

ORDINANCE NO. 1161

AN ORDINANCE OF THE CITY OF LYNN HAVEN AMENDING CHAPTER 50, PERSONNEL, ARTICLE IV, FIREFIGHTERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF LYNN HAVEN; AMENDING SECTION 50-148 REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Lynn Haven (the "City") sponsors a pension plan for its Firefighters; and

WHEREAS, the City Commission has determined that the passage of this ordinance is in the best interest of the citizens of the City and System members.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LYNN HAVEN, FLORIDA, that;

SECTION 1: Chapter 50, Personnel, Article IV, Firefighters' Retirement System, of the Code of Ordinances of the City of Lynn Haven, is amended by amending Section 50-148, Reemployment after Retirement to read as follows:

Sec. 50-148. - Reemployment after retirement.

- (a) ***Reemployment.*** Any retiree under this system, except for disability retirement as previously provided for, may be reemployed by any public or private employer, except the city, and may receive compensation from that employment without limiting or restricting in any way the retirement benefits payable under this system. Reemployment by the city shall be subject to the limitations set forth in this section.
- (b) ***After normal retirement.*** Any retiree who is retired under normal retirement pursuant to this system and who is reemployed as a firefighter **after one year of retirement from this system** after that retirement and, by virtue of that reemployment, is eligible to participate in this system, shall upon being reemployed, **continue to receive their retirement benefits as an in-service distribution. Upon reemployment, the member shall participate in the system as a newly hired employee.** ~~discontinue receipt of benefits. Upon reemployment, the retiree shall be deemed to be fully vested and the additional credited service accrued during the subsequent employment period shall be used in computing a second benefit amount attributable to the subsequent employment period, which benefit amount shall be added to the benefit determined upon the initial retirement to determine the total~~

~~benefit payable upon final retirement. Calculations of benefits upon retirement shall be based upon the benefit accrual rate, average final compensation, and credited service as of that date and the retirement benefit amount for any subsequent employment period shall be based upon the benefit accrual rate, average final compensation (based only on the subsequent employment period), and credited service as of the date of subsequent retirement. The amount of any death or disability benefit received as a result of a subsequent period of employment shall be reduced by the amount of accrued benefit eligible to be paid for a prior period of employment. The optional form of benefit and any joint pensioner selected upon initial retirement shall not be subject to change upon subsequent retirement except as otherwise provided herein, but the member may select a different optional form and joint pensioner applicable to the subsequent retirement benefit.~~

- (c) **Reemployment by city.** Any retiree who is retired under normal retirement pursuant to this system and who is reemployed by the city **after one year of retirement from this system in a position other than as a firefighter shall upon being reemployed continue receipt of benefits for the period of any subsequent employment period.** ~~after that retirement and, by virtue of that reemployment is ineligible to participate in this system, shall, during the period of such reemployment, discontinue receipt of benefits during any subsequent employment period.~~
- (d) *After early retirement.* Any retiree who is retired under early retirement pursuant to this system and who subsequently becomes an employee of the city in any capacity shall **upon being reemployed, continue to receive their retirement benefits as an in-service distribution. Upon reemployment, the member shall participate in the system as a newly hired employee.** ~~discontinue receipt of benefits from the system. If by virtue of that reemployment, the retiree is eligible to participate in this system, the retiree shall be deemed to be fully vested and the additional credited service accrued during the subsequent employment period shall be used in computing a second benefit amount attributable to the subsequent employment period, which benefit amount shall be added to the benefit determined upon the initial retirement to determine the total benefit payable upon final retirement. Calculations of benefits upon retirement shall be based upon the benefit accrual rate, average final compensation, credited service and early retirement reduction factor as of that date and the retirement benefit amount for any subsequent employment period shall be based upon the benefit accrual rate, average final compensation (based only on the subsequent employment period), and credited service as of the date of subsequent retirement. The amount of any death or disability benefit received as a result of a subsequent period of employment shall be reduced by the amount of accrued benefit eligible to be paid for a prior period of employment. The optional form of benefit and any joint pensioner selected upon initial retirement shall not be subject to change upon subsequent retirement except as otherwise provided herein, but the member may select a different optional form and joint pensioner applicable to the subsequent retirement benefit. Retirement pursuant to an early retirement incentive program shall be deemed early retirement for purposes of~~

~~this section if the member was permitted to retire prior to the customary retirement date provided for in the system at the time of retirement.~~

- (e) *Reemployment of terminated vested persons.* Reemployed terminated vested persons shall not be subject to the provisions of this section until such time as they begin to actually receive benefits. Upon receipt of benefits, terminated vested persons shall be treated as normal or early retirees for purposes of applying the provisions of this section and their status as an early or normal retiree shall be determined by the date they elect to begin to receive their benefit.
- (f) *DROP participants.* Members or retirees who are or were in the deferred retirement option plan shall, following termination of employment after DROP participation, have the options provided for in this section for reemployment.

SECTION 2: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 3: 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; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Mayor or his designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Manager-Clerk.


SECTION 4: All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall become effective immediately upon passage.

INTRODUCED AND PASSED on first reading, this 26th day of September, 2023.

PASSED AND ADOPTED ON SECOND READING, this 9th day of October, 2023.

CITY OF LYNN HAVEN, FLORIDA



JESSE NELSON, MAYOR

ATTEST:



VICKIE GAINER, CITY MANAGER

Approved as to form:



KEVIN OBOS, CITY ATTORNEY

Coding: Words in ~~strikeout~~ type are deletions from existing text.
 Words in **underline** type are additions.

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