

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, INCORPORATING IN THE CODE OF ORDINANCES THE APPROPRIATE PENSION PROVISIONS OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE BROWARD COUNTY POLICE BENEVOLENT ASSOCIATION, INC. AND THE CITY OF HOLLYWOOD COVERING THE PERIOD FROM OCTOBER 1, 2005 TO SEPTEMBER 30, 2008; ADOPTING CERTAIN MINIMUM PENSION BENEFITS AND STANDARDS REQUIRED BY CHAPTER 185, FLORIDA STATUTES.

WHEREAS, the City of Hollywood, Florida and the Broward County Police Benevolent Association, Inc. have entered into a Collective Bargaining Agreement (the "Agreement") covering the period from October 1, 2005 to September 30, 2008; and

WHEREAS, the Agreement contains several changes to the Police Officer's Retirement System; and

WHEREAS, it is necessary to incorporate the changes to the Police Officer's Retirement System in the Code of Ordinances;

WHEREAS, Florida Statutes Chapter 185 requires certain minimum benefits and minimum standards for pension plans to receive funds from the Police and Firefighters' Premium Tax Trust Fund;

WHEREAS, pursuant to Section 33.138 of the Code of Ordinances, the subchapter of Chapter 33 titled "Police Officer's Retirement System" can be amended by a 5/7 vote of the City Commission and a 50% plus one vote of the active members of the Police Officer's Retirement System;

WHEREAS, 50% of the active members of the Police Officer's Retirement System have approved the amendments contained in this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

(Coding: Words and figures underscored are additions to existing law; words and figures ~~struck through~~ are deletions.)

Section 1: That Section 33.128 of the Code of Ordinances is hereby amended, effective retroactive to October 1, 2000, to read as follows:

TITLE III: ADMINISTRATION

* * *

CHAPTER 33: CITY EMPLOYEES

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RETIREMENT

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POLICE OFFICER'S RETIREMENT SYSTEM

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§ 33.128 NORMAL RETIREMENT

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(B) *Normal retirement benefit.*

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(2) Duration, survivor, benefits. Effective October 1, 2000, a A member retiring hereunder on his or her normal retirement date shall receive a monthly benefit which shall commence with his or her normal retirement date and be continued thereafter during his or her lifetime as follows; ~~upon his or her death after receiving retirement benefits for a period of ten years or more, 50% of the full retirement benefit shall be continued to his or her spouse until the earlier of her or his death or remarriage. No widow(er) of any deceased pensioner shall be eligible for such benefit unless she or he shall have been married to such deceased member prior to his or her retirement. In the event a member dies after retirement but before receiving retirement benefits for a period of ten years, the same monthly benefit will be paid to the beneficiary (or beneficiaries) as designated by the Police Officer for the balance of such ten-year period, or, if no beneficiary is designated, to the estate of the Police Officer.~~

(a) Member is unmarried at time of retirement. If the member is not married on the member's retirement date and the member dies after retirement but prior to receiving 120 payments, then the balance of the 120 payments shall be paid either to the beneficiary (or beneficiaries) as designated by the member, or, if all beneficiaries are deceased or if no beneficiaries are designated by the member, to the member's estate.

(b) Member is married at time of retirement and member's spouse

is sole beneficiary.

1. If the member is married on the member's retirement date, the member's spouse is the sole beneficiary, and the member dies after retirement but prior to receiving 120 payments, then the balance of the 120 payments shall be paid either to the member's spouse, if alive, or to the member's estate. If the member's spouse is alive and unmarried after receipt of the 120th payment, then the monthly payment to the member's spouse shall be reduced by 50% until the earlier of either the spouse's death or remarriage.

2. If the member is married on the member's retirement date, the member's spouse is the sole beneficiary, and the member dies after receiving 120 payments, then the member's spouse, if alive, shall receive a monthly payment equal to 50% of the member's monthly payment until the earlier of either the spouse's death or remarriage.

(c) Member is married at time of retirement and member's spouse is not a designated beneficiary. If the member is married on the member's retirement date, the member's spouse is not a designated beneficiary, and the member dies after retirement but prior to receiving 120 payments, then the balance of the 120 payments shall be paid to the member's beneficiary (or beneficiaries) pro-rata as designated by the member, or, if all beneficiaries are deceased or if no beneficiaries are designated by the member, to the member's estate.

(d) Member is married at time of retirement and member designates multiple beneficiaries, including member's spouse. If the member is married on the member's retirement date, the member designates multiple beneficiaries, including the member's spouse, and the member dies after retirement but prior to receiving 120 payments, then the balance of the 120 payments shall be paid to the member's beneficiaries pro-rata as designated by the member, or, if all beneficiaries are deceased or no beneficiaries are designated by the member, to the member's estate.

(e) No surviving spouse of a deceased member shall be eligible for the 50% survivor's benefit provided in sub-subparagraphs (b)1 or (b)2 above unless the deceased member was married on the member's retirement date. A surviving spouse who married the member after the member's retirement date shall be eligible for this 50% survivor's benefit only if the member, during his or her retirement, designated said spouse as sole beneficiary pursuant to subsection 33.127(C).

(C) *Disability.*

(1) Service-incurred. Any member who receives a medically substantiated service-connected injury, disease or disability, as determined by the medical board, which injury, disease or disability permanently incapacitates him or her, physically or mentally, from his or her regular and continuous duties as a Police Officer, shall receive a monthly benefit equal to the greater of his or her accrued benefit on the date of disability, based on

the applicable benefit rate set forth in subdivision (B)(1) of § 33.128, or 50% of his or her earnings in effect on the date of disability. Such benefit shall commence on the 91st day following the date of disability and shall continue until the earlier of death or recovery from disability; ~~provided, however, that upon death prior to recovery of a disabled member, his or her spouse shall receive, until his or her death or remarriage, a monthly benefit equal to 50% of the amount the disabled member was receiving from the fund at the time of his or her death. Upon remarriage or death of the spouse, the benefit shall be paid to the surviving children until the youngest child reaches the age of 18. If the member has designated (or beneficiaries), the beneficiary (or beneficiaries), upon death prior to recovery of the disabled member and prior to the member's having received the benefit for a period of ten years, shall receive, for the balance of such ten-year period, the same benefit that the member had received. If the member has designated his or her spouse as the beneficiary, upon death prior to recovery of the disabled member and prior to the member's having received the benefit for a period of ten years, the spouse shall select either the above-described benefit for a spouse and surviving children or the above-described benefit for a designated beneficiary. In the event of recovery prior to the otherwise normal retirement date, credit for service during the period of disability shall be granted for purposes of subsequent retirement benefits.~~

(a) If the member is not married as of his or her date of disability and he or she dies after retirement but before receiving retirement benefits for a period of ten years, the same monthly benefit will be paid to the beneficiary (or beneficiaries) as designated by the member for the balance of such ten-year period, or, if no beneficiary is designated, to the estate of the member.

(b) If the member is married as of his or her date of disability, the member fails to designate a beneficiary or designates a beneficiary or beneficiaries at least one of whom is not his or her spouse, and the member dies after retirement but before receiving retirement benefits for a period of ten years, the same monthly benefit will be paid to the beneficiary (or beneficiaries) as designated by the member for the balance of such ten-year period, or, if no beneficiary is designated, to the estate of the member.

(c) If the member is married as of his or her date of disability, the member designates his or her spouse as his or her sole beneficiary, and the member dies after retirement but before receiving retirement benefits for a period of ten years, the same monthly benefit will be paid to his or her spouse for the balance of such ten-year period and, at the end of such ten-year period, 50% of the same monthly benefit shall be continued to his or her spouse until the earlier of her or his death or remarriage. No widow(er) of any deceased pensioner shall be eligible for the 50% survivor's benefit provided in this subparagraph (c) unless she or he shall have been married to such deceased member prior to his or her date of disability.

(d) If the member is married as of his or her date of disability, the member designates his or her spouse as his or her sole beneficiary, and the member dies after receiving retirement benefits for a

period of ten years or more, 50% of the same monthly benefit shall be continued to his or her spouse until the earlier of her or his death or remarriage. No widow(er) of any deceased pensioner shall be eligible for the 50% survivor's benefit provided in this subparagraph (d) unless she or he shall have been married to such deceased member prior to his or her date of disability.

(2) Non-service incurred. Any member with five or more years of continuous service who receives a non-service incurred injury, illness, disease or disability, and which illness, injury, disease or disability permanently incapacitates him or her physically or mentally from his or her regular and continuous duty as a Police Officer, shall receive from the fund in equal monthly installments an amount equal to 2½% of his or her average monthly earnings for each year of continuous service. Until normal retirement date, death or recovery from disability, whichever shall first occur, the amount of such monthly disability benefit shall in no event be less than 25% of the member's earnings in effect on date of disability. Commencing with normal retirement date, the benefit shall be computed as a normal retirement benefit, except that continuous service shall include all years and completed months during the disability period. The benefit shall commence on the 91st day following the date of disability. ~~In the event of death prior to the normal retirement date of a person receiving this benefit, the spouse shall receive the same amount as the disabled person was receiving until the earlier of the spouse's death or remarriage; provided, however, that if the disabled person has designated a beneficiary (or beneficiaries), the disabled person had ten or more years of credited service at the time he or she received the non-service incurred injury, illness, disease or disability, and the disabled person dies prior to recovery and prior to having received this benefit for a period of ten years, the disabled person's designated beneficiary (or beneficiaries) shall receive the same benefit for the balance of such ten-year period. If the disabled has designated his or her spouse as the beneficiary, the disabled person had ten or more years of credited service at the time he or she received the non-service incurred injury, illness, disease or disability, and the disabled person dies prior to recovery and prior to having received this benefit for a period of ten years, the spouse shall select either the above-described benefit for a spouse or the above-described benefit for a designated beneficiary.~~

(a) If the member is not married as of his or her date of disability and he or she dies after retirement but before receiving retirement benefits for a period of ten years, the same monthly benefit will be paid to the beneficiary (or beneficiaries) as designated by the member for the balance of such ten-year period, or, if no beneficiary is designated, to the estate of the member.

(b) If the member is married as of his or her date of disability, the member fails to designate a beneficiary or designates a beneficiary or beneficiaries at least one of whom is not his or her spouse, and the member dies after retirement but before receiving retirement benefits for a period of ten years, the same monthly benefit will be paid to the beneficiary (or beneficiaries) as designated by the member for the balance of such ten-year period, or, if no beneficiary is designated, to the estate of the member.

(c) If the member is married as of his or her date of disability, the member designates his or her spouse as his or her sole beneficiary, and the member dies after retirement but before receiving retirement benefits for a period of ten years, the same monthly benefit will be paid to his or her spouse for the balance of such ten-year period and, at the end of such ten-year period, 50% of the same monthly benefit shall be continued to his or her spouse until the earlier of her or his death or remarriage. No widow(er) of any deceased pensioner shall be eligible for the 50% survivor's benefit provided in this subparagraph (c) unless she or he shall have been married to such deceased member prior to his or her date of disability.

(d) If the member is married as of his or her date of disability, the member designates his or her spouse as his or her sole beneficiary, and the member dies after receiving retirement benefits for a period of ten years or more, 50% of the same monthly benefit shall be continued to his or her spouse until the earlier of her or his death or remarriage. No widow(er) of any deceased pensioner shall be eligible for the 50% survivor's benefit provided in this subparagraph (d) unless she or he shall have been married to such deceased member prior to his or her date of disability.

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(D) *Pre-retirement death.*

~~(1) Death with at least ten years of service. If a member having at least ten years of continuous service dies prior to retirement, his or her beneficiary is entitled to the benefits otherwise payable to the member at early or normal retirement age; provided, however, that the amount of the monthly benefit shall be the greater of the member's accrued benefit at the time of death or the benefit otherwise payable under (D)(2) or (D)(3) below, as applicable.~~

(a) If a member having at least ten years of continuous service dies prior to retirement, his or her beneficiary is entitled, until death, to a monthly benefit equal to the greater of the earned benefit or the benefit otherwise payable under (D)(2) or (D)(3) below, as applicable; provided, however, that, if the beneficiary dies before having received such benefit for a period of ten years, the estate of the member is entitled to the same monthly benefit for the balance of such ten-year period.

(b) If a member having at least ten years of continuous service dies prior to retirement and fails to designate a beneficiary, the estate of the member is entitled, for a period of ten years, to a monthly benefit equal to the greater of the earned benefit or the benefit otherwise payable under (D)(2) or (D)(3) below, as applicable.

(2) Service incurred death with less than ten years of service. A death benefit shall be payable in behalf of any member having less than ten years of continuous service who is killed or dies within five years as a direct result of an occurrence arising in the performance of service. The benefits shall be payable as follows:

(a) If the member is not married at the time of his or her death, his or her beneficiary is entitled, until death, to a monthly benefit equal to 50% of the member's earnings at the time of death; provided, however, that, if the beneficiary dies before having received such benefit for a period of ten years, the estate of the member is entitled to the same monthly benefit for the balance of such ten-year period. ~~To the widow(er), until the earlier of death or remarriage, a monthly benefit equal to 50% of the member's earnings at the time of death.~~

(b) If the member is not married at the time of his or her death and fails to designate a beneficiary, the estate of the member is entitled, for a period of ten years, to a monthly benefit equal to 50% of the member's earnings at the time of death. ~~If there be no widow(er), the benefit shall be paid to the member's surviving children, until the youngest child reaches the age of 18 years.~~

(c) If the member is married at the time of his or her death, his or her spouse is entitled, until the earlier of death or remarriage, to a monthly benefit equal to 50% of the member's earnings at the time of death. Upon remarriage or death of the widow(er), the benefit shall be paid to the member's surviving children until the youngest child reaches the age of 18 years. If the monthly benefit to the widow(er) and/or surviving children ceases before benefit payments have been made for a total of ten years, the estate of the member is entitled to the same monthly benefit for the balance of such ten-year period.

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(3) Non-service incurred death with less than ten years of service. A death benefit shall be payable in behalf of any member having less than ten years of service who is killed or dies within five years from causes not related to performance of duty. The benefits shall be payable as follows:

(a) If the member is not married at the time of his or her death, his or her beneficiary is entitled, until death, to a monthly benefit equal to 25% of the member's earnings at the time of death; provided, however, that, if the beneficiary dies before having received such benefit for a period of ten years, the estate of the member is entitled to the same monthly benefit for the balance of such ten-year period. ~~To the widow(er) until the earlier of death or remarriage, a monthly benefit equal to 25% of the member's earnings at the time of death.~~

(b) If the member is not married at the time of his or her death and no beneficiary is designated, the estate of the member is entitled, for a period of ten years, to a monthly benefit equal to 25% of the member's earnings at the time of death. ~~If there be~~

~~no widow(er) the benefit shall be paid to the member's surviving children, until the youngest child reaches the age of 18 years.~~

(c) If the member is married at the time of his or her death, his or her spouse is entitled, until the earlier of death or remarriage, to a monthly benefit equal to 25% of the member's earnings at the time of death. Upon remarriage or death of the widow(er), the benefits shall be paid to the member's surviving children until the youngest child reaches the age of 18 years. If the monthly benefit to the widow(er) and/or surviving children ceases before benefit payments have been made for a total of ten years, the estate of the member is entitled to the same monthly benefit for the balance of such ten-year period.

(4) For the purpose of benefits under this paragraph (D) ~~act~~, the date of death of any Member shall be established as the end of the calendar month in which such member dies.

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Section 2: That Section 33.139 of the Code of Ordinances is hereby amended, effective retroactive to October 1, 2000, to read as follows:

TITLE III. ADMINISTRATION

* * *

CHAPTER 33: CITY EMPLOYEES

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RETIREMENT

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POLICE OFFICER'S RETIREMENT SYSTEM

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§ 33.129 OPTIONAL FORMS OF RETIREMENT INCOME.

Each member up to the time of actual retirement, who is entitled to a regular normal retirement benefit shall have the right at any time prior to his or her actual retirement to elect to have such benefit payable by any one of the options hereinafter set forth in lieu of the retirement benefits otherwise provided herein, and revoke any such elections and make a new election at any time prior to actual retirement. The value of optional retirement benefits shall be actuarially equivalent to the value of benefits otherwise payable. The

member shall make such an election by written request to the Board and such an election shall be subject to the approval of the Board.

* * *

~~(B) *Option 2: 10 Years Certain and Life Thereafter.* A retiring member may elect to receive a retirement benefit with 120 monthly payments guaranteed. If, after retiring, the member should die before said 120 monthly payments are made, payments are then continued to his designated beneficiary until 120 payments in all have been made, at which time benefits cease. After expiration of the certain period, should the retired member be then alive, payments shall be continued during his remaining lifetime.~~

(B C) *Other.* In lieu of the other optional form forms enumerated in this section, retirement benefits may be paid in any form approved by the Board so long as actuarial equivalence, as certified by the Board's actuary, with the benefits otherwise payable is as maintained.

Section 3: That Section 33.133 of the Code of Ordinances is hereby amended to read as follows:

TITLE III. ADMINISTRATION

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CHAPTER 33: CITY EMPLOYEES

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POLICE OFFICER'S RETIREMENT SYSTEM

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§ 33.133 SPECIAL PROVISIONS REGARDING MEMBERS IN MILITARY SERVICE.

(A) Any member of this system created by this subchapter who enlists ~~while the United States is in any armed conflict, whether by or as a result of a declaration of war, or while the United States is an active combatant,~~ or any such member who is involuntarily called into active service of the military with any branch of the Army of the United States, the United States Navy, United States Air Force, the United States Marine Corps, or the United States Coast Guard, shall be entitled to preserve all rights and privileges under this subchapter. However, any such member who becomes disabled or dies while in the military service shall not be entitled to service-incurred disability or service incurred death benefits.

(B) The period of active military service shall, for the purposes of computation to

determine whether such member may be entitled to retirement under this subchapter, be deemed continuous service in the Police Department of the city and shall be credited as part of such actual service; provided that any military service served after one year from the date hostilities cease, shall not be considered creditable pension time unless the member satisfactorily proves to the Board of Trustees that such military service was compulsory and not voluntary on his part; and provided further, that credit for military service during time other than when the United States is at war or in a state of national emergency shall be limited to a maximum of five ~~three~~ years.

(C) A member of the Police Department ~~shall~~ may be entitled to credit for service in the armed forces under certain conditions:

(1) He or she must have been in the active employ of the city ~~a member of the Department prior to before his military~~ such service and must have left a position, other than a temporary position, for the purpose of voluntary or involuntary service in the armed forces.

(2) He or she must be entitled to reemployment under the provisions of the Uniformed Services Employment and Reemployment Rights Act ~~have received a certification of honorable discharge (or medical discharge) upon completion of such military service.~~

(3) He or she must return to his or her employment as a Police Officer ~~make application for reinstatement within 1 year 30 days~~ after he or she is released from active duty in the military service. He or she shall be reinstated by the Police Department of the city to such position or a position of like seniority, status and pay, and shall not be penalized in any way for such military service.

Section 4: That, effective retroactive to June 7, 2006, Section 33.126 of the Code of Ordinances is hereby amended to read as follows:

TITLE III: ADMINISTRATION

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CHAPTER 33: CITY EMPLOYEES

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RETIREMENT

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POLICE OFFICER'S RETIREMENT SYSTEM

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§ 33.126 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires different meaning.

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EARNINGS. Earnings for any year shall be the sum of the following amounts actually paid to a member in that year: salary; overtime pay, not to exceed 223 hours of overtime pay for the period from June 7, 2006 through December 31, 2006 and 400 hours of overtime pay for subsequent calendar years; longevity pay; assignment pay; payments for accrued holiday time; payments for accrued blood time; annual "cash-out" payments for accrued vacation time; and payments for accrued compensatory time. Earnings shall not include payments for unused sick time or for unused vacation time which is paid upon retirement or termination.

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Section 5: That Section 33.127 of the Code of Ordinances is hereby amended to read as follows:

TITLE III: ADMINISTRATION

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CHAPTER 33: CITY EMPLOYEES

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RETIREMENT

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POLICE OFFICER'S RETIREMENT SYSTEM

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§ 33.127 ELIGIBILITY.

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(C) *Change in designation of beneficiary.* A member may from time to time change his or her designated beneficiary by written notice to the Board upon forms provided by the Board; no change of beneficiary shall be effective until such written notice has been received by the Board. Upon such change, the rights of all previously designated beneficiaries to receive any benefit under the plan shall cease. Notwithstanding the foregoing, a member who has entered the DROP plan created pursuant to Section 33.128(E) shall be limited to a maximum of two such changes during his or her participation in the DROP plan and retirement. Similarly, a member who retires without participating in the DROP plan shall be limited to two such changes during his or her retirement. Any actuarial cost of a change in designation of beneficiary shall be fully paid by the member or retiree. The actuarial cost shall be calculated based on the remaining value, rather than the initial value, of the member's or retiree's benefits under the plan. In no event shall a change in the beneficiary of a member who has entered the DROP plan or retired result in an increase of such member's or retiree's benefit amount under the plan.

Section 6: That, effective retroactive to June 7, 2006, Section 33.128 of the Code of Ordinances is hereby amended to read as follows:

TITLE III: ADMINISTRATION

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CHAPTER 33: CITY EMPLOYEES

* * *

RETIREMENT

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POLICE OFFICER'S RETIREMENT SYSTEM

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§ 33.128 NORMAL RETIREMENT.

(A) *Normal retirement date.* Effective June 7, 2006, a member may retire on the day he or she attains age 50 or completes 22 years of creditable service. A member may retire on the first day of the month coincident with or next following the attainment

~~of age 50 or on the first day of the month coincident with or next following the completion of 25 years of creditable service.~~

(B) *Normal retirement benefit.*

(1) Amount. The monthly retirement benefit shall be an amount equal to 3% of average monthly earnings times years and completed months of continuous service not exceeding 20 years plus 4% of average monthly earnings times years and completed months of continuous service after 20 years. Effective June 7, 2006, upon completion of 22 years of continuous service, an additional 3 years of continuous service shall be deemed purchased at the 4% accrual rate.; provided however, that the The maximum normal retirement benefit payable to a member whose accrued benefit as of June 7, 2006 is not in excess of 80% of average monthly earnings in any event shall not exceed 80% 88% of average monthly earnings, and the maximum normal retirement benefit payable to a member whose accrued benefit as of June 7, 2006 is in excess of 80% of average monthly earnings shall not exceed the member's accrued benefit as of June 7, 2006. Anything to the contrary herein notwithstanding, a member's accrual rate shall not be less than 2% per year of continuous service.

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(E) *Deferred retirement option plan ("DROP" plan).* A DROP plan is to be created and administered by the Board of Trustees of the Police Officer's Retirement System at no cost and with no liability to the city. Effective June 7, 2006, a member may enter into the DROP on the day he or she attains age 50 or completes 22 years of creditable service. A member may enter into the DROP on the earlier of the first day of any month following the member's 50th birthday, or on the first day of any month following completion of 25 years of credited service. A member who elects to enter the DROP plan shall have no recourse against the city for any claims with respect to the DROP payments or the DROP plan. A member who elects to enter the DROP plan shall have the option to receive a rate of return on his or her DROP account that is equal to the assumed rate of investment return on fund assets. The maximum period of participation in the DROP plan for members who enter the DROP plan after June 7, 2006 shall be the lesser of 8 years or that period of participation in the DROP plan that would result in a total of 30 years of employment with the city. The city employment of each member who elects to participate in the DROP plan after June 7, 2006 shall terminate not later than the end of his or her maximum period of participation in the DROP plan.

(F) *Purchase of additional benefits Senior Buy Out plan.* Effective June 7, 2006, a member who has completed 10 or more years of continuous service and who retires or enters the DROP plan after attaining age 50 shall be allowed to purchase additional pension benefits equal to the lesser of 8% of average monthly earnings or that percent of average monthly earnings that, consistent with Section 33.128(B)(1) above, would result in a total benefit of 80% of average monthly earnings. The full actuarial cost of

these additional benefits shall be paid by the member so that there is no cost to the city or the system. A Senior Buy Out plan is hereby created as follows:

~~(1) Notwithstanding the provisions of division (A) above, a member who, as of October 1, 2002, has attained age 41 and has completed 21 or more years of continuous service may buy credited service. The minimum amount that the member may buy is the amount necessary to bring the member's total continuous service to 25 years, and the maximum amount that the member may buy is the lesser of four years and the amount necessary to bring the member's total continuous service to 27 years.~~

~~(2) The Chief of Police, in conjunction with the Board of Trustees, as appropriate, shall implement the Senior Buy Out plan. All actions taken by the Chief of Police prior to October 1, 2002, the effective date of this subdivision, to implement the plan are hereby ratified. In this regard, the February 18, 2002, deadline for a member to apply to participate is hereby ratified, a member otherwise eligible who failed to meet said deadline shall not be eligible, and the December 31, 2002, deadline for retirement is also hereby ratified.~~

~~(3) Notwithstanding anything to the contrary contained in division (E) above, any member who participates in the Senior Buy Out plan shall not be eligible to participate in the DROP plan.~~

Section 7: That, effective retroactive to October 1, 2006, Section 33.131 of the Code of Ordinances is hereby amended to read as follows:

TITLE III: ADMINISTRATION

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CHAPTER 33: CITY EMPLOYEES

* * *

RETIREMENT

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POLICE OFFICER'S RETIREMENT SYSTEM

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§ 33.131 FINANCING THE SYSTEM.

The fund of the retirement system shall consist of monies derived from the following sources:

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(D) Effective October 1, 2006, members ~~Members~~ of the system shall contribute 8.5% ~~8%~~ of their earnings and shall be entitled to receive the benefits of this system. No further member contributions shall be required from a member after he or she has completed 27 years of continuous service.

Section 8: That Section 33.132 of the Code of Ordinances is hereby amended to read as follows:

TITLE III: ADMINISTRATION

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CHAPTER 33: CITY EMPLOYEES

* * *

RETIREMENT

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POLICE OFFICER'S RETIREMENT SYSTEM

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§ 33.132 BOARD OF TRUSTEES.

The general administration and responsibility for the proper operation of the system and for making effective the provisions of this subchapter are hereby vested in a Board of Trustees consisting of seven members, as follows:

(A) One representative appointed by the Mayor of the city; one representative appointed by the City Commission; and five members of the Police Department who shall be elected by a per capita vote of all members of the Police Department who come within the purview of this subchapter; provided, however, that no person who has entered the DROP plan shall be eligible either to serve as a trustee or to vote for the five elected trustees. The Chief of Police shall be nonvoting, ex-officio member of the Board. All qualified members entitled to vote shall be notified in person or by mail five days in advance of said election. The first election shall be held within 30 days after passage of this subchapter. Five Trustees will be elected at that time. The two receiving the highest number of votes will serve for a term of two years and the remaining three elected will serve for a period of one year. Thereafter, annually, elections shall be held to replace the Trustees whose term of office expires at that time and the elected Trustees shall begin their term of office immediately, said term of office being two years, taking effect the first Monday after the election to said office. The Board of Trustees must meet and organize

and elect one of their members as Chairperson ~~Chairman~~ and one of their members as Secretary within ten days after being elected and duly qualified.

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(8) Each year on or before March 15, the Board of Trustees must submit to the Division of Retirement of the Department of Management Services ~~State Treasurer~~ in order for the fund to receive a share of the State Funds for the then current calendar year an annual report as required by Florida Statutes Section 185.221 ~~the following items. The pension benefit improvements for ten years certain and life thereafter, normal retirement after 22 years of service, upgrade of benefits to 80% after 22 years, a maximum of 8 years' participation in the DROP plan, and the right to purchase additional benefits up to 8% of average monthly earnings contained in Section 33.128 shall be deemed "minimum benefits" or "extra benefits," as those terms are used in Florida Statutes Chapter 185, and the Board of Trustees shall report these improvements as "qualifying benefit improvements," on the "Actuarial Confirmation of the Use of State Moneys" page of the annual reports for the fiscal years ending September 30, 2006 and thereafter. When any of these items would be identical with the corresponding item submitted for a previous year, it will not be necessary to submit duplicate information but to make reference to the item in such previous year's report.~~

~~(a) A certified copy of each and every instrument constituting or evidencing the plan;~~

~~(b) A certified statement of accounting for the most recent fiscal year showing:~~

~~1. A detailed listing of assets; and,~~

~~2. A statement of all income and disbursements reconciled with the assets at the beginning of the year.~~

~~(c) A certified statement listing the investments of the plan and a description of the methods used in valuing the investments;~~

~~(d) A statistical exhibit showing the total number of policemen, the number included in the plan and the number ineligible classified according to the reasons for their being ineligible;~~

~~(e) A statement of the amount the city and other income sources have contributed toward the plan or will contribute toward the plan for the current calendar year.~~

Section 9: That, effective retroactive to June 7, 2006, Section 33.136 of the Code of Ordinances is hereby amended to read as follows:

TITLE III: ADMINISTRATION

* * *

CHAPTER 33: CITY EMPLOYEES

* * *

RETIREMENT

* * *

POLICE OFFICER'S RETIREMENT SYSTEM

* * *

§ 33.136 MISCELLANEOUS PROVISIONS.

* * *

(M) *Annual increase in benefits.* Commencing three years after the date retirement benefits begin, a retired member who did not participate in the DROP plan shall receive a 2% annual increase in retirement benefits. Effective June 7, 2006, commencing upon the later of (i) separation from employment with the city and (ii) three years after the member entered the DROP plan, a retired member who participated in the DROP plan shall receive a 2% annual increase in retirement benefits. Retired members may, at their option, continue to be covered by the city's health insurance plan under the same terms and conditions as if they were still active employees. The cost of insurance coverage for retired members shall be paid by the city; the cost of coverage for dependents will be paid by retired members. Any widow(er) of a deceased pensioner receiving a monthly benefit based on service rendered by the deceased pensioner may, at his or her option, continue to be covered by the city's health insurance plan under the same terms and conditions as if he or she were an active city employee. The cost of such insurance coverage shall be paid by the widow(er).

* * *

(O) *Use of state funds for individual "share" accounts.* Commencing October 1, 2000, the The state funds received by the city pursuant to Florida Statutes Chapter 185 shall be used to fund the plan increase in actuarial present value attributable to cost of the additional benefits, including "minimum benefits" and "extra benefits," as provided in Chapter 185 consisting of ten years' certain and life as normal form for normal retirement,

disability, and death prior to retirement, which benefits are set forth in Sections 33.128(B)(2), 33.128(C)(1) and (2), and 33.128(D) above. To accomplish this, a portion of the Chapter 185 funds received by the city after the said additional benefits were recognized as applicable under the plan shall be used to fund the actuarial present value of such benefits; however, the annual amounts so used shall be limited to the increase in annual contributions needed to fund such benefits until fully funded. In addition to the annual amounts needed for the funding of the ten years' certain and life normal benefit form, the increase in actuarial present value attributable to the October 1, 2000 retroactive effective date shall be paid in a single-sum payment from the remaining balance of unused Chapter 185 funds made available by the addition of the ten years' certain and life normal benefit. The remaining state funds shall be divided equally into individual "share" accounts for active members of the system. The Board of Trustees shall administer this "share" program.

Commencing June 7, 2006, the state funds received by the city pursuant to Florida Statutes Chapter 185 subsequent to the funds normally received during Fiscal Year 2006 shall not be divided into individual "share" accounts but shall be used exclusively to fund plan benefits, including "minimum benefits" and "extra benefits," as provided in Chapter 185.

Section 10: That, effective retroactive to June 7, 2006, Section 33.137 of the Code of Ordinances is hereby amended to read as follows:

TITLE III: ADMINISTRATION

* * *

CHAPTER 33: CITY EMPLOYEES

* * *

RETIREMENT

* * *

POLICE OFFICER'S RETIREMENT SYSTEM

* * *

§ 33.137 COORDINATION OF PENSION BENEFITS.

In the event that a city employee changes his or her job status with the city such that he or she is considered a member pursuant to this subchapter, he or she may become a member of the system subject to the following rules:

* * *

(B) A member's total retirement benefits shall consist of a combination of the following:

* * *

(2) Benefits payable by the system. For purposes of determining eligibility for retirement benefits under the system, the employee's credited service prior to and after the date of transfer shall be included. For purposes of determining the amount of benefits payable under the system, excluding death and disability benefits, only service following the date of transfer shall be included, and, effective June 7, 2006, the maximum amount of service for which the employee shall be credited under the system is that amount of service that would result in total credited service of 22 years under the previous plan and the system. For purposes of determining the amount of any death or disability benefits payable under the system, credited service both prior to and after the date of transfer shall be included, and, effective June 7, 2006, the maximum amount of such service that shall be included is 22 years. Anything to the contrary herein notwithstanding, a member's accrual rate shall not be less than 2% per year of continuous service.

* * *

Section 11: That Section 33.126 of the Code of Ordinances is hereby amended to read as follows:

TITLE III: ADMINISTRATION

* * *

CHAPTER 33: CITY EMPLOYEES

* * *

RETIREMENT

* * *

POLICE OFFICER'S RETIREMENT SYSTEM

* * *

§ 33.126 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

* * *

MEMBER. All regular employees of the city classified as full time Police Officers who are classified as permanent and non-probationary under the rules of the Police Department of the city, and the rules of the Civil Service Board of the city. The term *POLICE OFFICER* is defined as any person who is appointed or employed full time by the city, who is certified or required to be certified as a law enforcement officer in compliance with F.S. § 943.1395, who is vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers, but does not include part-time law enforcement officers or auxiliary law enforcement officers as the same are defined in F.S. § 943.10(6) and (8), respectively full time Police Officers who receive compensation from municipal funds of the city for services rendered. A Police Officer is more specifically defined as being a law enforcement officer paid from public funds of the municipality for performing the primary duties of enforcing state laws and municipal ordinances, making arrests, testifying in court, regulating traffic on public or state ways, bearing arms or other duties commonly accepted as being the duty of a Police Officer.

~~Provided further, that this definition does not preclude supervisory Police Officers, whose duty is primarily to guide and direct others in doing the above work, from being defined as Police Officers. Municipal employees assigned to the Police Department for the primary purpose of performing clerical or other nonenforcement duties shall not be defined as Police Officers, even though they be given the power of arrest.~~

Section 12: That Section 33.128 of the Code of Ordinances is hereby amended to read as follows:

TITLE III: ADMINISTRATION

* * *

CHAPTER 33: CITY EMPLOYEES

* * *

RETIREMENT

* * *

POLICE OFFICER'S RETIREMENT SYSTEM

* * *

§ 33.128 NORMAL RETIREMENT.

* * *

(C) *Disability.*

* * *

(7) Disability exclusions. No member shall be granted a disability pension upon a showing to the satisfaction of the Board:

~~(a) That the disability resulted from an intentionally self-inflicted wound, injury or ailment;~~

~~(a)~~ (b) That the disability resulted from the use of narcotics, drugs or alcoholic beverages;

~~(b)~~ (c) That the disability resulted from a member's participation or involvement in riots, insurrection or unlawful assembly; or

~~(c)~~ (d) That the disability resulted from a member's participation or involvement in the commission of a crime or unlawful act.

Section 13: That Section 33.131 of the Code of Ordinances is hereby amended to read as follows:

TITLE III: ADMINISTRATION

* * *

CHAPTER 33: CITY EMPLOYEES

* * *

RETIREMENT

* * *

POLICE OFFICER'S RETIREMENT SYSTEM

* * *

§ 33.131 FINANCING OF THE SYSTEM.

The fund of the retirement system shall consist of monies derived from the following sources:

* * *

(B) After October 1, 1969, the city shall pay into the fund of the system created by this subchapter, in ~~annual~~ payments not less frequent than quarterly, such amounts as will, together with the monies transferred under the provisions of division (A) of this section, amortize the city's liability for creditable service prior to the effective date of this subchapter for persons who become members of the system created hereby, at a uniform rate over a 40 year period, together with 4% interest on the unpaid balances of such prior service liability.

* * *

(D) Until the completion of 27 years of continuous service ~~Effective October 1, 2006~~, members of the system shall contribute 8.5% of their earnings and shall be entitled to receive the benefits of this system. After completion of 27 years of continuous service, members of the system shall contribute 0.5% of their earnings. ~~No further member contributions shall be required from a member after he or she has completed 27 years of continuous service.~~

* * *

Section 14: That Section 33.136 of the Code of Ordinances is hereby amended to read as follows:

TITLE III: ADMINISTRATION

* * *

CHAPTER 33: CITY EMPLOYEES

* * *

RETIREMENT

* * *

POLICE OFFICER'S RETIREMENT SYSTEM

* * *

§ 33.136 MISCELLANEOUS PROVISIONS.

* * *

(1) *Continuous Service Credit.*

* * *

(2) In the event that the Board of Trustees may permit a former member of the system to "buy back" past service, such former member must return his or her withdrawn contributions with interest, as determined by the Board from time to time, not later than 90 days after his or her reemployment ~~on the date of his or her reentry into the system.~~

* * *

Section 15: That it is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the provisions of this ordinance may be renumbered to accomplish such intention.

Section 16: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 17: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Ordinance Incorporating Pension Changes from 2005-2008 PBA CBA

Section 18: That, except as otherwise stated herein, this ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on _____, 2007.

PASSED on first reading this _____ day of _____, 2007.

PASSED AND ADOPTED on second reading this _____ day of _____, 2007.

ATTEST:

MARA GIULIANI, MAYOR

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida only:

DANIEL L. ABBOTT, CITY ATTORNEY