



ORDINANCE

5459

1
2 AN ORDINANCE OF THE CITY OF BOCA RATON
3 AMENDING ARTICLE IV, "PENSION PLAN FOR POLICE
4 AND FIREFIGHTERS," OF CHAPTER 12, "PENSIONS AND
5 RETIREMENT," CODE OF ORDINANCES; RELATING TO
6 THE POLICE & FIREFIGHTERS RETIREMENT SYSTEM;
7 AMENDING CONTRIBUTION RATES; AMENDING
8 PROVISIONS REGARDING ADMINISTRATION; AMENDING
9 CERTAIN TRANSFERS AND VESTED RIGHTS ON
10 TRANSFER; AMENDING RETIREMENT DATES AND
11 BENEFITS; AMENDING OPTIONAL PROVISIONS FOR
12 POLICE OFFICERS; AMENDING PURCHASE OF PAST
13 SERVICE; CREATING A NEW SECTION REGARDING
14 FIREFIGHTER SHARE PLAN; CREATING A NEW SECTION
15 REGARDING POLICE OFFICER SHARE PLAN; PROVIDING
16 FOR SEVERABILITY; PROVIDING FOR REPEALER;
17 PROVIDING FOR CODIFICATION; PROVIDING AN
18 EFFECTIVE DATE
19

1 WHEREAS, the City of Boca Raton recently negotiated collective bargaining
2 agreements with the Firefighters of Boca Raton, Local 1560, IAFF, Inc. and with Lodge # 35,
3 Fraternal Order of Police, for the period October 1, 2017 through September 30, 2020; and

4 WHEREAS, the collective bargaining agreements provide for certain modifications to
5 the City of Boca Raton Police and Firefighters' Retirement System; and

6 WHEREAS, to implement the modifications to the Police and Firefighters' Retirement
7 System, it is necessary to adopt an ordinance amending Chapter 12, Article IV, of the City
8 Code; now therefore

9
10 THE CITY OF BOCA RATON HEREBY ORDAINS:
11

12 Section 1. Section 12-133, Code of Ordinances, is amended to read:

13 ARTICLE IV. PENSION PLAN FOR POLICE AND FIREFIGHTERS

14 * * *

15 Section 12-133. - Contributions.

16 (2) State contributions. Any moneys received or receivable by reason of laws of the
17 state for the express purpose of funding and paying for retirement benefits for police and
18 firefighters of the city shall be deposited in the trust fund comprising part of this system. Such
19 state contributions shall be deposited immediately, and under no circumstances more than 5
20 days after receipt, into the trust fund. In lieu thereof the city may authorize the division of
21 retirement to make direct payment to the board of trustees of the trust fund. The city and the
22 unions representing city firefighters and police officers have mutually agreed that all premium
23 tax revenues received pursuant to Chapters 175 and 185, Florida Statutes, shall continue to be
24 used to reduce city pension contributions for as long as the city participates in Chapters 175 and
25 185.

26 * * *

1 (1) Normal retirement date. Police officers may elect to retire on the first day of the
2 month coincident with or subsequent to the completion of 20 years of continuous service or the
3 attainment of age 55 and completion of 10 years of continuous service.

4 (2) Normal retirement benefit.

5 (a) Duration. A member retiring hereunder on his or her normal retirement date shall
6 receive a monthly benefit which shall commence on said normal retirement date and be
7 continued thereafter during his or her lifetime, but in no event for less than 10 years. Upon
8 reaching normal retirement age a member's benefits shall be fully vested.

9 (b) For members retiring or terminating employment between March 29, 1994 and
10 September 30, 1999, the amount of normal retirement benefit shall be 3 percent of average
11 monthly earnings multiplied by years of continuous service, subject in any event to a maximum
12 of 75 percent of average monthly earnings. In no event, however, shall a member's normal
13 retirement benefit be less than 2 percent of average monthly earnings multiplied by years of
14 continuous service.

15 (c) For members retiring or terminating employment on or after October 1, 1999 and
16 before October 1, 2004, the amount of normal retirement benefit shall be 3.25 percent of
17 average monthly earnings multiplied by years of continuous service, subject in any event to a
18 maximum of 75 percent of average monthly earnings. In no event, however, shall a member's
19 normal retirement benefit be less than 2 percent of average monthly earnings multiplied by
20 years of continuous service.

21 (d) For members retiring or terminating employment on or after October 1, 2004 and
22 prior to October 1, 2007, the amount of normal retirement benefit shall be 3.5 percent of
23 average monthly earnings multiplied by years of continuous service, subject in any event to a
24 maximum of 84 percent of average monthly earnings. In no event, however, shall a member's

1 normal retirement benefit be less than 2 percent of average monthly earnings multiplied by
2 years of continuous service.

3 (e) For members retiring or terminating employment on or after October 1, 2007, the
4 amount of normal retirement benefit shall be 3.5 percent of average monthly earnings multiplied
5 by years of continuous service, subject in any event to a maximum of 87.5 percent of average
6 monthly earnings. In no event, however, shall a member's normal retirement benefit be less
7 than 2 percent of average monthly earnings multiplied by years of continuous service.

8 (f) Notwithstanding paragraph (e) above, ~~t~~The maximum normal retirement benefit
9 (when applied to the normal form of benefit) for members who did not attain the normal
10 retirement date prior to April 14, 2015, shall be 77 percent of average monthly earnings;
11 provided, if a member's accrued benefit as of April 14, 2015, exceeds 77 percent of average
12 monthly earnings, the member shall retain the accrued benefit as of that date but shall not
13 thereafter accrue any additional benefit. In no event shall such member's normal retirement
14 benefit be less than 2.0 percent of average monthly earnings for each year of continuous
15 service. The maximum benefit limits contained in this paragraph (f) shall be applied to the
16 normal retirement benefit (when applied to the normal form of benefit) before any reduction for
17 early retirement, and shall not apply to any annual increase or retirement supplement provided
18 by the system. Notwithstanding the foregoing, for members who purchased past service
19 pursuant to section 12-154 on or before April 14, 2015, the maximum retirement benefit of 77
20 percent of average monthly earnings shall be increased to include the percentage attributable to
21 the previously purchased past service, but in such event the maximum normal retirement benefit
22 (when applied to the normal form of benefit) at the time of retirement shall not exceed 87.5
23 percent of average monthly earnings. Past service purchased after April 14, 2015, shall not
24 increase the maximum normal retirement benefit above 77 percent of average monthly
25 earnings.

1 the system under the Internal Revenue Code. The board of trustees may implement a self-
2 directed account option for members who participate in the deferred retirement option plan.
3 Prior to implementing the self-directed account option, the board of trustees must adopt a
4 separate investment policy for such accounts, and approve such investment managers and
5 products for the self-directed account option that the board of trustees determines to be prudent.
6 The board of trustees may change such investment managers and products from time to time,
7 as it deems prudent to do so. Members may elect the self-directed account option as follows: (a)
8 members who are participating in the DROP as of the effective date of Ordinance No. 4743,
9 may elect the self-directed account option within two hundred and forty (240) days; (b) members
10 who enter the DROP after the effective date of Ordinance No. 4743, may elect the self-directed
11 account option prior to entering the DROP; or (c) any DROP participant who does not elect the
12 self-directed account option in accordance with (a) or (b), above, may elect the self-directed
13 account option one time only at any time prior to the fourth anniversary of entering the DROP. A
14 member who elects the self-directed account option may revoke that election at any time after
15 one year following election of the self-directed account option, but shall not thereafter be eligible
16 for the self-directed account option. Members who elect the self-directed account option shall
17 direct the board of trustees to invest their self-directed DROP account in any of the managers
18 and products approved by the Board, in accordance with an agreement between the member
19 and the investment manager or product provider. A member's self-directed DROP account shall
20 be credited with earnings or debited with losses based on the performance of the investments
21 selected by the member. Neither the board of trustees nor the city shall be liable for the
22 performance of investment managers or products selected, and the performance of self-directed
23 DROP accounts shall not result in any increased costs to the plan or increased contributions by
24 the city.

25 (b) Effective [insert effective date of this ordinance], a member's election to participate
26 in the DROP shall be made in writing on a form approved by the city and provided to the

1 member by the board of trustees, and such election shall be irrevocable. As a condition of
2 participating in the DROP, the member shall agree to: (1) terminate employment at the end of
3 the DROP participation period; and (2) submit an irrevocable, unconditional letter of resignation
4 prior to entering the DROP, which resignation shall be effective on the date the DROP
5 participation period ends. The DROP election form and letter of resignation shall be submitted
6 to the board and the city at least 30 days prior to the date the member begins participating in the
7 DROP.

8 Section 5. Section 12-154, Code of Ordinances is amended to read:

9 Section 12-154. - Purchase of past service.

10 (1) Notwithstanding any other provision of this plan, a member may purchase up to 5
11 additional years of service credit at any time prior to separation from city employment for a like
12 period of full-time employment prior to employment by the city in the active service of the U.S.
13 armed forces, or full-time employment as a police officer or firefighter for another employer. For
14 purposes of determining credit for prior service as a firefighter, in addition to service as a
15 municipal, district, county, or state firefighter in this state, credit may be given for federal, other
16 state, municipal, district or county service if the prior service as a firefighter is recognized by the
17 Division of State Fire Marshal pursuant to F.S. § 175.032(4)(c), or for time served with the
18 Seminole Tribe as a Florida firefighter. For purposes of determining credit for prior service as a
19 police officer, credit may be given for federal, other state, municipal, or county service if the prior
20 service as a police officer or deputy sheriff is recognized by the Criminal Justice Standards and
21 Training Commission within the Department of Law Enforcement pursuant to F.S. §
22 185.02(5)(c). The member shall pay, in accordance with subsection (3) of this section 12-154,
23 into the plan the minimum full-actuarial cost of purchase of such service as provided herein
24 determined by the plan actuary. Such service credit shall be counted as continuous service for
25 purposes of benefit calculations, but shall not be counted for purposes of vesting or eligibility for
26 benefits under the plan. No additional service credit will be allowed if the participant has

1 received, is receiving, is entitled to receive, or will receive any other retirement benefit for such
2 other prior service as a police officer or firefighter; provided, a member may make a direct
3 transfer of eligible rollover distributions of all or any portion of the balance in another eligible
4 retirement plan that is attributable to such other prior service as a police officer or firefighter to
5 purchase additional service under this paragraph, in accordance with section 12-152.5. The
6 sum of the past service purchased under this subsection (1) and of any benefit purchased under
7 subsection (2) of this section 12-154 shall not exceed the actuarial equivalent of 5 years of
8 additional continuous service. For the purpose of this section 12-154, "minimum cost of
9 purchase" ~~full-actuarial cost~~" means the greater of (1) the amount determined by multiplying the
10 member's contribution rate on the date of purchase of past service credit by his or her earnings
11 on the date of purchase of past service credit, and then multiplying the result by the number of
12 year(s) of past service credit to be purchased; or (2) the actuarial cost of the past service credit
13 as determined by the plan actuary, reflecting the difference in actuarial present value of
14 projected benefits (based on service and compensation at normal retirement date, and using all
15 service, including purchased service or the equivalent of purchased service, to calculate the
16 probability of retirement), with, as compared to without additional service credits (as provided for
17 in this subsection (1)), or with, as compared to without an additional benefit (as provided for in
18 subsection (2) hereof).

19 (2) Any police officer member who, prior to employment by the city, was employed
20 full-time as a police officer or deputy sheriff for another employer or any firefighter member who,
21 prior to employment by the city, was employed full-time as a firefighter for another employer,
22 who participated in a defined contribution retirement plan while so employed and wishes to
23 transfer assets from that defined contribution plan to this fund, but who is not eligible to
24 purchase service credit relating to such prior employment under subsection (1) of this section
25 due to the interpretation or application of F.S. § 112.65(2), shall be entitled to purchase an
26 additional benefit percentage equivalent to the period of such prior employment, up to 5 years of

1 service credit, based on the normal retirement benefit formula in effect on the date of purchase,
2 plus an additional benefit amount equivalent to the period of such prior employment, up to 5
3 years of service credit, based on the retirement supplement formula in effect on the date of
4 purchase, as contained in sections 12-151(8) and 12-153(10). The service equivalencies of the
5 additional benefit percentage and the additional benefit amount purchased in accordance with
6 the preceding sentence shall not exceed 5 years, less any service credit purchased pursuant to
7 subsection (1). For purposes of determining eligibility to purchase such additional benefit
8 percentage due to prior service as a firefighter, in addition to service as a municipal, district,
9 county, or state firefighter in this state, credit may be given for federal, other state, municipal,
10 district, or county service if the prior service as a firefighter is recognized by the Division of State
11 Fire Marshal pursuant to F.S. § 175.032(4)(c), or for time served with the Seminole Tribe as a
12 Florida firefighter. For purposes of determining eligibility to purchase such additional benefit
13 percentage due to prior service as a police officer, credit may be given for federal, other state,
14 municipal, or county service if the prior service as a police officer or deputy sheriff is recognized
15 by the Criminal Justice Standards and Training Commission within the Department of Law
16 Enforcement pursuant to F.S. § 185.02(5)(c). To obtain the additional benefit percentage and
17 the additional benefit amount under this subsection (2), the member must pay to the plan, within
18 6 months following the commencement of the member's participation in the plan or within 6
19 months following the effective date of this subsection (2), whichever is later, and in accordance
20 with subsection (3) of this section, the minimum cost of purchase ~~full actuarial cost~~ of the
21 additional benefit percentage and the additional benefit amount purchased pursuant to this
22 subsection (2). Notwithstanding any provision in this section to the contrary, the retirement
23 benefit of a member electing to purchase an additional benefit percentage under this subsection
24 shall not exceed the maximum benefit provisions contained in sections 12-130, 12-131, and 12-
25 153 of this plan.

26 * * *

1 Section 6. Section 12-156, Code of Ordinances, is created to read:

2 Section 12-156. – Firefighter Share Plan.

3 In accordance with F.S. § 175.351(6), a defined contribution plan component (share
4 plan) for firefighters is hereby created, to be funded exclusively with Chapter 175 premium tax
5 revenues. However, the city and the union representing city firefighters have mutually agreed
6 that the share plan will not be funded at this time. At such time as the city and the union
7 representing city firefighters mutually agree to allocate premium tax revenues to the share plan,
8 the details of the share plan will be negotiated.

9 Section 7. Section 12-157, Code of Ordinances, is created to read:

10 Section 12-157. – Police Officer Share Plan.

11 In accordance with F.S. § 185.35(6), a defined contribution plan component (share
12 plan) for police officers is hereby created, to be funded exclusively with Chapter 185 premium
13 tax revenues. However, the city and the union representing city police officers have mutually
14 agreed that the share plan will not be funded at this time. At such time as the city and the union
15 representing city police officers mutually agree to allocate premium tax revenues to the share
16 plan, the details of the share plan will be negotiated.

17 Section 8. If any section, subsection, clause or provision of this ordinance is held
18 invalid, the remainder shall not be affected by such invalidity.

19 Section 9. All ordinances and resolutions or parts of ordinances and resolutions and
20 all sections and parts of sections in conflict herewith shall be and hereby are repealed.

21 Section 10. Codification of this ordinance in the City Code of Ordinances is hereby
22 authorized and directed.

23 Section 11. This ordinance shall take effect immediately upon adoption.

1 PASSED AND ADOPTED by the City Council of the City of Boca Raton this 24th
2 day of JULY, 2018.

3
4 CITY OF BOCA RATON, FLORIDA

5
6 ATTEST:

7
8
9 Susan S. Saxton
10 Susan S. Saxton, City Clerk

11 Scott Singer
12 Scott Singer, Mayor

13
14 Approved as to form:

15
16 Diana Grub Frieser / for
17 Diana Grub Frieser
18 City Attorney

19
20
21
22 O18908
23

COUNCIL VOTE			YES	NO	ABSTAINED
MAYOR SCOTT SINGER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
DEPUTY MAYOR JEREMY RODGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
COUNCIL MEMBER MONICA MAYOTTE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
COUNCIL MEMBER ANDREA LEVINE O'ROURKE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

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