

**CITY OF OCALA FIREFIGHTERS  
RETIREMENT PLAN**

**SUMMARY PLAN DESCRIPTION**



**~~SEPTEMBER 20, 2022~~ SEPTEMBER, 2025**

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**OCALA FIREFIGHTERS RETIREMENT PLAN**  
**SUMMARY PLAN DESCRIPTION**

**INTRODUCTION**

The Board of Trustees of the City of Ocala Firefighters Retirement Plan is pleased to present this ~~booklet~~ Summary Plan Description (SPD) which briefly explains the provisions of your Firefighters Retirement Plan (the "Plan"). This document is intended to be a plain language summary of the administration and benefits of the Plan. As a member of the Plan, you are included in a program of benefits to help you meet your financial needs at retirement, or in the event of disability or death.

This ~~summary~~ SPD is not the official Plan document and your actual benefits are governed by the appropriate provisions of the statutes, Ocala City Code and ordinances which create the Plan, including, but not limited to, Chapters 112, Part VII and Chapter 175, Florida Statutes. The Ocala City Code of Ordinances may be read online at [www.municode.com](http://www.municode.com). This ~~booklet~~ SPD has been updated through Ordinance ~~2019-14~~, ~~dated January 9, 2019~~ 2024-8, adopted December 5, 2023. If there is any conflict between this ~~summary~~ SPD and the legislative provisions governing the Plan, the legislation is controlling. Nothing in this document is intended to nor does it create a contract for benefits greater than that provided by law.

Any questions you have regarding your rights or benefits under this Plan should be directed to the Plan Manager:

Alicia Gaither  
110 S.E. Watula Ave.  
Ocala, FL 34471  
(352) 629-8372

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Chair, Board of Trustees,  
City of Ocala Firefighters Retirement Plan

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Date

## **OFFICIAL PLAN NAME**

The official name of the Plan is the City of Ocala Firefighters Retirement Plan. The Plan was created following the consolidation of the City of Ocala Firefighters Supplemental Pension Fund and the City of Ocala Employees Retirement Plan. Following the consolidation of these two plans into the City of Ocala Firefighters Retirement Plan, the City has a single consolidated pension plan for firefighters.

All retired firefighters and their surviving beneficiaries who were receiving benefits from the predecessor plans on the date of consolidation into this Plan shall have those benefits paid under the terms of the predecessor plans. The COLA provisions of this Pension Plan, however, shall be applicable to both current and future retirees. Prior benefits will not be diminished or altered as a result of the consolidation.

## **TYPE OF PLAN**

This is a defined benefit plan. This means that the amount of benefits you receive is a percentage of your salary multiplied by your years of service in the fire department. The percentage is derived by multiplying the current multiplier (3%) by your years of service.

Example: a firefighter with 25 years of service ( $3 \times 25 = 75\%$ ). Money is contributed to the Plan by you, by the City and by the State of Florida pursuant to an insurance premium rebate program established by the State of Florida under Chapter 175, Florida Statutes. Under Florida law, the City is ultimately responsible for making certain that the Plan is actuarially sound.

## **ADMINISTRATION OF THE PLAN**

The Plan is administered by a five member Board of Trustees (the "Board"). Two of the Trustees are active firefighters who are elected by active members of the Plan; two of the Trustees are appointed by the City Council and must be legal residents of the City; the fifth member is selected by the other four members and is then appointed by the City Council as a ministerial act. The Board is responsible for directing the investment of the assets of the Plan to ensure that there will be adequate monies for future benefits. The Plan's money is invested by professional money managers whose performance is monitored by independent investment consultants on a quarterly basis to ensure that you are receiving a proper return on the investment of your pension monies.

The Plan employs a professional actuary who helps determine the cost of future benefits, accountants who determine the proper allocation of monies, and an attorney with expertise in the area of public pension law to advise the Board. With the assistance of these professionals, the Board is responsible for interpreting and applying the pension ordinance and for determining eligibility on all benefit claims.

The Trustees serve a two year term and are eligible for re-election or re-appointment. The Trustees receive no compensation for their service, and they only receive reimbursement for travel and educational activities on behalf of the Plan. In order to keep up on the latest trends in pension management, Trustees regularly attend schools and seminars pertaining to the management of pension funds for public employees.

In accordance with Florida law, the Chairman is the registered agent for service of process. In the absence of the designated Chairman, any member of the Board is subject to service of process. The names and addresses of the current Trustees are attached to this booklet as Exhibit "A."

### **WHO ADMINISTERS THE PLAN?**

The Plan is administered by the Board. Alicia Gaither has been retained by the Board to perform the day-to-day administrative functions of the Plan, and her address and telephone number ~~is~~ are located under the "Introduction" section of this ~~booklet~~ SPD.

The day-to-day record-keeping functions of the Plan are the responsibility of the Plan Manager. All records and books of the Plan, except medical records and addresses of active and retired members, are available for public inspection.

### **LEGAL DOCUMENTS CREATING THE PLAN**

The Plan is set forth in Chapter 43, Article II of the Ocala City Code, and is regulated by Chapter 112, Florida Statutes, and Chapter 175, Florida Statutes, which provides a system for the taxation of insurance policies covering property located within the City for purposes of helping to fund the Plan.

### **PARTICIPANTS OF THE PLAN**

The Plan is open solely to (i) active firefighters of the City of Ocala and (ii) retirees and their surviving beneficiaries under the predecessor City of Ocala Employees Retirement Plan and the City of Ocala Firefighters Supplemental Pension Fund. There is no period of minimum employment prior to eligibility for membership, provided that a firefighter must have completed an enrollment form and submitted any other information required by the Board.

A firefighter is any person employed full time in the Ocala Fire Department, who is certified as a condition of employment in accordance with the provisions of Section 633.35 408, Florida Statutes, and whose duty is to extinguish fires, and to protect life and property. This definition includes all supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full time firefighters. All full time firefighters of the City of Ocala must participate in this Plan.

Plan membership consists of two tiers. Effective November 1, 2015, all members within 5 years of normal retirement under the Rule of 70 will be entitled to Component A benefits. Members who were not within 5 years of normal retirement under the Rule of 70 as of November 1, 2015, are entitled to Component B benefits. Plan benefits depend on what "Component" a member falls into, this information can be located in the "Pension Plan Benefits" section of this ~~booklet~~ SPD on Page 4.

## **PLAN CONTRIBUTIONS**

Each active member of the Plan contributes 8.17% of their salary to fund the Plan. This contribution is accomplished through what is known as a "pick up" plan. A pick up plan provides for the withdrawal from a member's pay of the 8.17% member contribution prior to the time that the pay is subjected to federal income taxation. The money is then placed directly in the Plan on behalf of the member by the City.

The purpose of the pick up plan is to allow a member to defer taxation on the contribution until such time as a member's actually receives a pension. The pick up mechanism is authorized pursuant to the City Code and the provisions of Section 414(h)(2) of the Internal Revenue Code.

## **RETIREMENT ELIGIBILITY**

Members are eligible to retire and receive a normal service retirement benefit after the earlier of the date:

- The member reaches age 55 and has completed 10 years of credited service;
- When the sum of the member's age and years of service equal 70 ~~whichever occurs first;~~ or
- Completion of 25 years of service, regardless of age.

There is no mandatory retirement age under the Plan.

A service retirement benefit shall be payable on the first day of each month. The payments begin on the first day of the month coincident with or next following the member's actual retirement date.

## **EARLY RETIREMENT ELIGIBILITY**

Early retirement is available upon the attainment of age 50 and the completion of 10 years of continuous credited service. There will be an early retirement reduction of 2% for each year at which the early retirement date precedes the normal retirement date. Early retirement benefits are payable on the first day of each month. The payments begin on the first day of the month coincident with or next following the member's actual retirement.

## OPTIONAL FORMS OF PAYMENT

Pensions may be paid in a number of ways.

1. **Normal Form.** Unless the member elects otherwise, the member will receive the normal form of retirement benefit which is a pension benefit for life with 120 guaranteed payments to the member's spouse or designated beneficiary. If the member dies prior to receiving at least 120 monthly payments, the remainder of such 120 monthly payments will be made to the member's spouse or beneficiary until a total of 120 monthly payments have been made to the member and his or her beneficiary or spouse. Thereafter, payments shall continue 50% for the lifetime of the spouse. If no beneficiary is living at the time of the member's death, the balance of the 120 guaranteed monthly payments will be paid into the member's estate.
2. **Joint and Survivor Option.** Instead of the normal form of benefit as set forth above, a member may choose another method of payment. The member may choose to receive an actuarially equivalent benefit which continues at the rate of 100%, 75%, 66 2/3%, or 50% after the member's or joint annuitant's death for the remainder of the life of the survivor.
3. **Life Annuity.** A member may elect to receive an actuarially increased benefit payable to the member for his or her lifetime only. Upon the death of the member, all payments cease with no payment to the beneficiary or member's estate.

## PENSION PLAN BENEFITS

The following benefits are available from the Plan. Component A and Component B members have the same benefits except for the following difference outlined below.

### COMPONENT A BENEFITS:

**Earnable compensation** means a member's total compensation from the City for services rendered and includes base salary, pick-up contributions, assignment pay, and educational incentive.

**Final monthly compensation** means a member's average monthly rate of earnable compensation from the City during the 3 consecutive years of employment which is greatest within the last 5 years of employment.

### COMPONENT B BENEFITS:

Earning compensation means a member's base salary, state educational incentive pay, and up to 300 hours of overtime pay per ~~fiscal~~ calendar year, excluding all other compensation, provided that member's accrued benefit on the effective date shall not be reduced.



**Final monthly compensation** means a member's average monthly rate of earnable compensation from the City during the highest 5 years of the last 10 years of employment.

The benefits below apply to both Component A and Component B members:

**Normal Retirement Benefits.** Upon reaching normal retirement age, members are entitled to a monthly retirement benefit equal to 3% of final average monthly compensation multiplied by the number of years of credited service, with a maximum of 31 years of credited service. In the event a member has combined service as a general employee and firefighter, the benefit shall be determined using the appropriate multiplier for each completed year and month in the applicable class of employment and the respective pension plans shall co-ordinate benefits, provided a member has attained a vested interest in this Plan.

A member who completes 10 years of credited service becomes fully vested in the Plan. This means that no further service is required in order to receive a pension upon reaching early or normal retirement age. Instead of waiting until the member reaches retirement age, the member may elect to receive a lump sum refund of accumulated member contributions. A member electing a refund of accumulated member contributions shall forfeit the right to receive any other benefits from the Plan.

Each member or designated beneficiary shall be guaranteed the payment of benefits at least equal in total amount to 120 payments if Normal Service Retirement is chosen.

**Early Retirement Benefits.** Early retirement benefits are available for a member who has completed 10 years of credited service and is age 50. Early retirement benefits may be taken in either of two ways, as an immediate payment or a deferred payment.

A member may elect to begin receiving early retirement benefits following the member's early retirement date, subject to a 2% reduction for the number of years and months prior to the normal retirement date. In other words, the early retirement reduction is 2% for each year that the early retirement date precedes the normal retirement date.

A member electing to defer payment of an early retirement benefit until normal retirement age will receive the full normal retirement benefit, without any early retirement reduction. Normal retirement age is the date upon which the member is age 55 with 10 years of credited service, or the date when the sum of age and years of service equal 70, or the completion of 25 years of service, regardless of age.

The payment of the early retirement income shall be subject to the same conditions as normal retirement income. In the event a member elects early retirement, the benefit formula in effect on the early retirement date shall be applicable to the member.

**Deferred Retirement Option Plan (DROP).** Participation may start on the first day of any month following eligibility for normal retirement. Maximum participation is 60 months. Member must separate from service at the conclusion of the 60 months; however, there is no minimum period of DROP participation.

Upon entry in DROP, the final calculation is calculated. There will be no more contributions to the Plan by the member or accrual of credited service. The member's benefit shall be based on the Plan in effect at time of entry into the DROP. If a member becomes disabled or dies while in DROP, the member shall retire on a service retirement effective the day prior to death or disability. The money in the DROP account will be invested according to investment policy. Component A members who leave the DROP money in the plan will earn 1% less than the actuarial assumption rate of return. Component A members who chose the fixed rate option consent to a change in the rate of return if the Board changes the assumed rate. Component B members will earn interest based on a sliding scale and will earn a minimum rate of 1% and a maximum rate of 3%, based on the Plan's annual 10-year average return.

The member may also elect to participate in the BAC-DROP which is an actuarially reduced amount together with a lump sum payment. A member who elects to participate in the BAC-DROP must separate from service not later than the first day of the month following election of the BAC-DROP.

### **BUY BACK FOR MILITARY AND PRIOR SERVICE**

**Buy Back for Military & Prior Service.** Any member with military service in the Armed Forces of the United States prior to employment with the City shall be credited with up to 5 years of service credit if the:

- (a) Member is an active employee of the City immediately before military service and leaves a position other than a temporary position, for the purpose of voluntary or involuntary service;
- (b) Member is entitled to reemployment under the Uniformed Services Employment and Reemployment Rights Act; and
- (c) Member returned to his or her employment as a firefighter within 1 year after the date of release from active service.

Any member with prior military service may purchase up to 5 years of service credit by contributing to the Plan the full actuarially determined cost for that service. Members have the option to treat the prior service for vesting purposes or only for benefit accrual purposes.

At any time prior to retirement, members shall be permitted to purchase up to 5 years of prior creditable service as a full-time firefighter. Prior service purchased under this section shall count as accrual but not as vesting. No service may be purchased if this time will also be used for current or future benefits in another plan. Member shall pay with a qualified rollover or a lump-sum payment within one year from application.

## **DISABILITY RETIREMENT**

A pension may be payable to a member who becomes disabled while employed as a firefighter in the City fire department. Eligibility and the amount of the pension are dependent on whether or not the disability occurred in the line of duty.

The disability must arise from a mental or physical illness, disease or injury which totally and permanently prevents the member from performing useful and efficient service as a City firefighter. No firefighter is permitted to retire under a disability retirement until examined by a duly qualified physician or surgeon to be selected by the Board and the physician or surgeon finds the member to be disabled from performing the functions of a firefighter. The final determination of disability is made by the Board.

If a disability results from excessive and habitual use of drugs, intoxicants or narcotics; willful and illegal participation in fights, riots or civil insurrection; while committing a crime; injury or disease sustained while serving in any nation's armed forces; after employment has been terminated; or as a result of a self-inflicted injury or death, no disability pension can be awarded.

The Board shall have the continuing right to require any disabled member to submit to a medical examination to determine that the member remains disabled. In order for a member to be deemed recovered, the medical committee appointed by the Board must recommend to the Board that the member has sufficiently recovered to again engage in the duties of a firefighter, and that the City has certified that it has a position within the City available for the member consistent with the member's medical condition. A member is not eligible to receive disability benefits from the Plan during any period of time that the member is receiving a salary from the City.

### **Line of Duty Disability.**

A service-incurred disability benefit is paid in equal monthly installments in an amount equal to 42% of the member's final monthly compensation as of the date of disability retirement, together with any additional accrued benefits in excess 42% which have been earned by the member as the result of additional service.

Payment of disability benefits does not begin until the Board has actually considered and voted upon entitlement to disability. Disability retirement income shall continue until the death of the member or recovery from disability. In the event of the death of a member who is retired on a disability benefit, and who has not received 120 payments, the remaining unpaid benefits shall be paid to a designated beneficiary selected by the member and communicated to the Board on the form prescribed by the Board provided that Normal Service Retirement was chosen.

In order for a member to be deemed recovered, the medical committee appointed by the Board must recommend to the Board that the member has sufficiently recovered to again engage in the duties of a firefighter, and that the City has certified that it has a position within the City available for the member consistent with the member's medical condition. A member is not eligible to receive disability benefits from the Plan during any period of time that the member is receiving a salary from the City.

**Non-Line of Duty Disability.** A member shall be eligible for a non-service incurred disability retirement upon the completion of 10 years of credited service.

A non-service incurred disability benefit shall be paid on the same basis as normal retirement in an amount equal to the member's accrued benefit on the date of disability, but shall be not less than 30% of final monthly compensation. The payment of a non-service disability benefit shall be subject to the same conditions as a service-connected disability.

### **COST OF LIVING ADJUSTMENT**

**Cost of Living Adjustment (COLA).** Following the consolidation of the Plan, a cost of living (COLA) benefit was created. The COLA is funded from four sources: (a) .50% from member contributions, (b) half of all Chapter 175 premium tax revenue in excess of \$200,000, (c) investment gains on COLA assets, and (d) the balance of the Chapter 175 premium tax reserve account as of September 30, 2015, minus 1 million applied to the unfunded actuarial accrued liability of the Plan.

The COLA benefit distribution will be determined by the Board, based solely on available COLA assets and the recommendation of the actuary for the Plan, in accordance with Florida laws, using generally accepted actuarial principles and prudent reserves. No COLA distribution may be made in the absence of assets in the COLA Fund to provide for its payment.

### **SHARE PLAN CREATED**

Pursuant to Florida law, Section 175, there has been a separate member "share plan" created for each member of the Plan. The share plan is currently unfunded.

### **CHANGES TO MY BENEFIT/BENEFICIARY SELECTION**

A member entitled to a normal or early service retirement benefit shall have the right at any time prior to the date the first payment is received to elect to have the benefit paid under one of the optional forms of payment provided in the Plan. If a member has elected an option with a joint pensioner or beneficiary and his or her retirement income benefits have commenced, he or she may thereafter change the designated joint pensioner or beneficiary but only if the Board consents to such change and if the joint pensioner last previously designated by the member is alive when he or she files a request for such change with the Board. The consent of a member's joint pensioner or beneficiary to any such change shall not be required. The Board may request such evidence of the good health of the joint pensioner that is being removed as it may require and the amount of the retirement income payable to the member upon the designation of a new joint pensioner shall be actuarially re-determined taking into account the ages and sex of the former joint pensioner, the new joint pensioner, and the member.

A designated beneficiary may be any natural person. If the designated beneficiary is not the spouse of the member, the spouse must consent to the designation, and such consent must be notarized.

In the event that a designated beneficiary dies before the member or in the case of dissolution of marriage where the spouse is the designated beneficiary, the member may designate a new beneficiary. No replacement beneficiary may receive a benefit which is greater than the actuarial equivalent of the benefit which would have been paid to the person named as designated beneficiary at the time of the member's death.

### **REEMPLOYMENT AFTER RETIREMENT**

Members who retire under Normal Retirement conditions or who have separated from employment after DROP participation, may be reemployed by the City in a position that is covered under this Plan. Upon reemployment, the member may continue to receive his or her retirement benefits from the Plan, including payments from the member's DROP account, when applicable. These distributions are treated as "in-service distributions" for Internal Revenue Code purposes. Reemployed retirees will become a contributing member of the Plan for his or her period of reemployment and will be 100% vested in any benefits earned during the reemployment period. Certain exclusions apply to a member hired for the position of Fire Chief.

### **DEATH BEFORE RETIREMENT**

If a member dies prior to retirement, benefits are payable to the member's spouse or surviving beneficiary. If a member dies before completing 10 years of service, a death benefit is payable to the spouse or designated beneficiary in an amount equal to the member's accumulated member contributions, without interest. If a member dies before retirement but after 10 years of creditable service, the designated beneficiary is entitled to receive either (i) the member's accrued benefit payable for 120 months, or (ii) 50% of the member's average monthly earnings payable to the spouse for life.

In the event of non-service incurred death of a member who is eligible for early or normal retirement, the member shall be deemed to have retired on the date of death, and the benefit shall be either (i) the member's retirement benefit payable for 120 months to the designated beneficiary, or 50% of the member's retirement benefit, payable to the spouse for life.

### **FORFEITABILITY OF PENSION PLAN BENEFITS**

As discussed above, if you separate from service before you vest, you will not receive any benefits from the Plan, although you are entitled to a refund of your member contributions. In addition, benefits are forfeitable pursuant to the provisions of Section 112.3173, Florida Statutes, which provides for the forfeiture of retirement benefits of persons convicted of specific offenses.

The City shall have no right, title or interest in the assets of the Plan, and no contribution made by the City shall revert to the City, except such part of the Plan, if any, which remains therein after the satisfaction of all liabilities to persons entitled to benefits under the Plan.

### **PENSION BENEFITS SUBJECT TO CLAIMS FOR ALIMONY, CHILD SUPPORT, OR ANY OTHER CREDITOR**

The Plan is a governmental plan, and therefore, is not subject to Qualified Domestic Relations Orders ("QDROs") under federal law, or court orders to effectuate an equitable distribution of marital assets.

The Plan is subject to 61.1301, Florida Statutes, entitled Income Deduction Orders ("IDOs"). Section 61.1301 is limited to the collection of alimony and child support. Therefore, if the Plan receives an IDO for alimony or child support, the Plan will comply with the Order. Additionally, pension benefits may be distributed by using an "Order Distributing Marital Interest in a Public Retirement Plan." A copy of this order may be obtained from the Plan Manager.

Effective January 1, 2019, changes in the federal tax laws have eliminated tax deductions for alimony if a marriage was dissolved or a property settlement agreement was made on or after January 1, 2019. Modifications to existing orders or agreements on or after January 1, 2019, may be tax deductible if both parties agree.

### **PENSION BENEFITS ARE TAXABLE**

Service retirement payments and non-duty disability pensions are taxable as ordinary income. The retiree will receive a tax form from the Plan at the end of each January reporting the income received in the prior year. Service-connected disability retirement pensions, coordinated with Worker's Compensation, are generally considered to be tax exempt up to the minimum benefit 42%. For specific tax advice you should consult a qualified tax expert.

### **APPLYING FOR BENEFITS**

Application for service retirement benefits is made by filing an application form with the Plan Manager. Application for disability retirement requires the completion of a disability application form and submission to such medical exams as may be required by the Board. All applications may be obtained from the Plan Manager.

If an error in retirement benefits is discovered and result in any member or beneficiary receiving from the retirement plan more or less than they would have been entitled to receive had the records been correct, the board shall have the power to correct such error and, as far as possible, adjust the payments in such a manner that the actuarial equivalent of a benefit to which such member or beneficiary was correctly entitled to shall be paid.

If a member is dissatisfied with the result of any benefit application brought before the Board, the member has the opportunity to appeal that decision within 30 days of the date of any written decision by the Board by filing a petition for common law certiorari in the circuit court of Marion County, Florida.

### **ON WHAT BASIS ARE PLAN RECORDS KEPT?**

The Board keeps accurate and detailed accounts of all investments, receipts, disbursements, and other transactions pertaining to Plan property. The Board's Secretary keeps a record of all its proceedings and they are available for public inspection. The Board's meetings are open to the public, under the Government-in-the-Sunshine Law.

### **ARE THERE COLLECTIVE BARGAINING AGREEMENTS THAT GOVERNS THIS PLAN?**

From time to time, the Union representing the firefighters and the City have negotiated Plan changes. Any contract provision must be made effective by changing the ordinances which govern this Plan.

### **FEDERAL INCOME TAX CONSEQUENCES**

The Plan is intended to qualify under Section 401 of the Internal Revenue Code as a qualified plan. It is important that you consult qualified experts to determine whether you must pay taxes on the pension benefits you receive.

### **SUMMARY**

The foregoing Summary Plan Description has been designed to help answer some of your questions about how your Plan is organized and managed. Your pension benefits are an important part of your member compensation. If you have any questions concerning your rights under the Plan you are encouraged to write to the Board.

**EXHIBIT "A"**

**BOARD OF TRUSTEES**

Chairman: Robert Davis  
201 S.E. 3rd Street  
Ocala, FL 34471

Trustee: John Dozier  
201 S.E. 3rd Street  
Ocala, FL 34471

Trustee: Glen Fiorello  
201 S.E. 3rd Street  
Ocala, FL 34471

Trustee: Justin Hardy  
201 S.E. 3rd Street  
Ocala, FL 34471

Trustee: Joshua Phillips  
201 S.E. 3rd Street  
Ocala, FL 34471



**EXHIBIT "B"**

**ACTUARIAL DATA**