

ORDINANCE NO. 25-022

AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA **AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA CHAPTER 2, ADMINISTRATION, ARTICLE IV, OFFICERS AND EMPLOYEES, DIVISION 5, POLICE OFFICERS' RETIREMENT/PENSION FUNDS, SUBDIVISION II – POLICE OFFICERS' RETIREMENT TRUST FUND**; BY AMENDING SECTION 2-381, DEFINITIONS AT THE DEFINITION OF POLICE OFFICER TO ALLOW THE POLICE CHIEF TO OPT OUT OF THE POLICE OFFICERS' RETIREMENT TRUST FUND PLAN; BY AMENDING SECTION 2-388, EMPLOYEE WITHDRAWAL FROM PLAN TO CORRECT AN INTERNAL INCONSISTENCY; AMENDING SECTION 2-397, DEFERRED RETIREMENT OPTION PLAN (DROP) TO INCREASE DROP PARTICIPATION PERIOD TO SIX YEARS TO MIRROR THE GENERAL EMPLOYEE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance 23-060 adopted by the City of Fort Pierce City Commission of on February 5, 2024 to, in part, increase the period for participation in the Deferred Retirement Option Plan (DROP) to six years; and

WHEREAS, the Board of Trustees of the Police Officer's Retirement Trust Fund ("Fund") recommends increasing the DROP period for the Fund to mirror the six-year period of participation for the General Employee Plan; and

WHEREAS, the City, as a management tool, wants to allow the Chief of Police the ability to opt out of the Fund plan; and

WHEREAS, the City Commission and administration, upon review of the plan, are desirous of amending the plan; and

WHEREAS, there is a vestige provision regarding a lump sum payment which is no longer payable from the plan which should be deleted.

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

Section 1. Chapter 2 – Administration, Article IV – Officers and Employees, Division 5- Police Officers' Retirement/Pension Funds, Subdivision II – Police Officers' Retirement Trust Fund, Section 2-381 – Definitions of the Code of Ordinances of the City of Fort Pierce, is hereby amended so that the same shall read as follows:

Sec. 2-381. - Definitions.

The following words, terms and phrases, when used in this subdivision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Police officer means any person who is elected, appointed, or employed full time by the city, who is certified or required to be certified as a law enforcement officer in compliance with F.S. § 943.1395, who is vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers, but does not include part-time law enforcement officers or auxiliary law enforcement officers as those terms are defined in F.S. § 943.10. All police officers are mandatory members of the plan except, effective June 1, 2015, the chief of police may elect to opt out of participation, notwithstanding any other provision of this Code. This opt out is a one-time option offered at the time of employment.

Section 2. Chapter 2 – Administration, Article IV – Officers and Employees, Division 5 – Police Officers’ Retirement/Pension Funds, Subdivision II – Police Officers’ Retirement Trust Fund, Section 2-388 – Employee Withdrawal from the Plan of the Code of Ordinances of the City of Fort Pierce, is hereby amended so that the same shall read as follows:

Sec. 2-388. Employee withdrawal from the plan.

- (a) Employees who terminate employment prior to ten years’ continuous service in the police department shall not be eligible for benefits.
- (b) Employees who terminate with ten or more years continuous service with the police department shall be entitled to a benefit equal to the purchase of an annuity equal to the value of the lump sum payment at age 50 as computed in section 2-386(c) actuarially reduced by three percent for each year that the member retires early. The member can elect to wait to receive the benefit until age 55 without an actuarial reduction. Employees hired after December 17, 1984, shall not be eligible to receive lump sum benefits and may only accept the purchase of an annuity as provided herein. The benefit provided under this section and in conjunction with the benefit provided under the retirement system for officers and employees of participating employers shall in all cases provide, at a minimum, a benefit that is the actuarial equivalent of the benefit required under F.S. §§ 185.16(4) and 185.19.
- (c) Employees who become totally and permanently disabled after ten or more years of continuous service shall be entitled to 100 percent of the benefit lump sum amount accumulated on their behalf accrued as of date of

disability as computed in section 2-386(c). ~~The lump sum shall be equal in value to the amount of monthly benefits to which the member is entitled.~~

- (d) Notwithstanding any of the provisions hereof, if the early monthly retirement income payable to any person entitled to benefits hereunder is less than \$75.00 per month, the trustees in the exercise of their discretion may specify that the actuarial equivalent of such retirement income be paid in a lump sum.
- (e) Notwithstanding any of the provisions hereof, if the monthly retirement annuity from the municipal retirement system is equal to 50 percent of the average monthly salary of the retiring police officer, or if the combined monthly annuity from the municipal retirement system, federal Social Security retirement and the city police retirement fund is equal to 50 percent of the retiring police officer's average monthly salary, the trustees may, in the exercise of their discretion, specify that the actuarial equivalent of the monthly benefit in excess of 50 percent of such average monthly salary be paid in a lump sum.

Section 3. Chapter 2 – Administration, Article IV – Officers and Employees, Division 5 – Police Officers’ Retirement/Pension Funds, Subdivision II – Police Officers’ Retirement Trust Fund, Sections 2-397(a) and (c) – Deferred Retirement Option Plan (DROP) of the Code of Ordinances of the City of Fort Pierce, are hereby amended so that the same shall read as follows:

Sec. 2-397. Deferred retirement option plan (DROP).

- (a) *Eligibility to participate in the DROP.*
 - (1) Any member who is eligible to receive a normal retirement pension may participate in the DROP. Members shall elect to participate by applying to the board of trustees on a form provided for that purpose, including an irrevocable letter of resignation from service to the city and withdrawal from the DROP effective after no more than ~~72~~ 60 months of participation in the DROP. All members who are in the DROP on or after February 5, 2024 are able to elect to participate in the 72 month DROP by completing a form.
 - (2) Election to participate shall be forfeited if not exercised within the first ~~27~~ 30 years of combined credited service. ~~However, participation in the first year of enactment will be extended to those members with 28 years of service in calendar year 2011.~~
 - (3) A member shall not participate in the DROP beyond the time of attaining ~~36~~ 30 years of service and the total years of participation in the DROP shall not exceed ~~six~~ five years. For example:
 - a. ~~Members with 25 years of credited service at time of entry shall only participate for five years.~~
 - b. ~~Members with 26 years of credited service at time of entry shall only participate for four years.~~
 - c. ~~Members with 27 years of credited service at time of entry shall only participate for three years.~~

- (4) Upon a member's election to participate in the DROP, ~~they~~ he shall cease to be a member and is precluded from accruing any additional benefit under the pension fund. For all fund purposes, the member becomes a retirant. The amount of credited service and final average salary freeze as of the date of entry into the DROP.

(c) *Amounts payable upon election to participate in DROP.*

- (1) Monthly retirement benefits would have been payable had the member terminated employment with the department and elected to receive monthly pension payments will be paid into the DROP and credited to the retirant. Payments into the DROP will be made monthly over the period the retirant participates in the DROP, up to a maximum of 72 60 months.
- (2) ~~Members who are entitled to a lump-sum payment under section 2-388 of the pension plan may enter into the DROP. However, the member's benefit will be paid as a monthly annuity, during the period of the DROP and for the member's lifetime thereafter (with ten years of payments guaranteed). The member will be entitled to the lump sum of the DROP balance at the end of the DROP term, but no other lump sum will be payable.~~
- (2)(3) Payments to the DROP will be invested in a member directed account. The board shall select a third-party administrator or provider for this purpose. The member's DROP account will be required to pay the expenses of investment and the DROP participant shall be responsible for the investment risks.
- (3)(4) No payments will be made from DROP until the member terminates employment with the city. Upon termination from DROP and from employment, a member's monthly pension benefit will be paid directly to the member.

Section 4. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

Section 6. This Ordinance shall be effective immediately upon adoption, except as provided for otherwise in this Ordinance.

APPROVED AS TO
FORM & CORRECTNESS:

Sara Hedges
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. 25-022 was duly advertised by title only in the St. Lucie News Tribune on July 25, 2025, 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, amended, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on August 4, 2025; and was duly introduced, read by title only, and passed on second and final reading on August 18, 2025, 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 the 18th day of August, 2025.

MAYOR COMMISSIONER

CITY CLERK

(CITY SEAL)