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CS/HB 1413

2007 Legislature

1 A bill to be entitled
2 An act relating to the City Pension Fund for Firefighters
3 and Police Officers in the City of Tampa, Hillsborough
4 County; authorizing the City of Tampa to enter into a
5 supplemental contract with certain firefighters and police
6 officers to revise the 13th Check Program funding;
7 providing that the act is contingent upon execution of a
8 contract between the city and the bargaining agents for
9 the firefighters and police officers; providing for the
10 execution of certain supplemental contract provisions by a
11 date certain or forever barring the receipt of benefits
12 therein provided; confirming in part the City of Tampa
13 Firefighters and Police Officers Contract; providing an
14 effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. The City of Tampa is authorized and empowered
19 to enter into a supplemental contract with each and every
20 firefighter or police officer who was an active member of the
21 City Pension Fund for Firefighters and Police Officers in the
22 City of Tampa on or after the date this act becomes a law, or
23 who hereafter enters into a pension contract with the City,
24 amending Section 27(B)(1) of the City of Tampa Firefighters and
25 Police Officers Pension Contract as prescribed by Section 28-17
26 of the City of Tampa Code [Ordinance No 4746-A, enacted
27 September 30, 1969], as amended by Section 28-19 of the City of
28 Tampa Code [Ordinance No. 6038-A, enacted September 17, 1974],

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29 | pursuant to chapter 74-613, Laws of Florida, as further amended
30 | by Ordinance No. 89-314, enacted December 21, 1989, and
31 | approved, ratified, validated, and confirmed by chapter 90-381,
32 | Laws of Florida, and as further amended by chapter 92-231, Laws
33 | of Florida, chapter 94-463, Laws of Florida, chapter 98-515,
34 | Laws of Florida, chapter 2000-485, Laws of Florida, Ordinance
35 | No. 2001-133, enacted July 3, 2001, chapter 2001-288, Laws of
36 | Florida, chapter 2002-369, Laws of Florida, and Ordinance No.
37 | 2003-22, enacted January 23, 2003, and chapter 2004-427, Laws of
38 | Florida, to read:

39 | Section 27(B)(1). There is hereby created a 13th check
40 | account within the Fund, which shall consist of those employees'
41 | contributions set forth in subparagraph 27(B)(2) in excess of
42 | those contributions otherwise required by Section 2 for the
43 | normal annual cost of benefits, other than benefits arising from
44 | post retirement adjustments made pursuant to Section 23 and
45 | other than benefits arising from the 13th Check Program, plus
46 | any interest earnings thereon up to and including September 30,
47 | 2001. Effective for earnings paid on the first pay date after
48 | October 1, 2001, employee contributions to the 13th Check
49 | account shall cease, and the 13th Check Account shall be funded
50 | by investment returns in excess of 10% (limited to 3%) on the
51 | base plan liabilities for persons eligible for the 13th check.
52 | For purposes of this Section, the "base plan" shall mean those
53 | assets of the fund excluding the Post Retirement Adjustment
54 | Account, DROP account assets, and the 13th check account. The
55 | amount available for the 13th check shall be calculated as of
56 | fiscal year end commencing September 30, 2001 for the fiscal

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57 | year ending September 30, 2001 for payment no later than June
 58 | 30, 2002 and each June 30 annually thereafter; provided,
 59 | however, the calculation of the amount payable no later than
 60 | June 30, 2002, shall include employee contributions to the 13th
 61 | check account for earnings paid through the last pay date
 62 | immediately prior to October 1, 2001. Subject to the
 63 | requirements of part VII of chapter 112, Florida Statutes,
 64 | effective October 1, 2007, the 13th Check Account shall be
 65 | funded by investment returns in excess of 10 percent (limited to
 66 | 1 percent) on the base plan plus the Post Retirement Adjustment
 67 | Account market value of assets at each fiscal year ending
 68 | September 30. For purposes of this section, the term "base plan"
 69 | means those assets of the fund excluding the Post Retirement
 70 | Adjustment Account, DROP account assets, and the 13th Check
 71 | Account. The amount available for the 13th Check shall be
 72 | calculated as of fiscal year end commencing September 30, 2007,
 73 | for the fiscal year ending September 30, 2007, for payment no
 74 | later than June 30, 2008, and each June 30 annually thereafter.
 75 | The City shall not be required to make contributions to the 13th
 76 | check program.

77 | Section 2. This act is only an enabling act, and the
 78 | execution by the City of Tampa of the aforesaid supplemental
 79 | contract and entitlement to the pension benefits referred to in
 80 | this act for all firefighters and police officers, regardless of
 81 | whether in the respective certified bargaining unit for
 82 | firefighters or police officers, and the effectiveness of this
 83 | act, is contingent upon contractual agreement through the
 84 | collective bargaining process between the City of Tampa and the

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85 respective certified bargaining agents for firefighters and
86 police officers.

87 Section 3. The benefits provided for in this act and the
88 changes to the pension contract provided for in this act for
89 firefighters and police officers who are active members of the
90 City Pension Fund for Firefighters and Police Officers in the
91 City of Tampa on or after the date this act becomes a law shall
92 be made available in a supplemental pension contract, and an
93 individual shall not be permitted to select some of said
94 benefits or changes and reject others of said benefits or
95 changes. Any firefighter or police officer who is entitled to
96 benefits under the City Pension for Firefighters and Police
97 Officers in the City of Tampa that is actively employed as a
98 firefighter or police officer in the City of Tampa on or after
99 October 1, 2007, on the date this act becomes a law who fails to
100 sign said supplemental pension contract before October 1, 2007,
101 shall be forever barred from receiving said benefits. However,
102 any person who becomes a member of the City Pension Fund for
103 Firefighters and Police Officers in the City of Tampa on or
104 after the date this act becomes law shall be required as a
105 condition of membership into said pension fund to sign a pension
106 contract that includes the provisions of this act, and shall be
107 required to make contributions if required as a result of such
108 benefits.

109 Section 4. If the City of Tampa enters into a supplemental
110 pension contract as provided in section 1, each retired
111 firefighter and retired police officer who is living on the date
112 this act becomes a law, each member who retires or dies after

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113 this act becomes a law, but before October 1, 2007, and each
114 qualifying surviving spouse who is living on the date this act
115 becomes a law, is entitled to receive the same benefits from the
116 13th Check Account upon the same basis as if the member's
117 contract had been supplemented in the manner provided by section
118 1 before the member's separation from service; provided said
119 retired firefighters, retired police officers, and eligible
120 surviving spouses as a condition of participation in the 13th
121 Check Program shall be subject to the provisions of sections 24,
122 25, and 27 of the pension contract.

123 Section 5. The City of Tampa Firefighters and Police
124 Officers Pension Contract as prescribed by Section 28-17 of the
125 Tampa City Code [Ordinance No. 4746-A, enacted September 30,
126 1969], as amended by Section 28-19 of the Tampa City Code
127 [Ordinance No. 6038-A, enacted September 17, 1974], pursuant to
128 chapter 74-613, Laws of Florida; as further amended by Ordinance
129 No. 89-314, enacted December 21, 1989, and approved, ratified,
130 validated, and confirmed by chapter 90-391, Laws of Florida; and
131 as further amended by chapter 92-231, Laws of Florida, chapter
132 94-463, Laws of Florida, chapter 98-515, Laws of Florida,
133 chapter 2000-485, Laws of Florida, Ordinance No. 2001-133,
134 enacted July 3, 2001, chapter 2001-288, Laws of Florida, chapter
135 2002-369, Laws of Florida, Ordinance No. 2003-22, enacted
136 January 23, 2003, and chapter 2004-427, Laws of Florida, is in
137 all other respects approved, ratified, validated, and confirmed.

138 Section 6. This act shall take effect upon becoming a law.