

## ORDINANCE 20-08

AN ORDINANCE OF THE CITY OF DUNEDIN AMENDING CHAPTER 58, PENSIONS AND RETIREMENT, ARTICLE II, RETIREMENT, DIVISION 2, FIREFIGHTERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN; AMENDING SECTION 58-57, PRE-RETIREMENT DEATH; AMENDING SECTION 58-58, DISABILITY; AMENDING SECTION 58-69, DOMESTIC RELATIONS ORDERS; EXEMPTION FROM EXECUTION; NON-ASSIGNABILITY; AMENDING SECTION 58-73, MILITARY SERVICE PRIOR TO EMPLOYMENT; AMENDING SECTION 58-78, PRIOR FIRE SERVICE; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

**Section 1:** That Chapter 58, Pensions and Retirement, Article II, Retirement, Division 2, Firefighters' Retirement System, of the City of Dunedin Code of Ordinances, is hereby amended by amending Section 58-57, Pre-Retirement Death, subsection (b), Service incurred, to read as follows

- (b) Service incurred. If a member shall die while employed as a firefighter for the city as a direct result of an occurrence arising in the performance of service, a death benefit shall be payable as follows:
  - (1) To the spouse, payable until death, a monthly benefit equal to 50 percent of the member's salary.
  - (2) If there is no spouse, or upon the death of the spouse, for each unmarried child until he shall have reached the age of 18, or until age 22 if a full time student in a fully accredited high school, college, or university, there shall be paid in equal monthly installments an amount equal to 15 percent of the member's salary. The non-student child's pension shall terminate on the earlier of death, marriage or the attainment of age 18; the pension of a child who is a student shall terminate on the earlier of death, marriage, or the attainment of age 22. Legally adopted children shall be eligible the same as natural children. The maximum total amount payable to all such children shall be 50 percent of the member's salary. The

trusteeship and disbursements of the pension to any child or children shall be determined by the board.

- (3) Firefighter Cancer Presumption. The presumption provided for in this paragraph (3) shall apply only to "cancer", as defined in F.S. § 112.1816(1)(a), as amended from time to time. Any member who dies and whose death is a result of cancer or circumstances that arise out of the treatment of cancer, will be considered to have died in the line of duty

**Section 2:** That Chapter 58, Pensions and Retirement, Article II, Retirement, Division 2, Firefighters' Retirement System, of the City of Dunedin Code of Ordinances, is hereby amended by amending Section 58-58, Disability, subsection (b), In-line of duty presumptions, to read as follows

- (3) Firefighter Cancer Presumption. The presumption provided for in this paragraph (3) shall apply only to "cancer", as defined in F.S. § 112 1816(1)(a), as amended from time to time. Any member who becomes totally and permanently unable to perform useful and efficient service as a firefighter due to a diagnosis of cancer or circumstances that arise out of the treatment of cancer will be conclusively presumed to be disabled in-line of duty.

**Section 3:** That Chapter 58, Pensions and Retirement, Article II, Retirement, Division 2, Firefighters' Retirement System, of the City of Dunedin Code of Ordinances, is hereby amended by amending Section 58-69, Domestic Relations Orders; Exemption from Execution; Non-assignability, to read as follows:

**Sec. 58 69. Domestic relations orders; retiree directed payments; exemption from execution; nonassignability.**

- (a) Domestic relations orders.
  - (1) Prior to the entry of any domestic relations order which affects or purports to affect the system's responsibility in connection with the payment of benefits of a retiree, the member or retiree shall submit the proposed order to the board for review to determine whether the system may legally honor the order
  - (2) If a domestic relations order is not submitted to the board for review prior to entry of the order, and the system is ordered to take action that it may not legally take, and the system expends administrative or legal fees in resolving the matter, the member or retiree who submits such an order will be required to reimburse the system for its expenses in connection with the order

- (b) Retiree directed payments. The board may, upon written request by a retiree or by a dependent, when authorized by a retiree or the retiree's beneficiary, authorize the system to withhold from the monthly retirement payment those funds that are necessary to pay for the benefits being received through the city, to pay the certified bargaining agent of the city, to make payment to insurance companies for insurance premiums as permitted by Ch.175, F S. and to make any payments for child support or alimony.
- (c) Exemption from execution, non assignability. Except as otherwise provided by law, the pensions, annuities, or any other benefits accrued or accruing to any person under the provisions of this division and the accumulated contributions and the cash securities in the fund created under this division are hereby exempted from any state, county or municipal tax and shall not be subject to execution, attachment, garnishment or any legal process whatsoever and shall be unassignable

**Section 4:** That Chapter 58, Pensions and Retirement, Article II, Retirement, Division 2, Firefighters' Retirement System, of the City of Dunedin Code of Ordinances, is hereby amended by amending Section 58-73, Military Service Prior to Employment, subsection (3), to read as follows

- (3) Multiple requests to purchase credited service pursuant to this section may be made at any time prior to retirement.

**Section 5:** That Chapter 58, Pensions and Retirement, Article II, Retirement, Division 2, Firefighters' Retirement System, of the City of Dunedin Code of Ordinances, is hereby amended by amending Section 58-78, Prior Fire Service, to read as follows:

**Sec. 58 78. Prior fire service.**

Unless otherwise prohibited by law, and except as provided for in this section, the years or fractional parts of years that a member previously served as a firefighter with the city during a period of previous employment and for which period accumulated contributions were withdrawn from the fund, or the years and fractional parts of years that a member served as a firefighter for any other municipal, county or special district fire department in this state the State of Florida shall be added to his years of credited service provided that:

- (1) The member contributes to the fund the sum that he would have contributed, based on his salary and the member contribution rate in effect at the time that the credited service is requested, had he been a member of the system for the years or fractional parts of years for which he is requesting credit plus amounts actuarially determined such that the crediting of service does not result in any cost to the

fund plus payment of costs for all professional services rendered to the board in connection with the purchase of years of credited service.

- (2) Multiple requests to purchase credited service pursuant to this section may be made at any time prior to retirement.
- (3) Payment by the member of the required amount shall be made within six months of his request for credit, but not later than the retirement date, and shall be made in one lump sum payment upon receipt of which credited service shall be given or the member may elect to make payment for the requested credited service over a period of time as provided for in paragraph (8) below.
- (4) The maximum credit under this section for service other than with the city shall be five years of credited service and shall count for all purposes, except vesting and eligibility for not in line of duty disability benefits. There shall be no maximum purchase of credit for prior service with the city and such credited service shall count for all purposes, including vesting.
- (5) In no event, however, may credited service be purchased pursuant to this section for prior service with any other municipal, county or special district fire department, if such prior service forms or will form the basis of a retirement benefit or pension from a different employer's retirement system or plan as set forth in section 58 65, subsection(i)(2)
- (6) For purposes of determining credit for prior service as a firefighter as provided for in this section, in addition to service as a firefighter in this state, credit may be purchased by the Member in the same manner as provided above for federal, other state, or county service if the prior service is recognized by the division of state fire marshal, as provided under F.S. ch 633, or the firefighter provides proof to the board that such service is equivalent to the service required to meet the definition of a firefighter under section 58 51.
- (7) Notwithstanding the above, in accordance with section 58 77(b)(5), a member may not purchase credited service after his election to participate in the DROP.
- (8) In lieu of the lump sum payment provided for in paragraph (3) above, a member may elect to make payments over a period of time in order to fully pay the amount provided for in paragraph (1). The payment plan provided for in this paragraph shall be subject to the following terms.

- a. The principal amount to be paid shall be determined as set forth in paragraph (1) above.
- b. The original principal amount shall be amortized over the period beginning with the first payment and ending no later than 48 months from the date of the first payment and shall be re-amortized annually to reflect changes in the interest rate provided for in subparagraph c. below.
- c. Payments shall consist of principal, interest and a one percent per annum administrative fee, with interest adjusted annually to be equal to the fund's rate of investment return for the prior year (but not less than a zero percent return), or 18 percent per annum simple interest, whichever is less
- d. Payments shall be made by payroll deduction from each paycheck on an after tax basis.
- e. In the event that a member dies, enters the DROP or otherwise terminates his employment, without having made full payment of the principal amount necessary to receive all credited service requested, the member shall receive so much of the credited service requested, determined using procedures established by the actuary, which could be purchased with the amount of principal paid by the member to the date of his death or termination of employment or entry into the DROP.
- f. In the event that the member's employment is terminated for any reason and he is not entitled to any benefit from the system other than the return of the amounts he has had deducted from his paycheck as his normal contribution to the system, the amounts which the member has paid pursuant to this subsection to purchase additional credited service, shall be returned to him, less all interest paid and less the one percent administrative fee.

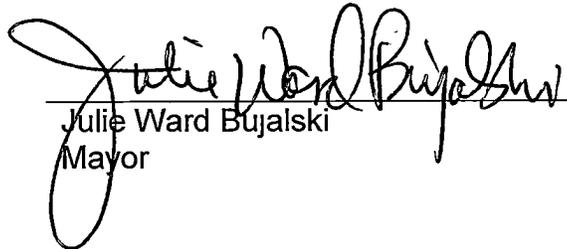
**Section 6:** If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

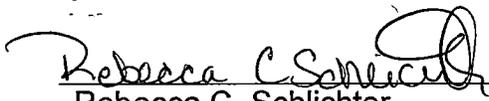
**Section 7:** All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**Section 8:** That this Ordinance shall become effective immediately upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 5th day of March, 2020.



  
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Julie Ward Bujalski  
Mayor

  
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Rebecca C. Schlichter  
City Clerk

READ FIRST TIME AND PASSED: February 20, 2020

READ SECOND TIME AND ADOPTED: March 5, 2020

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