

ORDINANCE NUMBER 23-04

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA AMENDING CHAPTER 70, PENSIONS AND RETIREMENT, ARTICLE III, MUNICIPAL FIREFIGHTERS' PENSION AND RETIREMENT SYSTEM, SECTIONS 70-62(b), 70-67(a) AND 70-70-71(b)(1), OF THE CODE OF ORDINANCES OF THE CITY OF EUSTIS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Eustis firefighters are presently provided pension benefits pursuant to Article III Chapter 70, Eustis Code of Ordinances, which establishes a plan intended to meet or exceed the minimum benefits and minimum standards set out Chapter 175, Florida Statutes; and

WHEREAS, the City Commission desires to amend and restate its "local-law" pension plan to maintain benefits for firefighters', to clarify the provisions of the plan, and to incorporate changes in Federal and State law since the last adoption of the Municipal Firefighters' Pension and Retirement System; and

WHEREAS, the proposed changes have been approved and ratified and signed by the IAFF Collective Bargaining Agreement on January 24, 2023; and

WHEREAS, the proposed changes have been approved and ratified by the City Commission of the City of Eustis by Resolution Number 23-14 on February 2, 2023; and

WHEREAS, the State of Florida, Division of Retirement, has completed the review and approved the changes.

NOW, THEREFORE, BE IT ORDAINED THAT:

Section 1. Chapter 70, PENSIONS AND RETIREMENT, Article III, MUNICIPAL FIREFIGHTERS' PENSION AND RETIREMENT SYSTEM, Sections 70-62(b), 70-67(a) and 70-71(b)(1), inclusive, of the Code of Ordinances of the City of Eustis, are hereby amended and restated to be known as the CITY OF EUSTIS FIREFIGHTERS' PENSION AND RETIREMENT SYSTEM, as set forth in Exhibit A attached hereto and made a part hereof.

Section 2. That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 3. That should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 4. That this ordinance shall become effective immediately upon passing.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Lake County, Florida, this 3rd day of August, 2023.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this 3rd day of August, 2023, by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial No:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for the use and reliance of the City Commission of the City of Eustis, Florida, but I have not performed an independent title examination as to the accuracy of the legal description.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 23-04 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

Exhibit A
Changes to City of Eustis Code of Ordinance
Article III City of Eustis Municipal FIREFIGHTERS' Pension and Retirement System

Sec. 70-62. Contributions.

- (b) *Contributions by firefighters to the firefighters' pension trust fund.* Each member of the system shall be required to make regular contributions to the fund. The city shall pay into the firefighters' pension trust fund said between four percent and seven and one-half percent of their annual compensation to the firefighters' pension and retirement system. The members contribution percentage shall be calculated based on the members paying 16 percent of the city's contribution percentage as determined by the pension and retirement system's actuary as of October 1 of each year, subject to the following limitations: (a) for the remainder of fiscal year 2022-2023 the bargaining unit members contributions shall be five and one-half percent of their annual compensation, and (b) the bargaining unit members contribution shall increase or decrease no more than one percent of their annual compensation for any fiscal year, the salary of each firefighter who is a member of the fire department and eligible for inclusion in the firefighters' pension trust fund, ~~which four percent~~ shall be deducted by the city from the compensation due to the firefighter as described above ranging between a minimum of four percent and no more than seven and one-half percent. No firefighter shall have any right to the money so paid into the firefighters' pension trust fund except as provided by law and the firefighters' pension trust fund. Member contributions withheld by the city on behalf of the member shall be deposited with the board immediately after each pay period. The contributions made by each member to the fund shall be designated as employer contributions pursuant to § 414(h) of the Code. Such designation is contingent upon the contributions being excluded from the members' gross income for Federal Income Tax purposes. For all other purposes of the system, such contributions shall be considered to be member contributions.

Sec. 70-67. Monthly retirement income for firefighters.

- (a) *Normal retirement benefit.* A member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coinciding with or next following his retirement and be continued thereafter during member's lifetime, ceasing upon death, but with 120 monthly payments guaranteed in any event. The amount of monthly retirement income payable to a firefighter of the city who is currently employed as of or is first hired after January 6, 2004, who retires on or after his or her normal retirement date shall be in an amount equal to the number of years of credited service multiplied by four percent of his or her average final compensation. The amount of monthly retirement income payable to a firefighter of the city who is eligible to participate in the firefighters' pension trust fund but who is not employed as of January 6, 2004, shall be 2.5 percent of his or her average final compensation for years of service prior to October 1, 1998, and by three percent of his or her average final compensation for years of service after October 1, 1998. Provided however, that should a firefighter of the city who has previously been employed by the city as a firefighter and who has left the city's employment prior to January 6, 2004, subsequently be rehired by the city after January 6, 2004, as a

firefighter, then such firefighter shall receive on his or her normal retirement date a monthly retirement income equal to 2.5 percent of his or her average final compensation for years of service prior to October 1, 1998, 3.0 percent of his or her average final compensation for years of service between October 1, 1998, and January 6, 2004, and 4.0 percent of his or her average final compensation for years of service after January 6, 2004; as of January 24, 2023 all bargaining unit members hired will receive a 3% percent multiplier of average compensation times credited service. All members hired before this date will retain their current benefits. Provided however, in no event may a firefighter receiving benefits from the firefighters' pension trust fund receive a monthly retirement income in excess of 100 percent of such firefighter's average final compensation.

Sec. 70-71. Firefighter disability benefits.

(b) Calculation and payment of benefit.

- ~~(1) The benefit payable to a firefighter who retires from the city due to total and permanent disability as a direct result of a disability commencing prior to his normal retirement date is the monthly income payable for ten years certain and life for which, if the firefighter's disability occurred in the line of duty, his monthly benefit shall be the accrued retirement benefit, but shall not be less than 65 percent of his average monthly salary at the time of disability. If the disability is other than in the line of duty, the firefighter's monthly benefit shall be the accrued normal retirement benefit, but shall not be less than 25 percent of his average monthly salary at the time of disability.~~
- (1) The Firefighters' Pension and Retirement System shall be amended to provide that the bargaining unit members' base disability pension rate will be 45%, and increased by 2% each full year of the member's service, up to the maximum rate of service of 65%. The disability pension rate for a disability resulting from malicious or intentional acts against the bargaining unit member on duty or from active firefighting, or from a non-preventable traffic crash shall remain at 65%.*