

By Representatives J. Miller, Melvin, Peaden, Maygarden  
and Ritchie

1                                   A bill to be entitled  
2           An act relating to the Firefighters' Relief and  
3           Pension Fund of the City of Pensacola, Escambia  
4           County, Florida; amending chapter 21483, Laws  
5           of Florida, 1941, as amended; providing for  
6           gender neutrality; creating a board secretary;  
7           providing for a Director of Finance; revising  
8           provisions relating to disability pensions and  
9           death benefits for survivors; providing for  
10          protection of benefits from certain legal  
11          processes; providing for rollover distribution  
12          allocation; conforming provisions of local law  
13          to chapter 175, Laws of Florida; authorizing  
14          additional benefits required by law to be  
15          provided by ordinance; providing definitions;  
16          providing for repeal of conflicting laws;  
17          providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21           Section 1. Section 1 of chapter 21483, Laws of  
22           Florida, 1941, as amended by chapters 61-2653, 88-536, and  
23           91-397, Laws of Florida, is amended to read:

24           Section 1. Board of trustees of the Firefighters'  
25 Relief and Pension Fund.--There is hereby created in and for  
26 the City of Pensacola a board of trustees of the Firefighters'  
27 ~~Firemen's~~ Relief and Pension Fund consisting of five members,  
28 two of ~~or~~ whom, unless otherwise prohibited by law, shall be  
29 legal residents of the municipality, who shall be appointed by  
30 the legislative body of the municipality, and two of whom  
31 shall be firefighters of the municipality who shall be elected

1 by a majority of the firefighters whose names appear on the  
2 rolls as members of the fire department of the municipality.  
3 The fifth member shall be chosen by a majority of the previous  
4 four members as provided for herein, and such person's name  
5 shall be submitted to the legislative body of the  
6 municipality. Upon receipt of the fifth person's name, the  
7 legislative body of the municipality shall, as a ministerial  
8 duty, appoint such person to the board of trustees as its  
9 fifth member. The fifth member shall have the same rights as  
10 each of the other four members appointed or elected as herein  
11 provided. The existing fifth member's term will end on  
12 December 31, 1992, with the new appointee, who may be the same  
13 person, to commence his or her term on January 1, 1993. The  
14 fifth member shall serve as a trustee for a period of 2 years,  
15 and may succeed himself or herself in office. Each resident  
16 member shall serve as trustee for a period of 2 years, unless  
17 sooner replaced by the legislative body at whose pleasure he  
18 or she shall serve, and may succeed himself or herself as a  
19 trustee. One existing resident member's term will end on  
20 December 31, 1991, with the new appointee, who may be the same  
21 person, to commence his or her term on January 1, 1992. The  
22 other existing resident member's term will end on December 31,  
23 1992, with the new appointee, who may be the same person, to  
24 commence his or her term on January 1, 1993. The terms of the  
25 resident members will continue in this staggered fashion. Each  
26 firefighter member shall serve as trustee for a period of 2  
27 years, unless he or she sooner leaves the employment of the  
28 municipality as a firefighter, whereupon his or her successor  
29 shall be chosen in the same manner as an original appointment.  
30 One existing firefighter member's term will end on December  
31 31, 1991, with the new appointee, who may be the same person,

1 to commence his or her term on January 1, 1992. The other  
2 existing firefighter member's term will end on December 31,  
3 1992, with the new appointee, who may be the same person, to  
4 commence his or her term on January 1, 1993. The terms of the  
5 firefighter members will continue in this staggered fashion.  
6 Each firefighter member may succeed himself or herself in  
7 office. The board of trustees shall meet at least quarterly  
8 each year. The trustees shall by a majority vote elect a  
9 chairperson and a secretary ~~chairman~~. The trustees shall not  
10 receive any compensation as such, but shall receive expenses  
11 and per diem as may be provided by ordinance, consistent with  
12 Florida law. The board of trustees hereby created shall  
13 perform all of the duties and enjoy all of the rights and  
14 powers, heretofore by law or ordinance vested in the pension  
15 board of the City of Pensacola and shall be and constitute a  
16 legal entity with the power to bring and defend lawsuits of  
17 every kind, nature, and description. The city attorney of  
18 each municipality shall give advice to the board of trustees  
19 in all matters pertaining to its duties in the administration  
20 of the municipal firefighter's pension trust fund whenever  
21 requested; and the city attorney ~~he~~ shall represent and defend  
22 the board as its attorney in all suits and actions at law or  
23 in equity that may be brought against it and bring all suits  
24 and actions in its behalf that may be required or determined  
25 upon by the board. However, if the board of trustees so  
26 elects, it may employ independent legal counsel at the pension  
27 fund's expense for the purposes contained herein, together  
28 with such other professional, technical, or other advisers as  
29 the board deems necessary. The Firemen's Relief and Pension  
30 Fund heretofore created shall continue to exist exclusively  
31 for the purposes provided by this and related legislation, and

1 the responsibility for the administration and proper operation  
2 thereof and for effectuating the provisions of law relating  
3 thereto is vested in ~~the~~ said board of trustees.

4 Section 2. Section 2 of chapter 21483, Laws of  
5 Florida, 1941, is amended to read:

6 Section 2. Board to act as trustees of fund;  
7 records.--The Pension Board of the City of Pensacola shall act  
8 as trustees of the Firefighters'~~Firemen's~~ Relief and Pension  
9 Fund and shall perform the duties herein required. The  
10 secretary of the ~~Said pension~~ board shall keep a separate and  
11 complete minute book of proceedings of the board in reference  
12 to the business and affairs relating to the Firefighters'  
13 ~~Firemen's~~ Relief and Pension Fund. Said minute book shall at  
14 all times be kept in the office of the Director of Finance  
15 ~~Clerk~~ of the City of Pensacola and be open to the public for  
16 inspection.

17 Section 3. Section 3 of chapter 21483, Laws of  
18 Florida, 1941, is amended to read:

19 Section 3. Powers.--

20 (1) In addition to the other powers and authorities  
21 granted to it under Florida law,~~that~~ the pension board shall  
22 have power and authority:

23 (a) To invest and reinvest the assets of the  
24 Firefighters' Relief and Pension Fund, as provided by Florida  
25 law in interest bearing United States, state, county, district  
26 ~~or other political subdivision bonds or certificates of~~  
27 ~~indebtedness, the surplus funds of the Firemen's Relief and~~  
28 ~~Pension Fund, and the accretion shall become part of the fund,~~  
29 ~~and the City Clerk-Comptroller or depository shall keep such~~  
30 ~~bonds.~~

31

1           (b) To cause to be issued payments from ~~warrants upon~~  
2 the Firefighters'~~Firemen's~~ Relief and Pension Fund pursuant  
3 to this act and rules and regulations prescribed by the  
4 board.All such payments ~~warrants~~ shall be made consecutively  
5 ~~numbered, and be signed by the officers of the City of~~  
6 ~~Pensacola~~ in the manner now provided by law for the  
7 disbursement of city funds, ~~and shall state upon their faces~~  
8 ~~the purposes for which the warrants are drawn.~~ The Director of  
9 Finance ~~City Clerk-Comptroller~~ shall maintain an accounting of  
10 payments made, ~~retain such warrants, when paid, as permanent~~  
11 ~~vouchers for disbursement made,~~ and no money shall be  
12 otherwise drawn from the fund.

13           (c) To finally decide all claims to relief under this  
14 act and under the board's rules and regulations.

15           (d) To convert into cash any securities of the fund.

16           (e) To keep a complete record of all receipts and  
17 disbursements and of the board's acts and proceedings. Said  
18 records shall at all times be kept in the office of the  
19 Director of Finance ~~Clerk~~ of the City of Pensacola and be open  
20 to the public for inspection; and a statement and audit of the  
21 receipts and disbursements shall be made and a copy furnished  
22 to each contributor and each pensioner not less than annually  
23 ~~once each six (6) months.~~

24           (2) Any and all acts and decisions of the pension  
25 board shall be effectuated by vote of a majority of the  
26 members of such board; however, no trustee shall take part in  
27 any action in connection with such trustee's own participation  
28 in the fund.

29           Section 4. Section 4 of chapter 21483, Laws of  
30 Florida, 1941, as amended by chapter 24809, Laws of Florida,  
31 1947, chapter 31157, Laws of Florida, 1955, and chapters

1 57-1713, 59-1723, 61-2653, 77-632, and 99-463, Laws of  
2 Florida, is amended to read:

3 Section 4. Sources of revenue.--There is hereby  
4 continued in the City of Pensacola the fund heretofore  
5 established and cited as the "Firefighters'~~Firemen's~~ Relief  
6 and Pension Fund," to be maintained in the following manner:

7 (a) All sums of money in the existing fund as of July  
8 1, 1999, designated "Firemen's Relief and Pension Fund" of  
9 said city, shall be and remain therein as assets of the  
10 Firefighters' Relief and Pension Fund.

11 (b) By the net proceeds of the 1.85-percent excise or  
12 license tax levied and collected under the authority of  
13 chapter 19112, Laws of Florida, 1939, as amended, which may be  
14 imposed by the City of Pensacola upon certain insurance  
15 companies or other insurers against loss by fire and tornado  
16 on their gross receipts of premiums from holders of policies,  
17 which policies cover property within the corporate limits of  
18 such municipality, or any additional amount that may hereafter  
19 be levied and collected. This revenue shall be used first to  
20 fund the cost-of-living adjustment provision, then the benefit  
21 for 75 percent of compensation with 25 years of service on  
22 normal pension benefits, and then any remaining amount shall  
23 be used for the remaining benefits of the plan. If the receipt  
24 of this money is not sufficient to pay all benefits of the  
25 plan, nevertheless, all benefits of the plan shall be paid.

26 (c) The City of Pensacola, through its proper  
27 officers, shall deduct 11 percent from the compensation of all  
28 members of the Firefighters'~~Firemen's~~ Relief and Pension Fund  
29 who are not in the Deferred Retirement Option Plan ~~program~~,  
30 and shall pay the same to the pension board herein created.  
31 Such payments shall be deposited in a special account by the

1 City of Pensacola to be designated "Firefighters'~~Firemen's~~  
2 Relief and Pension Fund" and no employee shall have any right  
3 to said money so paid into said fund except as otherwise  
4 provided in the act. The contributions may be "pickup"  
5 contributions, in accordance with the Internal Revenue Code.

6 (d) By all fines and forfeitures imposed and collected  
7 from any firefighter ~~fireman~~ because of the violation of any  
8 rule and regulation promulgated by the pension board.

9 (e) By all gifts, bequests, and devises when donated  
10 for the fund.

11 (f) By all accretions to the fund by way of interest  
12 or dividends on bank deposits or otherwise.

13 (g) By mandatory payment by the City of Pensacola of a  
14 sum equal to the actuarially required funding amount shown by  
15 the ~~Fire~~ pension board's actuary's annual actuarial valuation.  
16 Balances in the prepayment reserve account provided for in the  
17 annual actuary report shall be drawn down before the city is  
18 required to make any contributions.

19 (h) By all other sources or income now or hereafter  
20 authorized by law for the augmentation of such fund.

21 Section 5. Section 5 of chapter 21483, Laws of  
22 Florida, 1941, as amended by chapter 22434, Laws of Florida,  
23 1943, chapter 26143, Laws of Florida, 1949, chapter 27814,  
24 Laws of Florida, 1951, and chapters 57-1713, 59-1723, 61-2653,  
25 63-1774, 70-889, 77-630, 83-500, 86-453, 87-527, and 99-463,  
26 Laws of Florida, is amended to read:

27 Section 5. Basis for compensation.--The pension of all  
28 persons entitled thereto, as hereinafter specified, shall be  
29 computed upon the basis of their compensation and their years  
30 of service in accordance with the following tables:  
31

1           (a) Such compensation shall be calculated by the  
2 selection from the last 5 years of service immediately  
3 preceding retirement of the best 2 of said years, thereby to  
4 arrive at the average monthly earnings of such firefighter  
5 ~~fireman~~. Based upon such average monthly rate, a pension shall  
6 be paid according to the following table:

- 7           75 % upon the first.....\$200.00 of compensation  
8           70 % upon the next.....\$100.00 of compensation  
9           65 % upon any additional amount.

10

11 If an employee retires on a normal pension benefit after July  
12 1, 1999, with 25 years of service or more, the employee shall  
13 receive a benefit equal to 75 percent of his or her final  
14 average monthly compensation.

15           (b) The pension of those firefighters ~~firemen~~ retired  
16 hereunder for cause other than disability incurred in line of  
17 duty, whose period of service shall be less than 25 years,  
18 shall be computed under the table set out in subsection (a),  
19 and after said amount shall have been so determined, the sum  
20 payable shall be reduced to the percentage set opposite the  
21 number of years of service shown in the following schedule:

- 22           For 1 year of service or less.....30%  
23           For 2 years of service.....36%  
24           For 3 years of service.....42%  
25           For 4 years of service.....48%  
26           For 5 years of service.....54%  
27           For 6 years of service.....60%  
28           For 7 years of service.....64%  
29           For 8 years of service.....66%  
30           For 9 years of service.....68%  
31           For 10 years of service.....70%



1	For 11 years of service.....	72%
2	For 12 years of service.....	74%
3	For 13 years of service.....	76%
4	For 14 years of service.....	78%
5	For 15 years of service.....	80%
6	For 16 years of service.....	82%
7	For 17 years of service.....	84%
8	For 18 years of service.....	86%
9	For 19 years of service.....	88%
10	For 20 years of service.....	90%
11	For 21 years of service.....	92%
12	For 22 years of service.....	94%
13	For 23 years of service.....	96%
14	For 24 years of service.....	98%
15	For 25 years of service.....	100%
16	(c) The pension of those <u>firefighters</u> <del>firemen</del> retired	
17	hereunder because of a disability or injuries received in line	
18	of duty, whose period of service shall be less than 25 years,	
19	shall be computed under the table set out in subsection (a),	
20	and after said amount shall have been so determined, the sum	
21	payable shall be reduced to the percentage set opposite the	
22	number of years of service shown in the following schedule:	
23	For 1 year of service or less.....	60%
24	For 2 years of service.....	64%
25	For 3 years of service.....	68%
26	For 4 years of service.....	72%
27	For 5 years of service.....	76%
28	For 6 years of service.....	80%
29	For 7 years of service.....	82%
30	For 8 years of service.....	83%
31	For 9 years of service.....	84%

1	For 10 years of service.....	85%
2	For 11 years of service.....	86%
3	For 12 years of service.....	87%
4	For 13 years of service.....	88%
5	For 14 years of service.....	89%
6	For 15 years of service.....	90%
7	For 16 years of service.....	91%
8	For 17 years of service.....	92%
9	For 18 years of service.....	93%
10	For 19 years of service.....	94%
11	For 20 years of service.....	95%
12	For 21 years of service.....	96%
13	For 22 years of service.....	97%
14	For 23 years of service.....	98%
15	For 24 years of service.....	99%
16	For 25 years of service.....	100%

17 (d) Those firefighters ~~firemen~~ whose period of service  
18 before attaining the age of 60 years shall exceed 25 years and  
19 who retire with a pension calculated under subsection (a)  
20 shall receive an increase of 1 percent in the amount of  
21 pension for each additional year or major fraction thereof;  
22 and in computing any period of service, a major fraction of a  
23 year shall be counted as a whole year.

24 (e) Any ~~duly appointed and enrolled~~ firefighter who  
25 upon the taking effect of this act, or hereafter, shall have  
26 attained the age of 52 years and who retires with a pension  
27 calculated under subsection (a) shall be, upon application to  
28 the board of trustees, retired on a pension as in this section  
29 is provided; and any such person who shall have served as a  
30 ~~duly appointed and enrolled~~ firefighter for a period of 25  
31 years, but who has not attained the age of 52 years, upon

1 application to the board of trustees shall be retired on a  
2 pension as in this section provided except that the amount of  
3 such pension shall be reduced in the ratio that the  
4 applicant's age bears to 52 years. Any time spent in military  
5 or naval service, voluntary or compulsory, or other forms of  
6 national service in time of war, or within 1 year thereafter,  
7 by any person theretofore employed by said city, shall be  
8 deemed equivalent to a like period of actual service in the  
9 employment of the city for the purpose of securing the  
10 benefits of this act; and, further, any employee who shall be  
11 laid off because of illness, reduction of force, or other  
12 cause not of the employee's own doing and who shall elect not  
13 to withdraw his or her contribution to the said retirement  
14 fund, or to return the same if withdrawn, shall be entitled to  
15 have the period of such service prior to said layoff added to  
16 any subsequent service for the purpose of computing his or her  
17 period of service.

18 (f) Any person regularly employed by the City of  
19 Pensacola as a ~~duly appointed and enrolled~~ firefighter, who  
20 shall while so employed and in line of duty become totally and  
21 permanently disabled to perform duties as a firefighter or who  
22 shall become so disabled not in the line of duty, through no  
23 intentional and self-inflicted injury, shall upon application  
24 and the approval thereof by the board of trustees be entitled  
25 to and shall receive a pension, to be determined in accordance  
26 with the schedules above set out having regard to his or her  
27 rate of pay and period of service irrespective of his or her  
28 age.

29 (g) Any firefighter ~~employee~~ retired under the  
30 provisions of this section, or any widow or widower entitled  
31 to a pension under this chapter, shall be entitled to receive

1 not less than \$500 per month, irrespective of the term of  
2 service, and of the results of the tables above set out. This  
3 provision is applicable to all persons who are receiving  
4 benefits from the Firefighters'~~Firemen's~~ Relief and Pension  
5 Fund prior to January 1, 1986. They shall receive this benefit  
6 as of July 14, 1986.

7 Section 6. Chapter 74-576, Laws of Florida, as amended  
8 by chapters 85-486 and 99-463, Laws of Florida, is renumbered  
9 as section 6 of chapter 21483, Laws of Florida, 1941, and  
10 amended to read:

11 Section ~~6.1.~~ Increase in benefits due to consumer  
12 price index increases.--

13 (a) A cost-of-living increase in benefits paid  
14 pursuant to this act shall be given effective July 1, 1999,  
15 and shall be paid annually thereafter. Each annual increase  
16 shall have an effective date of July 1. All such increases  
17 shall be equal to but no greater than the annual increase in  
18 the Consumer Price Index (U) issued by the United States  
19 Department of Labor, provided that such increase shall in no  
20 event be greater than 3 percent per year. The annual CPI (U)  
21 period to be used for calculation of any increase shall end in  
22 March of the year of the July 1 increase. The increase in the  
23 CPI (U) shall be the change in the values from April 1 to  
24 March 31. In the event the United States Department of Labor  
25 ceases to issue a CPI (U), the board shall utilize a current  
26 CPI index that is the functional equivalent.

27 (b)~~Section 2.~~ After June 22, 1974, no person shall  
28 transfer creditable service from another retirement system  
29 into the Firefighters'~~Firemen's~~ Relief and Pension Fund.

30 (c)~~Section 3.~~ The City of Pensacola, by ordinance,  
31 may permit but not require members of the Firefighters'

1 ~~Firemen's~~ Relief and Pension Fund who are eligible, to  
2 participate in a Deferred Retirement Option Plan ~~program~~  
3 (DROP). The ordinance may include members who are eligible to  
4 retire and to receive retirement benefits to remain in the  
5 active service of the city until a contractually fixed  
6 termination date and to have accumulated for the employee's  
7 account from the date the contract is made all benefits which  
8 the employee would be eligible to begin receiving on that date  
9 and to have those accumulated benefits held for the benefit of  
10 the employee until the employee separates from active service.  
11 Such ordinance may provide for forfeiture of the accumulated  
12 benefits or other penalty if the employee does not comply with  
13 the contract. However, if the employee complies in all  
14 respects with the terms of the contract, the employee shall  
15 receive all retirement benefits the employee would be entitled  
16 to under this act upon the employee's actual retirement from  
17 the active service of the city.

18 Section 7. Section 5.5 of chapter 21483, Laws of  
19 Florida, 1941, as created by chapter 83-500, Laws of Florida,  
20 is renumbered as section 7, and amended to read:

21 Section ~~7.5.5. Disability pensions.~~ Disability pensions. --Applications,  
22 determinations, awards, and re-evaluations of disability  
23 pensions for firefighters ~~firemen~~ shall be governed by the  
24 following:

25 (a) Either a firefighter ~~fireman~~, or the employer on  
26 behalf of a firefighter ~~fireman~~, must make application for  
27 disability retirement complete with medical and other  
28 evidentiary material as prescribed by the pension board.

29 (b) Upon receipt of an application for disability  
30 retirement, the board of trustees shall make a determination  
31 of disability, which determination shall be final. The board

1 of trustees shall employ the service of one or more  
2 independent, third party agents, such as, but not limited to,  
3 a health and disability claims adjusting firm, to evaluate the  
4 case and to make a report containing recommended findings and  
5 conclusion, which may be approved or disapproved, or modified  
6 in the determination of the board of trustees.

7 (c) A firefighter will be considered totally and  
8 permanently disabled if, in the opinion of the board of  
9 trustees, he or she is wholly prevented from rendering useful  
10 and efficient service as a firefighter; and a firefighter will  
11 be considered totally and permanently disabled if, in the  
12 opinion of the board of trustees, he or she is likely to  
13 remain so disabled continuously and permanently from a cause  
14 other than as specified in subsection (d).

15 (d) A firefighter will not be entitled to receive any  
16 disability retirement income if the disability is a result of:

17 (i) Excessive and habitual use by the firefighter of  
18 drugs, intoxicants, or narcotics;

19 (ii) Injury or disease sustained by the firefighter  
20 while willfully and illegally participating in fights, riots,  
21 or civil insurrections or while committing a crime;

22 (iii) Injury or disease sustained by the firefighter  
23 while serving in any armed forces; or

24 (iv) Injury or disease sustained by the firefighter  
25 after his or her employment has terminated.

26 (e)~~(e)~~ The board of trustees, through its third party  
27 agents, shall periodically re-evaluate disability pensioners  
28 to determine if the condition of total and permanent  
29 disability persists. If the pensioner has recovered  
30 sufficiently, as determined by the board so that the pensioner  
31 is no longer totally and permanently disabled to perform his

1 or her duties as a firefighter ~~fireman~~, and this determination  
2 is made within 1 year of the effective date of the award of  
3 the pension, said pensioner shall be reinstated to active  
4 service in the same rank he or she occupied prior to the award  
5 of his or her pension, and the period of such time which said  
6 firefighter ~~fireman~~ is out of active service because of  
7 disability shall be credited as part of the period of service  
8 required for final retirement. If such determination is made  
9 more than 1 year after the effective date of the award of the  
10 pension, the pensioner shall be placed on an eligible list to  
11 be reinstated to his or her position upon the first vacancy in  
12 that position. At such time as a pensioner resumes active  
13 service, or at such time as a pensioner refuses to accept  
14 reinstatement to active service, the payment of pension  
15 benefits shall cease. No firefighter ~~fireman~~ who has attained  
16 the age of 52 ~~55~~ years or who has been in active service as a  
17 firefighter ~~fireman~~ for 25 years, and is drawing a pension,  
18 shall be restored to duty by any power or for any cause  
19 whatsoever.

20 Section 8. Section 6 of chapter 21483, Laws of  
21 Florida, 1941, as amended by chapter 22434, Laws of Florida,  
22 1943, and chapters 57-1713 and 86-450, Laws of Florida, is  
23 renumbered as section 8, and amended to read:

24 Section 8.6. Automatic retirement.--Any firefighter  
25 ~~employee or person~~, subject to the provisions of this act  
26 attaining the age of seventy (70) years shall be automatically  
27 retired and shall cease to draw his or her compensation as  
28 such employee, but shall become immediately entitled to the  
29 pension or benefits provided hereby. In the event of doubt as  
30 to the attainment of such age, the Civil Service Board shall  
31 make inquiry and determine such fact after due notice to

1 interested parties; provided that the provisions of this  
2 section shall not become operative until January 1, 1960, the  
3 former law remaining in effect until such date.

4 Section 9. Section 9 of chapter 57-1713, Laws of  
5 Florida, as amended by chapters 59-1723, 87-527, 89-444, and  
6 89-474, Laws of Florida, is renumbered as section 10 of  
7 chapter 21483, Laws of Florida, 1941, and amended to read:

8 Section 10.9: Retirement after 10 years' service.--If  
9 any firefighter of the City of Pensacola shall, after serving  
10 as such for a period of 10 full years or becoming otherwise  
11 eligible for retirement, cease to be such firefighter for any  
12 cause and shall not make withdrawal of all his or her  
13 contributions to the Firefighters'~~Firefighters~~ Relief and  
14 Pension ~~Trust~~ Fund as provided by law, or having withdrawn the  
15 same, shall return it with 8 percent interest from the date of  
16 such withdrawal, he or she shall be eligible to receive the  
17 benefits equal to the amount provided in section 5 ~~subsection~~  
18 ~~5(a)~~, multiplied by the number of years of service; for this  
19 purpose only the number of years of service can be no more  
20 than 25 and divided by 25 years upon attaining the age of 52  
21 years or becoming eligible for retirement by length of service  
22 or otherwise; his or her spouse and children shall in the  
23 event of his or her death be likewise so entitled.

24 Section 10. Section 3 of chapter 22434, Laws of  
25 Florida, 1943, is renumbered as section 11 of chapter 21483,  
26 Laws of Florida, and amended to read:

27 Section 11.3: Power to transfer other unused revenues  
28 to fund.--The City of Pensacola, by resolution of the council,  
29 is hereby empowered to transfer to the Firefighters'~~Firemen's~~  
30 Relief and Pension Fund any revenues budgeted or allocated by  
31 law or ordinance for other purposes, whenever it shall appear



1 to the council that the same are not required for the purpose  
2 for which they were budgeted or allocated.

3 Section 11. Section 7 of chapter 21483, Laws of  
4 Florida, 1941, as amended by chapters 57-1713, 87-527, 89-444,  
5 and 89-474, Laws of Florida, is renumbered as section 12, and  
6 amended to read:

7 Section ~~12.7~~. Refunds upon termination of  
8 employment.--In the event that any firefighter resigns or is  
9 discharged from the service of the City of Pensacola, he or  
10 she shall be entitled to a refund of all the sums he or she  
11 theretofore contributed to the Firefighters'~~Firefighters~~  
12 Relief and Pension Trust Fund(including "pickup"  
13 contributions)and payment thereof shall be made to such  
14 former firefighter ~~employee~~ in full satisfaction of any and  
15 all claims which he or she or any person claiming by, through,  
16 or under him or her may have against said fund.

17 Section 12. Section 8 of chapter 21483, Laws of  
18 Florida, as amended by chapter 24809, Laws of Florida, 1947,  
19 chapter 27814, Laws of Florida, 1951, and chapters 57-1713,  
20 80-580, 85-413, 85-485, and 87-527, Laws of Florida, is  
21 renumbered as section 13 and amended to read:

22 Section ~~13.8~~. Death benefits for survivors.--

23 (a) In the event of the death of a pensioner while he  
24 or she is actually drawing a pension under the provisions of  
25 this act, or in the event of the death of any person entitled  
26 to the benefits of this act, who shall have been employed as a  
27 firefighter ~~duly appointed and enrolled fireman~~, the widow or  
28 widower of such person, so long as she or he remains  
29 unmarried, shall be paid a monthly pension equal to  
30 one-twelfth (1/12th) of seventy-five percent (75%) of the  
31 annual pension which the deceased pensioner or person so

1 entitled was receiving or to which he or she would have been  
2 entitled in the event of retirement as of the date of his or  
3 her death, having regard to his or her period of service and  
4 rate of compensation, irrespective of his or her age, which  
5 pension shall be for the use of the said widow or widower. If  
6 the widow's or widower's pension has been terminated due to  
7 remarriage and such marriage ends in the spouses's death or  
8 divorce, then the widow's or widower's pension may be restored  
9 by the pension board in the same amount as previously provided  
10 by provisions of this act,

11 (b) If any person eligible to the benefits of this act  
12 (Article XVI), as provided in the preceding subsection, shall  
13 at the time of his or her death be survived by one or more  
14 legitimate children under the age of 18 years, then such  
15 children shall each be entitled to receive a sum equal to 12  
16 percent of the annual salary of the deceased, payable in  
17 monthly installments to his or her parent or guardian for his  
18 or her use, if there be also a widow or widower entitled to  
19 receive a pension; but should there be no widow or widower or  
20 should such widow or widower remarry, the pension of such  
21 children shall be increased to 18 percent of the annual salary  
22 aforesaid; provided further, that the total of such pension or  
23 allowances for the widow or widower and/or children under the  
24 age of 18 years shall not exceed at any time 65 percent of the  
25 prevailing wage for the rank the deceased held at the time of  
26 his or her death, and such allowance shall each abate  
27 proportionately in accordance with such maximum limit.  
28 Provided further, that any person that marries a pensioner  
29 subsequent to her or his retirement shall be entitled to a  
30 reduced pension in proportion to the ratio that her or his  
31 cohabitation with the pensioner shall bear to 3 years. After 3

1 years the widow or widower will than have full pension  
2 benefits. All pensions to widows or widowers or children shall  
3 be computed in accordance with the schedules set forth in this  
4 act.

5 (c) In the event that any firefighter shall die under  
6 circumstances that there are no survivors eligible to receive  
7 benefits under this act, his or her contributions shall be  
8 paid to the estate of such person to be distributed under such  
9 estate laws.

10 Section 13. Section 9 of chapter 21483, Laws of  
11 Florida, 1941, as amended by chapter 26143, Laws of Florida,  
12 1949, is renumbered as section 14, and amended to read:

13 Section ~~14.9~~ Accidental death or injury benefits. --If  
14 an employee shall lose his or her life or later die from  
15 injuries received while in the discharge of his or her duties,  
16 his or her widow or widower shall, ~~so long as she remains~~  
17 ~~unmarried~~, be paid a monthly pension by the pension board, out  
18 of the Firefighters' ~~Firemen's~~ Relief and Pension Fund, equal  
19 to one-twelfth of seventy-five (75) percent of the annual  
20 salary received by the deceased firefighter ~~fireman~~ at the  
21 time of his or her death, which pension shall be for the use  
22 of the widow or widower and the children, if any are under  
23 eighteen years of age, of her or his deceased husband or wife;  
24 provided that under no circumstances should the total of such  
25 pension amount to more than one hundred twenty-five dollars  
26 (\$125.00) monthly. If such firefighter ~~firemen~~ at the time of  
27 his or her death shall not be survived by a widow or widower  
28 but shall be survived by one or more legitimate children under  
29 the age of eighteen years, or if being survived by a widow or  
30 widower, she or he shall die before the youngest of said  
31 children shall attain the age of eighteen years, then and in

1 either of said events children of such deceased firefighter  
2 ~~fireman~~ shall each be entitled to receive a sum, to be fixed  
3 in the discretion of the board of trustees, in an amount not  
4 to exceed fifteen dollars (\$15.00) per month until such child  
5 shall have attained the age of eighteen years; provided,  
6 however, that the sum total allowances of children's pensions  
7 under this clause shall in no event exceed the sum of  
8 forty-five dollars (\$45.00) per month in any one family.

9 Section 14. Section 10 of chapter 21483, Laws of  
10 Florida, 1941, is renumbered as section 15, and amended to  
11 read:

12 Section ~~15.10~~. Benefits to widows, widowers, and  
13 dependents.--If a widow or widower enjoying a pension under  
14 any of the provisions of this act shall die, her or his  
15 pension shall cease, and if she or he shall remarry while  
16 enjoying any such pension, then and in the latter event, her  
17 or his pension shall cease and shall not be paid to such widow  
18 or widower; provided, however, in the event the deceased  
19 firefighter ~~employee~~ shall be survived by one or more  
20 legitimate children under the age of eighteen years at the  
21 time the widow or widower shall remarry, the pension board  
22 may, in its discretion, grant an amount for the support and  
23 maintenance of said child or children until said child or  
24 children become eighteen years of age, not to exceed ten  
25 dollars (\$10.00) per month for each child, in no event to  
26 exceed the sum of forty dollars (\$40,00) per month for any one  
27 family.

28 Section 15. Section 12 of chapter 21483, Laws of  
29 Florida, 1941, is renumbered as section 16, and amended to  
30 read:

31

1           Section ~~16.12~~. Contributions during service-connected  
2 temporary sickness or disability.--Whenever any firefighter  
3 ~~duly appointed member of the fire department~~, on account of  
4 any temporary sickness or disability caused or sustained while  
5 in the discharge of his or her duty as such member, is ~~be~~  
6 confined to any hospital or to his or her bed, and shall  
7 require medical and professional nursing, care, or attention,  
8 the pension board may, out of the pension fund, make such  
9 contribution to his or her medical and hospital or  
10 professional nursing care and expenses as in the board's ~~their~~  
11 discretion shall be reasonable.

12           Section 16. Section 13 of chapter 21483, Laws of  
13 Florida, 1941, is renumbered as section 17, and amended to  
14 read:

15           Section ~~17.13~~. Funeral allowance.--In the event of  
16 the death of any pensioner while receiving a pension, or in  
17 the event of the death of any firefighter ~~duly appointed~~  
18 ~~fireman~~, the pension board may, upon the request of the next  
19 of kin of the deceased, contribute out of the Firefighters'  
20 ~~Firemen's~~ Relief and Pension Fund ~~of said city or town~~, a sum  
21 not to exceed two hundred dollars (\$200.00) for funeral  
22 expenses, which the pension board may in its discretion pay  
23 to the said next of kin or directly to the undertaker. This  
24 funeral allowance, however, shall be in addition to any  
25 pension allowable under this act.

26           Section 17. Section 15 of chapter 21483, Laws of  
27 Florida, is renumbered as section 19, and amended to read:

28           Section ~~19.15~~. Protection of benefits from legal  
29 process.--The pensions and other benefits accrued or accruing  
30 to any person under this pension plan and the accumulated  
31 contributions and the cash securities in the funds created

1 under this plan are exempted from any state, county, or  
2 municipal tax and shall not be subject to execution or  
3 attachment or to any legal process whatsoever, and shall be  
4 unassignable.~~No pension provided for shall be assignable nor~~  
5 ~~shall such pension be subject to attachment, garnishment,~~  
6 ~~execution or to any other legal process.~~

7 Section 18. Section 16 of chapter 21483, Laws of  
8 Florida, 1941, is renumbered as section 20, and amended to  
9 read:

10 Section ~~20.16~~.Records to be kept by secretary of the  
11 board.--The secretary of the pension board shall keep a record  
12 of all persons enjoying a pension under the provisions of this  
13 act, in which shall be noted the time when the pension is  
14 allowed and when the same shall cease to be paid. And in this  
15 book the secretary shall keep a record of all firefighters  
16 ~~firemen~~ employed by the municipality and a record shall be  
17 kept in such manner as to show the name, address, and time of  
18 employment of such firefighters ~~firemen~~ and when such  
19 firefighters ~~firemen~~ cease to be employed by the municipality.

20 Section 19. Section 18 of chapter 21483, Laws of  
21 Florida, 1941, as amended by chapter 87-527, Laws of Florida,  
22 is renumbered as section 22, and amended to read:

23 Section ~~22.18~~.City Attorney to act as attorney for  
24 the board.--The City Attorney shall give advice to the board  
25 of trustees in all matters pertaining to its duties whenever  
26 requested; and he or she shall represent and defend the board  
27 as its attorney in all suits and actions at law or in equity  
28 that may be brought against it and bring all suits and actions  
29 in its behalf that may be required that are determined upon  
30 the board. However, if the board of trustees so elects, it may  
31 employ independent legal counsel at the pension fund's expense

1 for the purposes contained herein, together with such other  
2 professional, technical, or other advisers as the board deems  
3 necessary.

4 Section 20. Section 19 of chapter 21483, Laws of  
5 Florida, 1941, as amended by chapter 87-527, Laws of Florida,  
6 is renumbered as section 23, and amended to read:

7 Section ~~23.19~~. Depositing of funds and  
8 securities.--All funds and securities of the Firefighters'  
9 Fireman's Relief and Pension Trust Fund may be deposited by  
10 the Board of Trustees with the Director of Finance ~~treasurer~~  
11 of the city, acting in a ministerial capacity only, who shall  
12 keep the same in a separate fund, and he or she shall be  
13 liable for the safekeeping of the same, under the bond given  
14 by him or her to the city, and he or she shall be liable in  
15 the same manner and to the same extent as he or she is liable  
16 for the safekeeping of the funds of the city.

17 Section 21. Section 20 of chapter 21483, Laws of  
18 Florida, 1941, as amended by chapters 57-1713, 63-1774,  
19 77-630, and 99-463, Laws of Florida, is renumbered as section  
20 24, and amended to read:

21 Section ~~24.20~~. Benefits supplemental to workers'  
22 compensation; diseases deemed contracted in line of duty.--

23 (1) If any firefighter ~~employee~~ eligible for the  
24 benefits of this act shall die under such circumstances as to  
25 entitle his or her widow or widower or children to benefits  
26 hereunder, such widow, widower, or children shall be entitled  
27 to receive such benefits payable to them or any of them; and  
28 in the event of disability of any pensioner, the pensioner  
29 shall be entitled to such pension as is hereby provided.  
30 However, effective January 1, 2000, the total of the pension  
31 and workers' compensation benefits, not to include benefits

1 provided as a reimbursement of medical costs incurred as the  
2 result of the compensable injury, shall not exceed 100 percent  
3 of the firefighter's ~~employee's~~ average monthly salary. Should  
4 the total of the benefits exceed 100 percent of the average  
5 monthly salary, the pension benefit shall be reduced so as not  
6 to cause the total pension and workers' compensation benefit  
7 to exceed 100 percent. In the event a firefighter ~~an employee~~  
8 eligible for benefits under this act receives a lump-sum  
9 settlement of a workers' compensation disability claim, the  
10 benefits received shall be prorated over a 10-year projected  
11 period for the purposes of the offset of any benefit in excess  
12 of 100 percent. For the purpose of this part, workers'  
13 compensation disability benefits are primary and the  
14 Firefighters' Relief ~~Firemen's Rescue~~ and Pension Fund  
15 benefits are secondary. Since pension benefits are secondary,  
16 the pension benefits shall be reduced in order to observe the  
17 cap. No reduction of benefits shall be implemented until a  
18 firefighter ~~an employee~~ eligible for the benefits under this  
19 act realizes the other benefit sources, workers' compensation  
20 disability benefits. The firefighter ~~employee~~ eligible for  
21 benefits must advise the plan administrator of the receipt of  
22 benefits from a primary source, workers' compensation  
23 disability benefits, within 3 days after the incipient receipt  
24 of the benefits. Any cost-of-living adjustment as provided by  
25 chapter 74-576, Laws of Florida, as amended by chapter 99-463,  
26 Laws of Florida, and this act, shall be calculated on the full  
27 benefit, prior to the offset.

28 (2) Any condition or impairment of health of a  
29 firefighter ~~fireman~~ caused by lung diseases, hypertension,  
30 heart disease, or hardening of the arteries resulting in total  
31 or partial disability or death shall be presumed to have been



1 accidental and suffered in the line of duty unless the  
2 contrary be shown by competent evidence, provided, however,  
3 that such firefighter ~~fireman~~ shall have successfully passed a  
4 physical examination before entering into such service, which  
5 examination failed to reveal any evidence of such condition.

6 Section 22. Section 1 of chapter 31158, Laws of  
7 Florida, 1955, is renumbered as section 26 of chapter 21483,  
8 Laws of Florida, 1941, and amended to read:

9 Section ~~26.1.~~ Compiling employment periods for  
10 purposes of continuous service.--Whenever it is now provided  
11 by law that a firefighter has been employed ~~duly appointed and~~  
12 ~~enrolled fireman~~, whether continuously or discontinuously, for  
13 the required total period, ~~and~~ he or she shall be entitled to  
14 add together such periods of discontinuous service to secure  
15 the benefits now granted for continuous service of a like  
16 period; provided, however, that before such firefighter  
17 ~~fireman~~ may take advantage of this provision, if he or she  
18 shall have withdrawn the contributions or any part thereof  
19 theretofore paid by him or her into the Firefighters'  
20 ~~Firemen's~~ Relief and Pension Fund, he or she shall return to  
21 ~~the~~ said fund such sum so withdrawn, and shall do so within a  
22 period of six (6) months next succeeding the beginning of his  
23 or her last period of employment, or, if he or she be now in  
24 such last period, shall repay ~~the~~ said sum within one year  
25 after the effective date of this act.

26 Section 23. Section 28 is added to chapter 21483, Laws  
27 of Florida, 1941, to read:

28 Section 28. Rollover distributions.--Notwithstanding  
29 any provision of the Firefighters' Relief and Pension Fund to  
30 the contrary that would otherwise limit a firefighter's or  
31 retired firefighter's election (or such deceased individual's

1 surviving spouse's election) under this fund, such firefighter  
2 or retired firefighter, or such deceased individual's  
3 surviving spouse, may elect, at the time and in the manner  
4 prescribed by the plan administrator, to have any portion of  
5 an eligible rollover distribution paid directly to an eligible  
6 retirement plan specified by such pensioner in a direct  
7 rollover.

8 Section 24. Section 29 is added to chapter 21483, Laws  
9 of Florida, 1941, to read:

10 Section 29. Additional benefits required by law.--To  
11 the extent that the City of Pensacola, as an employer of  
12 firefighters and plan sponsor, may be required by law to  
13 provide additional benefits to firefighters employed by the  
14 city, or their beneficiaries, those additional benefits may be  
15 provided by ordinance.

16 Section 25. Section 30 is added to chapter 21483, Laws  
17 of Florida, 1941, to read:

18 Section 30. Definitions.--The following words and  
19 phrases have the following meanings:

20 (a) "Compensation," "salary," and "earnings" mean the  
21 wages paid to a firefighter, longevity pay, overtime pay,  
22 station or watch captain pay, special duty pay, in-service  
23 sick leave redemption pay (when paid), bonuses, lump-sum  
24 payments not paid at termination, inclusive of  
25 employee-elective salary reductions or deferrals to any salary  
26 reduction, deferred compensation, or tax-sheltered annuity  
27 program authorized under the Internal Revenue Code if the  
28 firefighter would receive those reductions or deferrals if he  
29 or she were not participating in such program, and any other  
30 payments required by law to be included in pension  
31 calculations.

1       (b) "Deferred Retirement Option Plan" or "DROP" means  
2 a retirement option in which a firefighter may elect to  
3 participate, under which a firefighter may retire for all  
4 purposes of the plan and defer receipt of retirement benefits  
5 into a DROP account while continuing employment with the city.

6       (c) "Direct rollover" means a payment by the  
7 Firefighters' Relief and Pension Fund to the eligible  
8 retirement plan specified by the firefighter or retired  
9 firefighter or such deceased individual's surviving spouse.

10       (d) "Eligible retirement plan" means an individual  
11 retirement account described in section 408(a) of the Internal  
12 Revenue Code of 1986, an individual retirement annuity  
13 described in section 408(b) of the Internal Revenue Code of  
14 1986, an annuity plan described in section 403(a) of the  
15 Internal Revenue Code of 1986, or a qualified trust described  
16 in section 401(a) of the Internal Revenue Code of 1986 that  
17 accepts the firefighter's or retired firefighter's eligible  
18 rollover distribution. However, in the case of an eligible  
19 rollover distribution to the surviving spouse of a deceased  
20 firefighter or deceased retired firefighter, an eligible  
21 retirement plan is an individual retirement account or  
22 individual retirement annuity.

23       (e) "Eligible rollover distribution" means any  
24 distribution of all or any portion of the balance to the  
25 credit of the firefighter or retired firefighter, except that  
26 an eligible rollover distribution does not include: any  
27 distribution that is one of a series of substantially equal  
28 periodic payments (not less frequently than annually) made for  
29 the life (or life expectancy) of the firefighter or retired  
30 firefighter or the joint lives (or joint life expectancies) of  
31 the firefighter or retired firefighter and such individual's

1 designated beneficiary, or for a specified period of ten years  
2 or more; any distribution to the extent such distribution is  
3 required under section 401(a)(9) of the Internal Revenue Code  
4 of 1986; and the portion of any distribution that is not  
5 includable in gross income.

6 (f) "Enrolled actuary" means an actuary who is  
7 enrolled under Subtitle C of Title III of the Employee  
8 Retirement Income Security Act of 1974 and who is a member of  
9 the Society of Actuaries or the American Academy of Actuaries.

10 (g) "Firefighter" means any person employed by the  
11 City of Pensacola fire department who is certified as a  
12 firefighter as a condition of employment in accordance with  
13 the provisions of s. 633.35, Florida Statutes, and whose duty  
14 it is to extinguish fires, to protect life, or to protect  
15 property.

16 (h) "Retiree" or "retired firefighter" means a  
17 firefighter who has entered retirement status. A firefighter  
18 who enters a DROP created by the City of Pensacola for  
19 firefighters shall be considered a retiree for all purposes of  
20 the Firefighters' Relief and Pension Fund.

21 (i) "Retirement" means a firefighter's separation from  
22 city employment as a firefighter with the immediate  
23 eligibility for receipt of benefits under the Firefighters'  
24 Relief and Pension Fund, including entry into a Deferred  
25 Retirement Option Plan.

26 Section 26. All laws or parts of laws in conflict  
27 herewith are repealed.

28 Section 27. This act shall take effect upon becoming a  
29 law.

30  
31