

ORDINANCE NO. 18-037

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA AMENDING CODE SECTION 13-36; PROVIDING FOR DECREASE IN CREDITED SERVICE REQUIREMENT FOR DISABILITY RETIREMENT ENTITLEMENT; AMENDING CODE SECTION 13-39; DECREASING CREDITED SERVICE REQUIREMENT FOR NORMAL RETIREMENT; AMENDING CODE SECTION 13-40; DECREASING CREDIT SERVICE REQUIREMENT FOR UTILITIES AUTHORITY COVERAGE PLAN; AMENDING CODE SECTION 13-42; DECREASING CREDITED SERVICE REQUIREMENT FOR POLICE OFFICER COVERAGE PLAN; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS on September 16, 2013, there was adopted Ordinance L-298 which ordinance among other things increased service credit requirements for pension eligibility of general employees of the City, police officers and employees of the Utility Authority, from five years to ten (10) years; and

WHEREAS it is desirable that the original credit service requirement of five (5) years be restored retroactively so as to eliminate the ten (10) year eligibility requirement, inasmuch as a five (5) year vesting period for pension entitlement is deemed an important benefit to employees and serves the public welfare by reducing personnel turnover and related training expenses when employees leave the City's employment prematurely so as to find more attractive conditions elsewhere;

NOW THEREFORE BE IT ORDAINED by the City Commission of the City of Fort Pierce, as follows:

SECTION 1. Section 13-36 of the Code of Ordinances is hereby amended so that the same shall read hereinafter as follows:

Sec. 13-36. - Disability retirement; conditions for.

The retirement board may retire a member on account of disability if all of the following requirements have been met:

- 1) The member has five (5) or more years of credited service, ~~or no fewer than ten (10) years if the individual became a member on or after October 1, 2012;~~
- 2) The member was a member at the time the disability was incurred;
- 3) A written application for disability retirement, in the form and containing the information prescribed by the retirement board, has been filed with the retirement system by the member or the member's department head;
- 4) Membership is terminated prior to the selected date of disability retirement;
- 5) The participant submits to all medical examinations and tests and furnishes copies of all medical reports requested by the retirement board;
- 6) The retirement board determines the member to be totally and permanently incapacitated for duty in the employ of the member's participating employer, by reason of a personal injury or disease;
- 7) Two (2) physicians, one of whom shall be selected by the retirement board and paid by the retirement system, and one of whom shall be selected by the member and paid by the member, both report to the retirement board, in writing, that the member is mentally or physically totally incapacitated for duty in the employ of the member's participating employer, the incapacity will probably be permanent, and the member

should be retired.

The five (5) years of credited service requirement, ~~or the ten (10) years of credited service required for individuals who became members on or after October 1, 2012,~~ contained in this section shall be waived in the case of a member whom the retirement board finds to be in receipt of weekly workers compensation on account of disability arising out of and in the course of his employment by a participating employer.

SECTION 2. Section 13-39 of the Code of Ordinance is hereby amended so that the same shall read hereinafter as follows:

Sec. 13-39. - General coverage plan; applicability; credited service and/or age and credited service requirements for normal retirement; amount of normal retirement annuity; member contribution rate.

- (a) The general coverage plan is applicable to all members to whom a different coverage plan is not specifically made applicable.
- (b) The credited service and/or age and credited service requirement for normal retirement are:
 - (1) Twenty-five (25) or more years of credited service; or
 - (2) Age sixty (60) years or older and five (5) or more years of credited service, ~~or no fewer than ten (10) years if the individual became a member on or after October 1, 2012.~~
- (c) The amount of a normal retirement annuity under the standard form of payment is:
 - (1) For general employees who are covered by a collective bargaining agreement, three (3) percent of the member's final average salary times the member's credited service, not to exceed the applicable maximums set forth in sections 13-31 and 13-64.
 - (2) For general employees who are not covered by a collective bargaining agreement, three (3) percent of the member's final average salary times the member's credited service, not to exceed the applicable maximums set forth in sections 13-31 and 13-64.
- (d) The member contribution rate is five and sixteen one-hundredths (5.16) per cent shall be the following per cent of compensation:
 - (1) Five and sixteen one-hundredths (5.16) percent for general employees employed by the city who are subject to collective bargaining.
 - (2) Five and sixteen one-hundredths (5.16) percent for general employees employed by the city who are not subject to collective bargaining.
- (e) The credited service requirement for vested termination of membership is five (5) years, ~~or ten (10) years if the individual became a member of the system on or after October 1, 2012.~~ A vested former member may make application for benefit commencement on or after attainment of age sixty (60) years.

SECTION 3. Section 13-40 of the Code of Ordinances is hereby amended so that the same shall read hereinafter as follows:

Sec. 13-40. - Utilities authority coverage plan; applicability; credited service and/or age and credited service requirements for normal retirement; amount of normal retirement annuity; member contribution rate.

- (a) The utilities authority coverage plan is applicable to all members employed by the Ft. Pierce Utilities Authority.
- (b) The credited service and/or age and credited service requirement for normal retirement are:
 - (1) Twenty-five (25) or more years of credited service; or

- (2) Age sixty (60) years or older and five (5) or more years of credited service, or no fewer than ten (10) years if the individual became a member on or after October 1, 2012.
- (c) The amount of a normal retirement annuity under the standard form of payment is three (3) percent of final average compensation times credited service, subject to the applicable maximums set forth in sections 13-31 and 13-64
- (d) The member contribution rate is six and sixteen-one-hundredths (6.16) per cent of compensation.
- (e) The credited service requirement for vested termination of membership is five (5) years, ~~or no fewer than ten (10) years if the individual became a member of the system on or after October 1, 2012.~~ A vested former member may make application for benefit commencement on or after attainment of age sixty (60) years.

SECTION 4. Section 13-42 of the Code of Ordinances of the City of Fort Pierce is hereby amended so that same shall read hereinafter as follows:

Sec. 13-42. - Police officer coverage plan; applicability; credited service and/or age and credited service requirements for normal retirement; amount of normal retirement annuity; member contribution rate.

- (a) The police officer coverage plan is applicable to all members who are a police officer employed by the city.
- (b) The credited service and/or age and credited service requirement for normal retirement are:
 - (1) Twenty-five (25) or more years of credited service; or
 - (2) Age fifty-five (55) years or older and five (5) or more years of credited service, ~~or ten (10) or more years of credited service if the individual became a member of the system on or after October 1, 2012.~~
- (c) The amount of a normal retirement annuity under the standard form of payment is three (3) percent of the member's final average salary times the member's credited service, not to exceed the applicable maximum set forth in sections 13-31 and 13-64.:
 - (1) For police officers who are covered by a collective bargaining agreement, three (3) percent of the member's final average salary times the member's credited service, not to exceed the applicable maximums set forth in sections 13-31 and 13-64.
 - (2) For police officers who are not covered by a collective bargaining agreement, three (3) percent of the member's final average salary times the member's credited service, not to exceed the applicable maximums set forth in sections 13-31 and 13-64.
- (d) The member contribution rate shall be the following percent of compensation:
 - (1) Five and sixteen one-hundredths (5.16) percent for police officers employed by the city who are subject to collective bargaining;
 - (2) Five and sixteen one-hundredths (5.16) percent for police officers employed by the city who are not subject to collective bargaining.
- (e) The credited service requirement for vested termination of membership is five (5) years, ~~or ten (10) years if the individual became a member of the system on or after October 1, 2012.~~ A vested former member may make application for

benefit commencement on or after attainment of age sixty (60) years.

SECTION 5. In the event a court of competent jurisdiction should determine hereafter that any part of this ordinance is invalid, for any reason, then, in such event, the invalid portion shall be severed, with the remainder of such ordinance to be given full force and effect.

SECTION 6. All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 7. This ordinance is and the same shall become effective retroactively to September 16, 2013, upon final passage hereof.

APPROVED AS TO FORM
& CORRECTNESS:

Ben Bryan Jr., Esq.
Interim City Attorney

STATE OF FLORIDA
COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 18-037 was duly advertised by title only in the St. Lucie News Tribune on October 5, 2018; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on October 15, 2018 and was duly introduced, read by title only, and passed on second and final reading November 5, 2018, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 5th day of November, 2018.

Linda Hudson
Mayor Commissioner

ATTEST:

Linda W. Cox
City Clerk

(CITY SEAL)