

Ordinance 2020-05

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 66-326, BENEFIT AMOUNTS AND ELIGIBILITY; SECTION 66-324, PRE-RETIREMENT DEATH; SECTION 66-329, OPTIONAL FORMS OF BENEFITS; SECTION 66-332, MINIMUM DISTRIBUTION OF BENEFITS; SECTION 66-338, MISCELLANEOUS PROVISIONS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 66, Article IV Firefighters' Retirement System, Division 3 Benefits, Section 66-326(f), Benefit amounts and eligibility, of the Code of Ordinances of the City of St. Pete Beach, is hereby amended to read as follows:

Sec. 66-326.- Benefit amounts and eligibility.

(f) *Required distribution date.* The member's benefit under this section must begin to be distributed to the member no later than April 1 of the calendar year following the later of the calendar year in which the member attains age 72, provided the member had not attained age 70½ by December 31, 2019; or the calendar year in which the member terminates employment with the city.

SECTION 2. That Chapter 66, Article IV Firefighters' Retirement System, Division 3 Benefits, Section 66-327(b)(5), Pre-retirement death, of the Code of Ordinances of the City of St. Pete Beach, is hereby amended to read as follows:

Sec. 66-327. - Pre-retirement death.

(b) *Deceased members vested or eligible for retirement with spouse as beneficiary.* This subsection (b) applies only when the member's spouse is the sole designated beneficiary. The spouse beneficiary of any member who dies and who, at the date of his death, was vested or eligible for early or normal retirement shall be entitled to a benefit as follows:

(5) Notwithstanding anything contained in this section to the contrary, in any event, distributions to the spouse beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the member died, or by a date selected pursuant to the above provisions in this section that must be on or before December 31 of the calendar year in which the member would have attained age 72.

SECTION 3. That Chapter 66, Article IV Firefighters' Retirement System, Division 3 Benefits, Section 66-329(e)(5), Optional forms of benefits, of the Code of Ordinances of the City of St. Pete Beach, is hereby amended to read as follows:

Sec. 66-329. - Optional forms of benefits.

(e) Retirement income payments shall be made under the option elected in accordance with this section and shall be subject to the following limitations:

(5) The member's benefit under this section must begin to be distributed to the member no later than April 1 of the calendar year following the later of the calendar year in which the member attains age 72, provided the member had not attained age 70½ by December 31, 2019, or the calendar year in which the member terminates employment with the city.

SECTION 4. That Chapter 66, Article IV Firefighters' Retirement System, Division 3 Benefits, Section 66-332(b)(1) and 66-332(b)(2)(a), Minimum distribution of benefits, of the Code of Ordinances of the City of St. Pete Beach, is hereby amended to read as follows:

Sec. 66-332. - Minimum distribution of benefits.

(b) *Time and manner of distribution.*

(1) *Required beginning date.* The member's entire interest will be distributed, or begin to be distributed, to the member no later than the member's required beginning date which shall not be later than April 1 of the calendar year following the later of the calendar year in which the member attains age 72, provided

the member had not attained age 70½ by December 31, 2019, or the calendar year in which the member terminates employment with the city.

(2) *Death of member before distributions begin.* If the member dies before distributions begin, the member's entire interest will be distributed, or begin to be distributed no later than as follows:

a. If the member's surviving spouse is the member's sole designated beneficiary, then distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the member died, or by a date on or before December 31 of the calendar year in which the member would have attained age 72, provided the member had not turned 70½ by December 31, 2019, if later, as the surviving spouse elects.

SECTION 5. That Chapter 66, Article IV Firefighters' Retirement System, Division 3 Benefits, Section 66-338(c), Miscellaneous provisions, of the Code of Ordinances of the City of St. Pete Beach, is hereby amended to read as follows:

Sec. 66-338. - Miscellaneous provisions.

(c) *Qualification of system.* It is intended that the system will constitute a qualified public pension plan under the applicable provisions of the code for a qualified plan under code section 401(a) and a governmental plan under code section 414(d), as now in effect or hereafter amended. Any modification or amendment of the system may be made retroactively, if necessary or appropriate, to qualify or maintain the system as a plan meeting the requirements of the applicable provisions of the code as now in effect or hereafter amended, or any other applicable provisions of the U.S. Federal Tax Laws, as now in effect or hereafter amended or adopted, and the regulations issued thereunder.

In recognition of the changing requirements of system qualification, the Board shall adopt an administrative policy setting forth the required provisions for tax qualification. Such a policy shall be amended by the Board as required to maintain continuing compliance with the Internal Revenue Code and that policy and any amendments shall have the force of law as if adopted by the City Commission.

SECTION 6. Codification. This Ordinance shall be codified in the Code of Ordinances of the City of St. Pete Beach.

SECTION 7. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 8 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.

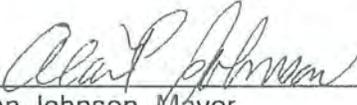
SECTION 9. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 10. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 11. Effective Date. This ordinance shall take effect immediately upon adoption.

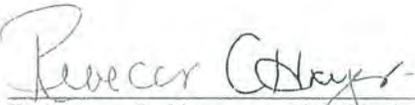
FIRST READING: 06/09/2020
PUBLISHED: 07/01/2020
SECOND READING: 07/14/2020
PUBLIC HEARING: 07/14/2020

CITY COMMISSION,
CITY OF ST. PETE BEACH, FLORIDA.



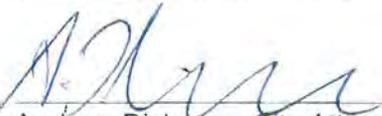
Alan Johnson, Mayor

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