

ORDINANCE NO. C-13-03

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 20, PERSONNEL, ARTICLE 4, PENSION, DIVISION 3, POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM, SECTION 20-129 (b) (2), ENTITLED "DURATION, SURVIVOR BENEFITS" BY ELIMINATING REMARRIAGE AS AN EVENT THAT CAUSES A DISCONTINUATION OF SURVIVOR BENEFITS UNDER SECTION 20-129 (b) (2) TO THE SPOUSE OF A DECEASED MEMBER WHO RETIRED PRIOR TO DECEMBER 31, 1999 AND WHERE THE DATE OF THE SPOUSE'S REMARRIAGE IS ON OR AFTER THE EFFECTIVE DATE OF THIS ORDINANCE; CONTINUING REMARRIAGE AS AN EVENT THAT CAUSES DISCONTINUANCE OF A DECEASED MEMBER'S SPOUSAL SURVIVOR BENEFITS UNDER SECTION 20-129 (b) (2) WHERE THE DECEASED MEMBER RETIRED ON OR AFTER DECEMBER 31, 1999; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ANY AND ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, prior to the adoption of Chapter 99-1, Laws of Florida and the adoption of City of Fort Lauderdale Ordinance No. C-00-34, the City of Fort Lauderdale Police & Firefighters' Retirement System provided that upon the death of a retired Member, the deceased Member's surviving spouse under Section 20-129 (b) (2) was entitled to the Member's full monthly retirement benefit for a period of one year and 60% thereafter until the earlier of death or remarriage of the surviving spouse; and

WHEREAS, prior to the adoption of Chapter 99-1, Laws of Florida and the adoption of City of Fort Lauderdale Ordinance No. C-00-34, effective December 31, 1999, a Member lacked the ability to elect spousal survivor benefits that would continue beyond the subsequent remarriage of the surviving spouse; and

WHEREAS, with the adoption of Chapter 99-1, Laws of Florida and the adoption of City of Fort Lauderdale Ordinance No. C-00-34, effective December 31, 1999, a Member had

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the ability to elect surviving spousal benefits that would not terminate upon a subsequent remarriage of the surviving spouse; and

WHEREAS, it is in the best interest of the City to eliminate "remarriage" as an event that causes discontinuation of survivor benefits to spouses of deceased retired members of the City of Fort Lauderdale Police and Firefighters' Retirement System who retired prior to December 31, 1999 while continuing "remarriage" as an event that would terminate a surviving spouse's benefit under Section 20-129 (b) (2) for Members who retired on or after December 31, 1999; and

WHEREAS, the City Commission, by adoption of Resolution No. 12-1979, authorized the issuance of Pension Obligation Bonds in the amount of \$337,755,000.00 for the benefit of the City's General Employees' Retirement System and the City's Police & Firefighters' Retirement System and the terms and conditions of the Resolution have become covenants for the Bonds; and

WHEREAS, Section 610 of Resolution No. 12-1979 provided:

Section 610. Covenant Concerning Increase in or Addition to Pension Plan Benefits.

The City shall not increase any benefit provided or provide a new benefit to members of either the GERS or the Police/Fire Pension Plan which is in addition to the benefits provided to such members as of October 1, 2012, unless (a) (i) the present value (as determined by the respective independent actuaries of the Pension Plans) of the cost of such increase in benefits or new benefit is fully funded at the time that such increase in benefits or new benefit is approved and (ii) such increase in benefits or new benefit is approved by vote of a majority of the full City Commission plus one or (b) such increase in benefits or new benefit is approved by the unanimous vote of the full City Commission.

WHEREAS, among the actuarial assumptions underlying the Police and Firefighters' Retirement System ("P&F Plan") and Section 20-129 (b) (2) is an actuarial assumption that there are no remarriages of a retired Member's spouse subsequent to the death of the retired Member and therefore the independent actuary for the P&F Plan has opined that

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there is no actuarial cost involved in the prospective elimination of the “remarriage penalty” clause; and

WHEREAS, as a condition precedent to presentation of this Ordinance for adoption, in light of the actuarial assumption for the P&F Plan under Section 20-129 (b) (2) that there are no remarriages of a retired Member’s spouse subsequent to the death of the retired Member and the opinion of the P&F Plan’s independent actuary that there is no actuarial cost involved in the elimination of the “remarriage penalty” clause within Section 20-129 (b) (2) as amended herein, the independent actuary for the P&F Plan has certified that the present value of the cost of the elimination of the remarriage penalty provision as set forth in this Ordinance is consistent with Section 610 (a) (i) of Resolution No. 12-1979;

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

SECTION 1. That the City of Fort Lauderdale Code of Ordinances, Chapter 20, Personnel, Article 4, Pension, Division 3, Police and Firefighters’ Retirement System, Section 20-129 (b) (2) be and same is hereby amended to provide as follows:

Sec. 20-129. Retirement Dates and Benefits.

(a) Retirement Dates:

. . .

(b) Normal Retirement Benefits:

. . .

(2) Duration, survivor benefits.

- a. Except as is otherwise provided under section 20-129 (b.1) (10) for Deferred Retirement Option Program, and under Section 20-131, Optional Forms of Retirement Benefits, a Member retiring hereunder on or after his Normal Retirement Date shall receive a monthly benefit

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which shall commence on or after his Normal Retirement Date and be continued thereafter during his lifetime.

- b. For Members who are in DROP Retirement, as to the balances in a DROP Account, duration and survivor benefits payable upon the death of a DROP Participant shall be as provided in section 20-129 (b.1)(10).
- c. Upon the death of a Member who is not a DROP Participant, where either (i) the Member has died after receiving ten (10) years of Retirement benefits, or (ii) the Member has elected treatment under the duration, survivor benefit formula in lieu of the ten (10) year certain formula in section 29-129(h)(1)a., then the full Retirement benefit shall be continued to his spouse as of the date of death for one (1) year and 60% of said amount continued thereafter until the earlier of death or remarriage of such spouse.
- d. In addition, there shall be paid to each child of such deceased Member until the earlier of such child marrying, dying or attaining age eighteen (18), in equal monthly installments, an amount equal to 20% of the Member's Retirement benefit, subject to an overall maximum (spouse and children) of 100% of such deceased Member's monthly benefit.
- e. If there is no spouse, or if upon the spouse's death or remarriage there is such a child or children surviving, each child shall receive a monthly amount equal to 25% of the Member's full monthly benefit, subject to an overall maximum of 100, payable until the earlier of such child's death, marriage or the attaining of age eighteen (18).
- f. Notwithstanding anything herein to the contrary, as to a Member retiring prior to December 31, 1999, upon the death of the Member and subsequent remarriage of the deceased Member's surviving spouse on

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or after the effective date of this Ordinance, the surviving spouse's benefit shall continue until death, provided, however, that for Members retiring on or after December 31, 1999, upon the death of the Member the subsequent remarriage of the surviving spouse will be an event that terminates the surviving spouse's survival benefit under Section 20-129 (b) (2).

SECTION 2. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this the 22nd day of January, 2013.

PASSED SECOND READING this the 5th day of February, 2013.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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