

By Senators Joyner, Justice, Crist and Storms

18-1967-07

See HB 1413

1 A bill to be entitled

2 An act relating to the City Pension Fund for

3 Firefighters and Police Officers in the City of

4 Tampa, Hillsborough County; authorizing the

5 City of Tampa to enter into a supplemental

6 contract with certain firefighters and police

7 officers to revise the 13th Check Program

8 funding; providing that the act is contingent

9 upon execution of a contract between the city

10 and the bargaining agents for the firefighters

11 and police officers; providing for the

12 execution of certain supplemental contract

13 provisions by a date certain or forever barring

14 the receipt of benefits therein provided;

15 confirming in part the City of Tampa

16 Firefighters and Police Officers Contract;

17 providing an effective date.

18

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

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21 Section 1. The City of Tampa is authorized and

22 empowered to enter into a supplemental contract with each and

23 every firefighter or police officer who was an active member

24 of the City Pension Fund for Firefighters and Police Officers

25 in the City of Tampa on or after the date this act becomes a

26 law, or who hereafter enters into a pension contract with the

27 City, amending Section 27(B)(1) of the City of Tampa

28 Firefighters and Police Officers Pension Contract as

29 prescribed by Section 28-17 of the City of Tampa Code

30 [Ordinance No 4746-A, enacted September 30, 1969], as amended

31 by Section 28-19 of the City of Tampa Code [Ordinance No.

1 6038-A, enacted September 17, 1974], pursuant to chapter
2 74-613, Laws of Florida, as further amended by Ordinance No.
3 89-314, enacted December 21, 1989, and approved, ratified,
4 validated, and confirmed by chapter 90-381, Laws of Florida,
5 and as further amended by chapter 92-231, Laws of Florida,
6 chapter 94-463, Laws of Florida, chapter 98-515, Laws of
7 Florida, chapter 2000-485, Laws of Florida, Ordinance No.
8 2001-133, enacted July 3, 2001, chapter 2001-288, Laws of
9 Florida, chapter 2002-369, Laws of Florida, and Ordinance No.
10 2003-22, enacted January 23, 2003, and chapter 2004-427, Laws
11 of Florida, to read:

12 Section 27(B)(1). There is hereby created a 13th check
13 account within the Fund, which shall consist of those
14 employees' contributions set forth in subparagraph 27(B)(2) in
15 excess of those contributions otherwise required by Section 2
16 for the normal annual cost of benefits, other than benefits
17 arising from post retirement adjustments made pursuant to
18 Section 23 and other than benefits arising from the 13th Check
19 Program, plus any interest earnings thereon up to and
20 including September 30, 2001. Effective for earnings paid on
21 the first pay date after October 1, 2001, employee
22 contributions to the 13th Check account shall cease, and the
23 13th Check Account shall be funded by investment returns in
24 excess of 10% (limited to 3%) on the base plan liabilities for
25 persons eligible for the 13th check. For purposes of this
26 Section, the "base plan" shall mean those assets of the fund
27 excluding the Post Retirement Adjustment Account, DROP account
28 assets, and the 13th check account. The amount available for
29 the 13th check shall be calculated as of fiscal year end
30 commencing September 30, 2001 for the fiscal year ending
31 September 30, 2001 for payment no later than June 30, 2002 and

1 each June 30 annually thereafter; provided, however, the
2 calculation of the amount payable no later than June 30, 2002,
3 shall include employee contributions to the 13th check account
4 for earnings paid through the last pay date immediately prior
5 to October 1, 2001. Effective October 1, 2007, the 13th Check
6 Account shall be funded by investment returns in excess of 10
7 percent (limited to 1 percent) on the base plan plus the Post
8 Retirement Adjustment Account market value of assets at each
9 fiscal year ending September 30. For purposes of this section,
10 the term "base plan" means those assets of the fund excluding
11 the Post Retirement Adjustment Account, DROP account assets,
12 and the 13th Check Account. The amount available for the 13th
13 Check shall be calculated as of fiscal year end commencing
14 September 30, 2007, for the fiscal year ending September 30,
15 2007, for payment no later than June 30, 2008, and each June
16 30 annually thereafter. The City shall not be required to make
17 contributions to the 13th check program.

18 Section 2. This act is only an enabling act, and the
19 execution by the City of Tampa of the aforesaid supplemental
20 contract and entitlement to the pension benefits referred to
21 in this act for all firefighters and police officers,
22 regardless of whether in the respective certified bargaining
23 unit for firefighters or police officers, and the
24 effectiveness of this act, is contingent upon contractual
25 agreement through the collective bargaining process between
26 the City of Tampa and the respective certified bargaining
27 agents for firefighters and police officers.

28 Section 3. The benefits provided for in this act and
29 the changes to the pension contract provided for in this act
30 for firefighters and police officers who are active members of
31 the City Pension Fund for Firefighters and Police Officers in

1 the City of Tampa on or after the date this act becomes a law
2 shall be made available in a supplemental pension contract,
3 and an individual shall not be permitted to select some of
4 said benefits or changes and reject others of said benefits or
5 changes. Any firefighter or police officer who is entitled to
6 benefits under the City Pension for Firefighters and Police
7 Officers in the City of Tampa that is actively employed as a
8 firefighter or police officer in the City of Tampa on or after
9 October 1, 2007, on the date this act becomes a law who fails
10 to sign said supplemental pension contract before October 1,
11 2007, shall be forever barred from receiving said benefits.
12 However, any person who becomes a member of the City Pension
13 Fund for Firefighters and Police Officers in the City of Tampa
14 on or after the date this act becomes law shall be required as
15 a condition of membership into said pension fund to sign a
16 pension contract that includes the provisions of this act, and
17 shall be required to make contributions if required as a
18 result of such benefits.

19 Section 4. If the City of Tampa enters into a
20 supplemental pension contract as provided in section 1, each
21 retired firefighter and retired police officer who is living
22 on the date this act becomes a law, each member who retires or
23 dies after this act becomes a law, but before October 1, 2007,
24 and each qualifying surviving spouse who is living on the date
25 this act becomes a law, is entitled to receive the same
26 benefits from the 13th Check Account upon the same basis as if
27 the member's contract had been supplemented in the manner
28 provided by section 1 before the member's separation from
29 service; provided said retired firefighters, retired police
30 officers, and eligible surviving spouses as a condition of
31 participation in the 13th Check Program shall be subject to

1 the provisions of sections 24, 25, and 27 of the pension
2 contract.

3 Section 5. The City of Tampa Firefighters and Police
4 Officers Pension Contract as prescribed by Section 28-17 of
5 the Tampa City Code [Ordinance No. 4746-A, enacted September
6 30, 1969], as amended by Section 28-19 of the Tampa City Code
7 [Ordinance No. 6038-A, enacted September 17, 1974], pursuant
8 to chapter 74-613, Laws of Florida; as further amended by
9 Ordinance No. 89-314, enacted December 21, 1989, and approved,
10 ratified, validated, and confirmed by chapter 90-391, Laws of
11 Florida; and as further amended by chapter 92-231, Laws of
12 Florida, chapter 94-463, Laws of Florida, chapter 98-515, Laws
13 of Florida, chapter 2000-485, Laws of Florida, Ordinance No.
14 2001-133, enacted July 3, 2001, chapter 2001-288, Laws of
15 Florida, chapter 2002-369, Laws of Florida, Ordinance No.
16 2003-22, enacted January 23, 2003, and chapter 2004-427, Laws
17 of Florida, is in all other respects approved, ratified,
18 validated, and confirmed.

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

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