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ORDINANCE NO. 2016-\_\_\_\_\_

**AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA, AMENDING THE VERO BEACH FIREFIGHTER'S RELIEF AND PENSION FUND; CREATING A NEW SECTION 58.81 OF THE CITY CODE PROVIDING FOR THE CREATION OF A DEFINED CONTRIBUTION SHARE PLAN FUNDED BY AVAILABLE INSURANCE PREMIUM TAX REVENUE UNDER FLA.STAT. SECTION 175.351; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

WHEREAS the City of Vero Beach Firefighter's Relief and Pension Fund is governed by Chapter 175, Florida Statutes;

WHEREAS the City of Vero Beach Firefighter's Relief and Pension Fund receives insurance premium taxes to fund firefighter pension benefits pursuant to Chapter 175, Florida Statutes;

WHEREAS, Chapter 175 was recently amended by S.B. 172, Chapter 2015-39, Laws of Florida;

WHEREAS, S.B. 172 requires the creation of a defined contribution "share plan" to provide "special benefits" to firefighters, funded with available "additional premium tax revenue";

WHEREAS, the creation of a share plan will permit the City of Vero Beach Firefighter's Relief and Pension Fund to continue to receive insurance premium tax revenue from the State of Florida;

WHEREAS, defined contribution share plans under Chapter 175 are entirely funded with insurance premium taxes received from the State of Florida; and

WHEREAS the Vero Beach City Council has determined that the passage of this ordinance is in the best interest of the citizens of the City of Vero Beach;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA THAT:

**Section 1:** Section 58.81 of the Code of the City of Vero Beach is hereby created to read as follows:

**Section 58.81. Share Plan.**

a) *Share Plan Established.* The Vero Beach Firefighter's Share Plan (hereinafter "Share Plan") is hereby established. The purpose of this section is to implement the provisions of Chapter 175, Florida Statutes, and to provide a mechanism to pay required "special benefits" pursuant to Section 175.351, Fla.Stat. The Share Plan shall be funded exclusively with available insurance premium tax revenue received from the State of Florida pursuant to Chapter 175 and shall be in addition to the monthly defined benefit payable by the City of Vero Beach Firefighter's Relief and Pension Fund. The Share Plan shall be administered by the Board of Trustees of the City of Vero Beach Firefighter's Relief and Pension Fund (hereinafter the "Pension Fund").

(b) *Annual Determination.* In each year, after receipt of the annual distribution of chapter money from the State, the Board of Trustees, in consultation with their actuary, shall determine the amount of available insurance premium tax revenue, if any, received pursuant to F.S. §175.351. Insurance premium tax revenue is not available for payment into the Share Plan unless the annual insurance premium tax distribution exceeds \$306,972 (hereinafter the "special benefit threshold"). If the annual insurance premium tax distribution exceeds the special benefit threshold, half of the sum above \$306,972 shall be paid into the Share Plan for distribution pro-rata as set forth below in subsection (c).

(c) *Pro-rata Distribution.* Share Plan benefits shall be paid from the Share Plan on a pro-rata basis to all retirees or beneficiaries who are receiving a monthly benefit from the Vero Beach

Firefighter's Relief and Pension Fund. Share Plan benefits shall be distributed as soon as is administratively practicable, after the actuary for the Vero Beach Firefighter's Relief and Pension Fund has certified the distribution amounts for the year, if any, in consultation with the City of Vero Beach.

(d) Rule-Making Authority. The Board of Trustees of the Vero Beach Firefighter's Relief and Pension Fund shall be authorized to adopt any rules necessary for the administration of the Share Plan.

**Section 2:** This Section shall be codified and made a part of the Code of Ordinances of the City of Vero Beach. In any such codification, the editor shall have the authority to re-number or re-letter any section of this ordinance as may be necessary provided, however, that no such editorial change shall alter the substantive language of this ordinance.

**Section 3:** Should any provision of this ordinance be declared invalid by a court of competent jurisdiction the remaining provisions of this ordinance shall remain in full force and effect as if the invalid provision had not been enacted.

**Section 4:** This Ordinance shall become effective immediately upon its adoption by the City Council.

This Ordinance was read for the first time on the \_\_\_\_ day of \_\_\_\_\_ 2016 and was advertised on the \_\_\_\_ day of \_\_\_\_\_ 2016, for a public hearing to be held on the \_\_\_\_ day of \_\_\_\_\_ 2016, at the conclusion of which hearing it was moved for adoption by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and adopted by the following vote of the City Council:

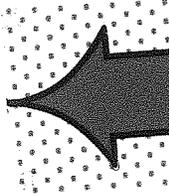
Mayor Jay Kramer \_\_\_\_\_  
Vice-Mayor Randolph B. Old \_\_\_\_\_  
Councilmember Pilar E. Turner \_\_\_\_\_  
Councilmember Richard G. Winger \_\_\_\_\_  
Councilmember Harry Howle III \_\_\_\_\_

ATTEST:

CITY OF VERO BEACH, FLORIDA

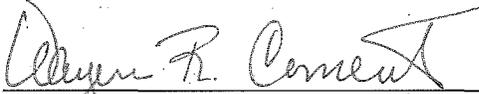
\_\_\_\_\_  
Tammy K. Vock  
City Clerk

\_\_\_\_\_  
Jay Kramer  
Mayor



[SEAL]

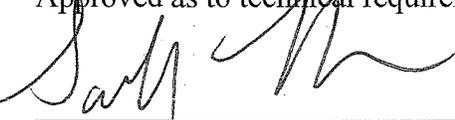
Approved as to form and  
legal sufficiency:

  
\_\_\_\_\_  
Wayne R. Coment  
City Attorney

Approved as conforming to municipal  
policy:

  
\_\_\_\_\_  
James R. O'Connor  
City Manager

Approved as to technical requirements:

  
\_\_\_\_\_  
Gabrielle Manus  
Human Resources Director

Approved as to technical requirements:

  
\_\_\_\_\_  
Cynthia D. Lawson  
Finance Director