

CHAPTER 2018-180

House Bill No. 1139

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 increase the amount of pension received by a widow or widower should a member lose his or her life or later die from injuries or causes occurring while in the discharge of duties; confirming in part the City of Tampa Firefighters and Police Officers Pension Contract; providing for severability; 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 is 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.

Section 2. Section 8 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 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, chapter 2004-427, Laws of Florida, chapter 2007-304, Laws of Florida, chapter 2011-240, Laws of Florida, chapter 2012-235, Laws of Florida, and chapter 2017-197, Laws of Florida, is amended to read:

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

(A) To the widow or widower in equal monthly installments an amount equal to one hundred per centum (100%) ~~sixty-five per centum (65%)~~ of the member's final year's earnings, computed from date of death, until death, less any benefits provided under paragraph (B) of this section, so that total

benefits paid do not exceed one hundred per centum (100%) of the member's final year's earnings. For the widow or widower of a firefighter or police officer killed in the line of duty prior to October 1, 1969, the minimum benefit under this section shall be \$1,500 per month (Base plus PRAA). For the widow or widower of 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 the reaching social security normal retirement age, except as provided in Section 28(C) of this Contract, the benefit paid to the widow or widower 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 the widow or widower does not receive the member's accrued social security benefit, there shall be no reduction in benefits paid to such widow or widower. 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. The widow or widower of 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 widow or widower 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) For each child until he or she shall have reached the age of eighteen (18) years, or until such child or children shall die or marry before reaching the age of eighteen (18) years, or age twenty-three (23) if a full-time student, in equal monthly installments an amount equal to fifteen per centum (15%) of the final year's earnings, computed from date of death, subject to a limitation of a total of one hundred per centum (100%) ~~ninety-five per centum (95%)~~ of final yearly earnings for widow or widower and children combined. Equal monthly installments paid to the child or children in the aggregate shall not exceed thirty percent per centum (30%) of the member's final year's earnings, and the fifteen per centum (15%) per child shall be adjusted in the event of more than two (2) children. Monthly installment amounts paid to the child or children shall reduce the widow or widower monthly installments by the same amount paid to the child or children so that the total combined annual benefits of the widow or widower and the child or children do not exceed one hundred per centum (100%) of the member's final year's earnings. Children's pensions shall terminate at the earliest of death, or marriage, as well as reaching age eighteen (18), or reaching age twenty-three (23) if a full-time student. Adopted children shall participate. Pension payments no longer paid to the child or children shall continue to be paid to the widow or widower.

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

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

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

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

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

Section 3. The changes to the pension contract 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 changes and reject other of said changes. Any firefighter or police officer who is entitled to benefits under the City Pension Fund for Firefighters and Police Officers in the City of Tampa who is actively employed as a firefighter or police officer in the City of Tampa on or after the date this act becomes a law shall have the opportunity to sign such supplemental pension contract before October 1, 2018. 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 a law shall be required, as a condition of membership into such pension fund, to sign a pension contract which includes the provisions of this act, and shall be required to make contributions if 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 Tampa City 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 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, chapter 2004-427, Laws of Florida, chapter 2007-304, Laws of Florida, chapter 2011-240, Laws of Florida, chapter 2012-235, Laws of Florida, and chapter 2017-197, Laws of Florida, is in all other respects approved, ratified, validated, and confirmed.

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

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

Approved by the Governor March 23, 2018.

Filed in Office Secretary of State March 23, 2018.