

ORDINANCE NO. 21-10

AN ORDINANCE OF THE CITY OF WINTER GARDEN AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE II, PENSION PLAN FOR GENERAL EMPLOYEES, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-31, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 54-32, PRE-RETIREMENT DEATH BENEFITS; AMENDING SECTION 54-35, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 54-40, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 54 - 52 , RE-EMPLOYMENT AFTER RETIREMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That Chapter 54, Pensions and Retirement, Article II, Pension Plan for General Employees, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-31, Benefit Amounts and Eligibility, subsection (e), Required Distribution Date, to read as follows:

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(e) *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 70½ or the calendar year in which the member terminates employment with the city~~ the member's required beginning date, as provided under Sec. 54-40.

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SECTION 2: That Chapter 54, Pensions and Retirement, Article II, Pension Plan for General Employees, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-32, Pre-Retirement Death, subsection (b)(5), to read as follows:

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(b)(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 70½ no~~ later than the beginning date provided under Sec. 54-40(b)(2)a.

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SECTION 3: That Chapter 54, Pensions and Retirement, Article II, Pension Plan for General Employees, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-35, Optional Forms of Benefits, subsection (e)(5), to read as follows:

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(e)(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 70½ or the calendar year in which the member terminates employment with the city~~ the member's required beginning date, as provided under Sec. 54-40.

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SECTION 4: That Chapter 54, Pensions and Retirement, Article II, Pension Plan for General Employees, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-40, Minimum Distribution of Benefits, by amending 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 70½ or the calendar year in which the member terminates employment with the city.~~ For a member who attains age seventy and one-half (70 ½) 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 70½, (or age 72 for a member who would have attained age 70½ after December 31, 2019) if later, as the surviving spouse elects.

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SECTION 5: That Chapter 54, Pensions and Retirement, Article II, Pension Plan for General Employees, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-52, Reemployment After Retirement, to read as follows:

Sec. 54-52. Reemployment after retirement.

(a) [*Reemployment by public or private employer.*] Any retiree who is retired under this system may be reemployed by any public or private employer and may receive compensation from that employment without limiting or restricting in any way the retirement benefits payable under this system. Notwithstanding the previous sentence, 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 general employee after that retirement and, by virtue of that reemployment, is eligible to participate in this system, shall upon being reemployed select one of the following options:

- (1) The retiree may elect to 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 initial retirement shall be based upon the benefit accrual rate, average final compensation, and credited service as of that date (not including any period of DROP participation) and the retirement benefit amount for any subsequent employment period shall be based upon the benefit accrual rate, average final compensation and credited service as of the date of the subsequent retirement (based only on the subsequent employment period). 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; or
- (2) The retiree may continue to receive retirement benefits previously earned if he is at least age ~~sixty-two (62)~~ fifty-nine and one-half (59 1/2), otherwise the system shall discontinue receipt of benefits until the retiree reaches age ~~sixty-two (62)~~ fifty-nine and one-half (59 1/2) and not be an active member of the system. If this option is selected, the subsequent employment period shall have no effect upon average final compensation, years of credited service or retirement benefits. Regardless of any other provision of this system, any reemployed retiree electing to continue to receive retirement benefits shall not be reinstated as an active member of the system.

(c) [*Reemployment by the city.*] Any retiree who is retired under normal retirement pursuant to this system and who is reemployed by the city after that retirement and, by virtue of that reemployment is ineligible to participate in this system, shall, during the period of such reemployment, continue to receive retirement benefits previously earned if he is at least age ~~sixty-two (62)~~ fifty-nine and one-half (59 1/2), otherwise the system shall discontinue receipt of benefits until he reaches age ~~sixty-two (62)~~ fifty-nine and one-half (59 1/2). Former DROP participants shall begin receipt of benefits under these circumstances.

(d) *After early or disability retirement.* Any retiree who is retired under early or disability retirement pursuant to this system and who subsequently becomes an employee of the city in any capacity, shall discontinue receipt of benefits from the system until the earlier of termination of employment or such time as the reemployed retiree reaches age ~~sixty-two~~ fifty-nine and one-half

(59 1/2). A retiree who returns to work under the provisions of this section shall not be eligible for membership in the system, and, therefore, shall not accumulate additional credited service for subsequent periods of employment described in this section, shall not be required to make contributions to the system, nor shall he be eligible for any other benefit other than the retiree's early retirement benefit when he again becomes eligible as provided herein. 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.* Retirees who 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 6: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Winter Garden.

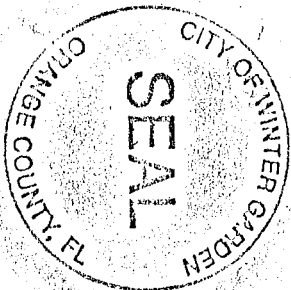
SECTION 7: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 8: 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 9: That this Ordinance shall become effective upon adoption.

PASSED ON FIRST READING, this 8TH day of APRIL, 2021.

PASSED AND ADOPTED ON SECOND READING, this 22ND day of APRIL, 2021.




APPROVED:



JOHN REES, MAYOR/COMMISSIONER

ATTEST:



ANGEE GRIMAGE, CITY CLERK

dm/wtg/gen/10-08-20.ord