

ORDINANCE NO. 3120-18

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 74, PERSONNEL, ARTICLE V, RETIREMENT AND PENSION PLANS, DIVISION 3, FIREFIGHTERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK; AMENDING SECTION 74-156, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 74-157, PRE-RETIREMENT DEATH; AMENDING SECTION 74-159, VESTING; 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 Chapter 74, Personnel, Article V, Retirement and Pension Plans, Division 3, Firefighters, of the Code of Ordinances of the City of Winter Park, is hereby amended by amending Section 74-156, Benefit Amounts and Eligibility, to remove subsection 4.C., as follows:

\* \* \* \* \*

4. ~~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 March 1, 2013 and prior to attaining eligibility for early or normal retirement, are not payable until the Member attains age fifty-five (55).~~

\* \* \* \* \*

**SECTION 2:** That Chapter 74, Personnel, Article V, Retirement and Pension Plans, Division 3, Firefighters, of the Code of Ordinances of the City of Winter Park, is hereby amended by amending Section 74-157, Pre-Retirement Death, subsection 2.B., to read as follows:

\* \* \* \* \*

2. B. This subsection 2.B. applies only when the Member's Spouse is the sole designated Beneficiary.
- (1) If the Member was vested, but not eligible for normal or early retirement, the Spouse 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 Spouse 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 Spouse 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.
  - (2) If the deceased Member was eligible for normal or early retirement, the Spouse 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.
  - (4 3) In the event the Member dies as a direct result of the performance of his duties as a Firefighter, (1) and (2) above shall not apply and the Spouse Beneficiary 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.

(2 4) A Spouse Beneficiary may not elect an optional form of benefit, however the Board may elect to make a lump sum payment pursuant to Section 74-160, subsection 7.

(3 5) A Spouse Beneficiary may, in lieu of any benefit provided for in (1) above, elect to receive a refund of the deceased Member's Accumulated Contributions.

\* \* \* \* \*

**SECTION 3:** That Chapter 74, Personnel, Article V, Retirement and Pension Plans, Division 3, Firefighters, of the Code of Ordinances of the City of Winter Park, is hereby amended by amending Section 74-159, Vesting, to remove subsection 3., as follows:

\* \* \* \* \*

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 March 1, 2013 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).~~

\* \* \* \* \*

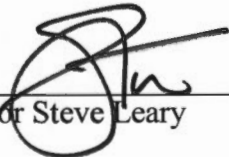
**SECTION 4:** Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Winter Park.

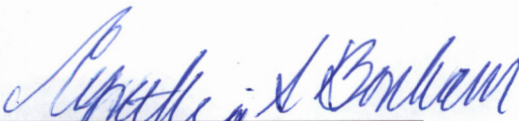
**SECTION 5:** All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 6:** 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 7:** That this Ordinance shall become effective on October 1, 2018.

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 27th day of August, 2018.

By:  \_\_\_\_\_  
Mayor Steve Leary

Attest:  \_\_\_\_\_  
Cynthia S. Bonham, City Clerk