

PROPOSED
ORDINANCE NO. 11-23

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 9-10-1 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FIREFIGHTER PENSION BENEFITS SUPPLEMENTAL TO BENEFITS PROVIDED BY STATE STATUTE; TO COMPLY WITH CHAPTER 2019-21, LAWS OF FLORIDA, AS AMENDED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 9-10-1 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 9-10-1. Firefighter Supplemental Benefits.

Pursuant to the authority provided by Section 29(A) of Laws of Fla. 1941, Ch. 21483, as amended, the following supplemental benefits for firefighters are hereby provided by ordinance:

- (1) Notwithstanding the provisions of Section 5(n)(2)(d) of Laws of Florida 1941, Ch. 21483, as amended, the surviving spousal benefit of a firefighter retiring on or after June 1, 2021, shall be 75 percent of the retiree's benefit upon the retiree's death.
- (2) The provisions of Section 13(a) of Laws of Florida 1941, Ch. 21483, as amended, shall be supplemented by the elimination of the cessation of survivor benefits upon the remarriage of a widow or widower, and Section 13(a) shall be interpreted and applied in the following manner:

In the event of the death of a pensioner while he or she is actually drawing a pension under the provisions of this act, or in the event of the death of any person entitled to the benefits of this act, who shall have been employed as a firefighter, the widow or widower of such person, shall be paid a monthly pension equal to one-twelfth (1/12th) of 75 percent of the annual pension which the deceased pensioner or person so entitled was receiving or to which he or she would have been entitled in the event of retirement as of the date of his or her death, having regard to his or her period of service and rate of compensation, irrespective of his or her age, which pension shall be for the use of the said widow or widower.

- (3) The provisions of Section 15 of Laws of Florida 1941, Ch. 21483, as amended, shall be supplemented to eliminate any penalty upon remarriage of a surviving widow or widower and Section 15 shall be interpreted and applied in the following manner:

If a widow or widower receiving a pension under any of the provisions of this act dies, his or her pension shall cease; however, if such death occurs before such widow or widower, as the case may be, and the retiree, collectively, having received retirement benefits for a period of less than 10 years, the same benefit will be paid to the beneficiary or the beneficiaries designated by the retiree for the balance of such 10-year period. Such beneficiary designation must be in writing and received an approved by the board of trustees before the retiree's death. If a widow or widower enjoying a pension under any of the provisions of this act shall die, her or his pension shall cease.

- (4) The provisions of Section 30(d) of Laws of Florida, Ch. 21483, as amended, shall be supplemented to define pensionable compensation to include wages paid together with a maximum of 300 hours of annual overtime and basic life support pay, and Section 30(d) shall be interpreted and applied in the following manner:

"Compensation," "salary," and "earnings" mean the wages paid to a firefighter, together with a maximum of 300 hours annual overtime pay and basic life support (BLS) shall be included in pension calculations. Compensation for any plan year shall not exceed the annual compensation limit under Section 401(a)(17) of the Code, as in effect on the first day of the plan year. This limit shall be adjusted by the Secretary of the Treasury to reflect increases in the cost of living, as provided in Section 401(a)(17)(B) of the Code; however, that the dollar increase in effect on January 1 of any calendar year is effective for plan year beginning in such calendar year. If a plan determines compensation over a plan year that contains less than 12 calendar months (a "short plan year"), then the compensation limit for such short plan year is equal to the compensation limit for the calendar year in which the short plan year begins multiplied by the ratio obtained by dividing the number of full months in the short plan year.

- (5) The provisions of Section 24(2) of Laws of Florida, Ch. 21483, as amended, shall be supplemented to include a provision for line of duty disability related to a diagnosis of cancer:

Any condition or impairment of health of a firefighter caused by lung diseases, hypertension, heart disease, or hardening of the arteries resulting in total or partial disability or death shall be presumed to have been accidental and suffered in the line of duty unless the contrary be shown by competent evidence; provided, however, that such firefighter shall have

successfully passed a physical examination before entering into such service, which examination failed to reveal any evidence of such condition. Effective July 1, 2019, a firefighter member shall be considered totally and permanently disabled in the line of duty, if he or she meets the retirement plans' definition of totally and permanently disabled, due to the diagnosis of cancer or circumstances that arise out of the treatment of cancer (as defined in section 112.1816(1), Florida Statutes).

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk