

1 A bill to be entitled
 2 An act relating to the City of Orlando Firefighter Pension
 3 Fund, Orange County; amending chapter 23444, Laws of
 4 Florida, 1945, as amended; providing definitions of "legal
 5 guardian" and "guardians of said issue"; clarifying the
 6 amount of certain disability pension; providing that
 7 surviving spouses and other beneficiaries are entitled to
 8 cost of living increases upon the death of eligible
 9 firefighters; approving ordinances enacted by the City of
 10 Orlando concerning the firefighter pension plan; providing
 11 that the act is contingent upon a collective bargaining
 12 agreement; providing retroactive effect; providing
 13 effective dates.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 2 of chapter 23444, Laws of Florida,
 18 1945, as amended by chapters 73-573 and 2000-448, Laws of
 19 Florida, and by City of Orlando Ordinance 33874, enacted June
 20 18, 2001, is amended to read:

21 Section 2. Employees included.

22 Members of said Fire Department shall be construed as
 23 including all officers and firefighters regularly employed in
 24 said department, and whose employment shall be regular and
 25 continuous and not of a temporary character, provided, however,
 26 the secretaries, stenographers and switchboard operators shall
 27 not be covered by the provisions of this Act. For the purpose of
 28 this Act the term "widow" shall include widower; the term "wife"

CS/HB 1515

2008

29 shall include "husband"; the term "mother" shall include
30 "father"; reference to the masculine pronoun shall include the
31 feminine and vice versa; the term "issue" shall include a
32 member's natural and adopted children as well as children in
33 gestation; and the terms "legal guardian" or "guardians of said
34 issue" shall include a court-appointed guardian of the property
35 of said issue or a trustee of a trust of which said issue is a
36 beneficiary. Further provided that members who are DROP
37 participants will no longer be participants in this fund, nor
38 eligible for any benefits hereunder.

39 Section 2. Section 9 of chapter 23444, Laws of Florida,
40 1945, as amended by City of Orlando Ordinance 0801141004,
41 enacted January 1, 2008, is amended to read:

42 Section 9. Permanent disability pension; in line of duty.

43 Any active member of the fire department who shall become
44 permanently and totally disabled, if the disability is directly
45 caused by and attributable to the performance of duty as a
46 member of the department, shall be entitled to a pension of a
47 monthly sum of 80 percent of the member's average monthly
48 salary; provided, however, a member who has completed 40 years
49 of credited service shall be entitled to receive an additional 2
50 percent over the 80 percent for each year of credited service in
51 excess of 40 years of credited service but not to exceed 100
52 percent ~~money equivalent to that sum of money which said member,~~
53 ~~whether or not properly qualified, would have been entitled to~~
54 ~~elect as a monthly pension for twenty five (25) years of service~~
55 ~~under amended Section 12 of this act.~~ The phrase "permanently
56 and totally disabled" shall be construed to mean and include the

57 | loss of one or more limbs, loss of sight in one or both eyes,
58 | loss of hearing in one or both ears and any other condition
59 | which renders the member unfit to perform the required duties of
60 | the member's rank held at the time of impairment. Upon the death
61 | of the member on said disability pension provided in this
62 | section, benefits shall be paid as follows:

63 | (1) If a member has not elected and started receipt of the
64 | Section 34(1)(a) life with ten (10) years certain form of
65 | payment, or the Section 34(1)(b) life only form of payment, or
66 | the Section 34(1)(c) joint pensioner form of payment, benefits
67 | shall be paid pursuant to Section 14, "Benefits Payable Upon
68 | Death of Member", to the surviving spouse and issues under the
69 | age of eighteen (18), or dependent parents, and Section 35, "10
70 | Year Certain Guarantee", if applicable.

71 | (2) If a member has elected and started receipt of the
72 | Section 34(1)(a) life with ten (10) years certain form of
73 | payment and the member has not received 120 monthly payments,
74 | then benefits otherwise payable to the member shall be paid
75 | pursuant to Section 32, "Beneficiaries", for the remainder of
76 | the 120 monthly payments beginning on the first day of the month
77 | immediately following the member's death regardless of the age
78 | of the deceased member. If the firefighter makes this election,
79 | no benefits shall be paid pursuant to Section 14(5)(b) or
80 | Section 14(5)(d) to the surviving spouse, issue in being under
81 | the age of eighteen (18), or dependent parents. Provided
82 | however, the firefighter may designate as beneficiaries the
83 | surviving spouse, issue in being under the age of eighteen (18),
84 | or dependent parents to receive the remainder of the 120 monthly

CS/HB 1515

2008

85 | payments.

86 | (3) If a member has elected and started receipt of the
87 | Section 34(1)(b) life only form of payment, no further payments
88 | shall be made upon the death of the member.

89 | (4) If a member has elected and started receipt of the
90 | Section 34(1)(c) joint pensioner form of payment, benefits shall
91 | be paid as provided therein.

92 |

93 | Notwithstanding anything that may be to the contrary in this
94 | act, at age forty-seven (47), a member then receiving benefits
95 | under this section may make the election provided in Section
96 | 12(1) or Section 12(2) as the case may be and Section 18, all of
97 | this act (Laws of Fla. ch. 23444(1945), as amended) in the
98 | manner therein specified, provided he is qualified by length of
99 | service prior to the disability and provided he makes the
100 | election within the thirty-day period after reaching age forty-
101 | seven (47). If the election is exercised in favor of the
102 | pension, the pension shall be based only on service and salary
103 | earned prior to the date of disability. If the election is
104 | exercised, all of the member's rights and the rights of the
105 | member's surviving spouse and issue, and dependent parents under
106 | Section 14 shall cease.

107 | Section 3. Subsection (2) is added to section 19 of
108 | chapter 23444, Laws of Florida, 1945, as amended by chapter
109 | 2000-448, Laws of Florida, to read:

110 | Section 19. Cost of living increase.

111 | (2) Those persons who are eligible to receive monthly
112 | retirement benefits upon the death of a firefighter who was

113 eligible for cost of living increases pursuant to chapter 88-
114 518, chapter 89-459, or chapter 2000-448, Laws of Florida, shall
115 upon the death of the firefighter receive the appropriate
116 percentage of the firefighter's monthly retirement benefit,
117 including the percentage of cost of living increases previously
118 awarded, and shall receive future percentage cost of living
119 increases at the same time the deceased firefighter would have
120 received the cost of living increases but for the death of the
121 firefighter. The cost of living increases percentage previously
122 received by the firefighter and the cost of living increases
123 percentage awarded after the firefighter's death shall be
124 applied to such person's monthly retirement benefit.

125 Section 4. City of Orlando Ordinance 33723, enacted April
126 16, 2001, relating to tax qualification of the plan under the
127 Internal Revenue Code, City of Orlando Ordinance 33874, enacted
128 June 18, 2001, and City of Orlando Ordinance 0801141004, enacted
129 January 1, 2008, relating to minimum benefits and minimum
130 standards required by chapter 99-1, Laws of Florida, are hereby
131 approved, ratified, validated, and confirmed, and shall be
132 considered part of chapter 23444, Laws of Florida, 1945, as
133 amended.

134 Section 5. This act is only an enabling act and is
135 contingent upon contractual agreement through the collective
136 bargaining process between the City of Orlando and the
137 respective certified bargaining agent for firefighters employed
138 by the City of Orlando.

139 Section 6. This section shall take effect upon becoming a
140 law; section 1 shall take effect July 1, 2008; section 3 shall

CS/HB 1515

2008

141 | be effective retroactive to July 1, 1988; sections 2 and 4 shall
142 | be effective retroactive to January 1, 2008; and section 5 shall
143 | take effect July 1, 2008.