

CM/rrp
06/27/2025

ORDINANCE NO. 2025-2326

CITY OF LAKE CITY, FLORIDA

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA; AMENDING SECTION 70-127, PARAGRAPH (b) OF THE CITY OF LAKE CITY CODE OF ORDINANCES TO ADD THE CONCLUSIVE CANCER PRESUMPTION PROVISIONS OF FLORIDA STATUTE, AS ESTABLISHED BY SECTION 112.1816, FLA. STAT.; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, after years of study, the National Institute for Occupational Safety and Health (NIOSH) concluded that firefighters are at a higher risk of developing twenty-one enumerated types of cancer.

WHEREAS, the Florida Legislature, in recognition of this elevated cancer risk, has created a conclusive duty-related cancer presumption.

WHEREAS, Senate Bill 426 (SB 426) amends Chapter 112, Florida Statutes, by creating Section 112.1816, governing disability and death benefits for firefighters.

WHEREAS, SB 426 governs all Firefighter Pension Plans in Florida.

WHEREAS, the Board of Trustees of the Firefighter Pension Plan has prepared this ordinance to implement SB 426, effective July 1, 2019 in accordance with the requirements of the Division of Retirement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE CITY, FLORIDA, THAT:

Section 1: Section 70-127, Paragraph (b) of the City of Lake City, Florida Code of Ordinances is hereby amended to read as follows:

Section 70-127. Disability.

- (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, or presumed by law to have occurred, in the performance of service with the city. **The service incurred presumptions are:**

- (1) *Rebuttable presumptions.* The provisions of F.S. §§ 112.18, 112.181, and 175.231, are hereby codified within the plan and are intended to be incorporated by reference. The board of trustees is authorized to adopt administrative rules for the conduct of hearings relating to these rebuttable presumptions and for the determination of any disqualifying events reflected in Chapters 112 and 175.**
- (2) *Non-rebuttable conclusive cancer presumption.* The provisions of F.S. § 112.1816., are hereby codified within the plan and are intended to be incorporated by reference. The board of trustees is authorized to adopt administrative rules for the conduct of hearings relating to this presumption and for the determination of any disqualifying events as reflected in the statute.**

Section 2: It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Lake City, that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 3: If any clause, section, or other part or application of this Ordinance shall be held in any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and shall not affect the validity of the

remaining portions or applications which shall remain in full force and effect.

Section 4: All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: This Ordinance shall become effective immediately upon adoption, unless otherwise provided.

APPROVED, UPON FIRST READING, by the City Council of the City of Lake City at a regular meeting, on the _____ day of July, 2025.

PUBLICLY NOTICED, in a newspaper of general circulation in the City of Lake City, Florida, by the City Clerk of the City of Lake City, Florida on the _____ and _____ days of July, 2025.

APPROVED AND ADOPTED UPON SECOND READING, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lake City, at a regular meeting this ____ day of August, 2025.

BY THE MAYOR OF THE CITY OF LAKE CITY,
FLORIDA

Noah E. Walker, Mayor

ATTEST, BY THE CLERK OF THE CITY COUNCIL
OF THE CITY OF LAKE CITY, FLORIDA:

Audrey E. Sikes, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Clay Martin, City Attorney

Coding: Words in ~~strikeout~~ type are deletions from existing text.
Words in underline type are additions.