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HB 1139

2018 Legislature

1
2 An act relating to the City Pension Fund for
3 Firefighters and Police Officers in the City of Tampa,
4 Hillsborough County; authorizing the City of Tampa to
5 enter into a supplemental contract with certain
6 firefighters and police officers to increase the
7 amount of pension received by a widow or widower
8 should a member lose his or her life or later die from
9 injuries or causes occurring while in the discharge of
10 duties; confirming in part the City of Tampa
11 Firefighters and Police Officers Pension Contract;
12 providing for severability; providing an effective
13 date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. The City of Tampa is authorized and empowered
18 to enter into a supplemental contract with each and every
19 firefighter or police officer who is an active member of the
20 City Pension Fund for Firefighters and Police Officers in the
21 City of Tampa on or after the date this act becomes a law or who
22 hereafter enters into a pension contract with the city.

23 Section 2. Section 8 of the City of Tampa Firefighters and
24 Police Officers Pension Contract as prescribed by Section 28-17
25 of the City of Tampa Code [Ordinance No. 4746-A, enacted

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26 September 30, 1969], as amended by Section 28-19 of the City of
27 Tampa Code [Ordinance No. 6038-A, enacted September 17, 1974],
28 pursuant to chapter 74-613, Laws of Florida, as further amended
29 by Ordinance No. 89-314, enacted December 21, 1989, and
30 approved, ratified, validated, and confirmed by chapter 90-391,
31 Laws of Florida, and as further amended by chapter 92-231, Laws
32 of Florida, chapter 94-463, Laws of Florida, chapter 98-515,
33 Laws of Florida, chapter 2000-485, Laws of Florida, Ordinance
34 No. 2001-133, enacted July 3, 2001, chapter 2001-288, Laws of
35 Florida, chapter 2002-369, Laws of Florida, Ordinance No. 2003-
36 22, enacted January 23, 2003, chapter 2004-427, Laws of Florida,
37 chapter 2007-304, Laws of Florida, chapter 2011-240, Laws of
38 Florida, chapter 2012-235, Laws of Florida, and chapter 2017-
39 197, Laws of Florida, is amended to read:

40 Section 8. If any member of either department shall lose
41 his life or later die from injuries or causes occurring while in
42 the discharge of his duties, and shall leave a widow or widower,
43 or child or children under the age of eighteen (18) years, or
44 age twenty-three (23) if a full-time student, the Board shall
45 authorize and direct payment of a pension to the widow or
46 widower and/or child or children, but only in the following
47 amounts and on the following conditions:

48 (A) To the widow or widower in equal monthly installments
49 an amount equal to one hundred per centum (100%) ~~sixty-five per~~
50 ~~centum (65%)~~ of the member's final year's earnings, computed

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51 | from date of death, until death, less any benefits provided
52 | under paragraph (B) of this section, so that total benefits paid
53 | do not exceed one hundred per centum (100%) of the member's
54 | final year's earnings. For the widow or widower of a firefighter
55 | or police officer killed in the line of duty prior to October 1,
56 | 1969, the minimum benefit under this section shall be \$1,500 per
57 | month (Base plus PRAA). For the widow or widower of any member
58 | of this Pension Fund who prior to October 16, 1992, was a member
59 | of Division B of the General Employees Pension Plan as
60 | established by Chapter 81-497, Laws of Florida, as amended, upon
61 | the reaching social security normal retirement age, except as
62 | provided in Section 28(C) of this Contract, the benefit paid to
63 | the widow or widower shall be reduced by an amount equal to the
64 | actual social security benefit earned by the member for
65 | employment as a firefighter or police officer for the City to
66 | the extent that such employment is considered to be creditable
67 | service under this Fund; provided, however, that if the widow or
68 | widower does not receive the member's accrued social security
69 | benefit, there shall be no reduction in benefits paid to such
70 | widow or widower. The effect of such reduction shall be that the
71 | sum of the benefit paid herein and said social security benefit
72 | shall be equal to the amount of the benefit otherwise payable
73 | herein. The widow or widower of each such member shall, upon
74 | demand by the Board, authorize the Social Security
75 | Administration to release any information necessary to calculate

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76 | such reduction. The Board shall not make any payment for the
77 | benefit payable herein for any period during which such widow or
78 | widower willfully fails or refuses to authorize the release of
79 | such information in the manner and within the time prescribed by
80 | rules adopted by the Board.

81 | (B) For each child until he or she shall have reached the
82 | age of eighteen (18) years, or until such child or children
83 | shall die or marry before reaching the age of eighteen (18)
84 | years, or age twenty-three (23) if a full-time student, in equal
85 | monthly installments an amount equal to fifteen per centum (15%)
86 | of the final year's earnings, computed from date of death,
87 | subject to a limitation of a total of one hundred per centum
88 | (100%) ~~ninety-five per centum (95%)~~ of final yearly earnings for
89 | widow or widower and children combined. Equal monthly
90 | installments paid to the child or children in the aggregate
91 | shall not exceed thirty percent per centum (30%) of the member's
92 | final year's earnings, and the fifteen per centum (15%) per
93 | child shall be adjusted in the event of more than two (2)
94 | children. Monthly installment amounts paid to the child or
95 | children shall reduce the widow or widower monthly installments
96 | by the same amount paid to the child or children so that the
97 | total combined annual benefits of the widow or widower and the
98 | child or children do not exceed one hundred per centum (100%) of
99 | the member's final year's earnings. Children's pensions shall
100 | terminate at the earliest of death, ~~or marriage, as well as~~

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101 reaching age eighteen (18), or reaching age twenty-three (23) if
102 a full-time student. Adopted children shall participate. Pension
103 payments no longer paid to the child or children shall continue
104 to be paid to the widow or widower.

105 (C) Upon death of the widow or widower, the fifteen per
106 centum (15%) child allowance shall be increased to thirty per
107 centum (30%) for each child, and shall be paid in trust to
108 eligible children, not to exceed a total of sixty per centum
109 (60%) of member's final earnings.

110 (D) The trusteeship and disbursement of the pension to any
111 child or children is to be determined by the Board of Trustees.

112 (E) No pension shall be allowed to any stepchild or
113 stepchildren of a deceased member.

114 (F) In the absence of an eligible surviving spouse or
115 minor children, to the extent required by the Florida Statutes,
116 in the event of the death of a member prior to retirement, the
117 member's designated beneficiary shall be entitled to the
118 benefits otherwise payable to the member at normal retirement
119 age for ten (10) years certain.

120 (G) In the case of a surviving widow or widower and a
121 surviving child as defined in this act, who is in pay status on
122 October 1, 2018 ~~2012~~, the benefit received shall be increased on
123 the first payment date after October 1, 2018 ~~2012~~.

124 Section 3. The changes to the pension contract in this act
125 for firefighters and police officers who are active members of

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126 | the City Pension Fund for Firefighters and Police Officers in
127 | the City of Tampa on or after the date this act becomes a law
128 | shall be made available in a supplemental pension contract, and
129 | an individual shall not be permitted to select some of said
130 | changes and reject other of said changes. Any firefighter or
131 | police officer who is entitled to benefits under the City
132 | Pension Fund for Firefighters and Police Officers in the City of
133 | Tampa who is actively employed as a firefighter or police
134 | officer in the City of Tampa on or after the date this act
135 | becomes a law shall have the opportunity to sign such
136 | supplemental pension contract before October 1, 2018. However,
137 | any person who becomes a member of the City Pension Fund for
138 | Firefighters and Police Officers in the City of Tampa on or
139 | after the date this act becomes a law shall be required, as a
140 | condition of membership into such pension fund, to sign a
141 | pension contract which includes the provisions of this act, and
142 | shall be required to make contributions if required as a result
143 | of such benefits.

144 | Section 4. The City of Tampa Firefighters and Police
145 | Officers Pension Contract as prescribed by Section 28-17 of the
146 | Tampa City Code [Ordinance No. 4746-A, enacted September 30,
147 | 1969], as amended by Section 28-19 of the City of Tampa Code
148 | [Ordinance No. 6038-A, enacted September 17, 1974], pursuant to
149 | chapter 74-613, Laws of Florida, as further amended by Ordinance
150 | No. 89-314, enacted December 21, 1989, and approved, ratified,

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151 validated, and confirmed by chapter 90-391, Laws of Florida, and
152 further amended by chapter 92-231, Laws of Florida, chapter 94-
153 463, Laws of Florida, chapter 98-515, Laws of Florida, chapter
154 2000-485, Laws of Florida, Ordinance No. 2001-133, enacted July
155 3, 2001, chapter 2001-288, Laws of Florida, chapter 2002-369,
156 Laws of Florida, Ordinance No. 2003-22, enacted January 23,
157 2003, chapter 2004-427, Laws of Florida, chapter 2007-304, Laws
158 of Florida, chapter 2011-240, Laws of Florida, chapter 2012-235,
159 Laws of Florida, and chapter 2017-197, Laws of Florida, is in
160 all other respects approved, ratified, validated, and confirmed.

161 Section 5. If any provision of this act or its application
162 to any person or circumstance is held to be invalid, the
163 invalidity shall not affect other provisions or applications of
164 this act which can be given effect without the invalid provision
165 or application, and to this end the provisions of this act are
166 severable.

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