

House Bill No. 961

An act relating to the City of Tampa, Hillsborough County; revising provisions relating to the City Pension Fund for Firefighters and Police Officers in the City of Tampa; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to revise the definition of pensionable earnings to include up to 300 hours per year of overtime and any other payments required to be included under chapters 175 and 185, Florida Statutes; revising the medical examination requirements for membership; providing for an increase in the accrual of benefits from 2.5 percent to 3.15 percent; providing for a minimum benefit for retirees; providing that the act is contingent upon execution of a contract between the city and the bargaining agents for the firefighters and police officers; providing for the execution of certain supplemental contract provisions by a date certain or forever barring the receipt of the benefits therein provided; confirming in part the City of Tampa Firefighters and Police Officers Pension Contract; providing an effective date.

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

Section 1. The City of Tampa is authorized and empowered to enter into a supplemental contract, the application of which shall be prospective commencing on October 1, 2004, with each and every firefighter or police officer who is entitled to benefits under the City Pension for Firefighters and Police Officers in the City of Tampa and was actively employed as a firefighter or police officer in the City of Tampa on or after October 1, 2003, who was an active and contributing member of the City Pension Fund for Firefighters and Police Officers in the City of Tampa on the date this act becomes a law, or who hereafter enters into a pension contract with the City, amending Section 3(E), Section 4(3), and Section 7(A) and (B) and creating Section 7(J) of the City of Tampa Firefighters and Police Officers Pension Contract as prescribed by Section 28-17 of the City of Tampa Code [Ordinance No. 4746-A, enacted September 30, 1969], as amended by Section 28-19 of the City of Tampa Code [Ordinance No. 6038-A, enacted September 17, 1974], pursuant to chapter 74-613, Laws of Florida; as further amended by Ordinance No. 89-314, enacted December 21, 1989, and approved, ratified, validated, and confirmed by chapter 90-391, Laws of Florida; and as further amended by chapters 92-231, 94-463, 98-515, and 2000-485, Laws of Florida, Ordinance No. 2001-133, enacted July 3, 2001, chapters 2001-288 and 2002-369, Laws of Florida, and Ordinance No. 2003-22, enacted January 23, 2003, to read:

Section 3(E). Commencing for earnings paid the first pay date after October 1, 2004, the term "earnings" shall mean total cash remuneration paid by the City to a firefighter or police officer for services rendered, including any payments required to be included within the definition of compensation pursuant to chapters 175 and 185, Florida Statutes, but not including any payments for extra duty. Commencing for earnings paid the first pay date

after October 1, 2004, earnings shall also include payments for overtime paid by the City to a firefighter or police officer up to a maximum of 300 hours of overtime per calendar year the base salary or wage exclusive of any casual, nonrecurring or unpredictable overtime, bonuses, or other special payments, providing that regular longevity bonuses shall be included.

Section 4(3). Pass a complete medical examination including, but not limited to, echo-cardiogram, functional examination of the back and neck, and any other specific diagnostic tests as determined by the Medical Board based upon the individual's risk factors, medical history, and physical examination ~~electro-cardiogram and exercise stress test, x-ray of the entire spine, and two (2) x-rays anterior-posterior and lateral view of the lumbar-sacral spines; and~~

Section 7. BENEFITS, PENSIONS TO MEMBERS.

(A) Any member of the Fund having an aggregate of 10 years of service as defined in Section 17 in said departments, and having reached the age of 46 years, who then shall receive in monthly installments a pension equal to ~~31.5~~ 25 percent of the member's average earnings for the three (3) highest years within the last 10 years of service ~~with a minimum pension of \$100 per month~~ for a period of ten (10) years certain and life. For each additional year of such service after 10 years, a member shall receive ~~3.15~~ 2.5 percent of average earnings, not to exceed a total pension of 100 percent of said average earnings for a period of ten (10) years certain and life. After 10 years of service as defined in Section 17, this pension right shall be a vested right with the payment thereof to begin upon the employee's separation from the service or the employee's reaching the age of 46 years, whichever occurs later, so that an employee having 10 or more years of such service who resigns, retires, or is otherwise separated from the service prior to reaching the age of 46 years may elect to allow his contributions to remain in the Pension Fund and upon reaching the age of 46 years shall be entitled to commence receiving a pension based upon his service as herein provided, and should such employee die before reaching 46 years of age, then at the time that decedent would have reached 46 years of age the widow or widower shall receive such benefit as the widow or widower would have received under subparagraph 9(C) if the employee had died while receiving a pension. Provided however, any member of the Pension Fund who was actively employed as a firefighter or police officer in the City of Tampa on or after October 1, 2003, or a member of the Fund on or after October 1, 2003, and, prior to October 16, 1992, was a participant of Division B of the General Employees Pension Plan as established by chapter 81-497, Laws of Florida, as amended, shall receive benefits from this Pension Fund at the rate of 3.15 ~~2.5~~ percent of average earnings for each year of service in this Pension Fund, provided however, the 3.15 ~~2.5~~ percent accrual shall not apply to any service while the member was a participant of Division B of the General Employees Pension Plan; provided, further, that upon reaching social security normal retirement age, except as provided in Section 28(C) of this Contract, the benefit paid herein shall be reduced by an amount equal to the actual social security benefit earned by the member for employment as a firefighter or police officer for the City to the extent that such employment is considered to be creditable service under this Fund. The effect of such reduction shall

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

(B) Any member who in the service has received or shall receive within or without the city any injuries, disease or disability, which injury, disease or disability now permanently incapacitates him physically or mentally from regular and continuous duty as a firefighter or police officer, then he shall receive in equal monthly installments an amount equal to 65% of monthly salary in effect at date of disability retirement ~~with a minimum of \$100 per month~~, plus $\frac{1}{12}$ of any other earnings received within one year prior to date of disability retirement for a period of ten (10) years certain and life. For any member of this Pension Fund who prior to October 16, 1992 was a member of Division B of the General Employees Pension Plan as established by Chapter 81-497, Laws of Florida, as amended, upon reaching social security normal retirement age or qualifying for social security disability benefits, whichever comes first, except as provided in Section 28(C) of this Contract, the benefit paid herein shall be reduced by an amount equal to the actual social security benefit earned by the member for employment as a firefighter or police officer for the City to the extent that such employment is considered to be creditable service under this Fund; provided, however, that if such member's social security disability benefits cease prior to attaining social security retirement age, such reduction shall be deferred until such time as the member reaches his social security retirement age. The effect of such reduction shall be that the sum of the benefit paid herein and said social security benefit shall be equal to the amount of the benefit otherwise payable herein. Each such member shall, upon demand by the Board, authorize the Social Security Administration to release any information necessary to calculate such reduction. The Board shall not make any payment for the benefit payable herein for any period during which such member willfully fails or refuses to authorize the release of such information in the manner and within the time prescribed by rules adopted by the Board.

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

Section 2. This act is only an enabling act, and the execution by the City of Tampa of the aforesaid supplemental contract and entitlement to the pension benefits referred to in this act for all firefighters and police officers, regardless of whether or not in the respective certified bargaining unit for firefighters or police officers, and the effectiveness of this act, is contingent upon contractual agreement through the collective bargaining process between the City of Tampa and the respective certified bargaining agents for firefighters and police officers.

Section 3. The benefits provided for in this act and the changes to the pension contract provided for in this act for firefighters and police officers who are entitled to benefits under the City Pension for Firefighters and Police Officers in the City of Tampa that are actively employed as a firefighter or police officer in the City of Tampa on or after October 1, 2003, and active and contributing members of the City Pension Fund for Firefighters and Police Officers in the City of Tampa on the date this act becomes a law and other benefits or pension contract changes provided for in any other special act adopted by the Florida Legislature in the 2000, 2001, 2002, or 2003 Legislative Session shall be made available in one or more supplemental pension contracts, and an individual shall not be permitted to select some of said benefits or changes and reject others of said benefits or changes. Any firefighter or police officer who is entitled to benefits under the City Pension for Firefighters and Police Officers in the City of Tampa that is actively employed as a firefighter or police officer in the City of Tampa on or after October 1, 2003, or active and contributing member of the City Pension Fund for Firefighters and Police Officers in the City of Tampa on the date this act becomes a law who fails to sign said supplemental pension contract before October 1, 2004, shall be forever barred from receiving said benefits. However, any person who becomes a member of the City Pension Fund for Firefighters and Police Officers in the City of Tampa on or after the date this act becomes law shall be required as a condition of membership into said Pension Fund to sign a pension contract which includes the provisions of this act, and shall be required to make contributions required as a result of such benefits.

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

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor June 17, 2004.

Filed in Office Secretary of State June 17, 2004.