

ORDINANCE NO. 2714-07

**AN ORDINANCE OF THE CITY OF WINTER PARK,
FLORIDA, AMENDING THE RESTATED CITY OF
WINTER PARK FIREFIGHTERS' PENSION PLAN,
ADOPTED PURSUANT TO ORDINANCE NO. 2614-05;
AMENDING SECTION 7, PRE-RETIREMENT DEATH;
PROVIDING FOR CODIFICATION; PROVIDING FOR
SEVERABILITY OF PROVISIONS; REPEALING ALL
ORDINANCES IN CONFLICT HERewith AND
PROVIDING AN EFFECTIVE DATE.**

BE IT ENACTED BY THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS;

SECTION 1: That the restated City of Winter Park Firefighters' Pension Plan, adopted pursuant to Ordinance No. 2614-05, is hereby amended by amending Section 7, Pre-Retirement Death, to read as follows:

SECTION 7. PRE-RETIREMENT DEATH.

1. Prior to Vesting or Eligibility for Retirement.

The Beneficiary of a deceased Member who was not receiving monthly benefits or who was not yet vested or eligible for early or normal retirement and who did not die as a direct result of the performance of his duties as a firefighter, shall receive a refund of one hundred percent (100%) of the Member's Accumulated Contributions.

2. Deceased Members Vested or Eligible for Retirement; Death In-Line of Duty.

The Beneficiary of any Member who dies and who, at the date of his death was vested or eligible for early or normal retirement, or who dies as a direct result of his duties as a firefighter, shall be entitled to a benefit as follows:

A. If the Member was vested, but not eligible for normal or early retirement, the Beneficiary shall receive a benefit payable for ten (10) years, beginning on the date that the deceased Member would have been eligible for early or normal retirement, at the option of the Beneficiary. The benefit shall be calculated as for normal retirement based on the deceased Member's Credited Service and Average Final Compensation as

of the date of his death and reduced as for early retirement, if applicable. The Beneficiary may also elect to receive an immediate benefit, payable for ten (10) years, which is actuarially reduced to reflect the commencement of benefits prior to the early retirement date.

B. If the deceased Member was eligible for normal or early retirement, the Beneficiary shall receive a benefit payable for life determined as if the Member had retired the day before his death and elected the 100% Joint and Survivor benefit.

C. In the event the member dies as a direct result of the performance of his duties as a firefighter and leaves a surviving spouse, A. and B. above shall not apply and the surviving spouse shall receive a life benefit equal to the greater of i) thirty percent (30%) of the average monthly Salary of the Member over the previous twelve (12) month period, or ii) the Member's unreduced accrued benefit.

D. A Beneficiary may elect to receive an actuarial equivalent life benefit and the Board may elect to make a lump sum payment pursuant to Section 10, subsection 7.

E. A Beneficiary may, in lieu of any benefit provided for in A, B, or C above, elect to receive a refund of the deceased Member's Accumulated Contributions.

3. The board shall determine whether death occurred as a direct result of the performance of duties as a firefighter and the In-Line of Duty Presumptions in Section 8, subsection 2 shall apply.

SECTION 2: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Winter Park.

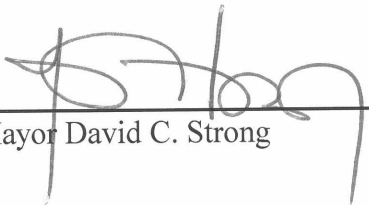
SECTION 3: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other

body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.


SECTION 4: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5: That this Ordinance shall become effective upon its adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the 11th day of June, 2007.

By: 

Mayor David C. Strong

Attest: 

City Clerk