

## Council Substitute for House Bill No. 1413

An act relating to the City Pension Fund for Firefighters and Police Officers in the City of Tampa, Hillsborough County; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to revise the 13th Check Program funding; 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 benefits therein provided; confirming in part the City of Tampa Firefighters and Police Officers 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 with each and every firefighter or police officer who was an active member of the City Pension Fund for Firefighters and Police Officers in the City of Tampa on or after the date this act becomes a law, or who hereafter enters into a pension contract with the City, amending Section 27(B)(1) 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 90-381, Laws of Florida, and as further amended by chapter 92-231, Laws of Florida, chapter 94-463, Laws of Florida, chapter 98-515, Laws of Florida, chapter 2000-485, Laws of Florida, Ordinance No. 2001-133, enacted July 3, 2001, chapter 2001-288, Laws of Florida, chapter 2002-369, Laws of Florida, and Ordinance No. 2003-22, enacted January 23, 2003, and chapter 2004-427, Laws of Florida, to read:

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

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

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 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 active members of the City Pension Fund for Firefighters and Police Officers in the City of Tampa on or after the date this act becomes a law shall be made available in a supplemental pension contract, 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, 2007, on the date this act becomes a law who fails to sign said supplemental pension contract before October 1, 2007, 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 that includes the provisions of this act, and shall be required to make contributions if required as a result of such benefits.

Section 4. If the City of Tampa enters into a supplemental pension contract as provided in section 1, each retired firefighter and retired police officer who is living on the date this act becomes a law, each member who retires or dies after this act becomes a law, but before October 1, 2007, and each qualifying surviving spouse who is living on the date this act becomes a law, is entitled to receive the same benefits from the 13th Check Account upon the same basis as if the member's contract had been supplemented in the manner provided by section 1 before the member's separation from

service; provided said retired firefighters, retired police officers, and eligible surviving spouses as a condition of participation in the 13th Check Program shall be subject to the provisions of sections 24, 25, and 27 of the pension contract.

Section 5. The City of Tampa Firefighters and Police Officers Pension Contract as prescribed by Section 28-17 of the Tampa City Code [Ordinance No. 4746-A, enacted September 30, 1969], as amended by Section 28-19 of the Tampa City 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 chapter 92-231, Laws of Florida, chapter 94-463, Laws of Florida, chapter 98-515, Laws of Florida, chapter 2000-485, Laws of Florida, Ordinance No. 2001-133, enacted July 3, 2001, chapter 2001-288, Laws of Florida, chapter 2002-369, Laws of Florida, Ordinance No. 2003-22, enacted January 23, 2003, and chapter 2004-427, Laws of Florida, is in all other respects approved, ratified, validated, and confirmed.

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

Approved by the Governor June 15, 2007.

Filed in Office Secretary of State June 15, 2007.