

ORDINANCE NO. 01-17

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING THE CITY OF MARCO ISLAND FIREFIGHTERS' PENSION PLAN BY, PROVIDING FOR COMPLIANCE WITH STATE LEGISLATIVE CHANGES TO THE FLORIDA RETIREMENT SYSTEM; PROVIDING FOR A CHANGE IN THE VESTING PERIOD FOR NORMAL AND EARLY RETIREMENT BENEFITS FROM TEN (10) TO SIX (6) YEARS; PROVIDING FOR A CHANGE IN THE PERIOD OF SERVICE TO QUALIFY FOR A NON-DUTY RELATED DISABILITY BENEFIT FROM TEN (10) TO EIGHT (8) YEARS; PROVIDING FOR A CHANGE IN THE PERIOD OF SERVICE REQUIRED FOR CERTAIN BENEFITS WHEN TERMINATING EMPLOYMENT PRIOR TO BEING ELIGIBLE FOR A NORMAL OR EARLY RETIREMENT BENEFIT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 97-367, Laws of Florida, the electorate of Marco Island established the municipality known as the City of Marco Island; and

WHEREAS, this legislation, in section 8.02, provided that the City of Marco Island assumed the assets, liabilities, and contracts of the Marco Island Fire Control District, including all rights, obligations, duties, and relationships existing by law or agreement; and

WHEREAS, the existing Firefighter Pension Plan, as created by Marco Island Fire Control District resolution No. 95-006 and amended by Marco Island Fire Control District resolutions No. 96-004 and No. 97-003, in accordance with the provisions of Florida Statutes and by enactment of the City Council of the City of Marco Island became an ordinance of the City of Marco Island; and

WHEREAS, the Florida State Legislature amended Chapter 112, Florida Statutes during the 2000 session by passing into law amendments to the Florida Retirement System, which are required to be included in the City Of Marco Island Firefighters' Pension Plan;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:

Section 1. Section 7, paragraph C. of the City of Marco Island Firefighters' Pension Plan, be and is hereby amended by deleting the ~~stricken through~~ language and adding the underlined language as follows:

Section 7. Benefit Amounts and Eligibility.

- A. Normal Retirement Date. A member's normal retirement date shall be the first day of the month coincident with or next following the attainment of age fifty-five (55) and the completion of ten (10) years of credited service, the vesting period for members in this plan for Normal Retirement Date shall be reduced from ten (10) years to six (6) years effective July 1, 2001 provided that the member is "employed in a regularly established position" on that date. If not so employed on that date a member must be "employed in a covered position for at least one work year after July 1, 2001", or upon attaining twenty-five (25) years of credited service regardless of age. A member may retire on his normal retirement date or on the first day of any month thereafter, and each member shall become one hundred percent (100%) vested in his accrued benefit on the member's normal retirement date. Normal retirement under the pension plan is retirement from employment with the city on or after the normal retirement date.
- C. Early Retirement Benefit. A member may retire on his early retirement date, which shall be the first day of the month coincident with or next following the attainment of age fifty (50) and the completion of ten (10) years of credited service, the vesting period for members in this plan for the Early Retirement Benefit shall be reduced from ten (10) years to six (6) years effective July 1, 2001 provided that the member is "employed in a regularly established position" on that date. If not so employed on that date a member must be "employed in a covered position for at least one work year after July 1, 2001". Early retirement under the pension plan is retirement from employment with the city on or after the early retirement date and prior to the normal retirement date.

Section 2. Section 9 paragraph C. of the City of Marco Island Firefighters' Pension Plan, be and is hereby amended by deleting the ~~stricken through~~ language and adding the underlined language as follows:

Section 9. Disability Benefits.

- C. Disability Benefits Off-Duty. Each firefighter who is a member in the pension plan with ten (10) or more years of credited service who becomes totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a firefighter, which disability was not directly caused by the performance of his duties as a firefighter, shall be entitled to a monthly pension equal to three percent (3.0%) of his average final compensation multiplied by the total years of credited service, or twenty-five percent (25%) of his average monthly salary at the date of disability, whichever is greater, minus any benefits that may be paid from time to time by any policy or plan of disability insurance or benefits maintained by the city or the pension plan. Provided that effective July 1, 2000 service time required to qualify for non-service related disability benefits shall be reduced from ten (10) to eight (8) or more years of credited service. A firefighter must apply for benefits under such disability insurance or benefits as a condition of receiving disability benefits from this Pension Plan.

Section 3. Section 10 of the City of Marco Island Firefighters' Pension Plan, be and is hereby amended by deleting the ~~stricken through~~ language and adding the underlined language as follows:

Section 10. Termination of Employment Prior to Retirement. If a member terminates city employment and is not eligible for any other benefits under this pension plan, the member shall be entitled to the following:

- A. If the member has less than ten (10) years credited service upon termination, the member shall be entitled to a refund of his accumulated contributions, or the member may leave them deposited with the pension fund for up to five (5) years following termination. Provided that the vesting period for members in this plan for this benefit shall be reduced from ten (10) years to six (6) years effective July 1, 2001 provided that the member is "employed in a regularly established position" on that date. If not so employed on that date a member must be "employed in a covered position for at least one work year after July 1, 2001."

- B. If the member has ten (10) or more years of credited service upon termination, the member shall be entitled to a monthly retirement benefit determined in the same manner as for normal or early retirement based upon the member's credited service and average final compensation as of the date of termination, payable commencing at the member's normal or early retirement date; provided he does not elect to withdraw his accumulated contributions and provided the member survives to his normal or early retirement date. Provided that the vesting period for members in this plan for this benefit shall be reduced from ten (10) years to six (6) years effective July 1, 2001 provided that the member is "employed in a regularly established position" on that date. If not so employed on that date a member must be "employed in a covered position for at least one work year after July 1, 2001."

Section 4. Section 15 paragraph C. of the City of Marco Island Firefighters' Pension Plan, be and is hereby amended by deleting the ~~stricken through~~ language and adding the underlined language as follows:

Section 15. Maximum Pension Limitation.

- ⊖ **D.** Less than Ten (10) Years of Service. The maximum retirement benefits payable under this section to any member who has completed less than ten (10) years of credited service with the city shall be the amount determined under subsection a of this section multiplied by fraction, the numerator of which is the number of the member's years of credited service and the denominator of which is ten (10). Provided that the years of service period for members in this plan in this paragraph shall be reduced from ten (10) years to six (6) years effective July 1, 2001 provided that the member is "employed in a regularly established position" on that date. If not so employed on that date a member must be "employed in a covered position for at least one work year after July 1, 2001."

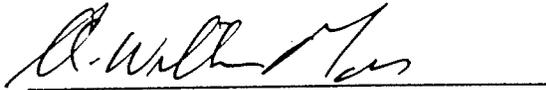
Section 5. If any word, phrase, clause, subsection, or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 6. That all sections or parts of sections of all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

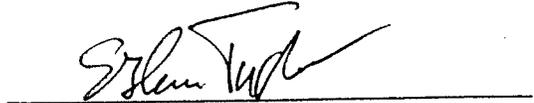
Section 7. This ordinance shall take effect upon adoption.

ADOPTED ON FIRST READING THIS 5th DAY OF September, 2001 BY THE
CITY OF MARCO ISLAND CITY COUNCIL.

ADOPTED ON SECOND READING THIS 1st DAY OF October, 2001 BY THE
CITY OF MARCO ISLAND CITY COUNCIL.

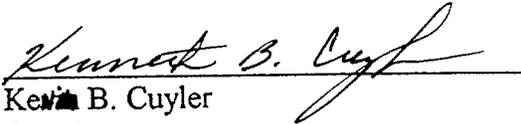


A. William Moss
City Manager/City Clerk



E. Glenn Tucker
Chairman

Reviewed for legal sufficiency:



Kenneth B. Cuyler
City Attorney

MIFP.ORDNFRSchanges[07/05/01]