

ORDINANCE NO. 3121-18

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 74, PERSONNEL, ARTICLE V, RETIREMENT AND PENSION PLANS, DIVISION 4, POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK; AMENDING SECTION 74-205, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 74-208, DISABILITY; AMENDING SECTION 74-209, VESTING; AMENDING SECTION 74-215, MAXIMUM PENSION; 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 4, Police Officers, of the Code of Ordinances of the City of Winter Park, is hereby amended by amending Section 74-206, Benefit Amounts and Eligibility, subsections 4.C., and 5.C, to read as follows:

\* \* \* \* \*

4. C. ~~Notwithstanding any other provision of this section 74-206, 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. C. Notwithstanding any other provision of this subsection 5, Members who terminate City employment on or after ~~the effective date of this ordinance~~ March 1, 2013 for any reason, voluntary or involuntary, prior to attaining eligibility for normal or early retirement shall not be eligible for a cost of living adjustment pursuant to this subsection.

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**SECTION 2:** That Chapter 74, Personnel, Article V, Retirement and Pension Plans, Division 4, Police Officers, of the Code of Ordinances of the City of Winter Park, is hereby amended by amending Section 74-207, Pre-Retirement Death, subsection B., to read as follows:

\* \* \* \* \*

- 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.
- (1 3) In the event the Member dies as a direct result of the performance of his duties as a Police Officer, (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 10, 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 4, Police Officers, of the Code of Ordinances of the City of Winter Park, is hereby amended by amending Section 74-208, Disability, subsections 1., 3., and 6., to read as follows:

\* \* \* \* \*

1. *Disability Benefits In-Line of Duty.* Any Member who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a Police Officer, which disability was directly caused by the performance of his duty as a Police Officer, shall, upon establishing the same to the satisfaction of the Board, be entitled to a monthly pension equal to three percent (3%) of his Average Final Compensation multiplied by the total years of Credited Service, but in any event, the minimum amount paid to the Member shall be forty-two percent (42%) of the Average Final Compensation of the Member. Terminated persons, either vested or non-vested, are not eligible for disability benefits, ~~except that those terminated by the City for medical reasons may apply for a disability within thirty (30) days after termination.~~ Notwithstanding the previous sentence, if a Member is terminated by the City for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the Board within thirty (30) days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the Board otherwise determines that he is totally and permanently disabled as provided for above.

\* \* \* \* \*

3. *Disability Benefits Not-in-Line of Duty.* Any Member with ten (10) years or more Credited Service who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a Police Officer, which disability is not directly caused by the performance of his duties as a Police Officer shall upon establishing the same to the satisfaction of the Board, be entitled to a monthly pension equal to three percent (3%) of his Average Final Compensation multiplied by the total years of Credited Service. Terminated persons, either vested or non-vested, are not eligible for disability benefits, ~~except that those terminated by the City for medical reasons may apply for a disability within thirty (30) days after termination.~~ Notwithstanding the previous sentence, if a Member is terminated by the City for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the Board within thirty (30) days from the date of termination. If a

timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the Board otherwise determines that he is totally and permanently disabled as provided for above.

\* \* \* \* \*

6. *Disability Payment.* The monthly benefit to which a Member is entitled in the event of the Member's disability retirement shall be payable on the first day of the first month after the Board determines such entitlement. However, the monthly retirement income shall be payable as of the date the Board determined such entitlement, and any portion due for a partial month shall be paid together with the first payment. The last payment will be:
- A. If the Retiree recovers from the disability, the payment due next preceding the date of such recovery, or
  - B. If the Retiree dies without recovering from disability, the payment due next preceding his death or the 120th monthly payment, whichever is later.

Provided, however, the disability Retiree may select, at any time prior to the date on which benefit payments begin, an optional form of benefit payment as described in Section 10 74-210, subsection 1.A. or 1.B., which shall be the Actuarial Equivalent of the normal form of benefit.

\* \* \* \* \*

**SECTION 4:** That Chapter 74, Personnel, Article V, Retirement and Pension Plans, Division 4, Police Officers, of the Code of Ordinances of the City of Winter Park, is hereby amended by amending Section 74-209, Vesting, to remove subsection 3., as follows:

\* \* \* \* \*

3. ~~Notwithstanding any other provision of this section 74-209, 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 5:** That Chapter 74, Personnel, Article V, Retirement and Pension Plans, Division 4, Police Officers, of the Code of Ordinances of the City of Winter Park, is hereby amended by amending Section 74-215, Maximum Pension, subsection 6., to read as follows:

\* \* \* \* \*

6. *Less than Ten (10) Years of Participation ~~or Service~~.* The maximum retirement benefits payable under this Section to any Member who has completed less than ten (10) years of ~~Credited Service~~ participation with the City shall be the amount determined under subsection 1 of this Section multiplied by a fraction, the numerator of which is the number of the Member's years of ~~Credited Service~~ participation and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10% of the limit determined without regard to this subsection. The reduction provided for in this subsection shall not be applicable to disability benefits paid pursuant to Section 74-208, or pre-retirement death benefits paid pursuant to Section 74-207.

\* \* \* \* \*


**SECTION 6:** Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Winter Park.

**SECTION 7:** All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 8:** 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 9:** 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