information necessary to calculate
 121 such reduction. The Board shall not make any payment for the
 122 benefit payable herein for any period during which such member
 123 willfully fails or refuses to authorize the release of such
 124 information in the manner and within the time prescribed by
 125 rules adopted by the Board.

126 (B) Any member who in the service has received or shall
 127 receive within or without the city any injuries, disease or
 128 disability, which injury, disease or disability now permanently
 129 incapacitates him physically or mentally from regular and
 130 continuous duty as a firefighter or police officer, then he
 131 shall receive in equal monthly installments an amount equal to
 132 65% of monthly salary in effect at date of disability retirement
 133 ~~with a minimum of \$100 per month~~, plus 1/12 of any other
 134 earnings received within one year prior to date of disability
 135 retirement for a period of ten (10) years certain and life. For
 136 any member of this Pension Fund who prior to October 16, 1992
 137 was a member of Division B of the General Employees Pension Plan
 138 as established by Chapter 81-497, Laws of Florida, as amended,
 139 upon reaching social security normal retirement age or
 140 qualifying for social security disability benefits, whichever
 141 comes first, except as provided in Section 28(C) of this
 142 Contract, the benefit paid herein shall be reduced by an amount
 143 equal to the actual social security benefit earned by the member
 144 for employment as a firefighter or police officer for the City
 145 to the extent that such employment is considered to be

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146 creditable service under this Fund; provided, however, that if
147 such member's social security disability benefits cease prior to
148 attaining social security retirement age, such reduction shall
149 be deferred until such time as the member reaches his social
150 security retirement age. The effect of such reduction shall be
151 that the sum of the benefit paid herein and said social security
152 benefit shall be equal to the amount of the benefit otherwise
153 payable herein. Each such member shall, upon demand by the
154 Board, authorize the Social Security Administration to release
155 any information necessary to calculate such reduction. The Board
156 shall not make any payment for the benefit payable herein for
157 any period during which such member willfully fails or refuses
158 to authorize the release of such information in the manner and
159 within the time prescribed by rules adopted by the Board.

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

166 Section 2. This act is only an enabling act, and the
167 execution by the City of Tampa of the aforesaid supplemental
168 contract and entitlement to the pension benefits referred to in
169 this act for all firefighters and police officers, regardless of
170 whether or not in the respective certified bargaining unit for
171 firefighters or police officers, and the effectiveness of this
172 act, is contingent upon contractual agreement through the
173 collective bargaining process between the City of Tampa and the
174 respective certified bargaining agents for firefighters and

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175 police officers.

176 Section 3. The benefits provided for in this act and the
177 changes to the pension contract provided for in this act for
178 firefighters and police officers who are entitled to benefits
179 under the City Pension for Firefighters and Police Officers in
180 the City of Tampa that are actively employed as a firefighter or
181 police officer in the City of Tampa on or after October 1, 2003,
182 and active and contributing members of the City Pension Fund for
183 Firefighters and Police Officers in the City of Tampa on the
184 date this act becomes a law and other benefits or pension
185 contract changes provided for in any other special act adopted
186 by the Florida Legislature in the 2000, 2001, 2002, or 2003
187 Legislative Session shall be made available in one or more
188 supplemental pension contracts, and an individual shall not be
189 permitted to select some of said benefits or changes and reject
190 others of said benefits or changes. Any firefighter or police
191 officer who is entitled to benefits under the City Pension for
192 Firefighters and Police Officers in the City of Tampa that is
193 actively employed as a firefighter or police officer in the City
194 of Tampa on or after October 1, 2003, or active and contributing
195 member of the City Pension Fund for Firefighters and Police
196 Officers in the City of Tampa on the date this act becomes a law
197 who fails to sign said supplemental pension contract before
198 October 1, 2004, shall be forever barred from receiving said
199 benefits. However, any person who becomes a member of the City
200 Pension Fund for Firefighters and Police Officers in the City of
201 Tampa on or after the date this act becomes law shall be
202 required as a condition of membership into said Pension Fund to
203 sign a pension contract which includes the provisions of this

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204 act, and shall be required to make contributions required as a
 205 result of such benefits.

206 Section 4. The City of Tampa Firefighters and Police
 207 Officers Pension Contract as prescribed by Section 28-17 of the
 208 City of Tampa Code [Ordinance No. 4746-A, enacted September 30,
 209 1969], as amended by Section 28-19 of the City of Tampa Code
 210 [Ordinance No. 6038-A, enacted September 17, 1974], pursuant to
 211 chapter 74-613, Laws of Florida; as further amended by Ordinance
 212 No. 89-314, enacted December 21, 1989, and approved, ratified,
 213 validated, and confirmed by chapter 90-391, Laws of Florida; and
 214 as further amended by chapters 92-231, 94-463, 98-515, and 2000-
 215 485, Laws of Florida, Ordinance No. 2001-133, enacted July 3,
 216 2001, chapters 2001-288 and 2002-369, Laws of Florida, and
 217 Ordinance No. 2003-22, enacted January 23, 2003, is in all other
 218 respects approved, ratified, validated, and confirmed.

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