

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; amending chapter 21483, Laws of Florida, 1941,  
 5           as amended; providing fund compliance with applicable  
 6           Internal Revenue Code requirements; adding optional  
 7           forms of benefits; providing for early retirement  
 8           benefits, minimum disability benefits, state-mandated  
 9           minimum benefits, minimum normal form of payment,  
 10          minimum death-in-service benefits, optional forms of  
 11          retirement, and alternate beneficiaries; providing for  
 12          required minimum distributions; providing for  
 13          retirement after 10 years of service; providing for  
 14          death benefits for survivors; providing for protection  
 15          of benefits from legal process; providing for rollover  
 16          distributions; providing for additional benefits  
 17          required by law; providing definitions; providing for  
 18          maximum pension; providing for plan termination;  
 19          providing for forfeitures; providing an effective  
 20          date.

21  
 22   Be It Enacted by the Legislature of the State of Florida:

23  
 24           Section 1. Section 1, subsection (a) of section 5, and  
 25           sections 6, 8, 10, 15, 19, 28, 29, and 30 of chapter 21483, Laws  
 26           of Florida, 1941, as amended by chapter 2000-468, Laws of

27 Florida, are amended, subsections (h) through (o) are added to  
28 section 5, subsection (d) is added to section 13, and sections  
29 31, 32, and 33 are added to that section, to read:

30 Section 1. Establishment of the Firefighters' Relief and  
31 Pension Fund and the Board of Trustees of the Firefighters'  
32 Relief and Pension Fund.—

33 (a) The City of Pensacola previously established the  
34 Firefighters' Relief and Pension Fund, a defined benefit pension  
35 plan intended to meet the applicable requirements of section  
36 401(a) of the Code, which provides for retirement, disability  
37 and death benefits for eligible firefighters. The Firefighters'  
38 Relief and Pension Fund is a governmental plan within the  
39 meaning of section 414(d) of the Code and, as such, is exempt  
40 from the Employee Retirement Income Security Act of 1974, as  
41 amended.

42 (b) There is hereby created in and for the City of  
43 Pensacola a Board of Trustees of the Firefighters' Relief and  
44 Pension Fund consisting of five members, two of whom, unless  
45 otherwise prohibited by law, shall be legal residents of the  
46 municipality, who shall be appointed by the legislative body of  
47 the municipality, and two of whom shall be firefighters of the  
48 municipality who shall be elected by a majority of the  
49 firefighters whose names appear on the rolls as members of the  
50 fire department of the municipality. The fifth member shall be  
51 chosen by a majority of the previous four members as provided  
52 for herein, and such person's name shall be submitted to the

53 legislative body of the municipality. Upon receipt of the fifth  
54 person's name, the legislative body of the municipality shall,  
55 as a ministerial duty, appoint such person to the board of  
56 trustees as its fifth member. The fifth member shall have the  
57 same rights as each of the other four members appointed or  
58 elected as herein provided. The existing fifth member's term  
59 will end on December 31, 1992, with the new appointee, who may  
60 be the same person, to commence his or her term on January 1,  
61 1993. The fifth member shall serve as a trustee for a period of  
62 2 years, and may succeed himself or herself in office. Each  
63 resident member shall serve as trustee for a period of 2 years,  
64 unless sooner replaced by the legislative body at whose pleasure  
65 he or she shall serve, and may succeed himself or herself as a  
66 trustee. One existing resident member's term will end on  
67 December 31, 1991, with the new appointee, who may be the same  
68 person, to commence his or her term on January 1, 1992. The  
69 other existing resident member's term will end on December 31,  
70 1992, with the new appointee, who may be the same person, to  
71 commence his or her term on January 1, 1993. The terms of the  
72 resident members will continue in this staggered fashion. Each  
73 firefighter member shall serve as trustee for a period of 2  
74 years, unless he or she sooner leaves the employment of the  
75 municipality as a firefighter, whereupon his or her successor  
76 shall be chosen in the same manner as an original appointment.  
77 One existing firefighter member's term will end on December 31,  
78 1991, with the new appointee, who may be the same person, to

79 | commence his or her term on January 1, 1992. The other existing  
80 | firefighter member's term will end on December 31, 1992, with  
81 | the new appointee, who may be the same person, to commence his  
82 | or her term on January 1, 1993. The terms of the firefighter  
83 | members will continue in this staggered fashion. Each  
84 | firefighter member may succeed himself or herself in office. The  
85 | board of trustees shall meet at least quarterly each year. The  
86 | trustees shall by a majority vote elect a chairperson and a  
87 | secretary. The trustees shall not receive any compensation as  
88 | such, but shall receive expenses and per diem as may be provided  
89 | by ordinance, consistent with Florida law. The board of trustees  
90 | hereby created shall perform all of the duties and enjoy all of  
91 | the rights and powers, heretofore by law or ordinance vested in  
92 | the pension board of the City of Pensacola and shall be and  
93 | constitute a legal entity with the power to bring and defend  
94 | lawsuits of every kind, nature, and description. The city  
95 | attorney of each municipality shall give advice to the board of  
96 | trustees in all matters pertaining to its duties in the  
97 | administration of the municipal firefighter's pension trust fund  
98 | whenever requested; and the city attorney shall represent and  
99 | defend the board as its attorney in all suits and actions at law  
100 | or in equity that may be brought against it and bring all suits  
101 | and actions in its behalf that may be required or determined  
102 | upon by the board. However, if the board of trustees so elects,  
103 | it may employ independent legal counsel at the pension fund's  
104 | expense for the purposes contained herein, together with such

105 other professional, technical, or other advisers as the board  
 106 deems necessary. The Firefighters' ~~Firemen's~~ Relief and Pension  
 107 Fund heretofore created shall continue to exist exclusively for  
 108 the purposes provided by this and related legislation, and the  
 109 responsibility for the administration and proper operation  
 110 thereof and for effectuating the provisions of law relating  
 111 thereto is vested in said board of trustees.

112 Section 5. Basis for compensation.—The pension of all  
 113 persons entitled thereto, as hereinafter specified, shall be  
 114 computed upon the basis of their compensation and their years of  
 115 service in accordance with the following tables:

116 (a) For those participants with 20 or more years of  
 117 service as of the effective date of this act, such compensation  
 118 shall be calculated by the selection from the last 5 years of  
 119 service immediately preceding retirement of the best 2 of said  
 120 years, thereby to arrive at the average monthly earnings of such  
 121 firefighter. For those participants with less than 20 years of  
 122 service as of the effective date of this act, such compensation  
 123 shall be calculated by the last 5 years of credited service,  
 124 thereby to arrive at the average monthly earnings of such  
 125 firefighter. Based upon such average monthly rate, a pension  
 126 shall be paid according to the following table, to wit:

- 127 (i) 75 % upon the first ..... \$200.00 of compensation  
 128 70 % upon the next ..... \$100.00 of compensation  
 129 65 % upon any additional amount; or  
 130 (ii) If an employee retires on a normal pension benefit

131 after July 1, 1999, with 25 years of service or more, the  
132 employee shall receive a benefit equal to 75 percent of his or  
133 her final average monthly compensation.

134 (h) Any firefighter who has attained the age of 50 years  
135 and has served as a firefighter for the City of Pensacola for a  
136 period of 10 continuous years, upon application to the Board of  
137 Trustees of the Firefighters' Relief and Pension Fund, shall be  
138 retired on a pension as provided in Part 1 (Charter and Related  
139 Special Acts), Subpart B (Related Special Acts), article VI,  
140 section 5(a) of the Code of the City of Pensacola, Florida;  
141 however, the amount of such pension shall be reduced by 3  
142 percent for each year by which the firefighter's age at  
143 retirement precedes the age of 55 and, further, the amount of  
144 such monthly benefit shall be actuarially reduced to take into  
145 account the firefighter's younger age and the earlier  
146 commencement of such benefits.

147 (i) If after 10 years of service a firefighter suffers a  
148 total and permanent disability which is other than in the line  
149 of duty and the firefighter retires, the firefighter's monthly  
150 benefit shall be the accrued normal retirement benefit but shall  
151 not be less than 25 percent of the firefighter's average monthly  
152 salary at the time of disability.

153 (j) The benefit payable to a firefighter who retires from  
154 the service of the city due to total and permanent disability as  
155 a direct result of a disability that occurred in the line of  
156 duty shall be the accrued normal retirement benefit, payable for

157 10 years certain and life, but shall not be less than 42 percent  
158 of the firefighter's average monthly salary at the time of  
159 disability.

160 (k) The amount of monthly retirement income payable to a  
161 firefighter who retires on or after the firefighter's normal  
162 retirement date shall be, at a minimum, an amount equal to the  
163 number of the firefighter's years of credited service multiplied  
164 by 2 percent of the firefighter's average final compensation as  
165 a firefighter.

166 (l) In the event that a firefighter dies after retirement  
167 but before the firefighter has received retirement benefits for  
168 a period of 10 years, the same monthly benefit will be paid to  
169 the beneficiary or beneficiaries designated by the firefighter  
170 for the balance of such 10-year period when the firefighter is  
171 not survived by a widow or widower entitled to receive spousal  
172 benefits. Such beneficiary designation must be in writing and  
173 received and approved by the trustees before the firefighter's  
174 death.

175 (m) If a firefighter continues in the service of the city  
176 beyond the firefighter's normal retirement date and dies before  
177 the firefighter's date of actual retirement, without either  
178 leaving a widow or widower entitled to received spousal benefits  
179 or affirmatively electing to receive an alternate form of  
180 retirement income permissible under the Plan, monthly retirement  
181 income payments will be made for a period of 10 years to the  
182 beneficiary or beneficiaries designated by the firefighter as if

183 the firefighter had retired on the date on which the  
184 firefighter's death occurred. Such beneficiary designation must  
185 be in writing and received and approved by the trustees before  
186 the firefighter's death.

187 (n) (1) In lieu of the amount and form of retirement income  
188 payable in the event of normal or early retirement as specified  
189 above in this section, a firefighter, upon written request to  
190 the board of trustees, before receiving any retirement income or  
191 benefit from the Plan, and subject to the approval of the board  
192 of trustees, may elect to receive a retirement income or benefit  
193 of equivalent actuarial value as calculated under s. 175.162,  
194 Florida Statutes, payable in accordance with one of the  
195 following options:

196 a. A retirement income of a larger monthly amount, payable  
197 to the firefighter for his or her lifetime only.

198 b. A retirement income of a modified monthly amount,  
199 payable to the firefighter during the joint lifetime of the  
200 firefighter and a joint pensioner designated by the firefighter,  
201 and following the death of either of them, 100 percent, 75  
202 percent, 66 2/3 percent, or 50 percent of such monthly amounts  
203 payable to the survivor for the lifetime of the survivor.

204 c. Such other amount and form of retirement payment or  
205 benefits as, in the opinion of the board of trustees, will best  
206 meet the circumstances of the retired firefighter.

207 1. The firefighter, upon electing any option under this  
208 section, will designate the joint pensioner or beneficiary (or



209 beneficiaries) to receive the benefit, if any, payable under the  
210 Plan in the event of his or her death and will have the power to  
211 change such designation from time to time, but any such change  
212 shall be deemed a new election and will be subject to approval  
213 by the board of trustees. Such designation will name a joint  
214 pensioner or one or more primary beneficiaries where applicable.  
215 If a firefighter has elected an option with a joint pensioner or  
216 beneficiary and his or her retirement income benefits have  
217 commenced, the firefighter may thereafter change the designated  
218 joint pensioner or beneficiary, but only if the board of  
219 trustees consents to such change and if the joint pensioner last  
220 previously designated by the firefighter is alive when the  
221 firefighter files with the board of trustees a request for such  
222 change.

223 2. The consent of a firefighter's joint pensioner or  
224 beneficiary to any such change shall not be required.

225 3. The board of trustees may request such evidence of the  
226 good health of the joint pensioner that is being removed as it  
227 may require, and the amount of the retirement income payable to  
228 the firefighter upon designation of a new joint pensioner shall  
229 be actuarially redetermined, taking into account the age and sex  
230 of the former joint pensioner, the new joint pensioner, and the  
231 firefighter. Each such designation will be made in writing on a  
232 form prepared by the board of trustees and upon completion will  
233 be filed with the board of trustees. In the event that no  
234 designated beneficiary survives the firefighter, such benefits

235 as are payable in the event of the death of the firefighter  
236 subsequent to his or her retirement shall be paid as provided in  
237 subsection (o).

238 (2) For firefighters hired on or after the effective date  
239 of this act, the spousal benefits shall be equal to such benefit  
240 payment options as provided by the Florida Retirement System for  
241 the Special Risk Class, elected as follows:

242 a. A monthly benefit payment to the firefighter for the  
243 firefighter's lifetime only.

244 b. A decreased monthly benefit to the firefighter for the  
245 firefighter's lifetime or 10 years certain. If the firefighter  
246 dies before receiving the benefit for 10 years, the beneficiary  
247 will receive the same monthly benefit for the remainder of the  
248 10 years.

249 c. A decreased monthly benefit during the joint lifetime  
250 of both the firefighter and his or her joint annuitant and  
251 which, after the death of either, shall continue during the  
252 lifetime of the survivor in the same amount.

253 d. A decreased monthly benefit payable during the joint  
254 lifetime of the firefighter and his or her joint annuitant and  
255 which, after the death of either, shall continue during the  
256 lifetime of the survivor in an amount equal to 66 2/3 percent of  
257 the amount that was payable during the joint lifetime of the  
258 firefighter and his or her joint annuitant.

259 (3) Retirement income payments made under the option  
260 elected in accordance with this section shall be subject to the

261 following limitations:

262 a. If a firefighter dies before his or her normal  
263 retirement date or early retirement date, whichever first  
264 occurs, no retirement benefit will be payable under the option  
265 to any person, but the benefits, if any, will be determined  
266 under section 13 or section 14 of the Plan or s. 175.201,  
267 Florida Statutes, as the case may be.

268 b. If the designated beneficiary (or beneficiaries) or  
269 joint pensioner dies before the firefighter's retirement under  
270 the Plan, the option elected will be canceled automatically, and  
271 a retirement income of the normal form and amount will be  
272 payable to the firefighter upon retirement as if the election  
273 had not been made, unless a new election is made in accordance  
274 with this section or a new beneficiary is designated by the  
275 firefighter before retirement and within 90 days after the death  
276 of the beneficiary.

277 c. If both the retired firefighter and the beneficiary (or  
278 beneficiaries) designated by him or her die before the full  
279 payment has been effected under any option providing for  
280 payments for a period certain and life thereafter, made pursuant  
281 to section (1)(c) above, the board of trustees may, in its  
282 discretion, direct that the actuarial equivalent value of the  
283 remaining payments be paid in a lump sum and in accordance with  
284 subsection (o).

285 d. If a firefighter continues beyond his or her normal  
286 retirement date and dies before actual retirement and while an

287 option made pursuant to this section is in effect, monthly  
288 retirement income payments will be made, or a retirement benefit  
289 will be paid, under the option to a beneficiary (or  
290 beneficiaries) designated by the firefighter in the amounts or  
291 amounts computed as if the firefighter had retired under the  
292 option on the date on which the death occurred.

293 (4) No firefighter may make any change in his or her  
294 retirement option after the date of cashing or depositing the  
295 first retirement check.

296 (o) (1) Each firefighter may, on a form provided for that  
297 purpose, signed and filed with the board of trustees, designate  
298 a choice of one or more persons, named sequentially or jointly,  
299 as his or her beneficiary (or beneficiaries) to receive the  
300 benefit, if any, which may be payable in the event of his or her  
301 death, and each designation may be revoked by such firefighter  
302 by signing and filing with the board of trustees a new  
303 designation-of-beneficiary form. A firefighter may change his or  
304 her beneficiary at any time.

305 (2) If no beneficiary is named in the manner provided by  
306 paragraph (1), or if no beneficiary designated by the  
307 firefighter survives him or her, the death benefit, if any,  
308 which may be payable under the Plan with respect to such  
309 deceased firefighter shall be paid by the board of trustees to  
310 the estate of such deceased firefighter, provided that the board  
311 of trustees, in its discretion, may direct that the actuarial  
312 equivalent value of the remaining monthly income payments be

313 paid in a lump sum. Any payment made to any person pursuant to  
314 this section shall operate as a complete discharge of all  
315 obligations under the Plan with regard to the deceased  
316 firefighter and any other persons with rights under the Plan and  
317 shall not be subject to review by anyone but shall be final,  
318 binding, and conclusive on all persons ever interested  
319 hereunder.

320 (3) If a firefighter has elected an option with a joint  
321 pensioner and retirement income benefits have commenced, the  
322 firefighter may transfer, change the designated beneficiary at  
323 any time but may only change the joint pensioner twice.

324 Section 6. Increase in benefits due to consumer price  
325 index increases.-

326 (a) A cost-of-living increase in benefits paid pursuant to  
327 this act shall be given effective July 1, 1999, for those  
328 retired before the effective date of this act and shall be paid  
329 annually thereafter. Each annual increase shall have an  
330 effective date of July 1. All such increases shall be equal to  
331 but no greater than the annual increase in the Consumer Price  
332 Index (U) issued by the United States Department of Labor,  
333 provided that such increase shall in no event be greater than 3  
334 percent per year. The annual CPI (U) period to be used for  
335 calculation of any increase shall end in March of the year of  
336 the July 1 increase. The increase in the CPI (U) shall be the  
337 change in the values from April 1 to March 31. In the event the  
338 United States Department of Labor ceases to issue a CPI (U), the

339 board shall utilize a current CPI index that is the functional  
340 equivalent.

341 (b) A cost-of-living increase in benefits paid pursuant to  
342 this act shall be given to those participants hired before the  
343 effective date of this act and who retire on or after the  
344 effective date of this act and shall be paid annually  
345 thereafter. Each annual increase shall have an effective date of  
346 July 1. All such increases shall be equal to but no greater than  
347 the annual increase in the Consumer Price Index (U) issued by  
348 the United States Department of Labor, provided that such  
349 increase shall in no event be greater than 2 percent per year.  
350 The annual CPI (U) period to be used for calculation of any  
351 increase shall end in March of the year of the July 1 increase.  
352 The increase in the CPI (U) shall be the change in the values  
353 from April 1 to March 31. In the event the United States  
354 Department of Labor ceases to issue a CPI (U), the board shall  
355 utilize a current CPI index that is the functional equivalent.

356 (c) A cost-of-living increase in benefits paid pursuant to  
357 this act shall be given for those hired on or after the  
358 effective date of this act and shall be paid annually  
359 thereafter. Each annual increase shall have an effective date of  
360 July 1. All such increases shall be equal to but no greater than  
361 the annual increase in the Consumer Price Index (U) issued by  
362 the United States Department of Labor, provided that such  
363 increase shall in no event be greater than 1.25 percent per  
364 year. The annual CPI (U) period to be used for calculation of

365 any increase shall end in March of the year of the July 1  
366 increase. The increase in the CPI (U) shall be the change in the  
367 values from April 1 to March 31. In the event the United States  
368 Department of Labor ceases to issue a CPI (U), the board shall  
369 utilize a current CPI index that is the functional equivalent.

370 (d)~~(b)~~ After June 22, 1974, no person shall transfer  
371 creditable service from another retirement system into the  
372 Firefighters' Relief and Pension Fund.

373 (e)~~(c)~~ The City of Pensacola, by ordinance, may permit but  
374 not require members of the Firefighters' Relief and Pension Fund  
375 who are eligible, to participate in a Deferred Retirement Option  
376 Plan (DROP). The ordinance may include members who are eligible  
377 to retire and to receive retirement benefits to remain in the  
378 active service of the city until a contractually fixed  
379 termination date and to have accumulated for the employee's  
380 account from the date the contract is made all benefits which  
381 the employee would be eligible to begin receiving on that date  
382 and to have those accumulated benefits held for the benefit of  
383 the employee until the employee separates from active service.  
384 Such ordinance may provide for forfeiture of the accumulated  
385 benefits or other penalty if the employee does not comply with  
386 the contract. However, if the employee complies in all respects  
387 with the terms of the contract, the employee shall receive all  
388 retirement benefits the employee would be entitled to under this  
389 act upon the employee's actual retirement from the active  
390 service of the city.

391 Section 8. Automatic retirement.—

392 (a) Any firefighter subject to the provisions of this act  
 393 attaining the age of seventy (70) years shall be automatically  
 394 retired and shall cease to draw his or her compensation as such  
 395 employee, but shall become immediately entitled to the pension  
 396 or benefits provided hereby. In the event of doubt as to the  
 397 attainment of such age, the Civil Service Board shall make  
 398 inquiry and determine such fact after due notice to interested  
 399 parties; provided that the provisions of this section shall not  
 400 become operative until January 1, 1960, the former law remaining  
 401 in effect until such date.

402 (b) Notwithstanding anything in the Firefighters' Relief  
 403 and Pension Fund to the contrary, all distributions under the  
 404 Firefighters' Relief and Pension Fund shall comply with Section  
 405 401(a) (9) of the Code and the Regulations thereunder, as  
 406 prescribed by the Commissioner in Revenue Rulings, Notices, and  
 407 other guidance published in the Internal Revenue Bulletin, to  
 408 the extent that said provisions apply to governmental plans  
 409 under Section 414(d) of the Code, and shall be made in  
 410 accordance with the following requirements:

411 (1) Time and manner of distribution.—

412 a. Required beginning date.—The firefighter's entire  
 413 interest will be distributed, or begin to be distributed, to the  
 414 firefighter no later than the firefighter's required beginning  
 415 date.

416 b. Death of firefighter before distributions begin.—If the



417 firefighter dies before distributions begin, the firefighter's  
418 entire interest will be distributed, or begin to be distributed,  
419 no later than as follows:

420 1. If the firefighter's surviving spouse is the  
421 firefighter's sole designated beneficiary, then~~7~~ distributions  
422 to the surviving spouse will begin by December 31 of the  
423 calendar year immediately following the calendar year in which  
424 the firefighter died, or by December 31 of the calendar year in  
425 which the firefighter would have attained age 70½, if later.

426 2. If the firefighter's surviving spouse is not the  
427 firefighter's sole designated beneficiary, then distributions to  
428 the designated beneficiary will begin by December 31 of the  
429 calendar year immediately following the calendar year in which  
430 the firefighter died.

431 3. If there is no designated beneficiary as of September  
432 30 of the year following the year of the firefighter's death,  
433 the firefighter's entire interest will be distributed by  
434 December 31 of the calendar year containing the fifth  
435 anniversary of the firefighter's death.

436 4. If the firefighter's surviving spouse is the  
437 firefighter's sole designated beneficiary and the surviving  
438 spouse dies after the firefighter's but before distributions to  
439 the surviving spouse begin, this section (1)b., other than  
440 section (1)b.1., will apply as if the surviving spouse were the  
441 firefighter.

442

443 For purposes of this section and section (4) of this Section 8,  
444 distributions are considered to begin on the firefighter's  
445 required beginning date or, if section (1)b.4. applies, the date  
446 distributions are required to begin to the surviving spouse  
447 under section (1)b.1. If annuity payments irrevocably commence  
448 to the firefighter before the firefighter's required beginning  
449 date or to the firefighter's surviving spouse before the date  
450 distributions are required to begin to the surviving spouse  
451 under section (1)b.1., the date distributions are considered to  
452 begin is the date distributions actually commence.

453 c. Form of distribution.—Unless the firefighter's interest  
454 is distributed in the form of an annuity purchased from an  
455 insurance company or in a single sum on or before the required  
456 beginning date, as of the first distribution calendar year,  
457 distributions will be made in accordance with sections (2), (3),  
458 and (4) of this Section 8. If the firefighter's interest is  
459 distributed in the form of an annuity purchased from an  
460 insurance company, distributions thereunder will be made in  
461 accordance with the requirements of section 401(a)(9) of the  
462 Code.

463 (2) Determination of amount to be distributed each year.—

464 a. General annuity requirements.—If the interest is paid  
465 in the form of annuity distributions under the Firefighters'  
466 Relief and Pension Fund, payments under the annuity will satisfy  
467 the following requirements:

468 1. The annuity distributions will be paid in periodic

469 payments made at intervals not longer than 1 year;

470 2. The distribution period will be over a life (or lives)  
471 or over a period certain not longer than the period described in  
472 section (3) or (4) of this Section 8;

473 3. Once payments have begun over a period certain, the  
474 period certain will not be changed even if the period certain is  
475 shorter than the maximum permitted; and

476 4. Payments will either be non-increasing or increase only  
477 as follows:

478 A. By an annual percentage increase that does not exceed  
479 the annual percentage increase in a cost-of-living index that is  
480 based on prices of all items and issued by the Bureau of Labor  
481 Statistics;

482 B. To the extent of the reduction in the amount of the  
483 firefighter's payments to provide for a survivor benefit upon  
484 death, but only if the beneficiary whose life was being used to  
485 determine the distribution period described in section (3) dies  
486 or is no longer the firefighter's beneficiary pursuant to a  
487 qualified domestic relations order within the meaning of section  
488 414(p) of the Code;

489 C. To provide cash refunds of firefighter contributions  
490 upon the firefighter's death; or

491 D. To pay increased benefits that result from a  
492 Firefighters' Relief and Pension Fund amendment.

493 b. Amount required to be distributed by required beginning  
494 date.—The amount that must be distributed on or before the

495 firefighter's required beginning date or, if the firefighter  
496 dies before distributions begin, the date distributions are  
497 required to begin under section (1)b.1. or (1)b.2. is the  
498 payment that is required for one payment interval. The second  
499 payment need not be made until the end of the next payment  
500 interval even if that payment interval ends in the next calendar  
501 year. Payment intervals are the periods for which payments are  
502 received, e.g., bimonthly, monthly, semiannually, or annually.  
503 All of the firefighter's benefit accruals as of the last day of  
504 the first distribution calendar year will be included in the  
505 calculation of the amount of the annuity payments for payment  
506 intervals ending on or after the firefighter's required  
507 beginning date.

508 c. Additional accruals after first distribution calendar  
509 year.—Any additional benefits accruing to the firefighter in a  
510 calendar year after the first distribution calendar year will be  
511 distributed beginning with the first payment interval ending in  
512 the calendar year immediately following the calendar year in  
513 which such amount accrues.

514 (3) Requirements for annuity distributions that commence  
515 during the firefighter's lifetime.—

516 a. Joint life annuities where the beneficiary is not the  
517 firefighter's spouse.—If the firefighter's interest is being  
518 distributed in the form of a joint and survivor annuity for the  
519 joint lives of the firefighter and a nonspouse beneficiary,  
520 annuity payments to be made on or after the firefighter's

521 required beginning date to the designated beneficiary after the  
522 firefighter's death must not at any time exceed the applicable  
523 percentage of the annuity payment for such period that would  
524 have been payable to the firefighter using the table set forth  
525 in Q&A-2 of section 1.401(a)(9)-6T of the Regulations. If the  
526 form of distribution combines a joint and survivor annuity for  
527 the joint lives of the firefighter and a nonspouse beneficiary  
528 and a period certain annuity, the requirement in the preceding  
529 sentence will apply to annuity payments to be made to the  
530 designated beneficiary after the expiration of the period  
531 certain.

532 b. Period certain annuities.—Unless the firefighter's  
533 spouse is the sole designated beneficiary and the form of  
534 distribution is a period certain and no life annuity, the period  
535 certain for an annuity distribution commencing during the  
536 firefighter's lifetime may not exceed the applicable  
537 distribution period for the firefighter under the Uniform  
538 Lifetime Table set forth in section 1.401(a)(9)-9 of the  
539 Regulations for the calendar year that contains the annuity  
540 starting date. If the annuity starting date precedes the year in  
541 which the firefighter reaches age 70, the applicable  
542 distribution period for the firefighter is the distribution  
543 period for age 70 under the Uniform Lifetime Table set forth in  
544 section 1.401(a)(9)-9 of the Regulations plus the excess of 70  
545 over the age of the firefighter as of the firefighter's birthday  
546 in the year that contains the annuity starting date. If the

547 firefighter's spouse is the firefighter's sole designated  
548 beneficiary and the form of distribution is a period certain and  
549 no life annuity, the period certain may not exceed the longer of  
550 the firefighter's applicable distribution period, as determined  
551 under this section (3)b., or the joint life and last survivor  
552 expectancy of the firefighter and the firefighter's spouse as  
553 determined under the Joint and Last Survivor Table set forth in  
554 section 1.401(a)(9)-9 of the Regulations, using the  
555 firefighter's and spouse's attained ages as of the firefighter's  
556 and spouse's birthdays in the calendar year that contains the  
557 annuity starting date.

558 (4) Requirements for minimum distributions where the  
559 firefighter dies before date distributions begin.-

560 a. Firefighter survived by designated beneficiary.-Except  
561 as provided in the Firefighters' Relief and Pension Fund, if the  
562 firefighter dies before the date distribution of his or her  
563 interest begins and there is a designated beneficiary, the  
564 firefighter's entire interest will be distributed, beginning no  
565 later than the time described in section (1)b.1. or (1)b.2.,  
566 over the life of the designated beneficiary or over a period  
567 certain not exceeding:

568 1. Unless the annuity starting date is before the first  
569 distribution calendar year, the life expectancy of the  
570 designated beneficiary determined using the beneficiary's age as  
571 of the beneficiary's birthday in the calendar year immediately  
572 following the calendar year of the firefighter's death; or

573 2. If the annuity starting date is before the first  
574 distribution calendar year, the life expectancy of the  
575 designated beneficiary determined using the beneficiary's age as  
576 of the beneficiary's birthday in the calendar year that contains  
577 the annuity starting date.

578 b. No designated beneficiary.—If the firefighter dies  
579 before the date distributions begin and there is no designated  
580 beneficiary as of September 30th of the year following the year  
581 of the firefighter's death, distribution of the firefighter's  
582 entire interest will be completed by December 31 of the calendar  
583 year containing the fifth anniversary of the firefighter's  
584 death.

585 c. Death of surviving spouse before distributions to  
586 surviving spouse begin.—If the firefighter dies before the date  
587 distribution of his or her interest begins, the firefighter's  
588 surviving spouse is the firefighter's sole designated  
589 beneficiary, and the surviving spouse dies before distributions  
590 to the surviving spouse begin, this section (4) will apply as if  
591 the surviving spouse were the firefighter, except that the time  
592 by which distributions must begin will be determined without  
593 regard to subsection (1)b.1. of this Section 8.

594 (5) Definitions.—For purposes of this Section 8, the  
595 following definitions shall apply:

596 a. Designated beneficiary.—The individual who is  
597 designated as the beneficiary in accordance with the  
598 Firefighters' Relief and Pension Fund and is the designated

599 beneficiary under section 401(a)(9) of the Code and section  
600 1.401(a)(9)-1, Q&A-4, of the Regulations.

601 b. Distribution calendar year.—A calendar year for which a  
602 minimum distribution is required. For distributions beginning  
603 before the firefighter's death, the first distribution calendar  
604 year is the calendar year immediately preceding the calendar  
605 year which contains the firefighter's required beginning date.  
606 For distributions beginning after the firefighter's death, the  
607 first distribution calendar year is the calendar year in which  
608 distributions are required to begin pursuant to subsection (1)b.  
609 of this Section 8.

610 c. Life expectancy.—Life expectancy as computed by use of  
611 the Single Life Table in section 1.401(a)(9)-9 of the Treasury  
612 regulations.

613 d. Required beginning date.—April 1 of the calendar year  
614 following the later of: the calendar year in which the  
615 firefighter attains age 70½; or the calendar year in which the  
616 firefighter retires from employment with the City of Pensacola.

617 Section 10. Retirement after 10 years' service.—If any  
618 firefighter of the City of Pensacola shall, after serving as  
619 such for a period of 10 full years or becoming otherwise  
620 eligible for retirement, cease to be such firefighter for any  
621 cause and shall not make withdrawal of all his or her  
622 contributions to the Firefighters' Relief and Pension Fund as  
623 provided by law, or having withdrawn the same, shall return it  
624 with 8 percent interest from the date of such withdrawal, he or



625 she shall be eligible to receive the benefits equal to the  
626 amount provided in section 5(a), multiplied by the number of  
627 years of service; for this purpose only the number of years of  
628 service can be no more than 25 and divided by 25 years upon  
629 attaining the age of 52 years or becoming eligible for  
630 retirement by length of service or otherwise; his or her spouse  
631 and children shall in the event of his or her death be likewise  
632 so entitled. For purposes of the Firefighters' Relief and  
633 Pension Fund, a firefighter who has attained age 52 and  
634 completed 10 years of service or completed 25 years of service  
635 will have attained normal retirement age. Each firefighter's  
636 benefit shall become 100-percent vested upon attaining normal  
637 retirement age.

638 Section 13. Death benefits for survivors.—

639 (d) Notwithstanding any provisions of the Firefighters'  
640 Relief and Pension Fund to the contrary, a retired firefighter  
641 may change his or her designation of joint annuitant or  
642 beneficiary up to two times, as provided in s. 175.333, Florida  
643 Statutes, without the approval of the board of trustees or the  
644 current joint annuitant or beneficiary. The retiree is not  
645 required to provide proof of the good health of the joint  
646 annuitant or beneficiary being removed, and the joint annuitant  
647 or beneficiary being removed need not be living. Upon change of  
648 a retiree's joint annuitant or beneficiary in accordance with  
649 this subsection, the amount of the benefit payable to the  
650 retiree shall be actuarially redetermined to take into account

651 the age and sex of the former annuitant or beneficiary, the new  
652 annuitant or beneficiary, and the retiree to ensure that the  
653 benefit paid is the actuarial equivalent of the present value of  
654 the retiree's then-current benefit at the time of the change.  
655 Any such retiree shall pay the actuarial recalculation expenses.  
656 Each request for a change shall be made in writing to the board  
657 of trustees.

658 Section 15. Benefits to widows, widowers, and dependents.—  
659 If a widow or widower receiving a pension under any of the  
660 provisions of this act dies, his or her pension shall cease;  
661 however, if such death occurs before such widow or widower, as  
662 the case may be, and the retiree, collectively, having received  
663 retirement benefits for a period of less than 10 years, the same  
664 benefit will be paid to the beneficiary or beneficiaries  
665 designated by the retiree for the balance of such 10-year  
666 period. Such beneficiary designation must be in writing and  
667 received and approved by the board of trustees before the  
668 retiree's death. The remarriage of a widow or widower receiving  
669 a pension under any of the provisions of this act shall cause  
670 such pension benefit to cease. If a widow or widower enjoying a  
671 pension under any of the provisions of this act shall die, her  
672 or his pension shall cease, and if she or he shall remarry while  
673 enjoying any such pension, then and in the latter event, her or  
674 his pension shall cease and shall not be paid to such widow or  
675 widower; provided, however, in the event the deceased  
676 firefighter shall be survived by one or more legitimate children

677 under the age of eighteen years at the time the widow or widower  
678 shall remarry, the pension board may, in its discretion, grant  
679 an amount for the support and maintenance of said child or  
680 children until said child or children become eighteen years of  
681 age, not to exceed ten dollars (\$10.00) per month for each  
682 child, in no event to exceed the sum of forty dollars (\$40.00  
683 ~~\$40,00~~) per month for any one family.

684 Section 19. Protection of benefits from legal process.—

685 (a) Notwithstanding any other provision of the  
686 Firefighters' Relief and Pension Fund to the contrary, Plan  
687 assets will not be used for, or diverted to, a purpose other  
688 than the exclusive benefit of firefighters or their  
689 beneficiaries. No amendment may authorize or permit any portion  
690 of the Firefighters' Relief and Pension Fund assets to be used  
691 for or diverted to a purpose other than the exclusive benefit of  
692 firefighters or their beneficiaries, except to the extent such  
693 assets are used to pay administrative expenses of the  
694 Firefighters' Relief and Pension Fund. In addition, an amendment  
695 to the Firefighters' Relief and Pension Fund may not cause or  
696 permit any portion of the assets held under the Firefighters'  
697 Relief and Pension Fund to revert to or become property of the  
698 city, except as otherwise permitted under the Plan or otherwise  
699 permitted by law.

700 (b) The right of any firefighter or any beneficiary to any  
701 benefits under the Firefighters' Relief and Pension Fund or any  
702 other right accrued or accruing to any persons under this Plan

703 shall not be subject to execution, garnishment, attachment, the  
 704 operation of any bankruptcy or insolvency law, or any other  
 705 process of law whatever and shall not be subject to assignment,  
 706 pledge, or hypothecation unless expressly authorized in the  
 707 Firefighters' Relief and Pension Fund. ~~The pensions and other~~  
 708 ~~benefits accrued or accruing to any person under this pension~~  
 709 ~~plan and the accumulated contributions and the cash securities~~  
 710 ~~in the funds created under this plan are exempted from any~~  
 711 ~~state, county, or municipal tax and shall not be subject to~~  
 712 ~~execution or attachment or to any legal process whatsoever, and~~  
 713 ~~shall be unassignable.~~

714 Section 28. Rollover distributions.—

715 (a) Notwithstanding any other provision of the  
 716 Firefighters' Relief and Pension Fund to the contrary, a  
 717 distributee may elect, at the time and in the manner prescribed  
 718 by the board of trustees, to have any portion or all of an  
 719 eligible rollover distribution paid directly to an eligible  
 720 retirement plan specified by the distributee in a direct  
 721 rollover. For purposes of this section, the following  
 722 definitions shall apply:

723 (1) "Distributee" means a firefighter or former  
 724 firefighter, the firefighter's surviving spouse, and the  
 725 firefighter's spouse or former spouse who is the alternate payee  
 726 under a court order, who is entitled to receive a portion of the  
 727 firefighter's benefit. Effective for plan years beginning on and  
 728 after January 1, 2007, a nonspouse beneficiary may elect to

729 directly rollover an eligible distribution to an IRA, a Roth  
730 IRA, or an individual retirement annuity under section 408(b) of  
731 the Code that is established on behalf of the designated  
732 beneficiary as an inherited IRA, pursuant to section 402(c)(11)  
733 of the Code. In order to be able to roll over the distribution,  
734 the distribution otherwise must satisfy the definition of  
735 eligible rollover distribution. In addition, the determination  
736 of any required minimum distribution under section 401(a)(9) of  
737 the Code that is ineligible for rollover shall be made in  
738 accordance with IRS guidance.

739 (2) "Eligible retirement plan" means an IRA described in  
740 section 408(a) of the Code, an individual retirement annuity  
741 described in section 408(b) of the Code, an annuity plan  
742 described in section 403(a) of the Code, an annuity contract  
743 described in section 403(b) of the Code, an eligible plan under  
744 section 457 of the Code that agrees to separately account for  
745 such transferred amounts and which is maintained by a state, a  
746 political subdivision of a state, or an agency or  
747 instrumentality of a state or political subdivision of a state,  
748 or a qualified trust described in section 401(a) of the Code  
749 that accepts the distributee's eligible rollover distribution.  
750 For distributions made after December 31, 2007, an eligible  
751 retirement plan shall include a Roth IRA as defined under  
752 section 408A of the Code.

753 (3) "Eligible rollover distribution" means any  
754 distribution of all or any portion of the firefighter's benefit,

755 except that an eligible rollover distribution does not include  
756 any distribution that is one of a series of substantially equal  
757 periodic payments (not less frequently than annually) made for  
758 the life (or life expectancy) of the distributee or the joint  
759 lives (or joint life expectancies) of the distributee and the  
760 distributee's designated beneficiary, or for a specified period  
761 of 10 years or more; any distribution to the extent such  
762 distribution is required under section 401(a)(9) of the Code;  
763 the portion of any distribution that is not includible in gross  
764 income (determined without regard to the exclusion for net  
765 unrealized appreciation with respect to employer securities);  
766 and any distribution made to satisfy section 415 of the Code.

767 (4) "Direct rollover" means a payment by the Firefighters'  
768 Relief and Pension Fund to the eligible retirement plan  
769 specified by the firefighter.

770 (b) In the event a mandatory distribution is greater than  
771 \$1,000, and a distributee fails to elect to have such  
772 distribution paid directly to an eligible retirement plan  
773 specified by the distributee in a direct rollover or to receive  
774 the distribution directly, the board of trustees will pay the  
775 distribution in a direct rollover to an individual retirement  
776 account ("IRA") designated by the board of trustees. For purpose  
777 of the preceding sentence, a mandatory distribution is a  
778 distribution that constitutes an eligible rollover distribution  
779 that is made without the firefighter's consent. See section 12  
780 of the Plan for an example of a potential mandatory

781 distribution. ~~Notwithstanding any provision of the Firefighters'~~  
782 ~~Relief and Pension Fund to the contrary that would otherwise~~  
783 ~~limit a firefighter's or retired firefighter's election (or such~~  
784 ~~deceased individual's surviving spouse's election) under this~~  
785 ~~fund, such firefighter or retired firefighter, or such deceased~~  
786 ~~individual's surviving spouse, may elect, at the time and in the~~  
787 ~~manner prescribed by the plan administrator, to have any portion~~  
788 ~~of an eligible rollover distribution paid directly to an~~  
789 ~~eligible retirement plan specified by such pensioner in a direct~~  
790 ~~rollover.~~

791 Section 29. Additional benefits required by law.—

792 (a) To the extent that the City of Pensacola, as an  
793 employer of firefighters and Firefighters' Relief and Pension  
794 Fund ~~plan~~ sponsor, may be required by law to provide additional  
795 benefits to firefighters employed by the city, or their  
796 beneficiaries, those additional benefits may be provided by  
797 ordinance.

798 (b) Notwithstanding any other provision of the  
799 Firefighters' Relief and Pension Fund to the contrary,  
800 contributions, benefits, and service credit with respect to  
801 qualified military service, as defined in section 414(u) of the  
802 Code, shall be provided in accordance with section 414(u) of the  
803 Code, the Uniformed Services Employment and Reemployment Rights  
804 Act of 1994 ("USERRA"), and the Heroes Earnings Assistance and  
805 Relief Tax Act of 2008 ("HEART Act") and shall be effective as  
806 of the dates indicated in USERRA and the HEART Act.

807 Section 30. Definitions.—The following words and phrases  
808 have the following meanings:

809 (a) "Accrued benefit" means the monthly benefit payable at  
810 normal retirement age, as determined under the Firefighters'  
811 Relief and Pension Fund's formula.

812 (b) "Actuarial equivalent" means, for Plan Years before  
813 October 1, 2013, the equality in the value of the aggregate  
814 amount to be received under different forms of payment, computed  
815 on the basis of the 1971 Group Annuity Mortality Table and an  
816 interest rate equal to 8 percent per annum. Notwithstanding the  
817 foregoing, with respect to disability retirement, "actuarial  
818 equivalent" means equality in the value of the aggregate amount  
819 to be received under different forms of payment, computed on the  
820 basis of the SSA-74 Mortality Table and an interest rate equal  
821 to 8 percent per annum. For Plan Years beginning on and after  
822 October 1, 2013, "actuarial equivalent" means, unless otherwise  
823 specified herein, the equality in the value of the aggregate  
824 amount to be received under different forms of payment computed  
825 on the basis of the RP 2000 Combined Healthy Mortality Table and  
826 an interest rate equal to 8 percent per annum.

827 (c) "Code" means the Internal Revenue Code of 1986.

828 (d)~~(a)~~ "Compensation," "salary," and "earnings" mean the  
829 wages paid to a firefighter, for those with 10 or more years of  
830 service as of the effective date of this act a maximum of 300  
831 hours annual overtime pay, for those with less than 10 years of  
832 service as of the effective date of this act a maximum of 200



833 hours annual overtime pay, for those hired on or after the  
834 effective date of this act no longevity pay, overtime pay,  
835 station or watch captain pay, special duty pay, in-service sick  
836 leave redemption pay (when paid), bonuses, lump-sum payments not  
837 paid at termination, inclusive of employee-elective salary  
838 reductions or deferrals to any salary reduction, deferred  
839 compensation, or tax-sheltered annuity program authorized under  
840 the Internal Revenue Code if the firefighter would receive those  
841 reductions or deferrals if he or she were not participating in  
842 such program, and any other payments required by law to be  
843 included in pension calculations. Compensation for any plan year  
844 shall not exceed the annual compensation limit under section  
845 401(a)(17) of the Code, as in effect on the first day of the  
846 plan year. This limit shall be adjusted by the Secretary of the  
847 Treasury to reflect increases in the cost of living, as provided  
848 in section 401(a)(17)(B) of the Code; however, the dollar  
849 increase in effect on January 1 of any calendar year is  
850 effective for the plan year beginning in such calendar year. If  
851 a Plan determines compensation over a plan year that contains  
852 less than 12 calendar months (a "short plan year"), then the  
853 compensation limit for such short plan year is equal to the  
854 compensation limit for the calendar year in which the short plan  
855 year begins multiplied by the ratio obtained by dividing the  
856 number of full months in the short plan year.

857 (e)-(b) "Deferred Retirement Option Plan" or "DROP" means a  
858 retirement option in which a firefighter may elect to

859 participate, under which a firefighter may retire for all  
 860 purposes of the plan and defer receipt of retirement benefits  
 861 into a DROP account while continuing employment with the city.

862 ~~(c) "Direct rollover" means a payment by the Firefighters'~~  
 863 ~~Relief and Pension Fund to the eligible retirement plan~~  
 864 ~~specified by the firefighter or retired firefighter or such~~  
 865 ~~deceased individual's surviving spouse.~~

866 ~~(d) "Eligible retirement plan" means an individual~~  
 867 ~~retirement account described in section 408(a) of the Internal~~  
 868 ~~Revenue Code of 1986, an individual retirement annuity described~~  
 869 ~~in section 408(b) of the Internal Revenue Code of 1986, an~~  
 870 ~~annuity plan described in section 403(a) of the Internal Revenue~~  
 871 ~~Code of 1986, or a qualified trust described in section 401(a)~~  
 872 ~~of the Internal Revenue Code of 1986 that accepts the~~  
 873 ~~firefighter's or retired firefighter's eligible rollover~~  
 874 ~~distribution. However, in the case of an eligible rollover~~  
 875 ~~distribution to the surviving spouse of a deceased firefighter~~  
 876 ~~or deceased retired firefighter, an eligible retirement plan is~~  
 877 ~~an individual retirement account or individual retirement~~  
 878 ~~annuity.~~

879 ~~(e) "Eligible rollover distribution" means any~~  
 880 ~~distribution of all or any portion of the balance to the credit~~  
 881 ~~of the firefighter or retired firefighter, except that an~~  
 882 ~~eligible rollover distribution does not include: any~~  
 883 ~~distribution that is one of a series of substantially equal~~  
 884 ~~periodic payments (not less frequently than annually) made for~~

885 ~~the life (or life expectancy) of the firefighter or retired~~  
886 ~~firefighter or the joint lives (or joint life expectancies) of~~  
887 ~~the firefighter or retired firefighter and such individual's~~  
888 ~~designated beneficiary, or for a specified period of ten years~~  
889 ~~or more; any distribution to the extent such distribution is~~  
890 ~~required under section 401(a)(9) of the Internal Revenue Code of~~  
891 ~~1986; and the portion of any distribution that is not includable~~  
892 ~~in gross income.~~

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

897 (g) "Firefighter" ~~or "firefighter"~~ means any person  
898 employed by the City of Pensacola fire department who is  
899 certified as a firefighter as a condition of employment in  
900 accordance with s. the provisions of Section 633.35, Florida  
901 Statutes, and whose duty it is to extinguish fires, to protect  
902 life, or to protect property.

903 (h) "Limitation year" means the plan year.

904 (i) "Plan" means the Firefighters' Relief and Pension  
905 Fund.

906 (j) "Plan year" means the 12-month period ending on  
907 September 30.

908 (k) "Regulations" means the Treasury Regulations adopted  
909 by the Department of Treasury.

910 (l) ~~(h)~~ "Retiree" or "retired firefighter" means a

911 firefighter who has entered retirement status. A firefighter who  
912 enters a DROP created by the City of Pensacola for firefighters  
913 shall be considered a retiree for all purposes of the  
914 Firefighters' Relief and Pension Fund.

915 (m)~~(i)~~ "Retirement" means a firefighter's separation from  
916 city employment as a firefighter with the immediate eligibility  
917 for receipt of benefits under the Firefighters' Relief and  
918 Pension Fund, including entry into a Deferred Retirement Option  
919 Plan.

920 (n) "Years of service" means the aggregate number of years  
921 of service, and fractional parts of a year of service, of any  
922 firefighter, omitting intervention years and fractional parts of  
923 years when such firefighter may not have been employed by the  
924 City of Pensacola as a firefighter. Service shall include  
925 military service, as provided in paragraph (1) below, and shall  
926 not include credit for any other type of service.

927 (1) In determining the creditable service of any  
928 firefighter, credit for up to 5 years of the time spent in the  
929 military service of the Armed Forces of the United States shall  
930 be added to the years of actual service if:

931 a. The firefighter is in the active employ of the city  
932 before such service and leaves a position, other than a  
933 temporary position, for the purpose of voluntary or involuntary  
934 service in the Armed Forces of the United States.

935 b. The firefighter is entitled to reemployment under the  
936 provisions of the Uniformed Services Employment and Reemployment

937 Rights Act.

938 c. The firefighter returns to his or her employment as a  
939 firefighter of the city within 1 year after the date of his or  
940 her release from such active service.

941 (2) In addition to service credits awarded for military  
942 service leave under subsection (1) above, any member of the Plan  
943 who served in the Armed Forces of the United States as described  
944 under chapter 2009-97, Laws of Florida, shall be entitled to  
945 purchase service credits for such service or employment by  
946 contributing as provided in 2. below an amount which is  
947 determined to be the full actuarial cost of the service credits  
948 purchased. Once the member is vested but not yet retired or  
949 entered into DROP, the member may purchase a maximum of 5 years  
950 of any combination of the aforementioned qualifying noncity  
951 service.

952 1. The contribution required of the employee to purchase  
953 service credits for prior military service or prior employment  
954 as a firefighter may be made in one lump sum installment or by  
955 rollover from a qualified plan.

956 2. The contribution is an actuarially determined amount of  
957 the employee's pensionable current annual compensation at the  
958 time of the buy-back for each year purchased.

959  
960 A member who is receiving or will receive a pension benefit for  
961 military or prior firefighter service in any other pension plan  
962 supported by public funds, excluding a military pension, may not

963 use or buy back credited service for the City of Pensacola  
964 Firefighters' Relief and Pension Fund.

965 Section 31. Maximum pension.—The benefits otherwise  
966 payable to a firefighter or a beneficiary under the  
967 Firefighters' Relief and Pension Fund, and, where relevant, the  
968 benefits of a firefighter, shall be limited to the extent  
969 required by section 415 of the Code. To the extent applicable,  
970 section 415 of the Code is incorporated by reference into the  
971 Firefighters' Relief and Pension Fund. For this purpose, the  
972 "limitation year" is set forth in section 30(h).

973 Section 32. Plan termination.—Upon termination of the  
974 Firefighters' Relief and Pension Fund for any reason, or upon  
975 written notice to the board of trustees that contributions  
976 thereunder are being permanently discontinued, the rights of all  
977 firefighters to benefits accrued to the date of such termination  
978 and the amounts credited to a firefighter's account, if  
979 applicable, are vested. Upon termination, the Firefighters'  
980 Relief and Pension Fund shall be distributed in accordance with  
981 the following procedures:

982 (a) The board of trustees shall determine the date of  
983 distribution and the asset value required to the Firefighters'  
984 Relief and Pension Fund all the vested benefits after taking  
985 into account the expenses of such distribution. The board shall  
986 inform the City of Pensacola if additional assets are required,  
987 in which event the City of Pensacola shall continue to

988 financially support the Firefighters' Relief and Pension Fund  
989 until all vested benefits have been funded.

990 (b) The board of trustees shall determine the method of  
991 distribution of the asset value, whether distribution shall be  
992 by payment in cash, by the maintenance of another or substituted  
993 trust fund, by the purchase of insured annuities, or otherwise,  
994 for each firefighter entitled to benefits under the  
995 Firefighters' Relief and Pension Fund as specified in subsection  
996 (c).

997 (c) The board of trustees shall distribute the asset value  
998 as of the date of termination in the manner set forth in this  
999 subsection, on the basis that the amount required to provide any  
1000 given retirement income is the actuarially equivalent single sum  
1001 value of such retirement income, except that if the method of  
1002 distribution determined under subsection (b) involves the  
1003 purchase of an insured annuity, the amount required to provide  
1004 the given retirement income is the single premium payable for  
1005 such annuity. The actuarial equivalent single sum value may not  
1006 be less than the firefighter's accumulated contributions to the  
1007 Firefighters' Relief and Pension Fund, with interest if provided  
1008 by the Firefighters' Relief and Pension Fund, less the value of  
1009 any benefits previously paid to the firefighter from the  
1010 Firefighters' Relief and Pension Fund.

1011 (d) If there is asset value remaining after the full  
1012 distribution specified in subsection (c), and after the payment  
1013 of any expenses incurred with such distribution, such excess

1014 shall be returned to the City of Pensacola, less return to the  
1015 state of the state's contributions, provided that if the excess  
1016 is less than the total contributions made by the City of  
1017 Pensacola and the state to date of termination of the  
1018 Firefighters' Relief and Pension Fund, such excess shall be  
1019 divided proportionately to the total contributions made by the  
1020 City of Pensacola and the state.

1021 (e) The board of trustees shall distribute, in accordance  
1022 with subsection (b), the amounts determined under subsection  
1023 (c).

1024  
1025 If, after 24 months after the date the Firefighters' Relief and  
1026 Pension Fund terminated or the date the board of trustees  
1027 received written notice that the contributions thereunder were  
1028 being permanently discontinued, the City of Pensacola or the  
1029 Board of Trustees of the Firefighters' Relief and Pension Fund  
1030 has not complied with all the provisions in this section, the  
1031 Department of Management Services shall effect the termination  
1032 of the Firefighters' Relief and Pension Fund in accordance with  
1033 s. 175.361, Florida Statutes.

1034 Section 33. Forfeitures.—

1035 (a) A firefighter or such firefighter's beneficiary shall  
1036 forfeit all benefits provided by the Firefighters' Relief and  
1037 Pension Fund to the extent provided by the State Constitution or  
1038 the Florida Statutes.



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1039        (b) Forfeitures arising from any cause whatsoever under  
1040 the Firefighters' Relief and Pension Fund shall not be applied  
1041 to increase the benefits any firefighter would otherwise receive  
1042 under the Firefighters' Relief and Pension Fund at any time  
1043 before the termination of the Firefighters' Relief and Pension  
1044 Fund or the complete discontinuance of contributions hereunder.  
1045 Forfeitures shall be applied to reduce the contributions under  
1046 the Firefighters' Relief and Pension Fund in the current or  
1047 subsequent years by the City of Pensacola.

1048        Section 2. This act shall take effect upon becoming a law.