

PROPOSED
ORDINANCE NO. 16-21

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 9-5-72 AND CREATING CHAPTER 9-10, SECTION 9-10-1 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; IMPLEMENTING RATIFIED FIREFIGHTER COLLECTIVE BARGAINING AGREEMENT PROVISIONS; PROHIBITING ADDITIONAL FUNDING OF THE FIREFIGHTERS' DEFERRED COMPENSATION PLAN; PROVIDING FIREFIGHTER PENSION BENEFITS SUPPLEMENTAL TO BENEFITS PROVIDED BY STATE STATUTE; AMENDING SPOUSAL AND WIDOW/WIDOWER BENEFITS; AMENDING DEFINITION OF COMPENSATION; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 9-5-72 of the Code of the City of Pensacola, Florida is hereby amended to read as follows:

Sec. 9-5-72. - Funding.

- (a) The deferred compensation plan shall be funded with contributions of both the city and the employee in the following manner:
 - (1) If the employee elects to participate, he must contribute a mandatory amount equal to one (1.0) percent of his compensation.
 - (2) The city shall contribute a mandatory amount equal one (1.0) percent of compensation for each participating employee.
 - (3) The employee may contribute an additional amount on a voluntary basis up to the maximum amount allowed by law.
 - (4) The city shall contribute an additional amount equal to the amount of the voluntary contribution of each employee up to but not exceeding five and seven-tenths (5.7) percent of compensation.
- (b) The contributions to fund the deferred compensation plan shall be distributed in the following manner:

- (1) Each employee's contribution, both the one (1.0) percent of compensation mandatory contribution and the up to five and seven-tenths (5.7) percent of compensation additional voluntary contribution, shall be deposited in the plan's deferred compensation account for each employee in accordance with the terms of the deferred compensation plan.
 - (2) The first one (1.0) percent of the city's one (1.0) percent of compensation mandatory contribution shall be used to fund first the deferred compensation plan disability and survivor plan, provided for in Division 2 of this chapter, on behalf of all participants; the remaining city contributions after funding the deferred compensation plan disability and survivor plan shall be deposited in the defined contribution plan account of employees in accordance with the terms of the defined contribution plan.
 - (3) The city's contribution of up to an additional five and seven-tenths (5.7) percent of compensation to match employee's voluntary contribution of up to an additional five and seven-tenths (5.7) percent of compensation shall be deposited in the defined contribution plan account of employees in accordance with the terms of the defined contribution plan.
 - (4) City contributions to an employee's defined contribution plan account shall cease during any calendar year at the time such employee contributions to that account cease.
- (c) The termination of future contributions by employees to the Firefighters' Deferred Compensation Plan shall be effective upon adoption by the Florida Legislature of legislation authorizing such termination, the passage of the ordinance providing increased benefits to the firefighters participating in the Firefighters' Relief and Pension Plan.

SECTION 2. CHAPTER 9-10 of the Code of the City of Pensacola, Florida, is hereby created to read:

CHAPTER 9-10. Firefighter Supplemental Benefits.

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% 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, ~~so long as she or he remains unmarried,~~ shall be paid a monthly pension equal to one-twelfth (1/12th) of seventy-five (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. ~~If the widow's or widower's pension has been terminated due to remarriage and such marriage ends in the spouse's death or divorce, then the widow's or widower's pension may be restored by the pension board in the same amount as previously provided by provisions of this act.~~

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 and approved by the board of trustees before the retiree's death. ~~The remarriage of a widow or widower receiving a pension under any of the provisions of this act shall cause such pension benefit to cease. If a widow or widower enjoying a pension under any of the provisions of this act shall die, her or his pension shall cease. and if she or he shall remarry while enjoying any such pension, then and in the latter event, her or his pension shall cease and shall not be paid to such widow or widower; provided, however, in the event the deceased firefighter shall be survived by one~~

~~(1) or more legitimate children under the age of eighteen (18) years at the time the widow or widower shall remarry, the pension board may, in its discretion, grant an amount for the support and maintenance of said child or children until said child or children become eighteen (18) years of age, not to exceed ten dollars (\$10.00) per month for each child, in no event to exceed the sum of forty (\$40.00) dollars per month for any one (1) family.~~

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, for those with 10 or more years of service as of the effective date of this act a maximum of 300 hours annual overtime pay, for those with less than 10 years of service as of the effective date of this act a maximum of 200 hours annual overtime pay, for those hired on or after the effective date of this act no overtime pay, station or watch captain pay, special duty pay, in service sick leave redemption pay (when paid), bonuses, lump sum payments not paid at termination, inclusive of employee elective salary reductions or deferrals to any salary reduction, deferred compensation, or tax sheltered annuity program authorized under the Internal Revenue Code if the firefighter would receive those reductions or deferrals if he or she were not participating in such program, and any other payments required by law to~~ 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 twelve (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.

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