

ORDINANCE NO. 2023 - 10

AN ORDINANCE OF THE CITY OF MONTICELLO, FLORIDA, AMENDING SECTION 2-55, OF THE CODE OF ORDINANCES OF THE CITY OF MONTICELLO, FLORIDA, 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 ADDING A NEW SECTION 2-55 (f) RELATING TO IN-LINE-OF DUTY PRE-RETIREMENT DEATH BENEFITS; ADDING A NEW SECTION 2-55(g) IN-LINE-OF DUTY DISABILITY BENEFITS; PROVIDING FOR SEVERABILITY; 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 City of Monticello Firefighters' Retirement System has prepared this ordinance to implement SB 426, effective July 1, 2019.

NOW THEREFORE in keeping with the requirements of the Code of Ordinances of the City of Monticello, Florida, it is hereby ordained and decreed:

Section 1. Section 2-55, Subsection (f) of Chapter 2 of the Code of Ordinances of the City of Monticello, Florida, is hereby added to read as follows:

Sec. 2-55. - Additional benefits for firefighters.

(f) Preretirement Death Benefits. In-Line-Of Duty.

For purposes of determining whether a member dies as a direct result of an occurrence arising in the performance of duty, the following presumptions shall apply:

- (1). Rebuttable presumptions.** 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 disability hearings relating to these rebuttable presumptions and for the determination of any disqualifying events reflected in Chapters 112 and 175, Fla. Stat.
- (2). 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 relating to this presumption and for the determination of any disqualifying events as reflected in Chapters 112 and 175, Fla. Stat.

Section 2. A new Section 2-55, Subsection (g) of Chapter 2 of the Ordinances of the City of Monticello, Florida, is hereby added to read as follows:

(g) Disability Benefits. In-Line-Of Duty.

- (1) 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 relating to this presumption and for the determination of any disqualifying events as reflected in Chapters 112 and 175, Fla. Stat.

- (2) Additional rebuttable presumption for hepatitis, meningitis and tuberculosis. The presumption provided for in this subparagraph (2) shall apply only to those conditions described in this subparagraph (2) that are diagnosed on or after January 1, 1996.**
- (3) 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.**

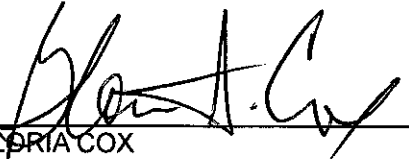
Section 3. If any word, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or word shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. It is the intention of the City Council of the City of Monticello that the provisions of the Ordinance shall become and be made a part of the City of Monticello Code of Ordinances, and that sections of this Ordinance may be renumbered or re-lettered, and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be

renumbered or re-lettered, and the correction of typographical errors which do not affect the intent may be authorized by the City Clerk, without need of public hearing, by filing a corrected or recodified copy of the same, in the official records of the City.

Section 5. This Ordinance shall become effective as provided by law.

PASSED AND APPROVED IN OPEN SESSION ON THE 2nd DAY OF
May, 2023.



GLORIA COX
MAYOR

ATTEST:



EMILY ANDERSON
CITY CLERK/TREASURER

APPROVED AS TO FORM:

Deceased

BRUCE A. LEINBACK
CITY ATTORNEY