

Ordinance 2020-04

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING CHAPTER 66, PENSIONS AND RETIREMENT, ARTICLE IV FIREFIGHTERS' RETIREMENT SYSTEM, DIVISION 1, GENERALLY AND DIVISION 3, BENEFITS, OF THE CODE OF ORDINANCES AMENDING SECTION 66-327, PRE-RETIREMENT DEATH; AMENDING SECTION 66-328, DISABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, after years of study, the National Institute for Occupational Safety and Health (NIOSH) concluded that firefighters are at a higher risk of developing twenty-one enumerated types of cancer; and

WHEREAS, the Florida Legislature, in recognition of this elevated cancer risk, has created a conclusive duty-related cancer presumption; and

WHEREAS, Senate Bill 426 (SB 426) amends Chapter 112, Florida Statutes, by creating Section 112.1816, governing disability and death benefits for firefighters; and

WHEREAS, SB 426 governs all firefighter pensions in Florida; and

WHEREAS, Chapters 112 and 175, Florida Statutes, establish rebuttable presumptions for firefighters in cases of heart disease, hypertension, tuberculosis, meningococcal meningitis, and hepatitis; and

WHEREAS, the Board of Trustees of the City of St. Peter Beach Firefighters' Retirement System has prepared this ordinance to implement the statutory presumptions in Chapters 112 and 175, Fla. Stat, including SB 426, effective July 1, 2019.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. That Chapter 66, Article IV Firefighters' Retirement System, Division 3 Benefits, Section 66-327 *Pre-retirement death*, of the Code of Ordinances of the City of St. Pete Beach, is hereby amended by adding subsections (d) and (e) to read as follows:

* * *

(d) *Rebuttable presumptions of death in line of duty*: The provisions of Sections 112.18, 112.181, and 175.231, Fla. Stat., are hereby codified within the Plan and are

intended to be incorporated by reference. The Board of Trustees shall adopt uniform administrative rules for the resulting relating to these rebuttable presumptions and for the determination of any disqualifying events reflected in Chapters 112 and 175, Fla. Stat.

(e) *Non-rebuttable Conclusive cancer presumption in line of duty*: The provisions of Section 112.1816, Fla. Stat., are hereby codified within the Plan and are intended to be incorporated by reference. The Board of Trustees shall adopt uniform administrative rules relating to this presumption and for the determination of any disqualifying events as reflected in Chapters 112 and 175, Fla. Stat.

* * *

SECTION 3. That Chapter 66, Article IV Firefighters' Retirement System, Division 3 Benefits, Section 66-328 *Disability* of the Code of Ordinances of the City of St. Pete Beach, is hereby amended by amending subsections (b) *In line of duty presumptions* (1) and (2) and adding (3) *Non-rebuttable conclusive cancer presumption*, to read as follows:

(b) *In line of duty presumptions*:

(1) *Rebuttable Presumption for hypertension and heart disease*. Any condition or impairment of health of a member caused by hypertension or heart disease shall be presumed to have been suffered in the line of duty unless the contrary is shown by competent evidence, provided such member shall have successfully passed a physical examination upon entering into such service, which examination failed to reveal any evidence of such condition, and provided, further, that such presumption shall not apply to benefits payable or granted in a policy of life insurance or disability insurance.

(2) *Additional rebuttable presumption for hepatitis, meningitis, and tuberculosis*. The presumption provided for in this subsection (b)(2) shall apply only to those conditions described in this subsection that are diagnosed on or after January 1, 1996.

* * *

(3) *Non-rebuttable conclusive cancer presumption*. The provisions of Section 112.1816, Fla. Stat., are hereby codified within the Plan and are intended to be incorporated by reference. The Board of Trustees shall adopt uniform administrative rules for the conduct of hearings relating to this presumption and for the determination of any disqualifying events as reflected in the statute.

SECTION 4. Codification. This Ordinance shall be codified in the Code of Ordinances of the City of St. Pete Beach.

SECTION 5 Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance

SECTION 6 Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

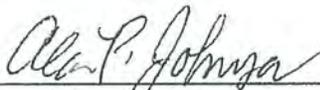
SECTION 7 Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 8 Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9 Effective Date. This ordinance shall take effect immediately upon adoption.

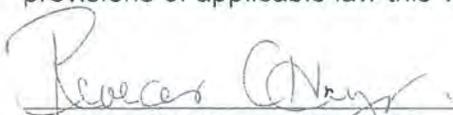
FIRST READING: 06/09/2020
PUBLISHED: 07/01/2020
SECOND READING: 07/14/2020
PUBLIC HEARING: 07/14/2020

CITY COMMISSION,
CITY OF ST. PETE BEACH, FLORIDA



Alan Johnson, Mayor

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 14th day of July, 2020.



Rebecca C. Haynes, City Clerk

APPROVED AS TO FORM ONLY



Andrew Dickman, City Attorney