

ORDINANCE NO. 21-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, AMENDING CHAPTER 32, ARTICLE VIII, SECTION 32.77 OF THE CODE OF THE CITY OF PORT ST. LUCIE, FLORIDA, ENTITLED "POLICE OFFICERS' RETIREMENT TRUST FUND;" AMENDING SECTION (h) DISABILITY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Port St. Lucie ("City") presently provides pension benefits to its sworn bargaining unit personnel through the Port St. Lucie Police Officers' Retirement Trust Fund ("Plan") pursuant to Chapter 185, Florida Statutes, and the Code of Ordinances of the City of Port St. Lucie; and

WHEREAS, on June 13, 2016, the City Council approved Ordinance 16-28 which, among other changes, added that those Plan members who retired with a Normal Retirement Benefit on or after October 1, 2015 would be entitled to a benefits rate of 3.27%; and

WHEREAS, Section 185.18(5), Florida Statutes, provides that those Plan members who retire as a result of a disability benefit shall receive the "accrued retirement benefit" and

WHEREAS, Chapter 185, Florida Statutes, provides that Plan members retiring as a result of a total and permanent disability shall receive the accrued retirement benefit; and

WHEREAS, Ordinance 16-28 did not amend the Plan to specifically provide for disabled members to receive the accrued retirement benefit, which would reflect the benefits rate of disability retirement to be consistent with the benefits rate for the Normal Retirement benefits provided therein; and

WHEREAS, since the approval of Ordinance 16-28, the Plan's valuation has

anticipated the benefits rate to be consistent for all types of retirement; and

WHEREAS, the City Council and administration upon review of the Plan, and upon the recommendation of the Plan's attorney, are desirous of amending Section 32.77 of Plan to clarify that the multiplier for disability retirement is 3.27%.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF COUNCIL OF THE CITY OF PORT ST. LUCIE:

SECTION 1. That the recitals and findings contained in the Preamble of this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

SECTION 2. That Section 32.77 of the "Code of Ordinances, City of Port St. Lucie, Florida" pertaining to "Police Officers' Retirement Trust Fund" is hereby amended to read as follows:

(h) *Disability.*

(1) *Disability benefits in-line of duty.* Any member who shall become 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 police officer, which disability was directly caused by the performance of his duty as a police officer, shall, upon establishing the same to the satisfaction of the board, be entitled to a monthly pension equal to three and nine- hundredths percent (3.09%) of his average final compensation multiplied by the total years of credited service **for members who retire before October 1, 2015 and three and twenty-seven hundredths percent (3.27%) of his average final compensation multiplied by the total years of credited service for members who retire on or after October 1, 2015**, but in any event the minimum amount paid to the member shall [be] 42 percent of the average final compensation of the member. Terminated persons, either vested or non-vested, are not eligible for disability benefits. Notwithstanding the previous sentence, if a member is terminated by the City for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the board within thirty (30) days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the board otherwise determines that he is totally and permanently disabled as

provided for above.

- (3) *Disability benefits not-in-line of duty.* Any member with ten years or more credited service who shall become 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 police officer, which disability is not directly caused by the performance of his duties as a police officer shall, upon establishing the same to the satisfaction of the board, be entitled to a monthly pension equal to three and nine-hundredths percent (3.09%) of his average final compensation multiplied by the total years of credited service **for members who retire before October 1, 2015 and three and twenty-seven hundredths percent (3.27%) of his average final compensation multiplied by the total years of credited service for members who retire on or after October 1, 2015.** Terminated persons, either vested or non-vested, are not eligible for disability benefits. Notwithstanding the previous sentence, if a member is terminated by the City for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the board within thirty (30) days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the board otherwise determines that he is totally and permanently disabled as provided for above.

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SECTION 3. Each and every other section and subsection of Section 32.77, "Police Officers' Retirement Trust Fund," shall remain in full force and effect as previously enacted.

SECTION 4. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 6. Specific authority is hereby granted to codify this Ordinance.

SECTION 7. This Ordinance shall become effective immediately upon adoption,

except as otherwise specifically provided herein.

PASSED this ____ day of _____, 2020, upon first reading.

PASSED AND ADOPTED this this ____ day of _____, 2020,
upon second and final reading.

CITY OF PORT ST. LUCIE

BY: _____
MAYOR

ATTEST

BY: _____
CITY CLERK

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

BY: _____
James Stokes, City Attorney