

ORDINANCE 3276-23

**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
74-151, DEFINITIONS; AMENDING SECTION 74-157,
PRE-RETIREMENT DEATH; AMENDING SECTION 74-158, DISABILITY;
PROVIDING FOR COMPLIANCE WITH CHAPTER 2019-21, LAWS OF
FLORIDA; 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 74-151, Definitions, by amending *Salary* to read as follows:

Salary means the total compensation for services rendered to the City as a Fire Fighter reported on the Member's W-2 form, including all types of pay included in pensionable salary on January 1, 2023, all tax deferred items of income deferred pursuant to Sections 457 (employee contributions only) and 414(h) of the Code and tax exempt income exempt pursuant to Section 125 of the Code, and tax sheltered items of income derived from elective employee payroll deductions or salary reductions, but excluding ~~except~~ compensation for special details, duty indirectly paid for by private parties, tuition reimbursement, and emergency payment for unused Personal Leave, and all other types of pay excluded from pensionable salary on January 1, 2023, and all types of pay added after January 1, 2023, unless agreed to be included as Salary by the City and Union representing the City's firefighters. but including all tax deferred items of income deferred pursuant to Sections 457 (employee contributions only) and 414(h) of the Code and tax exempt income exempt pursuant to Section 125 of the Code, and tax sheltered items of income derived from elective employee payroll deductions or salary reductions. Notwithstanding the preceding sentence, for Credited Service on and after October 1, 2011, Salary shall exclude payments for overtime in excess of three hundred (300) hours per calendar year, excluding overtime worked as part of a member's regular work schedule, and payments for accrued annual leave, except that payments for accrued annual leave accrued as of

October 1, 2011 may be included in Salary for pension purposes even if payment is not actually made until on or after October 1, 2011 provided, however, the amount of accrued annual leave accrued as of October 1, 2011 that may be included in Salary for pension purposes shall be reduced by the actual amount of annual leave used by the Member on or after October 1, 2011 as follows:

[remainder of definition unchanged]

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, by adding subsection 4, to read as follows:

* * * *

4. As provided and subject to the limitations in section 112.1816, Florida Statutes, effective July 1, 2019, a firefighter (as defined in section 112.1816(1), Florida Statutes) member shall be considered to have died in the line of duty if he or she dies as a result of cancer (as defined in section 112.1816(1), Florida Statutes) or circumstances that arise out of the treatment of such cancer (as defined in section 112.1816(1), Florida Statutes).

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 74-158, Disability, subsection 2., *In-Line of Duty Presumptions*, and adding subsection C., *Cancer Presumption*, to read as follows:

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2. In-Line of Duty Presumptions.

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C. *Cancer Presumption.* As provided and subject to the limitations in section 112.1816, Florida Statutes, effective July 1, 2019, a firefighter (as defined in section 112.1816(1), Florida Statutes) member shall be considered to be totally and permanently disabled in the line of duty if he or she meets the Plan's definition

of Totally and Permanently Disabled due to a diagnosis of cancer (as defined in section 112.1816(1), Florida Statutes) or circumstances that arise out of the treatment of such cancer (as defined in section 112.1816(1), Florida Statutes).

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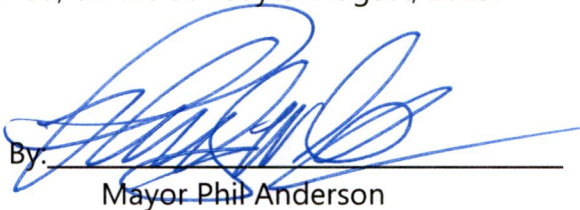
SECTION 4: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Winter Park.

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: This Ordinance shall become effective upon passage; however, the provisions of this Ordinance that are specified to take effect as of a date certain shall take effect as of the date specified herein.

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 9th day of August, 2023.

By. 
Mayor Phil Anderson

ATTEST:


Rene Cranis, City Clerk