Firefighter Pension Fund

Number: INFORMAL

Date: December 01, 2016

November 30, 2016

Mr. Kenneth C. Crooks
Fire District Attorney
St. Lucie County Fire District
5160 Northwest Miller Drive
Port St. Lucie, Florida 34983-3392

Dear Mr. Crooks:

This office has received your inquiry on behalf of the St. Lucie County Fire District, asking whether an amendment by the Fire District to its Firefighters' Pension Trust, requiring an increase in the employee contribution of wages to be paid by all firefighters, may be applied to individuals who have already entered the Deferred Retirement Option Plan (DROP). Attorney General Pam Bondi has asked that I respond to your question.

You represent that the St. Lucie County Fire District, an independent taxing district, has its own local plan, the St. Lucie County Fire District Firefighters' Pension Trust. On September 21, 2016, the St. Lucie County Fire Board of Commissioners adopted Resolution 622-16, incorporating an increase in the employee contribution from three percent to four percent, pursuant to the collective bargaining agreement previously negotiated with IAFF Local 1377. The portion of the resolution that concerns you provides:

"Per the provisions of the Collective Bargaining Agreement between the Fire District and IAFF Local 1377, effective the first full payroll period after October 1, 2016, the Members shall contribute 4% of Pensionable Wages towards the Plan including Members in the DROP."[1]

Retirement plans are a proper subject for collective bargaining by public employees.[2] The members affected by the contribution increase have agreed to the increase, and the Fire District has adopted the negotiated change by resolution. This office may not comment on the terms of a collective bargaining agreement, and it must presume the validity of duly adopted local legislation.[3] An opinion will not be issued when a public entity has already acted.[4]

I regret that this office cannot be of more direct assistance to you in this matter, but trust you will understand that our inability to comment is the result of statutory limitations rather than a lack of concern.

Sincerely,

Ellen B. Gwynn