

ORDINANCE NO. 2906-13

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE CITY OF WINTER PARK FIREFIGHTERS' PENSION PLAN; AMENDING SECTION 74-151, DEFINITIONS; AMENDING SECTION 74-156, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 74-159, VESTING; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Winter Park Firefighters are presently provided pension and certain other benefits under Ordinances of the City of Winter Park; and

WHEREAS, the City and International Association of Fire Fighters (Local 1598) entered into a collective bargaining agreement providing for certain changes to the Firefighters' Pension Plan; and

WHEREAS, to implement the pension changes contained in the collective bargaining agreement it is necessary to amend the Firefighters' Pension Plan.

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

SECTION 1: Section 74-151 of Chapter 74, of the Code of Ordinances of the City of Winter Park, Florida is hereby amended to read as follows:

Sec. 74-151. – Definitions.

1. As used herein, unless otherwise defined or required by the context, the following words and phrases shall have the meaning indicated:

Accumulated Contributions means a Member's own contributions with interest, beginning October 1, 1992, at the rate of five percent (5%) per annum, through the effective date of this ordinance. Effective on and after the effective date of this ordinance, accumulated contributions means a Member's own contributions to the System, without interest. For those Members who purchase Credited Service with interest or at no cost to the System, any payment representing the amount attributable to Member contributions based on the applicable Member contribution rate, and any payment representing interest and any required actuarially calculated payments for the purchase of such Credited Service, shall be included in Accumulated Contributions.

SECTION 2: Section 74-156 of Chapter 74, of the Code of Ordinances of the City of Winter Park, Florida is hereby amended to read as follows:

Sec. 74-156. - Benefit amounts and eligibility.

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1. *Normal Retirement Date.* A Member's normal retirement date shall be the first day of the month coincident with, or next following the earlier of the attainment of age fifty-five (55) and the completion of ten (10) years of Credited Service or the completion of twenty (20) years of Credited Service, regardless of age. A Member may retire on his normal retirement date or on the first day of any month thereafter, and each Member shall become one hundred percent (100%) vested in his accrued benefit on the Member's normal retirement date. Normal retirement under the System is Retirement from employment with the City on or after the normal retirement date.

2. *Normal Retirement Benefit.* A Member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coincident with or next following his Retirement and be continued thereafter during Member's lifetime, ceasing upon death, but with one hundred twenty (120) monthly payments guaranteed in any event. The monthly retirement benefits shall equal three percent (3%) of Average Final Compensation, for each year of Credited Service.

3. *Early Retirement Date.* A Member may retire on his early retirement date which shall be the first day of any month coincident with or next following the attainment of age fifty (50) and the completion of ten (10) years of Credited Service. Early retirement under the System is Retirement from employment with the City on or after the early retirement date and prior to the normal retirement date.

4. *Early Retirement Benefit.* A Member retiring hereunder on his early retirement date may receive either a deferred or an immediate monthly retirement benefit payable in the same form as for normal retirement as follows:

A. A deferred monthly retirement benefit which shall commence on what would have been his normal retirement date had he remained a Firefighter and shall be continued on the first day of each month thereafter. The amount of each such deferred monthly retirement benefit shall be determined in the same manner as for retirement on his normal retirement date except that Credited Service and Average Final Compensation shall be determined as of his early retirement date; or

B. An immediate monthly retirement benefit which shall commence on his early retirement date and shall be continued on the first day of each month thereafter. The benefit payable shall be as determined in Paragraph A above, reduced by three percent (3%) for each year by which the commencement of benefits precedes the normal retirement date.

C. Notwithstanding any other provision of this section 74-156, retirement benefits of Members with at least ten (10) years of Credited Service who terminate employment with the City for any reason, voluntary or involuntary, on or after the effective date of this ordinance and prior to attaining eligibility for early or normal retirement, are not payable until the Member attains age fifty-five (55).

5. *Cost-of-Living Adjustment.*

A. This subsection shall apply to those Members who are eligible for normal or early retirement and who retire retiring on or after October 1, 2002, or those persons who are vested and terminate their employment on or after that date. Beginning on the first day of the month following the date on which a Retiree reaches age sixty (60), and annually on the same date in each subsequent year, the monthly benefit of each Retiree, Beneficiary, joint annuitant or terminated vested person who retires or otherwise terminates employment on or after the effective date of the ordinance adopting this subsection, shall be increased by three percent (3%). Beneficiaries and joint annuitants of deceased Retirees shall receive adjustments as provided for herein based on the age of the deceased Retiree.

B. Beginning October 1, 2003 and on each subsequent October 1st, the benefit recipients described in A. above shall, after receiving their first benefit increase on the first day of the month following their sixtieth birthday, receive their three percent (3%) annual adjustment on each October 1st thereafter. The October 1, 2003 increase for those currently receiving benefits, and the first October 1st following the sixtieth birthday increase, for those who begin benefits after October 1, 2003, shall be prorated according to the number of months since the immediately preceding increase was received.

C. Notwithstanding any other provision of this subsection 5, Members who terminate City employment for any reason, voluntary or involuntary, on or after the effective date of this ordinance and prior to attaining eligibility for normal or early retirement shall not be eligible for a cost of living adjustment pursuant to this subsection.

6. *Required Distribution Date.* The Member's benefit under this Section must begin to be distributed to the Member no later than April 1 of the calendar year following the later of the calendar year in which the Member attains age seventy and one-half (70½) or the calendar year in which the Member terminates employment with the City.

SECTION 3: Section 74-159 of Chapter 74 of the Code of Ordinances of the City of Winter Park, Florida is hereby amended to read as follows:

Sec. 74-159. - Vesting

If a Member terminates his employment as a Firefighter, either voluntarily or by discharge, and is not eligible for any other benefits under this System, Member shall be entitled to the following:

1. If the Member has less than ten (10) years of Credited Service upon termination, the Member shall be entitled to a refund of his Accumulated Contributions or the Member may leave it deposited with the Fund.

2. If the Member has ten (10) or more years of Credited Service upon termination, the Member shall be entitled to a monthly retirement benefit, determined in

the same manner as for normal or early retirement and based upon the Member's Credited Service, Average Final Compensation and the benefit accrual rate as of the date of termination, payable to him commencing at the Member's otherwise normal or early retirement date, determined as if he had remained employed, provided he does not elect to withdraw his Accumulated Contributions and provided the Member survives to his otherwise early or normal retirement date. If the Member does not withdraw his Accumulated Contributions and does not survive to his otherwise early or normal retirement date, his designated Beneficiary shall be entitled to a benefit as provided herein for a deceased Member, who has ten (10) or more years of Credited Service and who dies from a condition that was not-in-line of duty as provided under Pre-Retirement Death.

3. Notwithstanding any other provision of this section 74-159, retirement benefits of Members with at least ten (10) years of Credited Service who terminate City employment on or after the effective date of this ordinance for any reason, voluntary or involuntary, prior to attaining eligibility for early or normal retirement, are not payable until the Member attains age fifty-five (55).

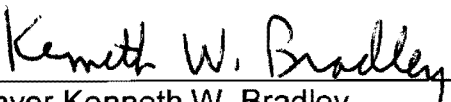
SECTION 4: If any provision of this Ordinance or the application thereof is held invalid such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications and to this end the provisions of this Ordinance are hereby declared severable.

SECTION 5: All other ordinances of the City of Winter Park, Florida or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 6: This Ordinance shall be codified in the Code of Ordinances of the City of Winter Park, Florida.

SECTION 6: This Ordinance shall become effective on March 1, 2013.

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 28th day of January, 2013.



Mayor Kenneth W. Bradley

Attest: 

Cynthia S. Bonham, City Clerk