

**ORDINANCE 3243-22**

**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 74-160, OPTIONAL FORMS OF BENEFIT; AMENDING SECTION 74-166, DISTRIBUTION OF BENEFITS; 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, subsection 6., *Required Distribution Date*, to read as follows:

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

\* \* \*

6. *Required Distribution Date.* The Member's benefit under this section for Members who reached age seventy and one-half (70 ½) on or before December 31, 2019, 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. The Member's benefit under this Section for Members who reached age seventy and one-half (70 ½) after December 31, 2019, 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-two (72) or the calendar year in which the Member terminates employment with the City.

**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 1., *Prior to Vesting or Eligibility for Retirement Death* and subsection 2., *Deceased Members Vested or Eligible for Retirement or Death In-Line of Duty* to read as follows:

Sec. 74-157. - Pre-retirement death.

1. *Death 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. With Non-Spouse Beneficiary.
    - (1) This subsection 2.A. applies only when the Member's Spouse is not the Beneficiary or is not the sole designated Beneficiary, but there is a surviving Beneficiary. If the Member was vested, but not eligible for normal or early retirement, the Beneficiary shall receive a benefit payable for ten (10) years. 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. The Beneficiary shall 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 Beneficiary shall receive a benefit payable for life determined as if the Member had retired the day before his death and elected the one hundred percent (100%) Joint and Survivor benefit.
    - (3) 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 74-160. subsection 7.
    - (4) A Beneficiary may, in lieu of any benefit provided for in (1) or (2) above, elect to receive a refund of the deceased Member's Accumulated Contributions.
    - (5) If a surviving Beneficiary commences receiving a benefit under subsection (1) or (2) above, but dies before all payments are made, the actuarial value of the remaining benefit will be paid to the surviving Beneficiary's estate by December 31 of the calendar year of the Beneficiary's death in a lump sum.
    - (6) If there is no surviving Beneficiary as of the Member's death, and the estate is to receive the benefits, the actuarial equivalent of the Member's entire

interest must be distributed by December 31 of the calendar year containing the fifth anniversary of the Member's death.

- (7) The Uniform Lifetime Table in Treasury Regulations § 1.401(a)(9)-9 shall determine the payment period for the calendar year benefits commence, if necessary to satisfy the regulations.

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 one hundred percent (100%) Joint and Survivor benefit.

- (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.~~

- ~~(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.~~

- ~~(4)(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.~~

3. Death In-Line of Duty. In the event a Member dies as a natural and proximate result of a personal injury, illness, or disease arising out of and in the course of his employment with the City, and the Board of Trustees finds that his death, injury, illness or disease resulting in death is the result of his actual performance of his duties as a firefighter, subsections 1 and 2 in this section shall not apply.

- A. This subsection shall apply only if the Member's Spouse is the sole designated Beneficiary.
- (1) The Spousal Beneficiary shall receive a benefit payable for their life equal to the greater of: i) forty-two percent (42%) of the average monthly Salary of the Member over the previous twelve (12) month period; or ii) the Member's unreduced accrued benefit at the time of death.
  - (2) A Spousal Beneficiary may not elect an optional form of benefit; however, the Board may elect to pay a lump sum benefit payment pursuant to Section 74-160, subsection 7.
  - (3) A Spousal Beneficiary may, in lieu of any benefit provided for in (1) here, elect to receive a refund of the deceased Member's Accumulated Contributions.
- B. This subsection only applies when the Member's Spouse is not the Beneficiary or is not the sole designated Beneficiary, but there is a surviving Beneficiary.
- (1) In the event a Member was not vested, or if the Member was vested but not yet eligible for normal or early retirement, the Member's Beneficiary shall receive a benefit payable for ten (10) years, that is equal to the greater of: i) forty-two percent (42%) of the average monthly Salary of the Member over the previous twelve (12) month period; or ii) the Member's unreduced accrued benefit at the time of death.
  - (2) If the member was vested and had attained eligibility 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 one hundred percent (100%) Joint and Survivor benefit. The minimum amount payable to such deceased Member shall be forty-two percent (42%) of the Average Final Compensation of the Member at the time of their death.
  - (3) If there are multiple named Beneficiaries, each shall receive an equal portion of the total benefit, unless the Member has specified a different allocation percentage to each such named beneficiaries.
  - (4) A Beneficiary may, in lieu of any benefit provided for in subsection (1) here, elect to receive a refund of the deceased Member's Accumulated Contributions.

- C. 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 74-158, subsection 2, shall apply.

**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 74-160, Optional forms of benefits, subsection 5., to read as follows:

**Sec. 74-160. - Optional forms of benefits.**

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5. Retirement income payments shall be made under the option elected in accordance with the provisions of this Section and shall be subject to the following limitations:
- A. If a Member dies prior to his normal retirement date or early retirement date, whichever first occurs, no retirement benefit will be payable under the option to any person, but the benefits, if any, will be determined under Section 74-157.
  - B. If the designated Beneficiary (or Beneficiaries) or joint pensioner dies before the Member's Retirement under the System, the option elected will be canceled automatically and a retirement income of the normal form and amount will be payable to the Member upon his Retirement as if the election had not been made, unless a new election is made in accordance with the provisions of this Section or a new Beneficiary is designated by the Member prior to his Retirement.
  - C. If both the Retiree and the Beneficiary (or Beneficiaries) designated by Member or Retiree die before the full payment has been effected under any option providing for payments for a period certain and life thereafter, made pursuant to the provisions of subsection 1, the Board may, in its discretion, direct that the commuted value of the remaining payments be paid in a lump sum and in accordance with Section 74-161.
  - D. If a Member continues beyond his normal retirement date pursuant to the provisions of Section 74-156, subsection 1, and dies prior to his actual retirement and while an option made pursuant to the provisions of this Section is in effect, monthly retirement income payments will be made, or a retirement benefit will be paid, under the option to a Beneficiary (or Beneficiaries) designated by the Member in the amount or amounts computed as if the Member had retired under the option on the date on which his death occurred.
  - E. The Member's benefit under this Section, for Members who reached age seventy and one-half (70 ½) on or before December 31, 2019, 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. The Member's benefit under this Section, for Members who reached age seventy and one-half (70 ½) after December 31, 2019, 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-two (72), or the calendar year in which the Member terminates employment with the City.

**SECTION 4:** 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 74-166, Distribution of benefits, subsection 2., *Time and Manner of Distribution*, to read as follows:

**Sec. 74-166. - Distribution of benefits.**

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2. *Time and Manner of Distribution.*

- A. *Required Beginning Date.* ~~The Member's entire~~ The entire interest of a Member who reached age seventy and one-half (70 ½) on or before December 31, 2019, will be distributed, or begin to be distributed, to the Member no later than the Member's required beginning date which shall not be 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. The entire interest of a Member who reached age seventy and one-half (70 ½) after December 31, 2019, will be distributed, or begin to be distributed, to the Member no later than the Member's required beginning date which shall not be later than April 1 of the calendar year following the later of the calendar year in which the Member attains age seventy-two (72). or the calendar year in which the Member terminates employment with the City.
- B. *Death of Member Before Distributions Begin.* If the Member dies before distributions begin, the Member's entire interest will be distributed, or begin to be distributed no later than as follows:
- (1) If the ~~Member's~~ surviving spouse of a Member who reached age seventy and one-half (70 ½) on or before December 31, 2019, is the Member's sole designated beneficiary, then distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the

calendar year in which the Member died, or by a date on or before December 31 of the calendar year in which the Member would have attained age seventy and one-half (70½), if later, as the surviving spouse elects. If the surviving spouse of a Member who reached age seventy and one-half (70 ½) after December 31, 2019, is the Member's sole designated beneficiary, then distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Member died, or by a date on or before December 31 of the calendar year in which the Member would have attained age seventy-two (72), if later, as the surviving spouse elects.

**SECTION 5:** Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Winter Park.

**SECTION 6:** All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 7:** 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 8:** That this Ordinance shall become effective upon 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 25<sup>th</sup> day of May, 2022.

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Mayor Phillip M. Anderson

Attest:

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Deputy City Clerk Kim Breland