

ENROLLED

HB 1243

2005 Legislature Legislature

1 A bill to be entitled
 2 An act relating to the City of Tampa, Hillsborough County;
 3 amending chapter 23559, Laws of Florida, 1945, as amended;
 4 revising the definition of "salaries or wages" to provide
 5 for an employer pickup so that the employees in Division A
 6 may make pension contributions on a pre-tax basis;
 7 revising longevity retirement provisions to provide for a
 8 multiplier of 1.15 percent for employees in Division B;
 9 providing an effective date.

10

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

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13 Section 1. Subsection (A) of section 4 of chapter 23559,
 14 Laws of Florida, 1945, as last amended by chapter 2000-490, Laws
 15 of Florida, is amended to read:

16 Section 4. Definitions.

17 (A) Salaries or Wages. Salaries or Wages for the purpose
 18 of this act shall be the base amounts earned by the Employee,
 19 plus regular longevity bonuses, overtime, and shift premiums,
 20 but exclusive of other premiums, allowances, or special payments
 21 or any casual nonrecurring or unpredictable bonuses. In addition
 22 to other applicable limitations set forth in the Plan, and
 23 notwithstanding any other provision of the Plan to the contrary,
 24 for Plan Years beginning on or after January 1, 1996, the annual
 25 Salaries or Wages of each Employee taken into account under the
 26 Plan shall not exceed the annual compensation limit provided for
 27 in the Omnibus Budget Reconciliation Act of 1993 (the "OBRA 1993
 28 Annual Compensation Limit"). The OBRA 1993 Annual Compensation
 29 Limit is \$150,000, as adjusted by the Commissioner of the

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30 Internal Revenue Service for increases in the cost-of-living in
 31 accordance with Section 401(a)(17)(B) of the Internal Revenue
 32 Code of 1986, as amended (the "Code"). The cost-of-living
 33 adjustment in effect for a calendar year applies to any period,
 34 not exceeding 12 months, over which Salaries or Wages are
 35 determined (determination period) beginning in such calendar
 36 year. If a determination period consists of fewer than 12
 37 months, the OBRA 1993 Annual Compensation Limit will be
 38 multiplied by a fraction, the numerator of which is the number
 39 of months in the determination period, and the denominator of
 40 which is 12. For Plan Years beginning on or after January 1,
 41 1996, any reference in this Plan to the limitation under Section
 42 401(a)(17) of the Code shall mean the OBRA 1993 Annual
 43 Compensation Limit set forth in this provision. The limitation
 44 on Salaries or Wages for an "eligible Employee" shall not be
 45 less than the amount which was allowed to be taken into account
 46 hereunder as in effect on July 1, 1993. "Eligible Employee" is
 47 an individual who was a participant in the Plan before the first
 48 Plan Year beginning after December 31, 1995. Commencing for
 49 earnings paid the first pay date after October 1, 2005, all
 50 mandatory Employee Contributions to the Fund shall be picked up
 51 and paid by the City. Such contributions, although designated as
 52 Employee Contributions, shall be paid by the City in lieu of
 53 contributions by the Employee. The contributions so assumed
 54 shall be treated as tax-deferred Employer "pickup" contributions
 55 pursuant to Section 414(h) of the Internal Revenue Code. Members
 56 shall not have the option of receiving the contributed amounts
 57 directly instead of having such contributions paid by the City
 58 to the Fund.

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59 Section 2. Section 8 of chapter 23559, Laws of Florida,
 60 1945, as last amended by chapter 81-497, Laws of Florida, is
 61 amended to read:

62 Section 8. Longevity Retirement Benefits.

63 (A) Division A Employees: An Employee in Division A whose
 64 employment terminates on or after his or her Normal Retirement
 65 Date shall receive a monthly pension benefit equal to 2 percent
 66 of his or her Average Monthly Salary multiplied by his or her
 67 Service, plus an additional .5 percent of his or her Average
 68 Monthly Salary for each additional year of Service for
 69 employment after 15 years for years served on or after January
 70 1, 1975, until a maximum of 30 years of Service is reached.

71 (B) Division B Employees ~~Employee~~:

72 1. An Employee in Division B whose employment terminates
 73 on or after his or her Normal Retirement Date shall receive a
 74 monthly pension benefit equal to 1.15 ~~1.1~~ percent of his or her
 75 Average Monthly Salary multiplied by his or her Service.

76 2. An Employee in Division B who was previously a member
 77 of Division A whose employment terminates on or after his or her
 78 Normal Retirement Date shall receive a pension calculated as in
 79 subsection (B) 1. of this section subject to the following
 80 minimum benefits: said Employee shall not receive less than his
 81 or her Accrued Pension in Division A (calculated as in (A) ~~1-~~
 82 above), plus 1.15 ~~1.1~~ percent of his or her Average Monthly
 83 Salary multiplied by his or her Service after his or her Date of
 84 Election. For the purposes of determining an Employee's Accrued
 85 Pension in Division A under this subsection, his or her Average
 86 Monthly Salary shall be calculated as of the Date of Election
 87 and his or her Service shall be Service prior to the Date of

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88 Election.

89 Section 3. This act shall take effect October 1, 2005.