

**ORDINANCE NO. 2024-08**

**AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CITY OF COOPER CITY'S FIREFIGHTERS RETIREMENT PLAN CODIFIED IN CHAPTER 2 "ADMINISTRATION" OF THE COOPER CITY MUNICIPAL CODE OF ORDINANCES TO COMPLY WITH CHAPTER 2019-21, LAWS OF FLORIDA; BY AMENDING ARTICLE IX, DISABILITY, AND ARTICLE XI, DEATH BENEFITS, OF SECTION 2-158; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the 2019 Florida Legislature enacted Chapter 2019-21, Law of Florida, which mandates certain amendments to the City of Cooper City's Firefighters Retirement Plan (the "Plan"); and

**WHEREAS**, amendments to the City code are necessary to permit such new obligations and conditions; and

**WHEREAS**, the Trustees of the Plan have requested and approved such amendments as being in the best interests of the participants and beneficiaries as well as improving the administration of the Plan; and

**WHEREAS**, the City Commission has received and reviewed an actuarial impact statement concerning these changes and attached as such.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA<sup>1</sup>:**

**Section 1.** The foregoing WHEREAS clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

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<sup>1</sup> Proposed additions to existing City Code text are indicated by an underline; proposed deletions from existing City Code text are indicated by strikethrough.

**Section 2.** That subparagraph (b) of Article IX “Disability,” of Section 2-158 of the Cooper City Municipal Code of Ordinances is hereby amended as follows:

ARTICLE IX. DISABILITY

(a) A member shall be disabled under the terms of the plan if the member has suffered an illness, injury or disease which renders the member permanently and totally incapacitated, physically or mentally, from regular and continuous duty as a firefighter. Disability shall not be determined based solely on the fact that a member cannot perform all of the duties of his or her job grouping as set forth in the job description. The city shall be required to accommodate disabled workers in accordance with state and federal law and shall not withhold assignment to vacant positions on the basis that a member is not capable of performing all of the tasks of his or her job grouping.

(b) A member shall be eligible for a service-incurred disability retirement from the entry date into the plan. A service-incurred disability retirement shall mean that the disability arose as a result of an act occurring in the performance of service with the city. 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 3.** That subparagraph (a) of Article XI “Death Benefits,” of Section 2-158 of the Cooper City Municipal Code of Ordinances is hereby amended as follows:

ARTICLE XI. DEATH BENEFITS.

(a) In the event of the death of a member prior to the time of becoming fully vested for early or normal retirement, the member's designated beneficiary shall be paid from the fund an amount equal to the member's accumulated contributions together with interest thereon. In the event that the member was fully vested for early or normal retirement, but died before actual retirement, a death benefit shall be paid from the fund to the beneficiary. The amount of the benefit shall be computed as though the member had retired on the date of death and had chosen the one hundred (100%) percent joint and survivor option. The board may, in its discretion,

pay the benefit in another form if the board deems it to be in the best interest of the beneficiary. The actuarial value of any other form of benefit may not exceed the actuarial value of the one hundred (100%) percent joint and last survivor option. 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).

(b) In the event of the death of a retiree, death benefits, if any, shall be paid in accordance with the optional form of benefit chosen at the time of retirement.

(c) In the event that a designated beneficiary predeceases the member, or in the case of dissolution of marriage where the spouse is the designated beneficiary, the member may designate a new beneficiary as set forth in this subsection. No replacement beneficiary may receive a benefit which is greater than the actuarial equivalent of the benefit which would have been paid to the person named as designated beneficiary at the time of retirement. In the case of re-marriage, the spouse must have been married to the member for at least one (1) year prior to the death of member to qualify for benefits under this subsection.

**Section 4.** All sections or parts of sections of the Cooper City Municipal Code of Ordinances, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 5.** Should any section or provision of this Ordinance, or a paragraph, sentence or word, be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof, as a whole or a part hereof, other than the part to be declared to be invalid.

**Section 6:** It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Cooper City

Municipal Code of Ordinances and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinances" may be changed to "Chapter," "Section," "Article," or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

**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

**PASSED AND ADOPTED** on First Reading this \_\_\_ day of \_\_\_\_\_, 2024.

**PASSED AND ADOPTED** on Second Reading this \_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Greg Ross, Mayor

ATTEST:

\_\_\_\_\_  
Tedra Allen, City Clerk

Approved as to Form:

\_\_\_\_\_  
Jacob Horowitz, City Attorney

ROLL CALL:

Mayor Ross	_____
Commissioner Green	_____
Commissioner Shrouder	_____
Commissioner Katzman	_____
Commissioner Mallozzi	_____