

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-

AN ORDINANCE AMENDING CHAPTER 46 OF THE "CODE OF THE CITY OF CORAL GABLES," ENTITLED "PENSIONS," AMENDING SECTION 46-25, "DEFINITIONS" TO UPDATE THE DEFINITION OF ADMINISTRATIVE MANAGER TO PROVIDE AUTOMATED BENEFIT PROCESSING FOR PARTICIPANTS; AMENDING SECTION 46-254 "DISABILITY RETIREMENT" ALLOWING THE BOARD TO RECONSIDER A DISABILITY RETIREMENT AFTER THE DISABLED PARTICIPANT REACHES HIS/HER NORMAL RETIREMENT; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, the City's Retirement System provides benefits to City employees upon the occurrence of retirement, death or disability of the employees; and

WHEREAS, the Retirement System is administered in accordance with the provisions of Chapter 46 "Pension" of the Code of the City of Coral Gables; and

WHEREAS, the Retirement Board is automating its pension administration by among other things, providing automated benefit processing and an on-line portal for participants to access their retirement information; and

WHEREAS, currently the Retirement Board can annually reconsider the disability of a participant receiving a disability retirement until such time as the participant reaches his/her normal retirement; and

WHEREAS, to ensure that the disabled participant remains entitled to a disability retirement, the Retirement Board believes it is in the Retirement System's best interest to continue to annually reconsider the disability of a disabled participant after the disabled participant reaches his/her normal retirement date; and

WHEREAS, to implement the changes, an ordinance amending the City Code provisions governing the Retirement System is required.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Section 46-25 of the "Code of the City of Coral Gables" pertaining to "Pensions" is hereby amended to read as follows¹:

¹ Words and figures underscoring are additions to existing law; words and figures ~~struck through~~ are deletions.

Sec. 46-25. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Administrative manager means the person or entity appointed, or system used, from time to time pursuant to section 46-165 to provide administrative services set forth in section 46-166.

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SECTION 3. Section 46-254 of the "Code of the City of Coral Gables" pertaining to "Pensions" is hereby amended to read as follows:

Sec. 46-254. – Disability Retirement

- (a) *Determination of disability.* A police officer or firefighter participant who applies for disability retirement benefits must submit a medical opinion from a physician stating the participant is permanently disabled and unable to perform the duties of the participant's occupation, along with all medical records, documents, and/or authorizations for the release of the same deemed relevant by the city and/or the retirement board. Effective September 30, 2010, a participant, other than a police officer or firefighter, who applies for disability retirement benefits must submit a medical opinion from a physician stating the participant has a medically determinable physical or mental impairment that totally and permanently prevents the participant employee from rendering useful and efficient service as an employee in any capacity, along with all medical records, documents, and/or authorizations for the release of the same deemed relevant by the city and/or the retirement board. The city may have the participant examined by a physician it selects, and submit that physician's opinion, along with any other relevant evidence, to the retirement board. The designation of a physician by the city shall be within the city's sole discretion, and shall be made on a case-by-case basis. The retirement board ~~shall~~ may also have the participant examined by another physician or physicians selected by the board. The board shall consider the reports of all examining physicians and any other relevant evidence, and shall make a determination based on competent substantial evidence as to whether the participant meets the criteria for disability retirement contained in this article. Disability retirement will be reconsidered by the retirement board every year for continued disability. At the request of the board, the participant must submit renewed medical opinions, documents and/or authorizations for the release of the same, and submit to examination by physicians, as provided above for the initial application. Should the participant fail to submit the renewed medical opinions, documents, and/or authorizations, the board may suspend the participant's benefits. The retirement board may waive annual reconsideration of disability if after investigation it determines, for any reason, that the disabled participant will be unable to return to their pre-disability occupation at any time in the future. The annual reconsideration of disability will cease when the disabled participant reaches his or her normal retirement date, except as otherwise provided in the following two sentences. Effective [effective date of ordinance] for excluded employees who have not reached the normal retirement date as of [effective date of ordinance], the annual reconsideration of disability may continue after the disabled participant reaches his or her normal retirement date.

Effective upon agreement with the unions representing police officers, firefighters and general employees (which agreements are separate and have a different effective date for each bargaining unit), for participants in the police, firefighter and general employee bargaining units who have not reached the normal retirement date as of the date the agreement covering the participant's bargaining unit takes effect, the annual reconsideration of disability may continue after the disabled participant reaches his or her normal retirement date.

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(g) *Payment of disability retirement income.*

- (1) For a participant determined to be entitled to disability retirement prior to the first day of a month, payment of disability retirement income may be prorated commensurate with time remaining in the month; thereafter, the monthly retirement income to which a participant is entitled in the event of his or her disability retirement will be payable on the first day of each month. The last payment will be determined as follows:
 - a. For nonservice-related disability, the last payment will be the payment due on the first day of the month coincident with or next preceding the earlier of the disabled participant's death or the disabled participant's recovery from such disability prior to his or her normal retirement date.
 - b. For service-related disability, the last payment to the disabled participant will be the payment due on the first day of the month coincident with or next preceding the earlier of the disabled participant's death or the disabled participant's recovery from such disability prior to his or her normal retirement date. If the payment ceases due to the death of the disabled participant prior to or after his or her normal retirement date and such deceased, disabled participant has an unmarried natural or legally adopted child or children less than age 22, two-thirds of the benefit that was payable will continue to be paid monthly thereafter until the last child attains his or her 22nd birthday or becomes married, if earlier. If the payment of the disability benefits ceases due to the death of the disabled participant prior to or after his or her normal retirement date and the disabled participant has no unmarried natural or legally adopted children under age 22 or after the last child attains his or her 22nd birthday or becomes married, one-half of the full disability benefit that was payable will continue to be paid monthly thereafter to the spouse or domestic partner, if any, for the continued lifetime of the spouse or domestic partner, or until the spouse or domestic partner remarries or enters into a new domestic partnership, if earlier.
 - c. If nonservice-related disability retirement benefits are continuing to be paid to the disabled participant at his or her normal retirement date, the same monthly benefits will be continued for life thereafter, except as otherwise provided in the following two sentences. Effective [effective date of ordinance] for excluded employees who have not reached the normal retirement date as of [effective date of ordinance], the same monthly benefits will be continued following the disabled participant's normal retirement date for as long as the participant is disabled. Effective upon agreement with the unions representing police officers, firefighters and general employees (which agreements are separate and have a different effective date for each

bargaining unit), for participants in the police, firefighter and general employee bargaining units who have not reached the normal retirement date as of the date the agreement covering the participant's bargaining unit takes effect, the same monthly benefits will be continued following the disabled participant's normal retirement date for as long as the participant is disabled.

- d. If the disability is a service-related disability, upon reaching normal retirement date, the disabled participant may elect an optional form of payment according to section 46-257 on an actuarially adjusted basis, in which case such option will define continued payment. Notwithstanding any provision of section 46-257 to the contrary, the election by this subsection (g)(1)d is available to a participant otherwise qualifying under this subsection (g)(1)d even though he/she is not at the date of the election in the active service of the city. If no such election is made, the monthly benefit in effect prior to the normal retirement date will be continued for ~~life thereafter~~ as long as the participant is living and receiving disability benefits from the plan.

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- (h) *Recovery from disability.* If the retirement board finds that a participant who is receiving a disability retirement income is, at any time prior to his or her normal retirement date, no longer disabled, the retirement board shall direct that the disability retirement income be discontinued, except as otherwise provided in the following two sentences. Effective [effective date of ordinance] for excluded employees who have not reached the normal retirement date as of [effective date of ordinance], if the retirement board finds that a participant who is receiving a disability retirement income is no longer disabled, regardless of when such finding is made, the retirement board shall direct that the disability retirement income be discontinued. Effective upon agreement with the unions representing police officers, firefighters and general employees (which agreements are separate and will have a different effective date for each bargaining unit), for participants in the police, firefighter and general employee bargaining units who have not reached the normal retirement date as of the date the agreement covering the participant's bargaining unit takes effect, if the retirement board finds that a participant who is receiving a disability retirement income is no longer disabled, regardless of when such finding is made, the retirement board shall direct that the disability retirement income be discontinued.

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SECTION 4. That all sections or parts of sections of the City Code of the City of Coral Gables, all ordinances or parts of ordinances and all laws of the City of Coral Gables in conflict herewith, shall be and they are hereby repealed insofar as there is a conflict or inconsistency.

SECTION 5. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances; and that the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. This Ordinance shall become effective upon its passage and adoption herein, unless otherwise set forth in the Ordinance.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2022.

APPROVED:

**VINCE LAGO
MAYOR**

ATTEST:

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

**BILLY Y. URQUIA
CITY CLERK**

**MIRIAM S. RAMOS
CITY ATTORNEY**