

**ORDINANCE NO. 1524**

**AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA; FURTHER AMENDING THE CITY OF PANAMA CITY BEACH FIREFIGHTERS' RETIREMENT PLAN ADOPTED BY ORDINANCE NUMBER 1157, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 8 DISABILITY, TO IMPLEMENT THE CONCLUSIVE CANCER PRESUMPTION ESTABLISHED BY SECTION 112.1816, FLA. STAT., AND THE REBUTTABLE DISEASE PRESUMPTIONS UNDER SECTIONS 112.18, 112.181 AND 175.231, FLA. STAT; BY AMENDING SECTION 8 DISABILITY BENEFITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, after years of study, the National Institute for Occupational Safety and Health (NIOSH) concluded that firefighters are at a higher risk of developing twenty-one enumerated types of cancer.

WHEREAS, the Florida Legislature, in recognition of this elevated cancer risk, has created a conclusive duty-related cancer presumption.

WHEREAS, Senate Bill 426 (SB 426) amends Chapter 112, Florida Statutes, by creating Section 112.1816, governing disability and death benefits for firefighters.

WHEREAS, SB 426 governs all Firefighter Pension Plans in Florida.

WHEREAS, the Board of Trustees of the Panama City Beach Firefighters' Pension Plan has prepared this ordinance to implement SB 426, effective July 1, 2019.

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

**SECTION 1:** That the City of Panama City Beach Firefighters' Retirement Plan, adopted by Ordinance number 1157, as subsequently amended, is hereby further amended by adding Section 8, Disability, subsection 1 (a), (b), and (c) as follows:

**Section 8. - Disability.**

1. Disability Benefits In-Line of Duty.

*In-line of duty presumptions.*

*(a) Rebuttable Presumption for hypertension and heart disease. Any condition or impairment of health of a member caused by hypertension or heart*

disease shall be presumed to have been suffered in line of duty unless the contrary is shown by competent evidence, provided that such member shall have successfully passed a physical examination upon entering into such service, including cardiogram, which examination failed to reveal any evidence of such condition; and provided further, that such presumption shall not apply to benefits payable or granted in a policy of life insurance or disability insurance. The provisions of Sections 112.18, 112.181 and 175.231, Fla. Stat., are hereby codified within the Plan and are intended to be incorporated by reference. The Board of Trustees may adopt uniform administrative rules for the conduct of hearings resulting relating to these rebuttable presumptions and for the determination of any disqualifying events reflected in Chapters 112 and 175, Fla. Stat.

(b) Additional rebuttable presumption for hepatitis, meningitis and tuberculosis. The presumption provided for in this subsection (b) shall apply only to those conditions described in this subsection (b) that are diagnosed on or after January 1, 1996.

(c) Non-rebuttable conclusive cancer presumption. The provisions of Section 112.1816, Fla. Stat., are hereby codified within the Plan and are intended to be incorporated by reference. The Board of Trustees may adopt uniform administrative rules for the conduct of hearings relating to this presumption and for the determination of any disqualifying events as reflected in the statute.

**SECTION 2:** 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 3:** All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 4:** This Ordinance shall become effective immediately upon adoption, unless otherwise provided.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, this 9<sup>th</sup> day of July, 2020.

CITY OF PANAMA CITY BEACH, FLORIDA

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MARK SHELDON, MAYOR

Ordinance 1524

Attest:



JO SMITH, INTERIM CITY CLERK

Published in the Panama City News Herald on the 26th day of June, 2020.

Posted on pcbgov.com on the 10<sup>th</sup> day of July, 2020.

Coding:        Words in strikethrough type are deletions from existing text.  
                  Words in underline type are additions.



June 30, 2020

Ms. Holly White  
Finance Director  
City of Panama City Beach, Florida  
110 South Arnold Road  
Panama City Beach, Florida 32407

Re: Firefighters' Pension Plan – Actuarial Impact Statement

Dear Holly:

Jo Smith has requested that I provide the appropriate actuarial analysis of the changes to the Firefighters' Pension Plan to be enacted by ordinance 1524. Jo sent me copies of the proposed ordinance for the Plan in an email dated June 12, 2020.

The proposed ordinance would classify disability due to hypertension and heart disease as in-line of duty. The ordinance also classifies disability due to cancer as in-line of duty, consistent with Florida Statute 112.1618 .

There are potential impacts to the plan that will depend on experience in the future. However, we do not expect this reclassification to affect actual employee behavior in aggregate, and thus feel no updates to the disability assumptions are warranted. While there may be an employee who sees an increase in benefits due to this provision, we expect the vast majority of the participants will see no change in their benefits. As a result, I have concluded that there should be no significant impact on the City's funding requirements due to the changes and no formal Actuarial Impact Statement is required for this change.

Sincerely yours,

A handwritten signature in black ink that reads "Stephen Lambert-Oswald". The signature is written in a cursive, slightly slanted style.

Stephen Lambert-Oswald FSA, EA, MAAA

cc: Jo Smith  
Douglas Beckendorf

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Jun. 2020.docx