

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 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 Deferred
 7 Retirement Option Program participation from 5 years
 8 to 8 years; removing the full scale contribution rate;
 9 revising, updating, and conforming terminology;
 10 providing effective dates.

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

13
 14 **Section 1.** The City of Tampa is authorized and empowered
 15 to enter into a supplemental contract with each and every
 16 firefighter or police officer who is an active member of the
 17 City Pension Fund for Firefighters and Police Officers in the
 18 City of Tampa on or after the date this act becomes a law or who
 19 hereafter enters into a pension contract with the city.

20 **Section 2. The City of Tampa Firefighters and Police**
 21 **Officers Pension Contract as prescribed by Section 28-17 of the**
 22 **City of Tampa Code [Ordinance No. 4746-A, enacted September 30,**
 23 **1969], as amended by Section 28-19 of the City of Tampa Code**
 24 **[Ordinance No. 6038-A, enacted September 17, 1974], pursuant to**
 25 **chapter 74-613, Laws of Florida, as further amended by Ordinance**

26 **No. 89-314, enacted December 21, 1989, and approved, ratified,**
 27 **validated, and confirmed by chapter 90-391, Laws of Florida, and**
 28 **as further amended by chapter 91-379, Laws of Florida, chapter**
 29 **92-231, Laws of Florida, chapter 94-463, Laws of Florida,**
 30 **chapter 98-515, Laws of Florida, chapter 2000-485, Laws of**
 31 **Florida, Ordinance No. 2001-133, enacted July 3, 2001, chapter**
 32 **2001-288, Laws of Florida, chapter 2002-369, Laws of Florida,**
 33 **Ordinance No. 2003-22, enacted January 23, 2003, chapter 2004-**
 34 **427, Laws of Florida, chapter 2007-304, Laws of Florida, chapter**
 35 **2011-240, Laws of Florida, chapter 2012-235, Laws of Florida,**
 36 **chapter 2017-197, Laws of Florida, and chapter 2018-180, Laws of**
 37 **Florida, is amended to read:**

38 SECTION 1. CREATION OF THE FUND. There is hereby created
 39 a special fund to be known as the City Pension Fund for
 40 Firefighters and Police Officers in the City of Tampa, which
 41 alternatively shall be known as the Tampa Fire & Police Pension
 42 Fund (hereinafter referred to as the Fund); said Fund is to be
 43 used exclusively for the purpose provided for in this Act, which
 44 Fund shall be collected, administered, and disbursed according
 45 to the provisions of this Act.

46 SECTION 2. FUNDING REQUIREMENTS. The said ~~Pension~~ Fund
 47 shall consist of monies and properties derived from the
 48 following sources, which shall be set apart and placed to the
 49 credit of such Fund:

50 (A) The monies and assets now deposited to the credit of
 51 and held by the ~~City Pension Fund for Firemen and Policemen of~~
 52 ~~the City of Tampa.~~

53 ~~(B) Commencing October 1, 1969, the City shall contribute~~
 54 ~~eleven per centum (11%) of all earnings of employees covered~~
 55 ~~under this contract, which contribution shall be deposited in~~
 56 ~~the Fund at least quarterly. Commencing October 1, 1970, the~~
 57 ~~City shall contribute at the rate of thirteen per centum (13%),~~
 58 ~~and shall continue to increase the rate of contributions by two~~
 59 ~~per centum (2%) on each October 1 thereafter, until such time as~~
 60 ~~a continuation of the then current rate of contribution (or~~
 61 ~~lesser rate of contribution), together with contributions~~
 62 ~~provided for in Section 2(C), Section 2(D), and contributions~~
 63 ~~expected from other sources, shall, pursuant to the most recent~~
 64 ~~actuarial report, be sufficient if continued at such level, to~~
 65 ~~fund:~~

66 ~~(1) The normal annual cost of the benefits other than~~
 67 ~~benefits arising from post retirement adjustments made pursuant~~
 68 ~~to Section 23 and other than the 13th check benefits pursuant to~~
 69 ~~Section 27, provided for in this contract; and~~

70 ~~(2) Any remaining unfunded past service cost of such~~
 71 ~~benefits over a period of thirty years from the date of the last~~
 72 ~~actuarial~~
 73 ~~report;~~

74 ~~(3) Where such costs are determined on a basis consistent~~
75 ~~with the requirements of actuarial soundness, and the~~
76 ~~requirements of Chapters 175 and 185 of the Florida Statutes, as~~
77 ~~they may be amended from time to time, provided that the~~
78 ~~investment yield assumed in determining such costs shall not~~
79 ~~exceed 5%. After such time the City shall contribute at such~~
80 ~~rate of earnings which will be sufficient, if continued,~~

81 (B) The annual required contribution from all sources
82 shall be sufficient to fund the normal cost each year and the
83 remaining unfunded past service cost over a period of thirty
84 (30) years from the date of the most recent actuarial report
85 received ~~from time to time~~.

86 (C) The employees covered under this contract and the City
87 shall contribute, at a ratio of 1:1.33 or, alternatively, a
88 ratio of 1:1.34 if paid quarterly, an amount sufficient to cover
89 the annual required contribution less any monies received under
90 Chapters 175 and 185, Fla. Stat., as agreed upon by mutual
91 consent of the collective bargaining parties. The Board of
92 Trustees (hereinafter referred to as the Board) may rely on
93 written communication from the City of Tampa and the bargaining
94 representatives as conclusive on the issue of mutual consent.

95 ~~(4) Provided, however, that in no case shall the~~
96 ~~contributions by the City in any year, and exclusive of income~~
97 ~~from other sources, be less than 133, or 134 percent if paid~~
98 ~~quarterly, of the total sum contributed by employees as provided~~

99 ~~in (D) below, excluding contributions for the 13th check~~
100 ~~benefit; it being expressly understood that when the~~
101 ~~requirements for continued actuarial soundness of the plan are~~
102 ~~determined to require less contributions than would result~~
103 ~~hereby, the contributions from the City and employees will be~~
104 ~~proportionately reduced to rates which will reasonably generate~~
105 ~~such reduced amount.~~

106 ~~(c) The City shall make additional contributions each year~~
107 ~~as follows:~~

108 ~~(1) In the event that the average earnings of all of the~~
109 ~~members covered under this contract for any twelve month period~~
110 ~~ending September 30 (determined for this purpose as the total~~
111 ~~earnings for such period divided by the average of the number of~~
112 ~~members covered at the beginning and end of the period), shall~~
113 ~~exceed the similar average earnings for the preceding twelve~~
114 ~~month period by A%, then commencing on October 1 an additional~~
115 ~~annual contribution shall be made by the City, equal to A%~~
116 ~~multiplied by the total earnings for the twelve months preceding~~
117 ~~such October 1, and multiplied by the pension cost factor~~
118 ~~associated with such increases as set forth in the most recent~~
119 ~~actuarial report received from time to time, subject to (2)~~
120 ~~below;~~

121 ~~(2) Such additional contributions, together with~~
122 ~~contributions similarly determined in previous years, shall~~
123 ~~continue to be paid each year on a cumulative basis until the~~

124 ~~contributions from all sources (other than investment income)~~
 125 ~~shall meet the standards set forth in Section 2(B)(1), (2), (3),~~
 126 ~~and (4) after which time such contributions shall be reduced as~~
 127 ~~provided for in the most recent actuarial report received from~~
 128 ~~time to time.~~

129 ~~(D) Except as provided by subparagraph 2(B)(4) and~~
 130 ~~subparagraph 27(B)(2), the employees covered under this contract~~
 131 ~~shall contribute at the rates set forth below, subject to a~~
 132 ~~minimum annual contribution of not less than one half of one~~
 133 ~~percent (0.5%) of the total earnings of each such employee,~~
 134 ~~based upon all of their earnings during each twelve month period~~
 135 ~~commencing on October 1, which contributions shall be deducted~~
 136 ~~from said earnings before the same are paid and shall be~~
 137 ~~deposited in the Fund immediately after each pay period:~~

Earnings in Twelve-Month	Employee
Period	Contribution
Commencing October 1	Rate
First \$4,000	6%
Next 1,000	7%
Next 1,000	8%
Next 1,000	9%

142	Next 1,000	10%
143	Next 1,000	11%
144	Next 1,000	12%
145	Next 2,500	15%
146	Excess over \$12,500	25%

147
 148
 149 ~~If the City's rate of contribution, pursuant to Section 2(B),~~
 150 ~~should exceed forty per centum (40%), the employee contribution~~
 151 ~~scale above shall be increased in the ratio of the City's~~
 152 ~~contribution rate, pursuant to Section 2(B), to 40 percent.~~

153 (D) Commencing for earnings paid the first pay date after
 154 January 1, 2002, all mandatory employee contributions to the
 155 Fund shall be picked-up and paid by the City into the Fund
 156 immediately after each pay period. Such contributions, although
 157 designated as employee contributions, will be paid by the City
 158 in lieu of contributions by the employee. The contributions so
 159 assumed shall be treated as tax-deferred employer "pick-up"
 160 contributions pursuant to Section 414(h) of the Internal Revenue
 161 Code. Members shall not have the option of receiving the

162 contributed amounts directly instead of having such
163 contributions paid by the City to the Fund.

164 (E) All monies and assets which shall be received by the
165 Board for deposit to the credit of or for the account of the
166 Fund from all other sources including the State of Florida.

167 (F) No monies raised by taxation or otherwise provided for
168 said ~~Pension~~ Fund shall be used other than for the purposes of
169 this Act.

170 (G) To the extent that the City of Tampa provides for the
171 payment of benefits otherwise payable by the City Pension Fund,
172 ~~for Firefighters and Police Officers in the City of Tampa~~ but
173 for the limits in Section 415 of the Internal Revenue Code, then
174 there shall be a reduction in the amount of the City's
175 contributions otherwise payable to the City Pension Fund ~~for~~
176 ~~Firefighters and Police Officers in the City of Tampa~~ by an
177 amount equivalent to the amount of benefits provided for by the
178 City of Tampa; provided, however, such amounts shall be included
179 in the calculation of the City's contributions to the City
180 ~~Pension Fund for Firefighters and Police Officers in the City of~~
181 ~~Tampa~~ pursuant to Section 2(B) of this ~~pension~~ contract.

182 ~~(H) Notwithstanding the contribution rate schedule set~~
183 ~~forth herein, the contribution rate of each firefighter and~~
184 ~~police officer who on October 15, 1992 was a member in Division~~
185 ~~B of the General Employees' Pension Plan for the City of Tampa,~~
186 ~~who becomes a member of this Fund, shall be reduced by such~~

187 ~~firefighter's or police officer's social security contribution,~~
188 ~~and the City shall pay to the Fund the amount by which such~~
189 ~~employee's contribution is reduced by the end of the calendar~~
190 ~~quarter. For purposes of this section, the term "social security~~
191 ~~contribution" shall mean that amount required to be paid by such~~
192 ~~firefighter or police officer pursuant to Section 3111(a) of the~~
193 ~~Code (regarding contributions toward the Old-Age, Survivors, and~~
194 ~~Disability Insurance). Notwithstanding any adjustment that may~~
195 ~~be required herein, the total annual contribution required of~~
196 ~~said firefighter or police officer shall not be less than one-~~
197 ~~half of one percent (0.5%) of the total earnings of each such~~
198 ~~firefighter or police officer, or such other amount as is~~
199 ~~required by Chapter 175 or Chapter 185, Florida Statutes, in~~
200 ~~order for this Pension Fund to participate in the distribution~~
201 ~~of the tax funds established by Chapter 175 or Chapter 185,~~
202 ~~Florida Statutes.~~

203 ~~(I) Notwithstanding any other provision of this pension~~
204 ~~contract, as amended, to the contrary, to the extent that the~~
205 ~~contribution rate of the firefighter or police officer who was a~~
206 ~~member in Division B of the General Employees' Pension Plan for~~
207 ~~the City of Tampa, is less than such firefighters' or police~~
208 ~~officer's social security contribution made for the same period,~~
209 ~~such firefighter or police officer shall be entitled to a~~
210 ~~special payment from the City of Tampa in an amount equal to~~
211 ~~such excess plus the amount of the tax allowance (as defined~~

212 ~~below). Payments made pursuant to this subsection (including the~~
213 ~~tax allowance) shall constitute special payments and are not~~
214 ~~included as earnings. For purposes of this subsection, such~~
215 ~~firefighter's or police officer's "tax allowance" shall~~
216 ~~approximate:~~

217 ~~(1) the amount necessary to compensate the firefighter or~~
218 ~~police officer to the extent of any increase in the~~
219 ~~firefighter's or police officer's federal, state and local~~
220 ~~income taxes which occur as a result of the inclusion of the~~
221 ~~special payment made pursuant hereto in such firefighter's or~~
222 ~~police officer's taxable income; plus~~
223 ~~an amount necessary to compensate the firefighter or police~~
224 ~~officer for the net increase in the taxes described in~~
225 ~~subparagraph (1) above as a result of the inclusion in such~~
226 ~~firefighter's or police officer's taxable income of any payment~~
227 ~~made pursuant hereto.~~

228 ~~(2) The amounts described in (1) and (2) above shall be~~
229 ~~calculated by multiplying the special payment by the gross up~~
230 ~~percentage of such taxable year. The "gross up percentage" for~~
231 ~~any year shall be determined by utilizing the following formula,~~
232 ~~with the "tax rate" being the sum of (i) the highest percentage~~
233 ~~income tax rate determined pursuant to Section 1(a) of the Code~~
234 ~~(for married individuals filing joint returns) applicable for~~
235 ~~the taxable year in which such payments will be included in~~
236 ~~taxable income, based on the annualized average rate of monthly~~

237 ~~salary for those firefighters and police officers receiving the~~
238 ~~special payments, plus, to the extent applicable, (ii) the rate~~
239 ~~specified under Section 3111(a) of the Code:~~

240 ~~"[(1 / (1. tax rate))]. -1"~~

241 ~~The tax allowance shall be paid to the firefighter or police~~
242 ~~officer by the City of Tampa. Payment of the tax allowance shall~~
243 ~~be made on or before the last day of the calendar year to which~~
244 ~~such special payment relates. For purposes of this subsection~~
245 ~~the "annualized average rate of monthly salary" shall be the~~
246 ~~average of the scheduled or stated amount of monthly~~
247 ~~compensation (without regard to compensation actually paid) of~~
248 ~~that group of firefighters or police officers who are entitled~~
249 ~~to special payments herein for the last month of the Plan Year~~
250 ~~annualized for such Plan Year.~~

251 ~~(J) For each firefighter and police officer, who on~~
252 ~~October 15, 1992 was not a member of this Fund, but who becomes~~
253 ~~a member of this Pension Fund, for service occurring on and~~
254 ~~after October 16, 1992 until said firefighter or police officer~~
255 ~~is formally accepted into membership by the Board of Trustees,~~
256 ~~the City shall pay within thirty (30) days of acceptance the~~
257 ~~employee contributions that otherwise would have been paid~~
258 ~~pursuant to Section 2 of this pension contract, plus interest at~~
259 ~~the rate of ten percent (10%) per annum. The City shall also pay~~
260 ~~by the end of the calendar quarter in which said firefighters~~
261 ~~and police officers were formally accepted the City of Tampa~~

262 ~~contributions that otherwise would have been paid pursuant to~~
263 ~~Section 2 of pension contract, plus interest at the rate of ten~~
264 ~~percent (10%) per annum. Notwithstanding the provisions of~~
265 ~~Section 22, there shall be no refund of employee contributions~~
266 ~~which are paid by the City of Tampa on behalf of such~~
267 ~~firefighters and police officers.~~

268 ~~(K) Notwithstanding any other provisions of this section,~~
269 ~~the City and the employees shall make additional contributions~~
270 ~~to the 13th Check Benefit Program to the extent set forth in~~
271 ~~Section 27.~~

272 SECTION 3. DEFINITIONS. When used herein the following
273 terms shall have the following meanings:

274 (A) The term "employee" shall mean any member of the Fire
275 or Police Department employed as a firefighter or police
276 officer, and whose employment shall be regular and continuous
277 and not of a temporary character.

278 (B) The terms "firefighter" and "police officer" shall be
279 synonymous with the term "employee" as defined above.

280 (C) The term "member" shall mean an employee contributing
281 or required to contribute to the Fund and entitled to
282 participate in the benefits thereof upon the terms and
283 conditions hereof.

284 (D) The term "surviving spouse" ~~terms "widow" and~~
285 ~~"widower"~~ shall mean the lawful wedded spouse of an active or
286 retired participant ~~a member of the Fund Fire or Police~~

287 ~~Department~~ at the time of ~~such member's~~ death. The member must
288 have been married to the surviving spouse while an active member
289 of the Fund, or in the case of a post-retirement marriage, have
290 elected a reduced benefit under Section 9(C)(1), in order for a
291 surviving spouse to be eligible for certain benefits from the
292 Fund.

293 (E) The term "earnings" shall mean total cash remuneration
294 paid or otherwise payable in a pay period by the City to a
295 firefighter or police officer for services rendered, including
296 any payments required to be included within the definition of
297 compensation pursuant to Chapters 175 and 185, Fla. Stat.
298 ~~Florida Statutes~~, but not including any payments for extra duty-
299 ~~Commencing for earnings paid~~, as determined by the Board ~~first~~
300 ~~pay date after October 1, 2004, earnings~~. Earnings shall also
301 include payments for overtime paid by the City to a firefighter
302 or police officer up to a maximum of 300 hours of overtime per
303 fiscal calendar year.

304 (F) The term "actuary" shall mean a Fellow or Associate of
305 the Society of Actuaries, or a firm employing such person,
306 provided that such firm must be nationally recognized in the
307 actuarial field and acceptable to the State Treasurers Office
308 and to the Board ~~of Pension Trustees~~.

309 (G) The term "actuarial report" shall mean a report
310 prepared at least once every three years and in any year in
311 which the average earnings of members increases more than two

312 per centum (2%) of the average earnings the year before, and in
313 any year in which the same shall be required by Chapters 175 and
314 185, Fla. Stat. ~~of the Florida Statutes~~; such study to be
315 prepared by an actuary and accepted by the Board ~~of Trustees~~;
316 determining the costs of all benefits provided for under this
317 Act as a result of employment of members and former members,
318 including a review of experience and a determination of a
319 pension earnings increase factor or factors, and including
320 determination of the effect of adjustments for expected cost-of-
321 living index changes, based upon the data current as of the
322 effective date of the report; and, based upon cost methods,
323 factors, and assumptions consistent with actuarial soundness,
324 and acceptable to the State of Florida as being consistent with
325 the requirements of Chapters 175 and 185 ~~of the Florida Statutes~~,
326 Fla. Stat., as they may be from time to time amended.

327 (H) Wherever the term "he" or "him" appears herein, the
328 same shall also include "she" or "her" when applicable.

329 (I) The term "primary beneficiary" shall mean the
330 beneficiary or beneficiaries designated by the member to receive
331 benefits payable, if any, in the event of the member's death.

332 (J) The term "contingent beneficiary" shall mean the
333 beneficiary or beneficiaries designated to receive benefits
334 payable, if any, in the event of the member's death and the
335 primary beneficiary has predeceased the contingent beneficiary
336 ~~beneficiary(ies)~~.

337 (K) The term "joint annuitant" shall mean the person
 338 designated by the employee to participate with the employee in
 339 one of the optional forms of benefits. The term "joint
 340 annuitant" does not apply to the definition of a spousal
 341 beneficiary in the option for normal retirement.

342 (L) The term "normal retirement" shall mean retirement
 343 after earning ten (10) years of creditable service and the
 344 attainment of age forty-six (46) or retirement after earning
 345 twenty (20) years of service, regardless of age, in both cases
 346 the member may begin to immediately draw benefits.

347 (M) The term "creditable service" or "credited service"
 348 shall be as defined by state law in Chapters 175 and 185, Fla.
 349 Stat.

350 SECTION 4. MEMBERSHIP ELIGIBILITY. Except as otherwise
 351 provided herein, before any person shall become a member of the
 352 ~~Pension~~ Fund, he or she shall:

353 ~~(1) be not more than any applicable entry-level age limit~~
 354 ~~established by federal law;~~

355 ~~(1)~~~~(2)~~ Be required to furnish a list of all of their
 356 medical providers and authorizations to obtain such medical
 357 records; and

358 ~~(2)~~~~(3)~~ Pass a complete medical examination including, but
 359 not limited to, echocardiogram ~~echo-cardiogram~~, functional
 360 examination of the back and neck, and any other specific
 361 diagnostic tests as determined by the Medical Board based upon

362 the individual's risk factors, medical History and physical
 363 examination; and, and physical examination. Such medical records
 364 and medical examination also shall be utilized by the Board for
 365 purposes of establishing baseline medical conditions for
 366 reviewing any future claims for disability benefits. ~~; and~~
 367 ~~(4) meet all the requirements of the Civil Service Board~~
 368 ~~of the City except the probationary period.~~
 369 ~~Such medical records and medical examination also shall be~~
 370 ~~utilized by the Board of Trustees for purposes of establishing~~
 371 ~~baseline medical conditions for reviewing any future claims for~~
 372 ~~disability benefits. Each active firefighter and police officer,~~
 373 ~~who on October 15, 1992 was not a member of this Fund because of~~
 374 ~~his or her age, shall become a member of this Fund, provided~~
 375 ~~said person within thirty (30) days of receipt of written notice~~
 376 ~~from the City of Tampa does not file a written election with the~~
 377 ~~City of Tampa and the Board of Trustees of this Fund electing~~
 378 ~~not to join this Fund, but instead to remain a member of~~
 379 ~~Division B of the General Employees Pension Plan as established~~
 380 ~~by Chapter 81-497, Laws of Florida, as amended. Each active~~
 381 ~~firefighter and police officer, who on October 15, 1992 was not~~
 382 ~~a member of this Fund and becomes a member of this Pension Fund~~
 383 ~~shall furnish to the Board of Trustees a list of all of their~~
 384 ~~medical providers and authorizations to obtain such medical~~
 385 ~~records within a reasonable period of time as established by the~~
 386 ~~Board of Trustees. Each firefighter and police officer shall~~

387 ~~also undergo a medical examination by the medical board at the~~
388 ~~expense of the Board of Trustees for purposes of establishing~~
389 ~~baseline medical conditions for reviewing any future claims for~~
390 ~~disability benefits. Any person who is initially employed on or~~
391 ~~after October 16, 1992, without prior creditable service in this~~
392 ~~Pension Fund by the City of Tampa for a position with the fire~~
393 ~~department or police department which position is in the~~
394 ~~unclassified service, as defined by the Civil Service Law of the~~
395 ~~City of Tampa and the City of Tampa Civil Service Rules and~~
396 ~~Regulations, shall not be eligible to join this Pension Fund.~~

397 SECTION 5. BOARD OF TRUSTEES. The general administration
398 and responsibility for the proper operation of the pension
399 system and for making effective the provisions of this Act are
400 hereby vested in a board consisting of nine persons, as follows:

401 (1) Three members of the City Administration other than
402 firefighters or police officers to be appointed as hereinafter
403 provided;

404 (2) Three members of the Fire Department to be elected as
405 hereinafter provided; and

406 (3) Three members of the Police Department to be elected as
407 hereinafter provided.

408 (A) The term of office of each trustee shall be three
409 years, ~~except that the initial terms of the trustees of each~~
410 ~~class shall respectively be for one, two, and three years. The~~
411 ~~initial terms shall commence on the 60th day after the ordinance~~

412 ~~approving and authorizing this contract shall become a law.~~

413 (B) The appointive trustees shall be appointed by the
414 Mayor.

415 (C) The elective trustees shall be elected in the
416 following manner, to wit: by per capita vote of all members of
417 each of said respective departments who come within the purview
418 of this Act, both active and retired, at elections to be held at
419 places designated by the Board, at which elections all qualified
420 members entitled to vote shall be notified in person or in
421 writing ~~by mail~~ ten days in advance of said election. The
422 candidate receiving the majority of votes for each office shall
423 be declared elected and shall take office immediately upon
424 commencement of the term of office for which he is elected or as
425 soon thereafter as he shall qualify therefor. ~~An election shall~~
426 ~~be held each year not more than sixty (60) and not less than ten~~
427 ~~(10) days prior to the commencement of the terms for which~~
428 ~~trustees are to be elected in that year.~~ The Board of Trustees
429 shall meet, organize, and elect one trustee as chairperson
430 ~~chairman~~, one trustee as vice chairperson ~~chairman~~, and one
431 trustee as secretary annually ~~within ten days after any trustees~~
432 ~~are elected and duly qualified.~~

433 ~~(D) If a vacancy occurs in the office of trustee, the~~
434 ~~vacancy shall be filled for the unexpired term in the same manner~~
435 ~~as the office was previously filled.~~

436 (D)~~(E)~~ The trustees shall serve without compensation, but
437 they may be reimbursed from the expense fund for all necessary
438 expenses which they may actually expend through services on the
439 Board.

440 (E)~~(F)~~ Each trustee shall, within ten (10) days after his
441 appointment or election, take an oath of office before the City
442 Clerk of said City, that so far as it devolves upon him, he will
443 diligently and honestly administer the affairs of the said
444 Board, and that he will not knowingly violate or willingly
445 permit to be violated any of the provisions of the law
446 applicable to the retirement system. Such oath shall be
447 subscribed to by the member making it and certified by the said
448 clerk and filed in his office.

449 (F)~~(G)~~ Each trustee shall be entitled to one vote on the
450 Board. Five votes shall be necessary for a decision by the
451 trustees at any meeting of the Board. The chairman shall have
452 the right to one vote only.

453 (G)~~(H)~~ Subject to the limitations of this Act, the Board ~~of~~
454 ~~Trustees~~ shall from time to time establish rules and regulations
455 for the administration of funds created by this Act and for
456 transaction of its business, including provisions for compulsory
457 attendance of its members, which shall have the force of law.

458 (H)~~(I)~~ The Board shall ~~of Trustees shall by majority vote~~
459 ~~of its members~~ appoint its administrator as the Clerk of the
460 Board ~~a secretary, who may, but need not be, one of its members.~~

461 It shall engage such actuarial and other services as shall be
 462 required to transact the business of the pension system. The
 463 compensation of all persons engaged by the Board ~~of Trustees~~ and
 464 all other expenses of the Board ~~of Trustees~~ necessary for the
 465 operation of the retirement system shall be paid at such rates
 466 and in such amounts as the Board ~~of Trustees~~ shall agree, but in
 467 no case shall the expenditures for such services or operations
 468 exceed three per cent of the maximum of the Fund each fiscal
 469 year. All funds shall be disbursed by the Board ~~of Trustees~~. The
 470 Clerk of the Board ~~secretary~~ shall be bonded in such amount, not
 471 less than five thousand dollars, as the Board shall determine.
 472 The premium for said bond is to be paid out of this Fund.

473 (I) ~~(J)~~ Any trustee who neglects the duties of his office
 474 shall be removed by the Board ~~of Trustees~~.

475 SECTION 6. INVESTMENTS AND PAYMENTS. Money shall be
 476 withdrawn from the ~~Pension~~ Fund created by this Act only upon
 477 warrants executed by a majority of the Board ~~of Trustees~~. Monies
 478 needed for the meeting of the current obligations of said Fund
 479 may be deposited in a depository recognized by law for the
 480 deposit of funds of the State of Florida and upon the posting of
 481 similar security for that required for state deposits. The
 482 Board shall have exclusive charge of the investment of any
 483 surplus in said Fund not needed for the current obligations
 484 thereof; and said funds shall be managed by said Board and shall
 485 be invested by said Board in accordance with the following:

486 (1) That the Board shall retain the services of one or
 487 more nationally recognized professional investment counselors.

488 (2) That not less than once every six (6) months a written
 489 opinion shall be obtained from the investment counselor or
 490 counselors as to the overall condition and composition of the
 491 investment portfolio.

492 (3) That the portfolio, representing the principal or
 493 surplus funds of the ~~Pension~~ Fund may be invested in the
 494 following securities or other property, real or personal,
 495 including, but without being limited to, bonds, notes, or other
 496 evidences of indebtedness issued, or assumed or guaranteed in
 497 whole or in part by the United States or any of its agencies or
 498 instrumentalities; or by any foreign government or political
 499 subdivisions or agencies thereof; or by the State of Florida, or
 500 by any county, city, school district, municipal corporation, or
 501 other political subdivision of the State of Florida, both
 502 general and revenue obligations; in mortgages and other
 503 interests in realty; or in such corporation bonds, notes, or
 504 other evidences of indebtedness, and corporation stocks
 505 including common and preferred stocks, of any corporation
 506 created or existing under the laws of the United States or any
 507 of the states of the United States, or of any foreign government
 508 or political subdivisions or agencies thereof, provided that in
 509 making each and all of such investments the Board ~~of Trustees~~
 510 shall exercise the judgment and care under the circumstances

511 then prevailing which men of ordinary prudence, discretion, and
512 intelligence exercise in the management of their own affairs,
513 not in regard to speculation but in regard to the permanent
514 disposition of their funds, considering the probable income
515 therefrom as well as probable safety of their capital; provided,
516 however, that not more than sixty-five per centum (65%) of said
517 Fund, based on the total book value of all investments held,
518 shall be invested at any given time in common stocks, and that
519 not more than five per centum (5%) of said Fund shall be
520 invested at any given time in the preferred and common, or
521 either, stock of any one corporation and its affiliates and that
522 not more than twenty-five per centum (25%) of said Fund, based
523 on the total market value of all investments held, shall be
524 invested at any given time in the bonds, notes, or other
525 evidences of indebtedness of any foreign government or political
526 subdivisions or agencies thereof or corporations created or
527 existing under the laws thereof. The investment cap on foreign
528 securities may not be revised, amended, increased, or repealed
529 except as provided by general law.

530 SECTION 7. BENEFITS, PENSIONS TO MEMBERS.—The Board shall
531 upon its application retire:

532 (A) Any member of the Fund having an aggregate of ten (10)
533 ~~10~~ years of service as defined in Section 17 in said
534 departments, and having reached the age of 46 years, who then
535 shall receive in monthly installments a pension equal to 31.5

536 percent of the member's average earnings for the three (3)
537 highest years within the last 10 years of service for a period
538 of ten (10) years certain and life. For each additional year of
539 such service after 10 years, a member shall receive 3.15 percent
540 of average earnings, not to exceed a total pension of 100
541 percent of said average earnings for a period of ten (10) years
542 certain and life. After 10 years of service as defined in
543 Section 17, this pension right shall be a vested right with the
544 payment thereof to begin upon the employee's separation from the
545 service or the employee's reaching the age of 46 years,
546 whichever occurs later, so that an employee having 10 or more
547 years of such service who resigns, retires, or is otherwise
548 separated from the service prior to reaching the age of 46 years
549 may elect to allow his contributions to remain in the Pension
550 Fund and upon reaching the age of 46 years shall be entitled to
551 commence receiving a pension based upon his service as herein
552 provided, and should such employee die before reaching 46 years
553 of age, then at the time that decedent would have reached 46
554 years of age the surviving spouse shall receive such benefit as
555 the surviving spouse would have received under subparagraph 9(C)
556 if the employee had died while receiving a pension. ~~widow or~~
557 ~~widower shall receive such benefit as the widow or widower would~~
558 ~~have received under subparagraph 9(C) if the employee had died~~
559 ~~while receiving a pension. Provided however, any member of the~~
560 ~~Pension Fund who was actively employed as a firefighter or~~

561 ~~police officer in the City of Tampa on or after October 1, 2003,~~
562 ~~or a member of the Fund on or after October 1, 2003, and, prior~~
563 ~~to October 16, 1992, was a participant of Division B of the~~
564 ~~General Employees Pension Plan as established by chapter 81-497,~~
565 ~~Laws of Florida, as amended, shall receive benefits from this~~
566 ~~Pension Fund at the rate of 3.15 percent of average earnings for~~
567 ~~each year of service in this Pension Fund, provided however, the~~
568 ~~3.15 percent accrual shall not apply to any service while the~~
569 ~~member was a participant of Division B of the General Employees~~
570 ~~Pension Plan; provided, further, that upon reaching social~~
571 ~~security normal retirement age, except as provided in Section~~
572 ~~28(C) of this Contract, the benefit paid herein shall be reduced~~
573 ~~by an amount equal to the actual social security benefit earned~~
574 ~~by the member for employment as a firefighter or police officer~~
575 ~~for the City to the extent that such employment is considered to~~
576 ~~be creditable service under this Fund. The effect of such~~
577 ~~reduction shall be that the sum of the benefit paid herein and~~
578 ~~said social security benefit shall be equal to the amount of the~~
579 ~~benefit otherwise payable herein. Each such member shall, upon~~
580 ~~demand by the Board, authorize the Social Security~~
581 ~~Administration to release any information necessary to calculate~~
582 ~~such reduction. The Board shall not make any payment for the~~
583 ~~benefit payable herein for any period during which such member~~
584 ~~willfully fails or refuses to authorize the release of such~~
585 ~~information in the manner and within the time prescribed by~~

586 ~~rules adopted by the Board.~~

587 (B) Any member who in the service has received or shall
588 receive within or without the city any injuries, disease, or
589 disability, which injury, disease, or disability now permanently
590 incapacitates him physically or mentally from regular and
591 continuous duty as a firefighter or police officer, then he
592 shall receive in equal monthly installments an amount equal to
593 65% of monthly salary in effect at date of disability
594 retirement, plus 1/12 of any other earnings received within one
595 year prior to the date of disability retirement, as determined
596 by the Board, for a period of ten (10) years certain and life.
597 ~~For any member of this Pension Fund who prior to October 16,~~
598 ~~1992 was a member of Division B of the General Employees Pension~~
599 ~~Plan as established by Chapter 81-497, Laws of Florida, as~~
600 ~~amended, upon reaching social security normal retirement age or~~
601 ~~qualifying for social security disability benefits, whichever~~
602 ~~comes first, except as provided in Section 28(C) of this~~
603 ~~Contract, the benefit paid herein shall be reduced by an amount~~
604 ~~equal to the actual social security benefit earned by the member~~
605 ~~for employment as a firefighter or police officer for the City~~
606 ~~to the extent that such employment is considered to be~~
607 ~~creditable service under this Fund; provided, however, that if~~
608 ~~such member's social security disability benefits cease prior to~~
609 ~~attaining social security retirement age, such reduction shall~~
610 ~~be deferred until such time as the member reaches his social~~

611 ~~security retirement age. The effect of such reduction shall be~~
612 ~~that the sum of the benefit paid herein and said social security~~
613 ~~benefit shall be equal to the amount of the benefit otherwise~~
614 ~~payable herein. Each such member shall, upon demand by the~~
615 ~~Board, authorize the Social Security Administration to release~~
616 ~~any information necessary to calculate such reduction. The Board~~
617 ~~shall not make any payment for the benefit payable herein for~~
618 ~~any period during which such member willfully fails or refuses~~
619 ~~to authorize the release of such information in the manner and~~
620 ~~within the time prescribed by rules adopted by the Board.~~

621 (C) Any member of the Fund who has completed ten (10)
622 years of creditable service and becomes permanently
623 incapacitated, physically or mentally, from regular and
624 continuous service as a firefighter or police officer as a
625 result of any injury, disease, or disability which is not
626 incurred in the service of the City, shall receive in equal
627 monthly installments for a period of ten (10) years certain and
628 life an amount determined as of the date of disability
629 retirement, as determined by the Board, equal to the greater of:

630 (1) 2% of his average earnings ~~salary (as above computed)~~
631 for each year of service with a minimum of 25% and a maximum of
632 50% of average earnings if he is not eligible for normal
633 retirement; or salary or

634 (2) The accrued benefit under Section 7(A) based upon
635 years of service and average earnings if he is eligible for

636 normal retirement. ~~salary determined as of the date of~~
637 ~~disability. For any member of this Fund who prior to October 16,~~
638 ~~1992 was a member of Division B of the General Employees Pension~~
639 ~~Plan as established by Chapter 81-497, Laws of Florida, as~~
640 ~~amended, upon reaching social security normal retirement age, or~~
641 ~~qualifying for social security disability benefits, whichever~~
642 ~~comes first, except as provided in Section 28(C) of this~~
643 ~~Contract, the benefit paid herein shall be reduced by an amount~~
644 ~~equal to the actual social security benefit earned by the member~~
645 ~~for employment as a firefighter or police officer for the City~~
646 ~~to the extent that such employment is considered to be~~
647 ~~creditable service under this Fund; provided, however, that if~~
648 ~~such member's social security disability benefits cease prior to~~
649 ~~attaining social security retirement age, such reduction shall~~
650 ~~be deferred until such time as the member reaches his social~~
651 ~~security retirement age. The effect of such reduction shall be~~
652 ~~that the sum of the benefit paid herein and said social security~~
653 ~~benefit shall be equal to the amount of the benefit otherwise~~
654 ~~payable herein. Each such member shall, upon demand by the~~
655 ~~Board, authorize the Social Security Administration to release~~
656 ~~any information necessary to calculate such reduction. The Board~~
657 ~~shall not make any payment for the benefit payable herein for~~
658 ~~any period during which such member willfully fails or refuses~~
659 ~~to authorize the release of such information in the manner and~~
660 ~~within the time prescribed by rules adopted by the Board.~~

661 (D) Notwithstanding the foregoing, any member of this
662 ~~Pension~~ Fund having an aggregate of 20 years of credited service
663 as a firefighter or police officer in said departments ~~either~~ in
664 this ~~Pension~~ Fund ~~or Division B of the General Employees Pension~~
665 ~~Plan, or a combination thereof,~~ may elect to enter into the
666 Deferred Retirement Option Program (DROP), or, if the member
667 separates from the service as a firefighter or police officer,
668 may elect to commence immediate receipt of benefits regardless
669 of age.

670 (E) In lieu of the amount and form of pension payable as
671 provided in Section 7(A), Section 7(B) or Section 7(C) of this
672 contract, a member, upon written request to the Board and
673 subject to the approval of the Board, may elect to receive a
674 pension of equivalent actuarial value payable in accordance with
675 one of the following options:

676 (1) A pension of a larger monthly amount, payable to the
677 member for his lifetime only;

678 (2) A pension of a modified monthly amount, payable to the
679 member during the joint lifetime of the member and a joint
680 annuitant designated by the member, and following the death of
681 either of them, 100 percent, 75 percent, 66 2/3 percent, or 50
682 percent of such monthly amounts payable to the survivor for the
683 lifetime of the survivor;

684 (3) Such other amount and form of pension as, in the
685 opinion of the Board, will best meet the circumstances of the
686 retiring member.

687 No member may make any change in his retirement option after the
688 date of cashing or depositing the first pension check.

689 (F) Upon electing one of the optional forms of pension
690 income, the member shall designate the joint annuitant or
691 beneficiary ~~(or beneficiaries)~~ to receive the benefit, if any,
692 payable under this Fund in the event of the member's death, and
693 the member will have the power to change such designation from
694 time to time, but any such change shall be deemed a new election
695 and will be subject to approval by the Board. Such designation
696 will name a joint annuitant or one or more primary beneficiaries
697 where applicable. If a member has elected an option with a joint
698 annuitant or beneficiary, and his pension has commenced, the
699 member may thereafter change the designated joint annuitant or
700 beneficiary, but only if the Board consents thereto, ~~and only if~~
701 ~~the joint annuitant last previously designated by the member is~~
702 ~~alive when the member files a request for such change in writing~~
703 ~~with the Board.~~ The consent of the member's joint annuitant or
704 beneficiary to any such change shall not be required. The Board
705 may request such evidence of the good health of the joint
706 annuitant that is being removed as it may require, and the
707 amount of the pension payable to the member upon designation of
708 a new joint annuitant shall be actuarially redetermined taking

709 into account the age and sex of the former joint annuitant, the
710 new joint annuitant, and the member. Each such designation shall
711 be made in writing on a form prescribed by the Board and filed
712 with the Board. In the event that no designated beneficiary
713 survives the member, such benefits as are payable in the event
714 of the member's death subsequent to his retirement shall be paid
715 to the member's estate. Pension payments shall be made under the
716 option elected in accordance with the provisions of this section
717 and shall be subject to the following limitations:

718 (1) If a member dies prior to retirement, benefits, if
719 any, will be payable in accordance with Section 8 or 9 of this
720 contract;

721 (2) If the ~~designated beneficiary (or beneficiaries) or~~
722 joint annuitant dies before the member's retirement, the option
723 elected will be cancelled automatically and a pension as
724 provided for pursuant to Section 7(A), Section 7(B), or Section
725 7(C) of this contract will be payable to the member upon
726 retirement as if the election had not been made, unless a new
727 election is made in accordance with the provisions of this
728 section or a new joint annuitant beneficiary is designated by
729 the member prior to retirement ~~and within 90 days after the~~
730 ~~death of the beneficiary;~~

731 (3) If both the retired member and the beneficiary ~~(or~~
732 ~~beneficiaries)~~ designated by the member die before the full
733 payment has been effected under any option providing for

734 payments for a period certain and life thereafter, the Board
735 may, in its discretion, direct that the commuted value of the
736 remaining payments be paid in a lump sum to the member's estate;

737 (4) If a member continues to work beyond his normal
738 retirement date pursuant to the provisions of this section, and
739 dies from causes not attributable to active duties prior to
740 actual retirement and separation from service, while a monthly
741 retirement benefit option has been elected by the member,
742 monthly pension payments will be made, under the selected option
743 to a beneficiary ~~(or beneficiaries)~~ designated by the member in
744 the amount computed as if the member had retired under the
745 option on the date on which death occurred.

746 (G) (1) Each member may designate in writing to the Board,
747 on a form prescribed by the Board, a choice of one or more
748 persons, named sequentially or jointly, as his beneficiary ~~(or~~
749 ~~beneficiaries)~~ to receive the benefit payable pursuant to
750 Section 8(F) or Section 9(E), if any, which may be payable in
751 the event of the member's death; and each designation may be
752 revoked by the member by signing and filing in writing with the
753 Board a new designation of beneficiary form.

754 (2) A retired member may change his designation of joint
755 annuitant ~~or beneficiary~~ only twice without the approval of the
756 Board.

757 (3) If no beneficiary is named in the manner herein
758 provided, death benefits shall be paid pursuant to the

759 applicable provision in Section 8 ~~(8)(A)-(E)~~ or Section ~~9(A)-(D)~~.
760 If there are no persons eligible for benefits pursuant to
761 Section 8 ~~(8)(A)-(E)~~ or Section ~~9(A)-(D)~~, and if no beneficiary
762 designated by the member survives the member, the death benefit,
763 if any, which may be payable under this contract with respect to
764 such deceased member shall be paid by the Board to the estate of
765 such deceased member, provided that the Board, in its
766 discretion, may direct that the commuted value of the remaining
767 monthly pension payments be paid in a lump sum. Any payment
768 made to any person pursuant to this subsection shall operate as
769 a complete discharge of all obligations under this contract with
770 regard to the deceased member and any other persons with rights
771 under this contract and shall not be subject to review by
772 anyone, but shall be final, binding, and conclusive on all
773 persons ever interested hereunder.

774 (H) RESERVED FOR FUTURE USE. ~~If the monthly pension~~
775 ~~payable to any person entitled to benefits under this contract~~
776 ~~is less than \$100, or if the single-sum value of the accrued~~
777 ~~pension is less than \$5,000 for firefighters and \$2,500 for~~
778 ~~police officers, as of the date of retirement or termination of~~
779 ~~service, whichever is applicable, the Board, in the exercise of~~
780 ~~its discretion, may specify that the actuarial equivalent of~~
781 ~~such pension be paid in a lump sum. The discount rate used to~~
782 ~~calculate the present value of lump sum payouts shall be equal~~

783 ~~to the immediately preceding cost of living adjustment paid~~
 784 ~~pursuant to Section 23 of this contract.~~

785 (I) The Board shall make such rules as are necessary for
 786 the effective and efficient administration of Sections 7, 8, and
 787 9, provided that such rules are not inconsistent with the terms
 788 of any collective bargaining agreement entered into by the City
 789 and the certified bargaining agents for firefighters and police
 790 officers. Notwithstanding any other provision of this section to
 791 the contrary, any provision of this section shall be construed
 792 and administered in such manner that the Fund will qualify as a
 793 qualified governmental pension plan under existing or hereafter
 794 enacted provisions of the Internal Revenue Code of the United
 795 States, and the Board may adopt any rule to accomplish the
 796 purpose of this section as is necessary to retain tax
 797 qualification, which rules shall have the force of law and shall
 798 be considered part of this contract.

799 (J) ~~Effective October 1, 2004,~~ The minimum monthly pension
 800 for any retired member or ~~eligible~~ surviving spouse shall be 100
 801 percent of the amount of the poverty level for an individual
 802 member or a member with a family of two, as the case may be, as
 803 established annually by the Federal Bureau of Labor and
 804 Statistics and published in the Federal Register.

805 SECTION 8. DUTY-RELATED DEATH BENEFITS. If any member of
 806 either department shall lose his life or later die from injuries
 807 or causes occurring while in the discharge of his duties, and

808 shall leave a surviving spouse ~~widow or widower~~, or child or
809 children under the age of eighteen (18) years, or age twenty-
810 three (23) if a full-time student, the Board shall authorize and
811 direct payment of a pension to the surviving spouse ~~widow or~~
812 ~~widower~~ and/or child or children, but only in the following
813 amounts and on the following conditions:

814 (A) To the surviving spouse ~~widow or widower~~ in equal
815 monthly installments an amount equal to one hundred per centum
816 (100%) of the member's final year's earnings, computed from date
817 of death, until death, less any benefits provided under
818 paragraph (B) of this section, so that total benefits paid do
819 not exceed one hundred per centum (100%) of the member's final
820 year's earnings. For the surviving spouse ~~widow or widower~~ of a
821 firefighter or police officer killed in the line of duty prior
822 to October 1, 1969, the minimum benefit under this section shall
823 be \$1,500 per month (Base plus COLA PRAA). ~~For the widow or~~
824 ~~widower of any member of this Pension Fund who prior to October~~
825 ~~16, 1992 was a member of Division B of the General Employees~~
826 ~~Pension Plan as established by Chapter 81-497, Laws of Florida,~~
827 ~~as amended, upon the reaching social security normal retirement~~
828 ~~age, except as provided in Section 28 (C) of this Contract, the~~
829 ~~benefit paid to the widow or widower shall be reduced by an~~
830 ~~amount equal to the actual social security benefit earned by the~~
831 ~~member for employment as a firefighter or police officer for the~~
832 ~~City to the extent that such employment is considered to be~~

833 ~~creditable service under this Fund; provided, however, that if~~
834 ~~the widow or widower does not receive the member's accrued~~
835 ~~social security benefit, there shall be no reduction in benefits~~
836 ~~paid to such widow or widower. The effect of such reduction~~
837 ~~shall be that the sum of the benefit paid herein and said social~~
838 ~~security benefit shall be equal to the amount of the benefit~~
839 ~~otherwise payable herein. The widow or widower of each such~~
840 ~~member shall, upon demand by the Board, authorize the Social~~
841 ~~Security Administration to release any information necessary to~~
842 ~~calculate such reduction. The Board shall not make any payment~~
843 ~~for the benefit payable herein for any period during which such~~
844 ~~widow or widower willfully fails or refuses to authorize the~~
845 ~~release of such information in the manner and within the time~~
846 ~~prescribed by rules adopted by the Board.~~

847 (B) For each child until he or she shall have reached the
848 age of eighteen (18) years, ~~or until such child or children~~
849 ~~shall die or marry before reaching the age of eighteen (18)~~
850 ~~years,~~ or age twenty-three (23) if a full-time student, in equal
851 monthly installments an amount equal to fifteen per centum (15%)
852 of the final year's earnings, computed from date of death,
853 subject to a limitation of a total of one hundred per centum
854 (100%) of final yearly earnings for surviving spouse ~~widow or~~
855 ~~widower~~ and children combined. Equal monthly installments paid
856 to the child or children in the aggregate shall not exceed
857 thirty per centum (30%) of the member's final earnings, and the

858 fifteen per centum (15%) per child shall be adjusted in the
859 event of more than two (2) children. Monthly installment amounts
860 paid to the child or children shall reduce the surviving spouse
861 ~~widow or widower~~ monthly installments by the same amount paid to
862 the child or children so that the total combined annual benefits
863 of the surviving spouse ~~widow or widower~~ and the child or
864 children do not exceed one hundred per centum (100%) of the
865 member's final year's earnings. Children's pensions shall
866 terminate at the earliest of death, marriage, reaching age
867 eighteen (18), or reaching age twenty-three (23) if a full-time
868 student. Adopted children shall participate. Pension payments no
869 longer paid to the child or children shall be paid to the
870 surviving spouse ~~widow or widower~~.

871 (C) Upon death of the surviving spouse ~~widow or widower~~,
872 the fifteen per centum (15%) child allowance shall be increased
873 to thirty per centum (30%) for each child, and shall be paid in
874 trust to eligible children, not to exceed a total of sixty per
875 centum (60%) of member's final earnings.

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

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

880 (F) In the absence of an eligible surviving spouse or
881 minor children, to the extent required by the Florida Statutes
882 in the event of the death of a member prior to retirement, the

883 member's designated beneficiary shall be entitled to the
884 benefits otherwise payable to the member at normal retirement
885 age for ten (10) years certain.

886 ~~(C) In the case of a surviving widow or widower and a~~
887 ~~surviving child as defined in this act, who is in pay status on~~
888 ~~October 1, 2018, the benefit received shall be increased on the~~
889 ~~first payment date after October 1, 2018.~~

890 SECTION 9. NON-DUTY-RELATED DEATH BENEFITS. To the
891 surviving spouse ~~widow or widower~~ (until death or remarriage)
892 and child or children (under the age of eighteen (18) years),
893 ~~until death or marriage before reaching the age of eighteen (18)~~
894 ~~years,~~ of any member who dies from causes not attributed to his
895 active duties in the departments or who is retired, provided,
896 however, that such member shall have been a member of such
897 department for ten (10) years prior to the date of his death,
898 the Board Trustees shall authorize and direct payment in equal
899 monthly installments as follows:

900 (A) To the surviving spouse ~~widow or widower~~ in equal
901 monthly installments of sixty-five per centum (65%) of the service
902 retirement pension earned by the member at date of death. ~~For the~~
903 ~~widow or widower of any member of this Pension Fund who prior to~~
904 ~~October 16, 1992 was a member of Division B of the General~~
905 ~~Employees Pension Plan as established by Chapter 81-497, Laws of~~
906 ~~Florida, as amended, upon the reaching social security normal~~
907 ~~retirement age, except as provided in Section 28 (C) of this~~

908 ~~Contract, the benefit paid to the widow or widower shall be~~
909 ~~reduced by an amount equal to the actual social security benefit~~
910 ~~earned by the member for employment as a firefighter or police~~
911 ~~officer for the City to the extent that such employment is~~
912 ~~considered to be creditable service under this Fund; provided~~
913 ~~however, that if the widow or widower does not receive the~~
914 ~~member's accrued social security benefit, there shall be no~~
915 ~~reduction in benefits paid to such widow or widower. The effect of~~
916 ~~such reduction shall be that the sum of the benefit paid herein and~~
917 ~~said social security benefit shall be equal to the amount of the~~
918 ~~benefit otherwise payable herein. The widow or widower of each~~
919 ~~such member shall, upon demand by the Board, authorize the Social~~
920 ~~Security Administration to release any information necessary to~~
921 ~~calculate such reduction. The Board shall not make any payment~~
922 ~~for the benefit payable herein for any period during which such~~
923 ~~widow or widower willfully fails or refuses to authorize the~~
924 ~~release of such information in the manner and within the time~~
925 ~~prescribed by rules adopted by the Board.~~

926 (B) In the case of ~~To the child or children of~~ a member who
927 dies from causes not attributed to active duties in the
928 department or who is retired, each child shall receive in equal
929 monthly installments an amount equal to seven and one-half per
930 centum (7½ %) of the final year's earnings, computed from date
931 of death, the provisions of Section 8, governing the amounts and
932 conditions of administration of childrens' pensions, shall apply

933 ~~but~~ subject to a limitation on the combined payments to ~~a widow~~
934 ~~or widower and~~ children equal to fifteen per centum (15%) of
935 final year's earnings. Children's pensions shall terminate at
936 the earliest of death, marriage, or reaching age eighteen (18).
937 Adopted children shall participate. Upon death of the surviving
938 spouse, the seven and one-half per centum (7½%) child allowance
939 shall be increased to fifteen per centum (15%) for each child,
940 and shall be paid in trust to eligible children, not to exceed a
941 total of thirty per centum (30%) of member's final earnings. The
942 trusteeship and disbursement of the pension to any child or
943 children is to be determined by the Board. ~~fifty per centum~~
944 (50%) of final salary.

945 ~~(C) (1) The widow or widower of a member who dies while~~
946 ~~receiving a retirement pension shall receive sixty five per~~
947 ~~centum (65%) of the pension which the member was receiving;~~
948 ~~provided however, that no pension shall be allowed to any widow~~
949 ~~or widower unless she or he was married to the member prior to~~
950 ~~the date of retirement of the member, except as provided in~~
951 ~~paragraph (2). For the widow or widower of any member of this~~
952 ~~Pension Fund who prior to October 16, 1992 was a member of~~
953 ~~Division B of the General Employees Pension Plan as established~~
954 ~~by Chapter 81-497, Laws of Florida, as amended, upon the~~
955 ~~reaching social security normal retirement age, except as~~
956 ~~provided in Section 28 (C) of this Contract, the benefit paid to~~
957 ~~the widow or widower shall be reduced by an amount equal to the~~

958 ~~actual social security benefit earned by the member for~~
959 ~~employment as a firefighter or police officer for the City to~~
960 ~~the extent that such employment is considered to be creditable~~
961 ~~service under this Fund; provided, however, that if the widow or~~
962 ~~widower does not receive the member's accrued social security~~
963 ~~benefit, there shall be no reduction in benefits paid to such~~
964 ~~widow or widower. The effect of such reduction shall be that the~~
965 ~~sum of the benefit paid herein and said social security benefit~~
966 ~~shall be equal to the amount of the benefit otherwise payable~~
967 ~~herein. The widow or widower of such member shall, upon demand~~
968 ~~by the Board, authorize the Social Security Administration to~~
969 ~~release any information necessary to calculate such reduction.~~
970 ~~The Board shall not make any payment for the benefit payable~~
971 ~~herein for any period during which such widow or widower~~
972 ~~willfully fails or refuses to authorize the release of such~~
973 ~~information in the manner and within the time prescribed by~~
974 ~~rules adopted by the Board.~~

975 (C) (1) (a) Members (i) who have been retired for less than
976 forty (40) years as of October 1, 2011 ~~the effective date of this~~
977 ~~act~~, (ii) who retired or entered DROP prior to October 1, 2002,
978 and (iii) who married or remarried after the date of the
979 member's retirement may elect prospectively to receive a
980 voluntarily reduced retirement benefit payable to the surviving
981 spouse ~~widow or widower~~. The amount of the surviving spouse's
982 ~~widow or widower's~~ benefit will be based on the actuarial

983 equivalence calculated by the Fund's actuary, and such benefit
984 shall not result in any additional cost to the Fund or to the
985 plan sponsor than would have been incurred if the member had not
986 elected such benefit under this paragraph. Said actuarial
987 calculation shall be paid for by the retired member.

988 (b) The election under subparagraph (a) is available only
989 if (i) the spouse is not more than twenty (20) years younger
990 than the married or remarried member, (ii) the marriage or
991 remarriage occurred at least three (3) years prior to the
992 member's said election, and (iii) the electing member is
993 restricted to exercising this provision for a maximum of two
994 remarriages after retirement.

995 (D) No pension shall be allowed to any stepchild or
996 stepchildren of a deceased member.

997 (E) In the absence of an eligible surviving spouse or
998 minor children, to the extent required by the Florida Statutes,
999 in the event of the death of a vested member prior to
1000 retirement, the member's designated beneficiary shall be
1001 entitled to the benefits otherwise payable to the member at
1002 normal retirement age for ten (10) years certain.

1003 (F) In the event a retired firefighter or police officer
1004 dies after retirement but before he or she has received
1005 retirement benefits for a period of ten (10) years, the same
1006 monthly benefit will be paid to the eligible surviving spouse,
1007 or if there is no eligible surviving spouse, to the beneficiary

1008 as designated by the member for the balance of such ten (10)
1009 year period.

1010 SECTION 10. MANDATORY MEMBERSHIP; EXCEPTIONS. Membership in
1011 the Fund is a mandatory condition of employment, apart from those
1012 exceptions permitted in accordance with Sections 175.032(11)(a)
1013 and 185.02(16), Fla. Stat., where membership would be optional.
1014 ~~Any firefighter or police officer of the City who makes his~~
1015 ~~legal election as provided herein, and who shall make the~~
1016 ~~contribution required to be made hereunder into the Pension~~
1017 ~~Fund, shall be permitted to participate in the fund and benefits~~
1018 ~~thereof, herein and hereby authorized, but nothing herein~~
1019 ~~contained shall be construed as to require or compel any~~
1020 ~~employee to participate in the said pension system. Each~~
1021 ~~firefighter and police officer who does not elect to join this~~
1022 ~~Pension Fund shall remain or become a member of Division B of~~
1023 ~~the General Employees' Pension Plan, as established by Chapter~~
1024 ~~81-497, Laws of Florida, as amended.~~

1025 SECTION 11. RESERVED FOR FUTURE USE. ~~Except for each~~
1026 ~~firefighter and police officer who on October 15, 1992 was a~~
1027 ~~member of Division B of the General Employees' Pension Plan for~~
1028 ~~the City of Tampa, all persons entering the employ of the City,~~
1029 ~~as firefighters or police officers subsequent to the time when~~
1030 ~~this Act shall have become a law, shall be required to file~~
1031 ~~their legal election with the City, on or before ninety days~~
1032 ~~from the date of their employment, in order to entitle them to~~

1033 ~~participate in the benefits and funds herein created and~~
 1034 ~~authorized by this Act.~~

1035 SECTION 12. CONTRACT. Each Fund member and the City is
 1036 ~~Whenever any employee, within the terms of this Act, shall file~~
 1037 ~~his election with the City of Tampa as hereinbefore provided,~~
 1038 ~~the City, within thirty (30) days thereafter, is hereby~~
 1039 authorized, empowered, and directed to execute a contract as
 1040 provided for herein in triplicate, one copy to be retained by
 1041 the City, one copy to be retained by the ~~Pension~~ Board, and the
 1042 other copy to be delivered to the said employee joining in said
 1043 contract, and shall thereafter be and remain a contract binding
 1044 upon the said City and the employee, and enforceable in any
 1045 Court in the State of Florida having jurisdiction of actions
 1046 upon contracts in like amount, and by such relief, ordinary or
 1047 extraordinary, at law, or in equity as may be suitable or
 1048 appropriate in similar cases.

1049 SECTION 13. MEDICAL BOARD. The Board ~~of Trustees~~ shall
 1050 designate a Medical Board to be composed of three physicians who
 1051 shall arrange for and pass upon all medical examinations
 1052 required under the provisions of this Act, shall investigate all
 1053 essential statements or certificates made by or on behalf of a
 1054 member in connection with an application for disability or
 1055 retirement, and shall report in writing to the Board ~~of Trustees~~
 1056 its conclusions and recommendations upon all matters referred to
 1057 it. The payment for such services shall be determined by the

1058 | Board ~~of Trustees.~~

1059 | SECTION 14. REVIEW OF BOARD DECISIONS. Judicial review of
 1060 | Board decisions shall be in accordance with state law applicable
 1061 | to quasi-judicial decisions of municipal boards. ~~On compulsory~~
 1062 | ~~retirement of a member by act of the Board of Trustees, any such~~
 1063 | ~~retired member shall have the right to appeal against such~~
 1064 | ~~retirement by the Board of Trustees by appealing to a court of~~
 1065 | ~~proper jurisdiction, and said member shall defray his own~~
 1066 | ~~expense in his appeal of such compulsory retirement.~~

1067 | SECTION 15. NON-EFFECT OF DISMISSAL FROM THE DEPARTMENT.
 1068 | Members entitled to a pension shall not forfeit the same upon
 1069 | dismissal from the department, but shall be retired as herein
 1070 | described. This section does not apply in the case of a
 1071 | forfeiture under Section 112.3173, Fla. Stat.

1072 | SECTION 16. DISABILITY REEVALUATION; REINSTATEMENT OF
 1073 | DISABLED MEMBERS. Disability retirees need not be reevaluated
 1074 | after attaining age forty-six (46). If the City, in its sole
 1075 | discretion, reemploys a disability retiree in a position covered
 1076 | by this Fund, the reemployed member may elect to acquire credited
 1077 | service for the period of disability by paying into the Fund the
 1078 | contributions which would have been made by the member had that
 1079 | member not been retired on disability. In that event, the City
 1080 | shall make the corresponding employer contribution. ~~In the event a~~
 1081 | ~~member who has been retired on a pension on account of permanent~~
 1082 | ~~incapacity regains his full health and is shown to be physically~~

1083 ~~able to perform his duties in the Fire or Police Department, the~~
1084 ~~Board shall require the said member to resume his position in~~
1085 ~~the respective department and discontinue the pension; provided,~~
1086 ~~however, that, if such member shall have been retired for~~
1087 ~~disability in line of duty, shall not have reached the age of~~
1088 ~~forty six (46) years and shall within eighteen (18) months after~~
1089 ~~resuming his position pay into the fund an amount equal to the~~
1090 ~~aggregate contributions (computed upon his annual earnings at~~
1091 ~~the time of his disability retirement) he would have been~~
1092 ~~required to make hereunder during the period of his disability~~
1093 ~~retirement had he not been retired, such member shall receive~~
1094 ~~creditable service for the period of such disability retirement.~~

1095 SECTION 17. COMPUTATION OF PENSION SERVICE AND PURCHASE OF
1096 PAST CREDITED SERVICE.

1097 (A) In computing service allowance, creditable service
1098 shall include all service or employment of the member in the
1099 Fire or Police Department, either continuous or interrupted,
1100 provided, however, that any leave of absence without pay shall
1101 not be included. Credited service shall include credit for up to
1102 five (5) years of the time spent in the military service of the
1103 Armed Forces of the United States if the member is in the active
1104 employ of the City of Tampa immediately prior to such service
1105 and leaves a permanent, full-time position as a firefighter or
1106 police officer with the City of Tampa for the purpose of
1107 voluntary or involuntary service in the Armed Forces of the

1108 United States. The member must be entitled to re-employment
1109 under the provisions of the Uniformed Services Employment and
1110 Re-Employment Rights Act (USERRA). In order to be eligible for
1111 the benefits of this section, a member must return to employment
1112 as a firefighter or a police officer of the City of Tampa within
1113 one (1) year from the date of release of such active service.
1114 Pension contributions shall not be required for military service
1115 as described in this section, unless permitted by the Florida
1116 Statutes. The provision of this section shall not apply to
1117 temporary service for reserve training. ~~However, the amount of any~~
1118 ~~pension or compensation that may be received from the Federal~~
1119 ~~Government on account of disability from such service shall be~~
1120 ~~deducted from the amount of any pension due under this Act. The~~
1121 ~~deduction of the amount of any pension or compensation received~~
1122 ~~from the Federal Government shall be made only where the period of~~
1123 ~~military service (not exceeding five (5) years) is added to the~~
1124 ~~period of actual service of the member in either the Fire or~~
1125 ~~Police Department in order to make up the required number of years~~
1126 ~~for retirement on a City pension; that the disability for which~~
1127 ~~any pension or compensation is received from the Federal~~
1128 ~~Government shall be only such disability that was incurred in the~~
1129 ~~military service during the same period of military service used~~
1130 ~~by the member to add to his actual service in the Police or Fire~~
1131 ~~Departments in order to make up the number of years required for~~
1132 ~~retirement on a City pension; and that no deduction of the amount~~

1133 ~~of any pension or compensation received from the Federal~~
1134 ~~Government can or shall be made from the amount of any City~~
1135 ~~pension granted solely on account of disability.~~ Any member who,
1136 in order to perform such active military service, has left his
1137 employment in the Police or Fire Departments of the City of
1138 Tampa and (a) who received a certificate of honorable discharge
1139 upon completion of such active military service, (b) is still
1140 qualified to perform the duties of such position, (c) makes or
1141 shall have made application for reemployment within thirty (30)
1142 days after he is released from active military service, shall be
1143 restored by the Police or Fire Department of the City of Tampa
1144 to such position or a position of like seniority, status and
1145 pay. In the case of conflict between this section and any
1146 veteran's reemployment law, that reemployment law shall control.

1147 (B) Immediately upon the passage of this Act, the Board ~~of~~
1148 ~~Trustees~~ shall at once establish the service record of all
1149 employees who may be entitled to participate in the benefits of
1150 this Act and shall keep a record thereof.

1151 ~~(C) For each firefighter and police officer who on October~~
1152 ~~15, 1992 was not a member of this Pension Fund, but who was a~~
1153 ~~member of Division B of the General Employees Pension Plan as~~
1154 ~~established by Chapter 81-497, Laws of Florida, as amended, who~~
1155 ~~elects to join this pension fund, for purposes of determining~~
1156 ~~eligibility for any benefit in which length of service is a~~
1157 ~~factor, the entire period of time served as a firefighter or~~

1158 ~~police officer with the City of Tampa, either continuous or~~
1159 ~~interrupted, shall be included; provided, however, that any leave~~
1160 ~~of absence without pay shall not be included unless required by~~
1161 ~~applicable law, any service as a police recruit shall not be~~
1162 ~~included, and any service in which the firefighter or police~~
1163 ~~officer withdrew his/her contributions shall not be included.~~
1164 ~~Active military service shall be included to the extent required~~
1165 ~~by law.~~

1166 (C)~~(D)~~ A member who has separated from service as a
1167 firefighter or police officer and who has taken a refund of his
1168 pension contributions, who is later readmitted to the Fund,
1169 shall have the option of purchasing past creditable service.

1170 (1) The readmitted member shall make the election in
1171 writing to purchase past creditable service on a form prescribed
1172 by the Board within 90 days of readmission, which election shall
1173 be legally binding.

1174 (2) The readmitted member who elects to purchase past
1175 creditable service shall repay the withdrawn contributions with
1176 interest at the actuarially assumed rate of return of the Fund
1177 within 90 days of the later of, readmission or receipt of
1178 written notification from the Board of the amount due. Interest
1179 shall be calculated from the date of withdrawal to the date of
1180 repayment at the actuarially assumed rate of return of the Fund.

1181 (3) A member who fails to pay withdrawn contributions with
1182 interest as provided in this subsection within 90 days of the

1183 later of, readmission or receipt of written notification from
 1184 the Board of the amount due shall not receive creditable service
 1185 for the period of time for which the withdrawn contributions
 1186 apply.

1187 (D)~~(E)~~ All active police officer or firefighter members
 1188 shall be permitted to purchase up to an additional five (5)
 1189 years of credited service based upon (i) service as a full-time
 1190 certified firefighter or certified police officer employed by a
 1191 city, county, state, federal, or other public agency, or (ii)
 1192 military service in the Armed Forces of the United States.
 1193 Temporary, auxiliary, reserve, volunteer, or private agency
 1194 service shall not apply. Service credit purchased under the
 1195 provisions of this section shall not count for vesting purposes.

1196 (1) Prior service shall not be granted until the member
 1197 has paid to the ~~Pension~~ Fund the actuarial cost of the service
 1198 purchased, as determined by the actuary for the Fund Plan. Said
 1199 actuarial calculation shall be paid for by the member. Members
 1200 purchasing service credit shall provide the Board ~~of Trustees~~
 1201 with proof of prior service with honorable separation. No
 1202 service credit may be purchased if the member is receiving or
 1203 will receive any other retirement benefit based on this service,
 1204 except in the case of a military pension.

1205 (2) The contribution by the member of the actuarially
 1206 determined cost of the buyback may be made in one lump sum or
 1207 may be made by payroll deductions in installments for a period

1208 of time which shall not exceed the number of years being
1209 purchased. A member electing to make installment payments shall
1210 be charged interest based on the actuarially assumed rate of
1211 return for the Fund Plan. A member making installment payments
1212 shall complete all required payments prior to payment of any
1213 benefit under this section.

1214 (3) A member who terminates service prior to vesting in
1215 the Fund Plan shall be entitled to a refund, without interest,
1216 of all money paid to buy back prior military, firefighter, or
1217 police officer service.

1218 SECTION 18. EXEMPTION FROM CLAIMS OF CREDITORS. No
1219 pension provided for herein shall be assignable, subject to
1220 execution, or subject to garnishment for debt or for other legal
1221 process. This provision does not apply to domestic relations
1222 orders relating to alimony and child support under Chapter 61,
1223 Fla. Stat., or as authorized by Section 112.3713, Fla. Stat., or
1224 as authorized by federal law. The Fund is not authorized by
1225 State law to honor qualified domestic relations orders or
1226 domestic relations orders relating to equitable distribution
1227 which require direct payment from the Fund to a former spouse.

1228 SECTION 19. DURATION OF MEMBER'S PENSION. Pensions granted
1229 to retired members shall be paid to them for life and shall not
1230 be revoked nor in any way diminished except as provided in this
1231 Act, and the payments of the member to this Fund shall cease
1232 upon his retirement and acceptance of a pension.

1233 SECTION 20. CONTINUATION OF BENEFITS. The Board ~~of~~
 1234 ~~Trustees~~ shall direct that there be included in the pension list,
 1235 and be subject to the benefits of this Act, all pensions now
 1236 being paid by the Fund to surviving spouses, ~~widows and widowers~~
 1237 ~~and~~ children, and retired members of the Fire and Police
 1238 Departments who are now drawing a pension from said Fund or may
 1239 be hereafter entitled thereto, but not to exceed the maximum
 1240 provided by this Act, and are hereby directed to pay said
 1241 pensions.

1242 SECTION 21. CORRECTION OF ERRORS; BOARD INVESTIGATION.
 1243 The Board ~~of Trustees~~ shall have the power to examine into the
 1244 facts upon which any pension shall have heretofore been granted
 1245 under any prior or existing law, or shall hereafter be granted
 1246 under this Act, and ascertain if any pension has been granted or
 1247 obtained erroneously, fraudulently, or illegally for any reason.
 1248 Said Board is empowered to purge the pension rolls of any person
 1249 heretofore granted a pension under prior or existing law, or
 1250 hereafter granted under this Act, if the same is found to be
 1251 erroneous, fraudulent, or illegal for any reason; and to
 1252 reclassify any pensioner who has heretofore under any prior or
 1253 existing law, or who shall hereafter under this Act, be
 1254 erroneously, improperly, or illegally classified.

1255 SECTION 22. RETURN OF MEMBER CONTRIBUTIONS. Whenever any
 1256 member in the service of either the Fire or Police Department
 1257 shall sever his connection with such department, either

1258 voluntarily or by lawful discharge, all rights under this Act
 1259 shall thereupon cease automatically unless at the time of such
 1260 discharge or voluntary retirement such member has qualified
 1261 under the terms of this Act for a pension as herein provided.
 1262 Upon severance prior to qualifying for retirement, a member
 1263 shall receive a refund of contributions without interest
 1264 provided, that a member may voluntarily leave his contributions
 1265 in the Fund for a period of five (5) ~~5~~ years after terminating
 1266 employment with the Fire or Police Department, pending the
 1267 possibility of being rehired by the same department without
 1268 losing credit for the time he has participated actively as a
 1269 firefighter or police officer. If the member is not re-employed
 1270 as a firefighter or police officer, with the same department,
 1271 within five (5) years after terminating such employment, his
 1272 contributions shall be returned without interest. In the event
 1273 of the death of a member who is not vested, the member's
 1274 designated beneficiary shall receive a return of the member's
 1275 contributions without interest. In the event that the member has
 1276 not designated a beneficiary, the member's estate shall be
 1277 deemed the designated beneficiary.

1278 SECTION 23. COST OF LIVING ADJUSTMENTS (COLAS).

1279 (1) Commencing September 30, 1970, the size of the Fund,
 1280 excluding the 13th check account, determined on a market value
 1281 basis, shall be compared with the amount that would have been in
 1282 the Fund, excluding the 13th check account, had the Fund,

1283 | excluding the 13th check account, earned 5 percent, inclusive of
 1284 | realized and unrealized capital gains and losses, compounded
 1285 | annually from October 1, 1969. If on any September 30, the
 1286 | actual fund, excluding the 13th check account, exceeds the 5
 1287 | percent accumulation, the excess will be known as the Post
 1288 | Retirement Adjustment Account (hereinafter referred to as PRAA),
 1289 | provided that for this purpose the 5 percent accumulation will
 1290 | not be reduced by any post-retirement benefit adjustment
 1291 | payments.

1292 | (2) Commencing January 1, 1980, and on each January 1
 1293 | thereafter, installments due in the following twelve months to
 1294 | members and beneficiaries covered under this contract shall be
 1295 | increased or decreased by (a) below, but shall not be increased
 1296 | by more than (b) below:

1297 | (a) The increase or decrease since the preceding January
 1298 | 1, in the ratio of the current average cost-of-living index to
 1299 | the average cost-of-living index determined as the later of
 1300 | October 1, 1978, and the October 1 immediately preceding the
 1301 | date such installments commenced, rounded off to the nearest
 1302 | whole per centum.

1303 | (b) The increase which can be applied and continued for
 1304 | remaining installments, by using the excess, if any, on the
 1305 | preceding September 30 of the PRAA ~~Post-Retirement Adjustment~~
 1306 | ~~Account~~ over the value of previous cumulative adjustments if

1307 continued for remaining installments, all as determined by the
 1308 actuary.

1309 (c) Provided that the effect of such cumulative
 1310 adjustments shall not be such as to reduce installment payments
 1311 below the rate at which they would have been paid if no such
 1312 adjustments had ever been made.

1313 (d) The "average cost-of-living index" shall be
 1314 ascertained each year; determined as the average of the
 1315 immediately preceding 24 monthly consumer price index figures,
 1316 relative to the United States as a whole, known as The Consumer
 1317 Price Index for All Urban Consumers (CPI-U), (1982-84 = 100
 1318 Basis), most recently issued as of such date by the Bureau of
 1319 Labor Statistics. Should the base point or basis of the monthly
 1320 Consumer Price Index be revised by the Bureau of Labor
 1321 Statistics, this term shall mean the published average as
 1322 adjusted by the Board ~~of Trustees~~ with advice from the actuary so
 1323 as to maintain consistency in index figures for purposes of this
 1324 Fund Plan.

1325 (3) If a member elects to commence receipt of subparagraph
 1326 7(A) benefits after 20 years of service immediately upon
 1327 separation from service as provided in subparagraph 7(D) or to
 1328 enter into the Deferred Retirement Option Program (DROP) and
 1329 prior to reaching the age of 46 years, adjustments provided for
 1330 in this section shall commence on January 1 immediately
 1331 following the October 1 on or before which the member separates

1332 from service as a firefighter or police officer in the fire
 1333 department or police department, respectively, or enters the
 1334 DROP ~~Deferred Retirement Option Program (DROP)~~.

1335 (4) Only benefits paid by this ~~Pension~~ Fund shall be
 1336 subject to COLAs ~~cost-of-living adjustments~~ as provided herein.

1337 SECTION 24. MAXIMUM BENEFIT PAYMENT.

1338 (A) In the event that the provisions of the federal
 1339 Internal Revenue Code operate to limit the benefit amount that
 1340 the member or the member's survivors would otherwise be eligible
 1341 to receive pursuant to this ~~the City of Tampa Firefighters and~~
 1342 ~~Police Officers Pension~~ contract, then the member or the member's
 1343 survivors shall not receive from the ~~City Pension~~ Fund ~~for~~
 1344 ~~Firefighters and Police Officers in the City of Tampa~~ retirement
 1345 benefits in an amount in excess of the limits provided by the
 1346 federal Internal Revenue Code or in an amount that would cause
 1347 the ~~City Pension~~ Fund ~~for Firefighters and Police Officers in~~
 1348 ~~the City of Tampa~~ to lose its federal income tax-exempt status.

1349 (B) In order to maintain the tax-exempt status of the ~~City~~
 1350 ~~Pension~~ Fund ~~for Firefighters and Police Officers in the City of~~
 1351 ~~Tampa~~, said ~~pension~~ Fund shall not be required to pay benefits
 1352 in excess of the appropriate limits established by Section 415
 1353 of the Internal Revenue Code (26 USC Section 415), nor shall
 1354 said ~~pension~~ Fund be required to pay any benefits which would
 1355 jeopardize its tax-exempt status.

1356 (C) Should the benefits otherwise payable pursuant to this
 1357 ~~the City of Tampa Firefighters and Police Officers Pension~~
 1358 ~~contract by the City Pension Fund for Firefighters and Police~~
 1359 ~~Officers in the City of Tampa~~ be limited pursuant to Section 415
 1360 of the Internal Revenue Code, then the City of Tampa shall
 1361 provide for payment of those benefits in excess of the limits in
 1362 Section 415 of the Internal Revenue Code.

1363 (D) Notwithstanding any other provision of this ~~pension~~
 1364 ~~contract to the contrary~~, any provision of this ~~pension~~ contract
 1365 shall be construed and administered in such manner that this
 1366 ~~Pension~~ Fund will qualify as a qualified governmental pension
 1367 plan under existing or hereafter enacted provisions of the
 1368 Internal Revenue Code of the United States, and the Board ~~of~~
 1369 ~~Trustees~~ may adopt any rule necessary to retain tax
 1370 qualification, which rules shall have the force of law and shall
 1371 be considered part of this ~~pension~~ contract.

1372 SECTION 25. COMPLIANCE WITH STATE LAW AND INTERNAL REVENUE
 1373 CODE.

1374 (A) To the extent that any provision of this contract is in
 1375 conflict with Sections 112.60-112.67 ~~112.60-67~~, Fla. Stat.
 1376 ~~Florida Statutes~~, or other provisions of the Florida Statutes
 1377 made applicable to the Fund, excluding Chapters 175 and 185,
 1378 Fla. Stat. ~~Florida Statutes~~, those provisions of the Florida
 1379 Statutes shall prevail.

1380 (B) To the extent that any provision of this contract
1381 would result in the loss of the tax-exempt status of the Fund,
1382 such contractual provision shall be null and void.

1383 (C) To the extent a future amendment to state law requires
1384 a change to this contract to maintain compliance, such change
1385 may be made by local ordinance.

1386 ~~(C) To the extent that any provision of this contract is not~~
1387 ~~in compliance with the minimum benefits provisions of chapters 175~~
1388 ~~and 185, Florida Statutes, that apply to the Fund, the non-~~
1389 ~~compliance with which would result in a forfeiture of the right of~~
1390 ~~the fund to participate in the distribution of the premium tax~~
1391 ~~funds established in chapters 175 and 185, Florida Statutes, the~~
1392 ~~City is authorized to amend this contract by local ordinance to~~
1393 ~~cure such non-compliance, only to the extent that additional~~
1394 ~~premium tax revenues become available to incrementally fund the~~
1395 ~~cost of such compliance, such ordinance is consistent with the~~
1396 ~~terms of a collective bargaining agreement entered into among the~~
1397 ~~City and the certified bargaining agents for firefighters and~~
1398 ~~police officers, the procedures for the adoption of such ordinance~~
1399 ~~are consistent with section 112.63(3), Florida Statutes, and such~~
1400 ~~ordinance is adopted prior to March 31, 2003. Any local ordinance~~
1401 ~~adopted by the City pursuant to this subparagraph shall be~~
1402 ~~incorporated by reference into the pension contract of each~~
1403 ~~firefighter and police officer who is an active or contributing~~
1404 ~~member of the Fund on the date the amendments to such contract~~

1405 ~~provided in such ordinance become effective.~~

1406 ~~(D) To the extent that any provision of this contract is not~~
1407 ~~in compliance with the minimum standards provisions of chapters~~
1408 ~~175 and 185, Florida Statutes, that apply to the Fund, the non-~~
1409 ~~compliance with which would result in a forfeiture of the right of~~
1410 ~~the Fund to participate in the distribution of the premium tax~~
1411 ~~funds established in chapters 175 and 185, Florida Statutes, the~~
1412 ~~City is authorized to amend this contract by local ordinance to~~
1413 ~~cure such non-compliance, provided such ordinance is consistent~~
1414 ~~with the terms of a collective bargaining agreement entered into~~
1415 ~~among the City and the certified bargaining agents for~~
1416 ~~firefighters and police officers, and such ordinance is adopted~~
1417 ~~prior to March 31, 2003. Any local ordinance adopted by the City~~
1418 ~~pursuant to this subparagraph shall be incorporated by reference~~
1419 ~~into the pension contract of each firefighter and police officer~~
1420 ~~who is an active or contributing member of the Fund on the date~~
1421 ~~the amendments to such contract provided in such ordinance become~~
1422 ~~effective.~~

1423 SECTION 26. DEFERRED RETIREMENT OPTION PROGRAM (DROP).
1424 Notwithstanding any other provisions of this contract, and
1425 subject to the provisions of this section, the Deferred
1426 Retirement Option Program, hereinafter referred to as the DROP,
1427 is an option under which an eligible member may elect to have
1428 the member's pension benefits calculated as of a certain date
1429 prior to retirement, and accumulate benefits plus the investment

1430 return pursuant to this section during the DROP calculation
1431 period. Participation in the DROP does not guarantee employment
1432 for the DROP calculation period, as defined in this section.

1433 (A) Eligibility - In order to be eligible for the DROP
1434 option, the member must meet the following eligibility criteria:

1435 (1) The member must have attained at least 20 years of
1436 service but no more than 33 ~~30~~ years of service at the time the
1437 member files an election under this section. The service must be
1438 as a firefighter or police officer in the fire department or the
1439 police department, respectively, ~~either in this Pension Fund or~~
1440 ~~Division B of the General Employees Pension Plan,~~ or a
1441 combination thereof. A member is eligible for accumulations
1442 pursuant to the DROP for the lesser of eight (8) ~~5~~ years, or the
1443 difference between 33 ~~30~~ years of service and the member's
1444 service as of the effective date of the member's DROP election.

1445 (a) Members participating in the DROP and who have not
1446 completed five (5) years in the program and have not completed
1447 30 years of service ~~However, if a member has attained at least 25~~
1448 ~~years of service~~ on the date this act becomes a law will be and
1449 ~~elects to participate in the DROP within 90 days after receipt~~
1450 ~~of written notice from the Board of Trustees, the member is~~
1451 eligible for accumulations pursuant to the a 5-year DROP for the
1452 lesser of eight (8) years, or the difference between 33 years of
1453 service and the member's service as of the effective calculation

1454 ~~period following the date of the member's DROP election this act~~
1455 ~~becomes a law.~~

1456 (2) The member must meet all eligibility requirements for
1457 pension benefits, other than separation from service as a
1458 firefighter or police officer in the fire department or police
1459 department, respectively.

1460 (3) Upon electing to participate in the DROP, the member
1461 shall submit on forms required by the City and the Board of

1462 ~~Trustees:~~

1463 (a) An irrevocable written election to participate in the
1464 DROP, specifying a DROP benefit calculation date. This DROP
1465 benefit calculation date is used to determine the DROP
1466 calculation period, which commences on the DROP benefit
1467 calculation date and ends on the earlier of (i) the last day of
1468 DROP eligibility as determined under paragraph (1) or (ii) the
1469 member's separation from service or death;

1470 (b) An irrevocable notice of employment termination to
1471 take effect upon the expiration of the DROP calculation period;
1472 provided that a DROP participant shall not be precluded from
1473 voluntarily terminating employment with the City as a
1474 firefighter or police officer before the expiration of the DROP
1475 calculation period, nor shall the City be precluded from
1476 terminating such DROP participant's employment as applicable due
1477 to disciplinary action, layoff, or other separation in

1478 accordance with the applicable collective bargaining agreement,
 1479 civil service law, or other applicable law;

1480 (c) A properly completed application for longevity
 1481 retirement benefits to be calculated pursuant to subparagraph
 1482 7(A) or subparagraph 7(D) as of the DROP benefit calculation
 1483 date; and

1484 (d) Any other information required by the Board ~~of~~
 1485 ~~Trustees.~~

1486 (4) A member may only make one DROP election during the
 1487 member's lifetime.

1488 (B) Status— - For pension purposes only:

1489 (1) During the DROP calculation period, there shall be no
 1490 pension contribution deductions made from the earnings, wages,
 1491 salary, or compensation earned by the DROP participant.

1492 (2) Upon entry into the DROP, a DROP participant shall no
 1493 longer be entitled to disability benefits pursuant to
 1494 subparagraph 7(B) or subparagraph 7(C).

1495 (3) Death benefits under the DROP— - Upon the death of a
 1496 DROP participant, the named beneficiary or beneficiaries shall
 1497 be entitled to receive the benefits accumulated during the DROP
 1498 calculation period as of the date of death. After the death of
 1499 such DROP participant, pension benefits shall be paid as
 1500 required by Section 9, provided however that a surviving spouse
 1501 who was not married to the member during some period of the
 1502 member's employment as a firefighter or police officer prior to

1503 the date of the member's entry into the DROP shall not be
 1504 entitled to Section 9 benefits. Eligibility to participate in
 1505 the DROP terminates upon the death of such DROP participant.

1506 (4) A DROP participant shall not be eligible to be elected
 1507 as a member of the Board ~~of Trustees~~.

1508 (5) During DROP participation, a DROP participant shall be
 1509 entitled to the 13th check benefit pursuant to Section 27.

1510 (C) Benefits under the DROP: -

1511 (1) Effective with the DROP benefit calculation date, a
 1512 DROP participant's monthly pension installments calculated
 1513 pursuant to Section 7, including creditable service, such
 1514 participant's average earnings, and the effective date of
 1515 retirement shall be fixed.

1516 (2) The DROP accumulation shall be calculated as follows:

1517 (a) The amount of the monthly installments to which the
 1518 member would have been entitled to receive from the DROP benefit
 1519 calculation date to the end of the member's DROP calculation
 1520 period.

1521 (b) The amount of any COLAs ~~cost of living adjustments~~
 1522 pursuant to Section 23 during the DROP benefit calculation
 1523 period.

1524 (c) Interest accumulation as set forth in this section.

1525 (d) The amount of the 13th check pursuant to Section 27.

1526 (3) At the conclusion of the member's DROP benefit
 1527 calculation period, the Board ~~of Trustees~~ shall distribute the
 1528 member's benefits, subject to the following provisions:

1529 (a) The Board ~~of Trustees~~ shall receive verification by
 1530 the City that such DROP participant's employment as a
 1531 firefighter or police officer with the fire department or police
 1532 department, respectively, has terminated.

1533 (b) A terminated DROP participant or, if deceased, such
 1534 participant's named beneficiary or beneficiaries, shall elect on
 1535 forms provided by the Board ~~of Trustees~~ to receive the DROP
 1536 benefits in accordance with one of the options provided in
 1537 subparagraph 26(E)(1). Once a DROP participant commences
 1538 distribution under a payment method (or receives a lump sum), no
 1539 further interest shall be payable to the DROP participant. For a
 1540 DROP participant or beneficiary who fails to elect a method of
 1541 payment within 60 days of termination of DROP participation, the
 1542 Board ~~of Trustees~~ will pay a lump sum as provided hereafter.

1543 (D) Interest and Administrative Costs - Interest shall
 1544 accumulate annually, whether positive or negative, during the
 1545 DROP calculation period, less the cost of administering the
 1546 DROP, all of which shall be determined by the Board ~~of Trustees~~.
 1547 DROP participant shall have the opportunity to elect, as
 1548 provided in this subsection, an investment option to be applied
 1549 to such DROP participant's account for the fiscal ~~plan~~ year when
 1550 entering the DROP and for each subsequent fiscal ~~plan~~ year. In

1551 such election, the DROP participant shall choose to have
 1552 interest accumulate annually, whether positive or negative, at
 1553 either (i) a rate reflecting the Fund's net investment
 1554 performance, as determined by the Board ~~of Trustees~~, or (ii) a
 1555 rate reflecting a low-risk variable rate selected annually by
 1556 the Board ~~of Trustees~~ in its sole discretion. Each election must
 1557 be made at such time, on such forms, and in such manner as the
 1558 Board ~~of Trustees~~ may determine in its sole discretion. If the
 1559 DROP participant fails to make a valid election upon entering
 1560 the DROP, the Fund interest rate shall be applied as provided
 1561 herein. If the DROP participant fails to make a valid election
 1562 in a subsequent fiscal Plan year, the election for the then-
 1563 current fiscal Plan year shall be applied.

1564 (E) Payment- -

1565 (1) Upon termination of employment with the City as a
 1566 firefighter or police officer in the fire department or police
 1567 department, respectively, the accumulated DROP benefits at the
 1568 option of the terminated DROP participant, or if deceased, such
 1569 participant's designated beneficiary ~~or beneficiaries~~, shall be
 1570 distributed to the extent allowed by law by rollover to another
 1571 qualified plan, as a lump sum payment, as a combination of both,
 1572 or in such other forms as provided by rules and regulations
 1573 adopted by the Board ~~of Trustees~~, provided that such
 1574 distribution may be adjusted by the Board ~~of Trustees~~ to
 1575 maintain Internal Revenue Code qualification of the Fund.

1576 (2) If a DROP participant dies during the DROP calculation
1577 period, or on or before the DROP participant's full DROP
1578 accumulation is distributed, any remaining DROP accumulation
1579 shall be distributed to the DROP participant's designated
1580 beneficiary ~~or beneficiaries~~, or, if there is no surviving
1581 designated beneficiary, to the participant's spouse, or if there
1582 is no surviving designated beneficiary and no surviving spouse,
1583 to the participant's estate. Any such payment shall be made in a
1584 lump sum payment, unless the participant had already commenced
1585 benefit payment of their DROP accumulation in an optional plan.
1586 In such an event, benefits shall continue to be paid pursuant to
1587 the optional benefit form selected.

1588 (3) The form of distribution elected by a DROP participant
1589 or surviving beneficiary must comply with the applicable
1590 requirements of the Internal Revenue Code.

1591 (4) A DROP participant who is involuntarily discharged who
1592 seeks review of such discharge shall not be entitled to receipt
1593 of pension benefits or benefits accumulation while in the DROP
1594 until it has been determined that the discharge was lawful, or
1595 at the expiration of DROP participation provided in subparagraph
1596 26(A) (1), whichever is first.

1597 (5) The accumulated benefits of any DROP participant,
1598 including any interest thereon, shall not be subject to
1599 assignment, garnishment, execution, attachment, or to any legal
1600 process whatsoever, except ~~income deduction orders~~ as provided

1601 in Section 18 of this contract ~~61.1301, Florida Statutes,~~ and
 1602 ~~federal income tax levies.~~

1603 (6) Upon termination from employment with the City as a
 1604 firefighter or police officer in the fire department or police
 1605 department, respectively, the monthly pension installments
 1606 pursuant to Section 7 and the COLAs ~~cost of living adjustments~~
 1607 pursuant to Section 23, shall be paid to the member, and upon
 1608 death of the member, monthly pension installments shall be paid
 1609 pursuant to Section 9 with COLAs ~~cost of living adjustments~~
 1610 pursuant to Section 23.

1611 (F) Conflict of Laws- - To the extent that any provision
 1612 of this section is in conflict with Sections 112.60-112.67, Fla.
 1613 Stat. Florida Statutes, or those provisions of Chapters 175 and
 1614 185, Fla. Stat. Florida Statutes, that apply to local law plans
 1615 established by municipal ordinance or special act, or provisions
 1616 of Florida Statutes made applicable to pension funds established
 1617 by special act, or to the extent that any provision of this
 1618 section would result in the loss of tax-exempt status of the
 1619 ~~Pension~~ Fund, the Board ~~of Trustees~~ is hereby delegated the
 1620 authority to adopt by rule changes to this section in order to
 1621 comply with said laws, which shall have the force of law and
 1622 shall be considered part of this ~~pension~~ contract.

1623 (G) Administration of Program- - The Board ~~of Trustees~~
 1624 shall make such rules as are necessary for the effective and
 1625 efficient administration of this section, provided that such

1626 rules are not inconsistent with the terms of any collective
 1627 bargaining agreement entered into by the City and the certified
 1628 bargaining agents for firefighters and police officers
 1629 concerning the DROP. The Board ~~of Trustees~~ shall not be required
 1630 to advise members of the federal tax consequences of an election
 1631 related to the DROP but may advise members to seek independent
 1632 advice.

1633
 1634 Notwithstanding any other provision of this section to the
 1635 contrary, any provision of this section shall be construed and
 1636 administered in such manner that such program will qualify as a
 1637 qualified governmental pension plan under existing or hereafter
 1638 enacted provisions of the Internal Revenue Code of the United
 1639 States, and the Board ~~of Trustees~~ may adopt any rule necessary to
 1640 accomplish the purpose of this section as is necessary to retain
 1641 tax qualification, which rule shall have the force of law and
 1642 shall be considered part of this ~~pension~~ contract.

1643 SECTION 27. 13TH CHECK PROGRAM. Notwithstanding any other
 1644 provisions of this contract, and subject to the provisions of
 1645 this section, the 13th Check Program is a program which
 1646 authorizes the Board ~~of Trustees~~ to establish and make a
 1647 supplemental pension distribution, pursuant to the following
 1648 terms and conditions:

1649 (A) Eligibility~~-~~ - The following persons shall be eligible
1650 for the supplemental pension distribution payable no later than
1651 June 30, 2002, and each June 30 annually thereafter:

1652 (1) All retired members who have terminated employment as
1653 a firefighter or police officer in the fire department or police
1654 department, respectively, who, on the October 1 immediately
1655 preceding the June 30 by which distributions are to be made,
1656 were eligible to receive pension benefits for at least one (1) ±
1657 year. For purposes of this section only, a DROP participant
1658 shall be considered a retired member, and, during the DROP
1659 calculation period, a DROP participant shall be eligible for the
1660 13th check benefit, provided that, on the October 1 immediately
1661 preceding the June 30 by which distributions are to be made,
1662 such DROP participant had participated in the DROP for at least
1663 one (1) ± year.

1664 (2) All qualifying spouses who were eligible to receive
1665 pension benefits pursuant to Section 8 or Section 9 for at least
1666 one (1) ± year on the October 1 immediately preceding the June
1667 30 by which distributions are to be made.

1668 (3) All qualifying surviving spouses, who on the October 1
1669 immediately preceding the June 30 by which distributions are to
1670 be made, were eligible for receipt of Section 8 or Section 9
1671 benefits but who have not received such pension benefits for at
1672 least one (1) ± year provided that the deceased member was

1673 eligible for receipt of pension benefits on October 1 of the
1674 prior year.

1675 (4) A joint annuitant who is also a lawfully wedded spouse
1676 of the retiree and who was eligible to receive pension benefits
1677 pursuant to Section 7 for at least one (1) ± year on the October
1678 1 immediately preceding the June 30 by which distributions are
1679 made.

1680 (5) A joint annuitant who is also a lawfully wedded spouse
1681 of the retiree and who on the October 1 immediately preceding
1682 the June 30 by which distributions are to be made was eligible
1683 for receipt of Section 7 benefits but who has not received such
1684 pension benefits for at least one (1) ± year, provided that the
1685 deceased member was eligible for receipt of pension benefits on
1686 October 1 of the prior year.

1687 (6) Each 13th check vests on the date payment is
1688 determined in accordance with this section.

1689 (B) 13th Check Account -

1690 ~~(1) There is hereby created a 13th check account within~~
1691 ~~the Fund, which shall consist of those employees' contributions~~
1692 ~~set forth in subparagraph 27(B)(2) in excess of those~~
1693 ~~contributions otherwise required by Section 2 for the normal~~
1694 ~~annual cost of benefits, other than benefits arising from post~~
1695 ~~retirement adjustments made pursuant to Section 23 and other than~~
1696 ~~benefits arising from the 13th Check Program, plus any interest~~
1697 ~~earnings thereon up to and including September 30, 2001.~~

1698 ~~Effective for earnings paid on the first pay date after October~~
1699 ~~1, 2001, employee contributions to the 13th Check account shall~~
1700 ~~cease, and the 13th Check Account shall be funded by investment~~
1701 ~~returns in excess of 10% (limited to 3%) on the base plan~~
1702 ~~liabilities for persons eligible for the 13th check. For purposes~~
1703 ~~of this Section, the "base plan" shall mean those assets of the~~
1704 ~~Fund excluding the Post Retirement Adjustment Account, DROP~~
1705 ~~account assets, and the 13th check account. The amount available~~
1706 ~~for the 13th check shall be calculated as of fiscal year end~~
1707 ~~commencing September 30, 2001 for the fiscal year ending~~
1708 ~~September 30, 2001 for payment no later than June 30, 2002, and~~
1709 ~~each June 30 annually thereafter; provided, however, the~~
1710 ~~calculation of the amount payable no later than June 30, 2002,~~
1711 ~~shall include employee contributions to the 13th check account~~
1712 ~~for earnings paid through the last pay date immediately prior to~~
1713 ~~October 1, 2001. Subject to the requirements of part VII of~~
1714 ~~chapter 112, Florida Statutes, effective October 1, 2007, the~~
1715 ~~13th Check Account shall be funded by investment returns in~~
1716 ~~excess of 10 percent (limited to 1 percent) on the base plan~~
1717 ~~plus the PRAA Post Retirement Adjustment Account market value of~~
1718 ~~assets at each fiscal year ending September 30. For purposes of~~
1719 ~~this section, the term "base plan" means those assets of the~~
1720 ~~Fund excluding the PRAA Post Retirement Adjustment Account, DROP~~
1721 ~~account assets, and the 13th Check Account, and assets allocated~~
1722 ~~to fund the City of Tampa Firefighters and Police Officers~~

1723 Pension Fund Staff Pension Plan. The amount available for the
1724 13th Check shall be calculated as of fiscal year end commencing
1725 September 30, 2007, for the fiscal year ending September 30,
1726 2007, for payment no later than June 30, 2008, and each June 30
1727 annually thereafter. ~~The City shall not be required to make~~
1728 ~~contributions toward the 13th check program.~~

1729 ~~(2) Notwithstanding any other provision of this contract,~~
1730 ~~commencing October 1, 1998, employees covered under this contract~~
1731 ~~shall continue to contribute pursuant to Section 2 at the rates~~
1732 ~~required for employees to fund the normal annual cost of~~
1733 ~~benefits, other than benefits arising from post retirement~~
1734 ~~adjustments made pursuant to Section 23 and other than benefits~~
1735 ~~arising from the 13th check program made pursuant to this~~
1736 ~~section, plus an additional 100 percent of 9.874 percent of the~~
1737 ~~full scale contribution rate (FSCR) set forth in Section 2(D) to~~
1738 ~~the 13th check program. Employee contributions to the 13th check~~
1739 ~~shall cease effective for earnings paid on the last pay date~~
1740 ~~immediately prior to October 1, 2001.~~

1741 (C) Amount of the 13th Check: - The amount of the 13th
1742 check shall be determined as follows:

1743 (1) (a) The amount of the 13th check shall be the same for
1744 all retired members, regardless of years of service, age, years
1745 retired, or monthly installment.

1746 (b) All eligible surviving spouses shall be entitled to 50
 1747 percent of what the eligible retired member would have received
 1748 but for death.

1749 (c) If a retired member is eligible on October 1 but dies
 1750 before payment of the 13th check by the following June 30, the
 1751 retired member's spouse shall receive the full amount of the
 1752 payment, or ~~and~~ if there is no surviving spouse, the retired
 1753 member's designated beneficiary ~~or beneficiaries~~, or if none,
 1754 the retired member's estate shall receive the payment.

1755 (2) The Board ~~of Trustees~~ shall establish by rule adopted
 1756 no later than May 31, 2002, and each May 31 thereafter, the
 1757 amount of the 13th check funded pursuant to Section 27(B)(1),
 1758 subject to the following:

1759 (a) The amount of the 13th check, or a method for
 1760 calculating the amount of the 13th check in a manner that is
 1761 definitely determinable and in accordance with the requirements
 1762 of the Internal Revenue Code applicable to a qualified
 1763 governmental plan; and

1764 (b) Certification by the Fund's actuary that the amount of
 1765 the payment will be funded on a sound actuarial basis as
 1766 required by Section 14, Article X of the State Constitution.

1767 (D) Conflict of Laws - To the extent that any provision of
 1768 this section is in conflict with Sections 112.60-112.67, Fla.
 1769 Stat. Florida Statutes, or those provisions of Chapters 175 and
 1770 185, Fla. Stat. Florida Statutes, that apply to local law plans

1771 established by municipal ordinance or special act, or provisions
1772 of Florida Statutes made applicable to pension funds established
1773 by special act, or to the extent that any provision of this
1774 section would result in the loss of tax-exempt status of the
1775 ~~Pension~~ Fund, the Board ~~of Trustees~~ is hereby delegated the
1776 authority to adopt by rules changes to this section in order to
1777 comply with said laws, which shall have the force of law and
1778 shall be considered part of this ~~pension~~ contract.

1779 (E) Administration of Program. - The Board ~~of Trustees~~
1780 shall make such rules as are necessary for the effective and
1781 efficient administration of this section, provided that such
1782 rules are not inconsistent with the terms of any collective
1783 bargaining agreement entered into by the City and the certified
1784 bargaining agents for firefighters and police officers
1785 concerning the 13th Check Program. Notwithstanding any other
1786 provision of this section to the contrary, any provision of this
1787 section shall be construed and administered in such manner that
1788 such program will qualify as a qualified governmental pension
1789 plan under existing or hereafter enacted provisions of the
1790 Internal Revenue Code of the United States, and the Board ~~of~~
1791 ~~Trustees~~ may adopt any rule to accomplish the purpose of this
1792 section as is necessary to retain tax qualification, which rules
1793 shall have the force of law and shall be considered part of this
1794 ~~pension~~ contract.

1795 ~~SECTION 28. ELECTION TO PURCHASE PAST CREDITABLE SERVICE~~
1796 ~~BY CERTAIN FIREFIGHTERS AND POLICE OFFICERS.~~

1797 ~~(A) Each firefighter and police officer who, on October~~
1798 ~~15, 1992, was a member in Division B of the General Employees'~~
1799 ~~Pension Plan for the City of Tampa, who became a member of this~~
1800 ~~Fund for service occurring on and after October 16, 1992, and~~
1801 ~~who is a member of this Fund on or after June 1, 2002, may elect~~
1802 ~~to purchase creditable service under this Pension Contract for~~
1803 ~~service as a firefighter or police officer with the City of~~
1804 ~~Tampa prior to October 16, 1992, if said employee complies with~~
1805 ~~the following:~~

1806 ~~(1) Notify the City of Tampa and the Board of Trustees of~~
1807 ~~this Fund, in writing, at any time between July 1, 2002, and~~
1808 ~~December 31, 2002, of his or her desire to purchase creditable~~
1809 ~~service for all or any portion of such past service and the time~~
1810 ~~period of such service to be purchased;~~

1811 ~~(2) Upon electing to purchase creditable service for such~~
1812 ~~past service, submit on a form required by the City an~~
1813 ~~irrevocable waiver of any pension benefits under the General~~
1814 ~~Employees' Pension Plan for the City of Tampa, which waiver~~
1815 ~~shall apply only to the time period of such service to be~~
1816 ~~purchased; and~~

1817 ~~(3) By September 30, 2003, pay into the Pension Fund a sum~~
1818 ~~of money equal to the aggregate employee contributions, plus~~
1819 ~~compound interest thereon at a rate as determined by the Board,~~

1820 ~~which the employee would have paid into the Fund pursuant to~~
1821 ~~Section 2 (D) of this Contract, had the employee participated in~~
1822 ~~the Fund during the period of such prior service that said~~
1823 ~~employee has elected to purchase.~~

1824 ~~(B) For each firefighter and police officer electing to~~
1825 ~~purchase creditable service for past service as provided in this~~
1826 ~~section, the City shall pay into the Pension Fund, by September~~
1827 ~~30, 2003, a sum of money equal to the City contributions, plus~~
1828 ~~compound interest thereon at the rate determined by the Board~~
1829 ~~pursuant to Section 28 (A) (3), which the City would have paid~~
1830 ~~into the Fund for such firefighters and police officers pursuant~~
1831 ~~to Section 2(B) and (C) of this Contract, had such firefighters~~
1832 ~~and police officers participated in the Fund during the period~~
1833 ~~of such prior service that such firefighters and police officers~~
1834 ~~have elected to purchase.~~

1835 ~~(C) Benefits for creditable service purchased by~~
1836 ~~firefighters and police officers pursuant to this section shall~~
1837 ~~be calculated in the same manner as are such firefighters' and~~
1838 ~~police officers' benefits for creditable service commencing on~~
1839 ~~October 16, 1992, provided that there shall be no reduction in~~
1840 ~~benefits for such creditable service purchased as otherwise~~
1841 ~~required pursuant to Section 7 (A), (B), or (C), Section 8 (A),~~
1842 ~~or Section 9 (A) or (C) of this Contract.~~

1843 ~~(D) The Board of Trustees shall make such rules as are~~
1844 ~~necessary for the effective and efficient administration of this~~

1845 ~~section, provided that such rules are not inconsistent with the~~
1846 ~~terms of any collective bargaining agreement entered into by the~~
1847 ~~City and the certified bargaining agents for firefighters and~~
1848 ~~police officers. Notwithstanding any other provision of this~~
1849 ~~section to the contrary, any provision of this section shall be~~
1850 ~~construed and administered in such manner that such program will~~
1851 ~~qualify as a qualified governmental pension plan under existing~~
1852 ~~or hereafter enacted provisions of the Internal Revenue Code of~~
1853 ~~the United States, and the Board of Trustees may adopt any rule~~
1854 ~~to accomplish the purpose of this section as is necessary to~~
1855 ~~retain tax qualification, which rules shall have the force of~~
1856 ~~law and shall be considered part of this pension Contract.~~

1857 SECTION 28.29. DEFINED CONTRIBUTION PLAN COMPONENT.
1858 Pursuant to the requirements of Sections 175.351(6) and
1859 185.35(6), Fla. Stat. ~~Florida Statutes~~, a defined contribution
1860 plan component is established for this special act. The defined
1861 contribution component is not currently funded. If the such
1862 defined contribution plan component is funded, the Board ~~of~~
1863 ~~Trustees~~ may adopt uniform administrative rules regarding the
1864 operation of the defined contribution plan component of this
1865 special act, which administrative rules shall have the force of
1866 law.

1867 **Section 3.** This act shall take effect upon becoming a law,
1868 except that the amendments to section 2 of the pension fund
1869 shall take effect October 1, 2025.