

ORDINANCE NO. 9818-25

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA; AMENDING CHAPTER 2, ARTICLE V, DIVISION 3, EMPLOYEES' PENSION PLAN, CREATING SECTION 2.429 PRIOR FIREFIGHTER AND MILITARY SERVICE BUYBACKS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Clearwater Employees' Pension Plan (the "Plan") governs the payment of retirement benefits for City employees;

WHEREAS, the City is desirous of attracting and retaining employees to be firefighters;

WHEREAS, Chapter 175, Florida Statutes permits firefighters to purchase prior firefighter service;

WHEREAS, Chapter 175, Florida Statutes permits firefighters to purchase pre-employment military service;

WHEREAS, the City and applicable labor union have agreed to a change in the Plan for its members; and

WHEREAS, the Plan's actuary has studied the cost of this amendment; and

WHEREAS, the City has determined that the adoption of this Ordinance to be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA, THAT:

Section 1: Section 2.429 of the Code of Ordinances of the City of Clearwater is hereby created to read as follows:

Section 2.429. – Prior firefighter and military service buybacks

(1) Buyback of prior fire service. The years or fractional parts of years that a member previously served as a firefighter for any other municipal, county or state fire department in the State of Florida shall be added to his or her years of credited service provided that:

(a) The member contributes to the fund an actuarially determined amount so that the crediting of the purchased service does not result in any cost to the fund plus payment of costs for all professional services rendered to the board in connection with the purchase of years of credited service. A

member who does not purchase years of credited service shall be responsible for the payment of costs for all professional services rendered to the board in connection with the purchase of years of credited service.

(b) Multiple requests to purchase credited service pursuant to this section may be made at any time prior to retirement. A firefighter member may only purchase prior firefighter service.

(c) Payment by the member of the required amount can be made by either lump sum payment or equal biweekly installments. Payment by lump sum shall be made within six months of the request for credit. Payment by payroll deductions shall be in equal biweekly installments for a period which shall not exceed the number of years being purchased. A member making installment payments shall be charged interest based on the actuarially assumed rate of return at the time the purchase is made and shall complete all required payments prior to payment of any benefit under this section.

(d) The maximum credit under this section for service other than with the City of Clearwater when combined with credited service purchased pursuant to section (2) military service prior to employment, shall be five years of credited service and shall count for all pension purposes, except vesting and eligibility for disability benefits off-duty.

(e) In no event, however, may credited service be purchased pursuant to this section for prior service with any other municipal, county or state fire department, if such prior service forms or will form the basis of a retirement benefit or pension from another retirement system or plan.

(f) For purposes of determining credit for prior fire service as a firefighter as provided for in this section, in addition to service as a firefighter in this state, credit may be given for federal, other state, or county service if the firefighter provides proof to the board that such service is equivalent to the service required to meet the definition of a firefighter under section 2.412.

(2) *Military service prior to employment.* The years or fractional parts of years that a firefighter serves or has served on active duty in the military service of the Armed Forces of the United States, the United States Merchant Marine or the United States Coast Guard, voluntarily or involuntarily and honorably or under honorable conditions, prior to first and initial employment with the City of Clearwater Fire Department shall be added to his or her years of credited service provided that:

(a) The member contributes to the fund an actuarially determined amount so that the crediting of the purchased service does not result in any cost to the fund plus payment of costs for all professional services rendered to the board in connection with the purchase of years of credited service. A member who does not purchase years of credited service shall be

responsible for the payment of costs for all professional services rendered to the board in connection with the purchase of years of credited service.

(b) Multiple requests to purchase credited service pursuant to this section may be made at any time prior to retirement.

(c) Payment by the member of the required amount can be made by either lump sum payment or equal biweekly installments. Payment by lump sum shall be made within six months of the request for credit. Payment by payroll deductions shall be in equal biweekly installments for a period which shall not exceed the number of years being purchased. A member making installment payments shall be charged interest based on the actuarially assumed rate of return at the time the purchase is made and shall complete all required payments prior to payment of any benefit under this section.

(d) The maximum credit under this section when combined with credited service purchased pursuant to section (1), buyback of prior fire service for service other than with the City of Clearwater shall be five years.

(e) Credited service purchased pursuant to this section shall count for all pension purposes, except vesting and eligibility for disability benefits off-duty.

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

Section 2: It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City Clearwater, 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.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Bruce Rector
Mayor

Approved as to form:

Attest:

Owen Kohler
Lead Assistant City Attorney

Rosemarie Call
City Clerk