

**ORDINANCE NO. 25-2018**

**AN ORDINANCE OF THE CITY OF SEMINOLE, FURTHER AMENDING THE CITY OF SEMINOLE MUNICIPAL FIREFIGHTERS' PENSION TRUST FUND, ADOPTED PURSUANT TO ORDINANCE NO. 18-2000, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 7, PRE-RETIREMENT DEATH; AMENDING SECTION 8, DISABILITY; AMENDING SECTION 17, MISCELLANEOUS PROVISIONS; AMENDING SECTION 28, REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEMINOLE, FLORIDA;**

**SECTION 1:** That the City of Seminole Municipal Firefighters' Pension Trust Fund, adopted pursuant to Ordinance No. 18-2000, as subsequently amended, is hereby further amended by amending Section 7, Pre-Retirement Death, subsection 2.B., to read as follows:

\* \* \* \* \*

2. B. If the deceased Member was eligible for normal or early retirement, the Spouse Beneficiary shall receive a benefit payable for ten (10) years, beginning on the first day of the month following the Member's death or at the deceased Member's otherwise normal retirement date, 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 a benefit, payable for life, which is the Actuarial Equivalent of the above described benefits.

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**SECTION 2:** That the City of Seminole Municipal Firefighters' Pension Trust Fund, adopted pursuant to Ordinance No. 18-2000, as subsequently amended, is hereby further amended by amending Section 8, Disability, subsection 1., Disability Benefits In-Line of Duty, subsection 3., Disability Benefits Not-in-Line of Duty, and by adding subsection 7., 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 Firefighter, which disability was directly caused by the performance of his duty as a Firefighter, shall, upon establishing the same to the satisfaction of the Board, be entitled to a monthly pension equal to forty-two percent (42%) of his average monthly Salary based upon his final two (2) years of service plus an amount equal to the number of years of his Credited Service multiplied by three percent (3%) of his average monthly Salary based upon his final two (2) years of service, provided that the total monthly pension amount shall not exceed seventy-five percent (75%) of his average monthly Salary based on his final two (2) years of service. In no event, however, shall the benefit be less than the greater of two percent (2%) of Average Final Compensation for each year of Credited Service or forty-two percent (42%) of Average Final Compensation. Eligibility requirements for disability benefits are set forth in subsection 7., below.

\* \* \* \* \*

3. Disability Benefits Not-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 Firefighter, which disability is not directly caused by the performance of his duties as a Firefighter shall, upon establishing the same to the satisfaction of the Board, be entitled to a monthly pension equal to the number of years of Credited Service multiplied by three percent (3%) of his average monthly Salary based upon his final two (2) years of service, provided that the total monthly pension amount shall not exceed forty percent (40%) of his average monthly Salary based on his final two (2) years of service. In no event, however, shall the benefit of any member with at least ten (10) years of Credited Service be less than the greater of two percent (2%) of Average Final Compensation for each year of Credited Service or twenty-five percent (25%) of Average Final Compensation. Eligibility requirements for disability benefits are set forth in subsection 7., below.

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7. Eligibility for Disability Benefits. Subject to 7.D. below, only active Members of the System on the date the Board determines entitlement to a disability benefit are eligible for disability benefits.

- A. Terminated persons, either vested or non-vested, are not eligible for disability benefits.
- B. If a Member voluntarily terminates his employment, either before or after filing an application for disability benefits, he is not eligible for disability benefits.
- C. If a Member is terminated by the City for any reason other than for medical reasons, either before or after he files an application for disability benefits, he is not eligible for disability benefits.
- D. The only exception to A. above is:
  - (1) If the Member is terminated by the City for medical reasons and he has already applied for disability benefits before the medical termination, or;
  - (2) If the Member is terminated by the City for medical reasons and he applies within 30 days after the medical termination date.

If either D.(1), or D.(2) above applies, the Member's application will be processed and fully considered by the board.

**SECTION 3:** That the City of Seminole Municipal Firefighters' Pension Trust Fund, adopted pursuant to Ordinance No. 18-2000, as subsequently amended, is hereby further amended by amending Section 17, Miscellaneous Provisions, by adding subsection 10., Missing Benefit Recipients, to read as follows:

\* \* \* \* \*

10. Missing Benefit Recipients. The System shall follow the procedures outlined in the IRS Employee Plans Compliance Resolution System (EPCRS) Program and other applicable IRS guidance to locate any missing individuals to whom a full unreduced benefit payment is due and if, at the conclusion of such efforts, the individual cannot be located, the existing procedure of

cancelling payments otherwise due (provided that, if the individual is later located, the benefits due shall be paid) will apply.

**SECTION 4:** That the City of Seminole Municipal Firefighters' Pension Trust Fund, adopted pursuant to Ordinance No. 18-2000, as subsequently amended, is hereby further amended by amending Section 28, Reemployment After Retirement, to read as follows:

**SECTION 28. REEMPLOYMENT AFTER RETIREMENT.**

1. Any Retiree under this System, may be reemployed by any public or private employer, and may receive compensation from that employment without limiting or restricting in any way the retirement benefits payable under this System. Notwithstanding the previous sentence, reemployment by the City shall be subject to the limitations set forth in this Section.

2. After Normal Retirement. Any Retiree who is retired under normal (or early) retirement pursuant to this System and who is reemployed as a Firefighter and, by virtue of that reemployment, is eligible to participate in this System, shall upon being reemployed, discontinue receipt of benefits. Upon reemployment, the Member shall be deemed to be fully vested and the additional Credited Service accrued during the subsequent employment period shall be used in computing a second benefit amount attributable to the subsequent employment period, which benefit amount shall be added to the benefit determined upon the initial retirement to determine the total benefit payable upon final Retirement. Calculations of benefits upon Retirement shall be based upon the benefit accrual rate, Average Final Compensation, and Credited Service (and early retirement reduction factor, if applicable) as of that date and the retirement benefit amount for any subsequent employment period shall be based upon the benefit accrual rate, Average Final Compensation (based only on the subsequent employment period), and Credited Service (and early retirement reduction factor, if applicable) as of the date of subsequent retirement. The amount of any disability benefit received during a subsequent period of employment shall be reduced by the amount of accrued benefit eligible to be paid for a prior period of employment. The optional form of benefit and any joint pensioner selected upon initial retirement shall not be subject to change upon subsequent retirement except as otherwise provided herein, but the retiree may select a different optional form and joint pensioner applicable only to the subsequent retirement benefit.

3. Any Retiree who is retired under normal retirement pursuant to this System who is reemployed by the City in a position other than as a Firefighter, shall upon being reemployed, continue receipt of benefits for the period of any subsequent employment period.

4. After Early Retirement. Any Retiree who is retired under early retirement pursuant to this System and who subsequently becomes an employee of the City in any capacity, shall discontinue receipt of benefits from the System. If the reemployed person, by virtue of his reemployment, is eligible to participate in this System, that person shall accrue a second benefit as provided for in subsection 2. above and benefit payments shall remain suspended during any such subsequent employment period. If the reemployed person is not eligible to participate in this System, that person's pension benefit payments shall be suspended until the earlier of termination of employment or such time as the reemployed retiree reaches the date that he would have been eligible for normal retirement under this System had he continued employment and not elected early retirement. "Normal retirement" as used in this subsection shall be the current normal retirement date provided for under this System.

5. After disability retirement.

A. Subject to paragraph B. below, any Retiree who is retired under Section 8, Disability ("disability retiree"), may, subject to subsection 5, physical examination requirement, of that section, be reemployed by any public or private employer, and may receive compensation from that employment

without limiting or restricting in any way, the retirement benefits payable under this System.

- B. Any disability Retiree who subsequently becomes an employee of the City in any capacity, except as a Firefighter, shall discontinue receipt of disability benefits from the System for the period of any such employment.
- C. If a disability Retiree is reemployed as a Firefighter for the City, his disability benefit shall cease and Section 8, subsection 5 shall apply.

6. Reemployment of Terminated Vested Persons. Reemployed terminated vested persons shall not be subject to the provisions of this Section until such time as they begin to actually receive benefits. Upon receipt of benefits, terminated vested persons shall be treated as normal or early Retirees for purposes of applying the provisions of this Section and their status as an early or normal Retiree shall be determined by the date they elect to begin to receive their benefit.

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

**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.

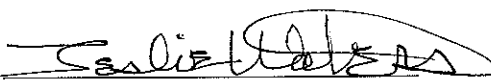
**SECTION 8:** That this Ordinance shall become effective upon adoption.

APPROVED ON FIRST READING: December 11, 2018

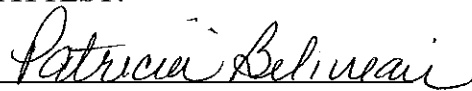
PUBLISHED: December 7, 2018

PASSED AND ADOPTED ON

SECOND AND FINAL HEARING: December 18, 2018

  
Leslie Waters, Mayor

ATTEST:

  
Patricia Beliveau, City Clerk