

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE SUBCHAPTER OF CHAPTER 33 OF THE CODE OF ORDINANCES TITLED "FIREFIGHTER'S PENSION AND RETIREMENT"; AMENDING SECTION 33.042 OF THE CODE OF ORDINANCES REGARDING DISABILITY PENSION BENEFITS; AMENDING SECTION 33.061 REGARDING THE DEFERRED RETIREMENT OPTION PLAN.

WHEREAS, the City of Hollywood, Florida and the Hollywood Professional Fire Fighters, Local 1375, have negotiated a Memorandum of Understanding calling for the adoption of certain amendments to the firefighters' pension plan; and

WHEREAS, the firefighters' pension plan is found in the subchapter of Chapter 33 of the Code of Ordinances titled "Firefighter's Pension and Retirement"; and

WHEREAS, Section 33.063 of the Code of Ordinances provides that the subchapter of Chapter 33 titled "Firefighter's Pension and Retirement" may be amended by (a) a "majority plus one" vote of the City Commission and 50% plus one of the voting members of the Firefighter's Pension and Retirement or (b) a majority vote of electors voting in a referendum election called for such purpose by the City Commission; and

WHEREAS, it is expected that the amendments contained in this ordinance will be adopted in accordance with the procedure designated as (a) in the preceding paragraph, and, to accomplish that, this ordinance must be adopted by a "majority plus one" vote of the City Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That Section 33.042 of the Code of Ordinances is hereby amended to read as follows:

TITLE III: ADMINISTRATION

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CHAPTER 33: CITY EMPLOYEES

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(Coding: Words and figures underscored are additions to existing law; words and figures ~~struck through~~ are deletions.)

FIREFIGHTER'S PENSION AND RETIREMENT

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§ 33.042 DISABILITY.

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(H) Modified duty or light duty positions as an alternative to a disability pension benefit. In the event the Board finds that a member is totally and permanently disabled by reason of a medically determinable physical or mental impairment, as defined in division (A) or (C) above, which renders him or her incapable of performing all the regular duties of a Firefighter, the city may, based upon availability of a vacancy, assign the member to a modified duty or light duty position. A "modified duty" or "light duty" position, as used in this division, is defined as any position within the Department of Fire-Rescue and Beach Safety which does not require the member to perform all the duties of a Firefighter. If the city makes available a modified duty or light duty position, and a member rejects the assignment, said member shall be ineligible for either continued employment or disability retirement benefits.

Section 2: That Section 33.061 of the Code of Ordinances is hereby amended to read as follows:

TITLE III: ADMINISTRATION

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CHAPTER 33: CITY EMPLOYEES

* * *

FIREFIGHTER'S PENSION AND RETIREMENT

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§ 33.061 DEFERRED RETIREMENT OPTION PLAN.

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(K) If a member of the Employees Retirement Plan transferred to this plan and subsequently participates in the DROP plan of this plan, any DROP benefit being held for the member in the Employees Retirement Plan may be transferred from the Employees Retirement Plan to this plan. The DROP benefit so transferred shall not be subject to the rate of return that is applied to other DROP accounts in this plan. Instead the net investment earnings or losses experienced by this plan shall be applied to the transferred DROP benefit.

Section 3: That it is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the provisions of this ordinance may be renumbered to accomplish such intention.

Section 4: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 5: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6: That this ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on _____, 2016.

PASSED on first reading this _____ day of _____, 2016.

PASSED AND ADOPTED on second reading this _____ day of _____, 2016.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida only:

JEFFREY P. SHEFFEL, CITY ATTORNEY