

ORDINANCE NO. 2022-2257

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF ARTICLE III OF CHAPTER 17 OF THE CODE OF ORDINANCES OF THE CITY OF NEW PORT RICHEY, PERTAINING TO THE FIREFIGHTERS' RETIREMENT SYSTEM, PROVIDING FOR AMENDMENT OF SECTION 17-41, BENEFIT AMOUNTS AND ELIGIBILITY TO PROVIDE FOR A SUPPLEMENTAL BENEFIT - THIRTEENTH CHECK; PROVIDING FOR SEVERABILITY OF PROVISION; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA:

SECTION 1: That Chapter 17, Pensions and Retirement, Article III, Firefighters' Retirement System, of the Code of Ordinances of the City of New Port Richey, is amended by amending Sec. 17-41, Benefit Amounts and Eligibility, by amending subsection (f), *Required distribution date*, to read as follows:

* * *

(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 seventy and one-half (70½) or the calendar year in which the member terminates employment with the city the member's required beginning date, as provided under Sec. 17-50.1.

* * *

SECTION 2: That Chapter 17, Pensions and Retirement, Article III, Firefighters' Retirement System, of the Code of Ordinances of the City of New Port Richey, is amended by amending Sec. 17-42, Pre-Retirement Death, subsection (b), to read as follows:

* * * * *

(b) *Deceased members vested or eligible for retirement.* The beneficiary may, in writing, elect either (1) or (2) below: one of the following options:

- (1) For any member who was vested or eligible for normal retirement as of his date of death, the benefit payable under this option shall be that monthly amount which would have been payable had the member retired under normal retirement, without actuarial reduction, on his date of death, with the resulting benefit then being payable to the beneficiary as if the member had selected the one hundred (100) percent joint and survivor annuity optional form of benefit.
- (2) This subsection (2) applies only when the member's spouse is the sole designated beneficiary. For any member who was vested or eligible for normal retirement as of his date of death, the benefit payable under this option shall be as follows:

- a. If the member was vested, but not eligible for normal retirement, the spouse beneficiary shall receive a benefit payable for ten (10) years, beginning on the date that the deceased member would have been eligible for normal retirement, at the option of the spouse beneficiary. The benefit shall be calculated as for normal retirement based on the deceased member's credited service and average final compensation as of the date of his death.
- b. If the deceased member was eligible for normal retirement, the spouse beneficiary shall receive a benefit payable for ten (10) years, beginning on the first day of the month following the member's death or at the deceased member's otherwise normal retirement date. The benefit shall be calculated as for normal retirement based on the deceased member's credited service and average final compensation as of the date of his death.
- c. A spouse beneficiary may not elect an optional form of benefit, however, the board may elect to make a lump sum payment pursuant to section 17-45, subsection 7.
- d. A spouse beneficiary may, in lieu of any benefit provided for in (b)(1) or (b)(2)a. or (b)(2)b., above, elect to receive a refund of the deceased member's accumulated contributions.
- e. 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 70½~~ no later than the beginning date provided under Sec. 17-50.1, subsection (b)(2)a.
- f. If the surviving spouse beneficiary commences receiving a benefit under subsection ~~(a) or (b) (2)a. or (2)b.,~~ above, but dies before all payments are made, the actuarial value of the remaining benefit will be paid to the spouse beneficiary's estate in a lump sum.

(3) ~~Deceased Members Vested or Eligible for Retirement with Non-Spouse Beneficiary.~~ This subsection (3) applies only when the member's spouse is not the beneficiary or is not the sole designated beneficiary, but there is a surviving beneficiary. The beneficiary of any member who dies and who, at the date of his death was vested or eligible for normal retirement, shall be entitled to a benefit as follows:

- a. If the member was vested, but not eligible for normal retirement, the beneficiary will receive a benefit payable for ten (10) years. The benefit will begin by December 31 of the calendar year immediately following the calendar year in which the member died. The benefit will be calculated as for normal retirement based on the deceased member's credited service and average final compensation and actuarially reduced to reflect the commencement of benefits prior to the normal retirement date.
- b. If the deceased member was eligible for normal retirement, the beneficiary will receive a benefit payable for ten (10) years, beginning on the first day of the month following the member's death. The benefit will be calculated as for normal retirement based on the deceased member's credited service and average final compensation as of the date of his death.

- c. A beneficiary may not elect an optional form of benefit, however the board may elect to make a lump sum payment pursuant to Sec. 17-45, subsection (g).
- d. A beneficiary, may, in lieu of any benefit provided for in ~~(a) or (b)~~ in (b)(1) or (b)(3)a. or (b)(3)b., above, elect to receive a refund of the deceased member's accumulated contributions.
- e. If a surviving beneficiary commences receiving a benefit under subsection ~~(a) or (b)~~ (3)a., or (3)b., above, but dies before all payments are made, the actuarial value of the remaining benefit will be paid to the surviving beneficiary's estate by December 31 of the calendar year of the beneficiary's death in a lump sum.
- f. If there is no surviving beneficiary as of the member's death, and the estate is to receive the benefits, the actuarial equivalent of the member's entire interest must be distributed by December 31 of the calendar year containing the fifth anniversary of the member's death.
- g. The Uniform Lifetime Table in Treasury Regulations § 1.401(a)(9)-9 shall determine the payment period for the calendar year benefits commence, if necessary to satisfy the regulations.

SECTION 3: That Chapter 17, Pensions and Retirement, Article III, Firefighters' Retirement System, of the Code of Ordinances of the City of New Port Richey, is amended by amending Sec. 17-45, Optional Forms of Benefits, subsection (e)(5), to read as follows:

* * *

- (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 seventy and one-half (70½) or the calendar year in which the member terminates employment with the city~~ the member's required beginning date, as provided under Sec. 17-50.1.

* * *

SECTION 4: That Chapter 17, Pensions and Retirement, Article III, Firefighters' Retirement System, of the Code of Ordinances of the City of New Port Richey, is amended by amending Sec. 17-50.1, Minimum Distribution of Benefits, subsections (b)(1) and (b)(2)a., to read as follows:

* * *

- (b) (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 seventy and one-half (70 ½) or the calendar year in which the Member terminates employment with the city.~~ For a member who attains age seventy and one-half (70½) prior to January 1, 2020, the member's required beginning date is April 1 of the calendar year following the later of (i) the calendar year in which the member attains age seventy and one-half (70 ½) or (ii) the calendar year in which the member terminates employment with the

City. For a member who attains age seventy and one-half (70 ½) on or after January 1, 2020, the member's required beginning date is April 1 of the calendar year following the later of (i) the calendar year in which the member attains age seventy-two (72) or (ii) the calendar year in which the member terminates employment with the City.

* * *

- (b) (2) 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 70 ½, (or age 72 for a member who would have attained age 70½ after December 31, 2019) if later, as the surviving spouse elects.

SECTION 5: 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 6: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of New Port Richey.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 8: That this Ordinance shall become effective upon its adoption.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 1st day of February, 2022, and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 15th day of February, 2022.

ATTEST:

Judy Meyers, CMC, City Clerk

Robert Marlowe, Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE SOLE USE
AND RELIANCE OF THE CITY OF NEW PORT RICHEY,
FLORIDA:

Timothy P. Driscoll, City Attorney