

BILL

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YEAR

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 the  
 7           amount of pension received by a widow or widower  
 8           should a member lose his or h er life or later die  
 9           from injuries or causes occurring while in the  
 10          discharge of duties; confirming in part the City of  
 11          Tampa Firefighters and Police Officers Pension  
 12          Contract; providing for severability; providing an  
 13          effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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