

Resolution 2013-02

A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES SUPPORTING POLICE OFFICER AND FIREFIGHTER PENSION PLAN AND DISABILITY PRESUMPTION REFORMS TO MAKE THE PLANS SUSTAINABLE, SOUND AND SECURE FOR CURRENT AND FUTURE POLICE OFFICERS AND FIREFIGHTERS.

WHEREAS, the City of Daytona Beach Shores opposes unfunded mandates from the Florida Legislature that have created a pension plan system for city police officers and firefighters that is unstable, unsustainable and unreliable for current and future police officers and firefighters; and

WHEREAS, state level police and fire unions have exercised undue influence on the Florida Legislature relating to the provision of city police officer and firefighter pensions and disability presumptions; and

WHEREAS, unfunded city police officer and firefighter pension mandates from the Florida Legislature result in a direct expenditure of local taxpayer dollars without the benefit of local taxpayer input; and

WHEREAS, the Florida Legislature has provided that health conditions related to heart disease, hypertension or tuberculosis suffered by a police officer or firefighter are presumed to be job related, and these “disability presumptions” are applicable to both workers’ compensation and disability pension claims; and

WHEREAS, the Florida Legislature has written and the courts have interpreted the disability presumption laws so favorably toward these employees that cities and other government employers basically cannot overcome the presumption and show the health condition was not work related.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA:

SECTION 1. That the City of Daytona Beach Shores hereby supports responsible police and firefighter defined benefit pension and disability presumption reforms to ensure sound, secure and stable pensions will be there for current and future police and firefighters.

SECTION 2. That the City of Daytona Beach Shores believes local issues should be addressed locally and hereby requests the Florida Legislature to remove itself from the local collective bargaining process.

SECTION 3. That the City of Daytona Beach Shores hereby requests the Florida Legislature to remove mandates establishing minimum pension benefit standards for police and firefighter pensions, remove the requirement to provide new, extra pension benefits to police and firefighters, and allow the City of Daytona Beach Shores to use

insurance premium tax revenues to pay for the level of pension benefits for police and firefighters that meets the needs and priorities of the City of Daytona Beach Shores.

SECTION 4. That the City of Daytona Beach Shores hereby requests the Florida Legislature to enact responsible reforms to bring a fairer balance to the application of disability presumption laws relating to certain health conditions suffered by firefighters and police officers by allowing a disability presumption to be overcome by a preponderance of the evidence, and allowing certain individual risk factors to be considered when applying a disability presumption, such as tobacco or alcohol use, weight and diet, genetics and lifestyle choices.

SECTION 5. That the City of Daytona Beach Shores hereby requests the Florida Legislature to impose reasonable fiscal transparency and accountability standards on legislatively created police and firefighter pension boards of trustees.

SECTION 6. That the City of Daytona Beach Shores urges the Florida Legislature to pass and the Governor to approve the above responsible reform recommendations relating to police and firefighter pension plans and disability presumptions in the 2013 legislative session.

SECTION 7. That the City of Daytona Beach Shores City Clerk is directed to transmit a copy of this resolution to Governor Rick Scott, the Florida Legislature, and the Florida League of Cities, Inc.

SECTION 8. That this resolution shall be effective upon adoption.

CITY OF DAYTONA BEACH SHORES, FLORIDA

By: _____
Mayor, Harry Jennings

ATTEST:

By: _____
Michael T. Booker, City Manager

Cheri Schwab, City Clerk

APPROVED AS TO FORM AND LEGALITY:

By: _____
Lonnie Groot, City Attorney

Passed and adopted on this _____ day of January, 2013.