

ORDINANCE NO. 16-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VII, POLICE OFFICERS' RETIREMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF COCOA BY AMENDING SECTION 2-196, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 2-198, DISABILITY; AMENDING SECTION 2-218, DEFERRED RETIREMENT OPTION PLAN; 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 COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1: That Chapter 2, Administration, Article VII, Police Officers' Retirement Plan, of the Code of Ordinances of the City of Cocoa, is hereby amended by amending section 2-196, Benefit amounts and eligibility, subsection (c), Cost of Living Increase, amended to read as follows (Underlined type are additions and ~~strikeout~~ type are deletions to the City Code):

* * *

(c) *Cost of living increase.* As of each October 1, retirees and disabled members who have attained their sixty-fifth birthday, and beneficiaries receiving monthly benefits on behalf of deceased members who would have attained their sixty-fifth birthday, shall have their benefits adjusted for change in the cost-of-living as measured by the consumer price index for the one-year period ended on the preceding June 30. The percentage increase ~~or decrease~~ in benefits shall be limited to three percent (3%) with regard to any such one-year period; and Effective [effective date of ordinance], no adjustment may be made pursuant to this paragraph (c), which results in a reduction in any at no time shall the resulting benefit amount, or be less than that amount which was payable initially at the time of retirement, or in the case of deceased members at the time payments to the beneficiary began.

* * *

SECTION 2: That Chapter 2, Administration, Article VII, Police Officers' Retirement Plan, of the Code of Ordinances of the City of Cocoa, is hereby amended by amending section 2-198, Disability, subsection (a), to read as follows:

* * *

(a) Disability benefits in-line of duty. Disability benefits in-line of duty. Any member who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient

service as a police officer, which disability was directly caused by the performance of his duty as a police officer, shall, upon establishing the same to the satisfaction of the board, be entitled to a monthly pension equal to three (3) percent of average final compensation multiplied by the total years of credited service but in any event the minimum amount paid to the member shall be forty-two (42) percent of the average final compensation of the member or fifty (50) percent of the member's salary as of the date of the disability. Effective October 1, 2024, the disability benefit payable under this subsection (a) shall be an amount equal to the member's accrued retirement benefit accrued at three percent (3%) of average monthly earnings; provided such amount is not less than forty-two percent (42%) of the member's average monthly earnings at the time of disability. If the service-connected disability occurred during an active shooter event (defined as an individual actively engaged in killing or attempting to kill people in a confined and populated area) or mass killing event, as defined in 28 U.S.C. s. 530C, and as the direct result of the unlawful and intentional act of the perpetrator of such event, the disability benefit payable under this subsection (a) shall be an amount equal to the member's accrued retirement benefit accrued at three percent (3%) of average monthly earnings; provided such amount is not less than sixty percent (60%) of the member's average monthly earnings at the time of disability. Terminated persons, either vested or non-vested, are not eligible for disability benefits, notwithstanding the previous sentence, if a member is terminated by the city for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the board within thirty (30) days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the board otherwise determines that he is totally and permanently disabled as provided for above.

* * *

SECTION 3: That Chapter 2, Administration, Article VII, Police Officers' Retirement Plan, of the Code of Ordinances of the City of Cocoa, is hereby amended by amending section 2-218, Deferred Retirement Option Plan, subsection (b)(3), Period of Participation, to read as follows:

* * *

(1) *Eligibility to participate.* In lieu of terminating his employment as a police officer, any member who is eligible for normal retirement under the system may elect to defer receipt of such service retirement pension and to participate in the DROP.

(2) *Election to participate.* A member's election to participate in the DROP must be made in writing in a time and manner determined by the board and shall be effective on the first day of the first calendar month which is at least fifteen (15) business days after it is received by the board.

(3) *Period of participation.* A member who elects to participate in the DROP prior to [effective date], pursuant to ~~under~~ subsection (b)(2), shall participate in the DROP for a period not to exceed sixty (60) months beginning at the time his or her election to participate in the DROP first becomes effective. An election to participate in the DROP shall constitute an irrevocable election to resign from the service of the city not later than the date provided for in the previous sentence. A member may participate only once. As a condition of participating in the DROP, each participant must agree that his employment as a police officer shall terminate on the last day of the permissible DROP period. Any retiree who has

retired under normal retirement who did not previously participate in the DROP and who is reemployed, may elect to enter the DROP as provided herein. Notwithstanding anything herein to the contrary, a member who elects to participate in the DROP on or after [effective date of ordinance] may participate in the DROP for a period not to exceed ninety-six (96) months beginning at the time his or her election to participate in the DROP first becomes effective. Members who are participating in the DROP on [effective date], may elect in writing on forms provided by the Administrator, to extend their DROP participation period by up to thirty-six (36) months, for a total maximum DROP period not to exceed ninety-six (96) months.

* * *

SECTION 4: Incorporation into the Code. Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Cocoa.

SECTION 5: Repeal of Prior Inconsistent Ordinances and Resolutions. All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 6: Severability. 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 7: Effective Date. That this Ordinance shall become effective upon its adoption.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA, IN A
REGULAR MEETING ASSEMBLED ON THE ____ DAY OF _____, 20____.**

Mayor

ATTEST:

Monica Arsenault, CMC, City Clerk

1ST READING: _____

2ND READING: _____

LEGAL AD PUBLISHED: _____

EFFECTIVE DATE: _____