

ORDINANCE 01-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, AMENDING CHAPTER 70, ARTICLE IV, SECTIONS 70-112(1) OF THE CODE OF ORDINANCES TO PROVIDE DISABILITY BENEFITS TO DISABLED MEMBERS; AMENDING CHAPTER 70, ARTICLE IV, TO CREATE SECTION 70-117 TO PROVIDE FOR REFUNDS OF CONTRIBUTIONS OR PAYMENT OF DEATH BENEFITS SHOULD A MEMBER DIE PRIOR TO RETIREMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION IN ACCORDANCE TO THE LAW.

WHEREAS, the City of Eustis desires to amend Chapter 70, Article IV, Section 70-112(1) of the Code of Ordinances to provide disability benefits to disabled members and to create section 70-117 to provide for the death of members prior to retirement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF EUSTIS AS FOLLOWS:

Section 1. Chapter 70, Article IV, Section 70-112(1) shall be amended to read as follows:

(1)

- (A) A police officer may retire from the service of the city under the plan if, prior to his normal retirement date, he becomes totally and permanently disabled in the line of duty as defined in subsection (2) of this section by reason of any cause other than a cause set out in subsection (3) on or after the effective date of the plan.
- (B) A police officer with ten years of continuance service may retire from the service of the city under the plan if, prior to his normal retirement date, the police officer becomes totally and permanently disabled not in the line of duty as defined in subsection (2) by reason of any cause other than a cause set out in subsection (3) on or after the effective date of the plan. Such retirement shall be referred to as "disability retirement."
- (C) The affected police officer shall be entitled to the greater of his normal retirement benefits (if qualified) or disability benefits.

Section 2. Chapter 70, Article IV, Section 70-117 is created to read as follows:

**Section 70-117. Death Prior to Retirement; Refunds of Contributions or Payment of Death Benefits.**

- (1) If a police officer dies before being eligible to retire, the heirs, legatees, beneficiaries, or personal representatives of such deceased police officer shall be entitled to a refund of 100 percent, without interest, of the contribution made to the municipal police officers' retirement trust fund by such deceased police officer or, in the event an annuity or life insurance contract has been purchased by the board on such police officer, then to the death benefits available under such life insurance or annuity contract, subject to the limitations on such death benefits set forth in Florida Statutes § 185.061 whichever amount is greater.
- (2) If a police officer having at least 10 years of credited service dies prior to retirement, his or her beneficiary is entitled to the benefits otherwise payable to the police officer at early or normal retirement age.

In the event that a death benefit paid by a life insurance company exceeds the limits set forth in Florida Statutes § 185.061(6), the

excess of the death benefit over the limit shall be paid to the municipal police officers' retirement trust fund. However, death benefits as provided pursuant to Florida Statutes § 112.19 or any other state or federal law shall not be included in the calculation of death or retirement benefits provided by this Article.

**Section 3.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 4.** 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 effect the validity of the remaining sections, sentences, clauses or 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.

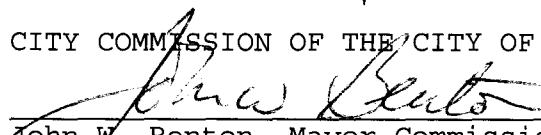
**Section 5.** It is the intention of the City Commission of the City of Eustis that the provisions of this Ordinance shall become and be made a part of the City of Eustis Code of Ordinances and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Section", "Article", or such other appropriate word or phrase to accomplish such intentions.

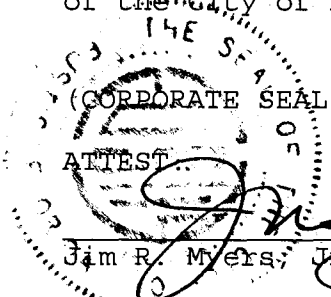
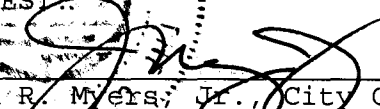
**Section 6.** This Ordinance shall become effective immediately on passing.

**Section 7.** This Ordinance shall be published in accordance with the requirements of law.

**PASSED, ORDAINED and APPROVED** in Regular Session of the City Commission of the City of Eustis, Lake County, Florida, this 17 day of May, 2001.

CITY COMMISSION OF THE CITY OF EUSTIS

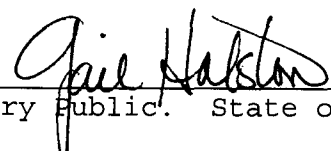
  
John W. Benton, Mayor-Commissioner

  
ATTEST  
  
Jim R. Myers, Jr., City Clerk

**CITY OF EUSTIS CERTIFICATION**

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 17 day of May, 2001, by **JOHN W. BENTON** and **JIM R. MYERS, JR.**, the Mayor and Finance Director/City Clerk, of the City of Eustis, Florida, who are personally known to me.

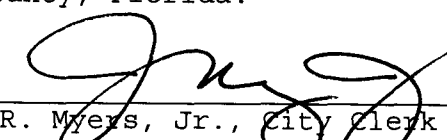
  
Notary Public. State of Florida

Printed Notary Signature



**CERTIFICATE OF POSTING**

The foregoing Ordinance 01-12 is hereby approved, and I hereby certify that I published the same by Posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Senior Service Center; all within the Corporate Limits of the City of Eustis, Lake County, Florida.

  
Jim R. Myers, Jr., City Clerk

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for use and reliance of the City Commission of the City of Eustis, Florida.

  
for Lewis W. Stone, City Attorney

Date May 17, 2001

**CITY COMMISSION  
CITY OF EUSTIS  
OFFICE OF THE CITY MANAGER  
AGENDA ITEM COVER SHEET**

DATE: April 26, 2001

MEETING DATE: May 3, 2001

TO: Michael G. Stearman, City Manager

☐ Quasi-Judicial    ☒ Public Hearing

REVIEWED BY: Jim R. Myers, Jr., Finance Director/City Clerk

☐ Resolution    ☒ Ordinance

SUBMITTED BY: Lewis W. Stone, City Attorney

☐ Consideration    ☐ Other:

SUBJECT: Police Officer's Pension - providing for disability retirement and pre-retirement death benefits.

RECOMMENDATION/REQUIRED ACTION: Approval of Ordinance #01-12, subject to verification that insurance funding is adequate over the base year to cover the cost.

BACKGROUND SUMMARY: This ordinance was prepared to amend the City of Eustis Code of Ordinances to bring the Code into compliance with State of Florida laws pertaining to pension benefits for police officers.

Fiscal Impact:

Fiscal Year Impact: \$ Unknown    ☐ Capital    ☐ Operating    ☒ Other:

Account Number:

☐ Affected Parties Notified of Meeting    ☒ Not Required

Date(s) Advertised: May 1, 2001

Newspaper: Laske Sentinel

☐ Not Required

Attachments (List): Ordinance #01-12

**STAFF APPROVAL:**

**DATE:**

City Manager: \_\_\_\_\_

City Clerk/Finance Director: \_\_\_\_\_

\_\_\_\_\_  
4-27-01

**COMMISSION ACTION TAKEN:**

☐ Approved    ☐ Disapproved    ☐ Continued/Deferred Until: \_\_\_\_\_

Other: \_\_\_\_\_

Special Instructions: \_\_\_\_\_

From: City Clerk's Office

By: \_\_\_\_\_