

1
2 **ORDINANCE NO. 2021-019**
3

4 **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF**
5 **HALLANDALE BEACH, FLORIDA, REPEALING THE EXISTING CITY**
6 **OF HALLANDALE BEACH POLICE OFFICER’S AND FIREFIGHTER’S**
7 **PERSONNEL RETIREMENT TRUST ORDINANCE NUMBER 2011-11;**
8 **APPROVING AND CODIFYING A REVISED PENSION PLAN**
9 **DOCUMENT TO REFLECT COLLECTIVELY BARGAINED CHANGES;**
10 **PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS;**
11 **PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER;**
12 **AND PROVIDING FOR AN EFFECTIVE DATE.**
13

14 **WHEREAS**, the City of Hallandale Beach (City) presently has a pension plan for sworn
15 law enforcement personnel and firefighters in the Police and Fire Departments known as the City
16 of Hallandale Beach Police and Fire Pension Plan (Plan); and
17

18 **WHEREAS**, the Plan was previously codified in Ordinance No. 2011-11; and
19

20 **WHEREAS**, the most recent collective bargaining agreement between the City and the
21 International Union of Police Associations (IUPA), which represents the City’s police officers and
22 sergeants, expired on September 30, 2018 and subsequent agreements have been approved in April
23 2021; and
24

25 **WHEREAS**, a successor collective bargaining agreement between the City and IUPA
26 contain certain changes to the Retirement Plan; and
27

28 **WHEREAS**, effective January 4, 2020, the City of Hallandale Beach fire department
29 merged with the Broward Sherriff’s Office (BSO); and
30

31 **WHEREAS**, pursuant to Sec. 112.0515, Fla. Stat., certain fire employees elected to remain
32 a member of the Hallandale Beach Police and Fire Pension Plan; and
33

34 **WHEREAS**, this Ordinance will ensure that the Plan is administered in accordance with
35 the pension changes in respective collective bargaining agreements and the fire BSO merger; and
36

37 **WHEREAS**, City Code of Ordinances, Chapter 21, PERSONNEL, Article IV, Retirement,
38 Sections 21-328-340 are currently designated as “reserved”; and
39

40 **WHEREAS**, it is the intention of the City Commission that this ordinance serve to
41 consolidate multiple previous pension ordinances and the more recently negotiated pension
42 changes into a single cohesive document and code expressing the current state of the pension plan.
43 By way of this ordinance it is not the intent of the City Commission to otherwise change or
44 invalidate any existing provisions of the previous pension ordinances that are currently applicable,

45 but rather to consolidate those provisions herein, as modified by the most recent collective
46 bargaining agreements; and

47
48 **WHEREAS**, the City Commission. finds that it is in the best interest of the City and its
49 employees to amend the Plan and codify it in City Code of Ordinances, Chapter 21, PERSONNEL,
50 Article IV, Retirement, Sections 21-328 through 21-343.

51
52 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
53 **CITY OF HALLANDALE BEACH, FLORIDA, THAT:¹**

54
55 **SECTION 1.** The foregoing “Whereas” clauses are hereby confirmed as accurate and true
56 and incorporated herein.

57
58 **SECTION 2.** The current Retirement Plan Ordinance Number 2011-11 is hereby repealed
59 in its entirety.

60
61 **SECTION 3:** A revised Retirement Plan Ordinance is hereby enacted as incorporated
62 below.

63
64 **SECTION 4:** This Ordinance shall be referenced in the City Code of Ordinances, Chapter
65 21, PERSONNEL, Article IV, Retirement, Section 21-323.1 and Sections 21-328 through 21-343
66 as reflected in Exhibit A and incorporated herein, and in the current Section 210341 and 342,
67 renumbered in accordance with this Ordinance as Sections 21-344 and 21-345 accordingly.

68
69 **SECTION 5:** The terms, powers, and offices of the current Board of Trustees are hereby
70 continued without interruption and all the benefits, obligations, contracts, and procedures are
71 hereby continued without interruption unless specifically stated in the Retirement Plan Ordinance
72 enacted herein.

73
74 **SECTION 6:** Section 21-323.1 is hereby amended to read as follows:

75
76 The city hereby adopts and establishes a pension plan, known as the Hallandale
77 Beach Police and Fire Pension Plan, for the benefit of all eligible police and fire
78 personnel. The City shall maintain the plan document, as incorporated in Sections
79 21-328 through and including 21-343, on file in the city clerk’s office.

80
81 **SECTION 7:** Sections 21-328 through 21-343 are hereby added to read as follows:

82
83
84 **Sec. 21.328. Retirement Plan Established; Name; Operative Date; Membership**
85

¹ Words in ~~strikeout~~ type are deletions from existing text and words in underline type are additions.

86 A Retirement Plan is hereby established and placed under the exclusive administration and
87 management of a Board of Trustees for the purpose of providing retirement benefits pursuant to the
88 provisions of this Ordinance and for defraying the reasonable expenses of the Retirement Plan.

89
90 The Retirement Plan established by this Ordinance shall be known as the City of Hallandale Beach
91 Police Officers and Firefighters Personnel Retirement Trust.

92
93 This Retirement Plan shall be effective on the date of adoption by the City.

94
95 All police officers and firefighters, as defined herein, shall be members of the Retirement Plan as a
96 condition of continued employment. The City may, at its option, provide for the exclusion of the
97 Police Chief and Fire Chief from the Retirement Plan as permitted by state law.

98
99 Restoration of retired members. A member in receipt of a retirement benefit, except a disability
100 retirement, shall have the right to again become a member of the system or to decline membership
101 upon rejoining the City's workforce. The retirement member shall elect to accept or decline
102 membership in the Plan within thirty (30) days of a return to work status. In the case of an employee
103 in receipt of a service retirement benefit who elects continued membership in the system, the
104 payment of retirement benefits shall be suspended during the period of reemployment. The employee
105 shall again become a contributing member so the Plan and shall earn credited service, up to the
106 amount of any maximum accrual permitted by the Plan, during the period of reemployment. At the
107 conclusion of the term of reemployment, a new retirement calculation shall be made, taking into
108 account any additional credited service and any change in the salary calculation. The total calculated
109 benefits shall then be combined for a single retirement payment. In the case of an employee who
110 declines further membership, the employee shall be permitted to continue to receive the retirement
111 benefit while employed by the City; but, shall receive no credited service, no salary recalculation
112 and no adjustment for enhanced benefits during the period of reemployment.

113
114 **Sec. 21-329. Definitions**

115
116 Unless a different meaning is plainly required by the context, the following words and phrases as
117 used in this Ordinance shall have the following words and meanings:

118
119 **Accumulated Contributions** – shall mean the sum of all amounts deducted from a member's
120 compensation or picked up on behalf of a member. Accumulated contributions shall also include
121 buy-back amounts paid under sections 8.07 and 8.08.

122
123 **Active Membership** – shall mean membership in the Retirement Plan as an employee.

124
125 **Actuarial Equivalence** – shall mean that any benefit payable under the terms hereof in a form
126 other than the normal form of benefit shall have the same actuarial present value on the date
127 payment commences as the normal form of benefit. For purposes of establishing actuarial present
128 value of any form of payment other than a lump sum distribution, all future payments shall be
129 discounted for interest and mortality using eight percent (8%) interest and the 1983 Group

130 Mortality Table for Males, with ages set ahead five (5) years in the case of disability retirees. In
131 the case of a lump sum distribution, the actuarial present value shall be determined on the basis of
132 the same mortality rates as just described and the pension benefit guaranty corporation's interest
133 rates for terminating single employer plans which are in effect on the first day of the plan year in
134 which the distribution is to be made.

135
136 **And** – shall have a conjunctive meaning.

137
138 **Beneficiary** – shall mean any person receiving a retirement allowance or other benefit from this
139 Retirement Plan.

140
141 **Benefit** – shall mean a retirement allowance or other payment provided by the Retirement Plan.

142
143 **Board or Board of Trustees** – shall mean the Board of Trustees of the Retirement Plan.

144
145 **City** – shall mean the City of Hallandale Beach, Florida. To the extent certain firefighters elected
146 to remain members of the Plan after January 4, 2020 (the BSO merger date), the term "City" may
147 refer to the Broward Sheriffs' Office as applicable in the instance.

148
149 **COLA**- shall refer to cost of living adjustments.

150
151 **Credited Service** – shall mean membership credit upon which a member's eligibility to receive
152 benefits under the Retirement Plan is based or upon which the amount of such benefits is to be
153 determined.

154
155 **Disability** – shall mean the permanent and total incapacity to perform regular and continuous
156 duties as a police officer or firefighter for the City of Hallandale Beach.

157
158 **DROP**- shall refer to the City of Hallandale Beach's deferred retirement option plan as adopted
159 and incorporated in the City of Hallandale Beach Police and Fire Pension Plan.

160
161 **Early Service Retirement** – shall mean a member's withdrawal from service under circumstances
162 permitting the payment of a retirement benefit before such member is eligible for normal service
163 retirement.

164
165 **Employee** – shall mean a firefighter or police officer presently employed by the City.

166
167 **Final Average Compensation** – Effective January 1, 2006, Final Average Compensation (FAC)
168 for Police Tier One members shall mean a Police Officer's average monthly rate of pensionable
169 earnings for the two most recent Calendar Years, prior to entering retirement. Effective April 15,
170 2021, Final Average Compensation for Police Tier One members shall mean a Police Officer's
171 average monthly rate of pensionable earnings for the highest four (4) full Calendar Years.
172 Members retiring prior to January 1, 2025 with normal retirement will be able to select a Final
173 Average Compensation of either highest four (4) or last two (2) prior to entering retirement.

174
175 Effective March 20, 2013, Final Average Compensation for Police Tier Two members shall mean
176 a Police Officer's average monthly rate of pensionable earnings for the five most recent Calendar
177 Years.

178
179 Effective October 1, 2006, Final Average Compensation for Fire Tier One members shall mean a
180 Firefighter's average monthly rate of pensionable earnings for the two most recent Calendar Years.

181
182 Effective August 7, 2013, Final Average Compensation for Fire Tier Two members shall mean a
183 Firefighter's average monthly rate of pensionable earnings for the five most recent Calendar Years.

184
185 For purposes of this section, Calendar Year shall mean a one-year period ending on December 31.
186 Effective October 1, 2006, members entering the DROP or retiring prior to September 30, 2008
187 shall be allowed to select either two or three-year averaging for calculating final average
188 compensation.

189
190 A Firefighter's Final Average Compensation, for benefit determination, shall include Outside
191 Service Duty Detail Compensation up to a maximum of \$10,000.00 per Plan Year for Outside
192 Service Duty Detail Compensation earned from October 1, 2006 through February 15, 2011.

193
194 A Police Officer's Final Average Compensation, for benefit determination, shall include Outside
195 Service Duty Detail Compensation up to a maximum of \$10,000.00 per Plan Year for Outside
196 Service Duty Detail Compensation earned from October 1, 2006 through July 7, 2010.

197
198 For Outside Service Duty Details worked by a Police Officer from October 1, 2006 through July
199 7, 2010 and worked by a Firefighter from October 1, 2006 through February 15, 2011 to be
200 considered part of Final Average Compensation, they must have been worked during the two
201 Calendar Years immediately preceding the date on which the Police Officer or the Firefighter
202 retires or enters DROP.

203
204 Effective July 8, 2010 for Police Officers and effective February 16, 2011 for Firefighters, Outside
205 Service Duty Detail Compensation shall not be part of Final Average Compensation and, as such,
206 shall not be considered pensionable earnings nor subject to pension fund contributions from Police
207 Officers and Firefighters.

208
209 Prior to January 1, 2006 for Police Officers and prior to October 1, 2006 for Firefighters, final
210 average compensation shall mean a member's average monthly rate of pensionable earnings from
211 the City during the seventy-eight (78) highest consecutive bi-weekly pay periods of service
212 proceeding actual retirement of the member or the termination of the member's service with the
213 retirement of the member of the termination of the member's services with the City, whichever
214 shall occur earlier.

215

216 For purposes of non-service disability calculations, if a member shall have been employed for less
217 than seventy-eight (78) consecutive bi-weekly pay periods, such average shall be taken only over
218 the period of actual employment.

219
220 The terms "Average Final Compensation", "Final Monthly Compensation" and "Final Average
221 Compensation" shall have the same meaning and shall be interchangeable when used herein and
222 within the bargaining unit contracts.

223
224 **Firefighter** – shall mean any person employed by the City, who was hired prior to January 4, 2020
225 (BSO merger date) and elected to remain a member of the Plan, and who is certified as a firefighter
226 as a condition of employment in accordance of the provisions of Section 633.35 Fla. Stat., and
227 whose duty it is to extinguish fires, to protect life and to protect property.

228
229 **Fire Tier One** – shall mean the defined benefit pension program for Firefighters hired before
230 August 7, 2013, as applied to firefighters who elected to remain members of the Plan after January
231 4, 2020.

232
233 **Fire Tier Two** – shall mean shall mean the defined benefit pension program for Firefighters hired
234 on or after August 7, 2013, as applied to firefighters who elected to remain members of the Plan
235 after January 4, 2020. Benefits shall be administered in the same manner as Fire Tier One benefits,
236 except as follows: (1) the Normal Retirement Benefit for Fire Tier Two members shall be
237 determined by multiplying 3% of Final Average Compensation by the number of years of credited
238 service; (2) Final Average Compensation for Fire Tier Two members shall be calculated using the
239 member's average monthly rate of Pensionable Earnings for the five (5) most recent Calendar
240 Years; (3) Fire Tier Two members shall not be entitled to a COLA; and (4) Fire Tier Two members
241 shall not be eligible to participate in DROP.

242
243 **Fund** – shall mean the City of Hallandale Beach Police and Fire Personnel Retirement Trust Fund.

244
245 **May** – shall mean a permissive term.

246
247 **Member** – shall mean a police officer or firefighter actively employed by the City for whom
248 contributions to the Retirement Plan are made as required by this Ordinance. A re-hired, retired
249 member, except a reinstated member on disability, shall have the option to restore active
250 membership as provided in this Plan.

251
252 **Option** – shall mean one of several choices available to members with respect to the manner in
253 which a retirement allowance may be paid.

254
255 **Pension** – shall mean a series of periodic payments, usually for life, payable in monthly
256 installments.

257
258 **Pensionable Earnings** – shall mean shall mean a member's base salary, including pick-up
259 contributions for all straight time hours worked, overtime, assignment pay, payments received for

260 vacation and sick leave taken in lieu of pay for actual services rendered, jury duty pay, bereavement
261 leave taken in lieu of payment for actual services rendered, premium pay, longevity and
262 educational incentive payments. Effective October 1, 2006 through February 15, 2011,
263 Pensionable Earnings for Firefighters shall include Outside Service Duty Detail Compensation up
264 to a maximum of \$10,000.00 per Plan Year for Outside Service Duty Detail Compensation earned
265 from October 1, 2006 through February 15, 2011. Effective October 1, 2006 through July 7, 2010,
266 Pensionable Earnings for Police Officers shall include Outside Service Duty Detail Compensation
267 up to a maximum of \$10,000.00 per Plan Year for Outside Service Duty Detail Compensation
268 earned from October 1, 2006 through July 7, 2010. Effective July 8, 2011 for Police Officers and
269 effective February 16, 2011 for Firefighters, Pensionable Earnings shall not include Outside
270 Service Duty Detail Compensation. All administrative cost for implementing the treatment of
271 Service Duty Detail Compensation as pensionable earnings shall be paid by the Pension Fund.
272 Pensionable Earnings shall not include payments for accrued sick leave, accrued vacation leave,
273 sick leave buy back or accrued compensatory leave paid as a lump sum upon separation from
274 service, uniform allowances, expense allowances, commissions, and bonuses.

275

276 **Pick-Up Amounts** – shall mean employer contributions derived from a member’s Pensionable
277 Earnings through a reduction in the member’s compensation.

278

279 **Plan Year** – shall mean the period from October 1 through September 30 of the following year.

280

281 **Police Officer** – shall mean any person who is appointed or employed full time by the City who
282 is certified or required to be certified as a law enforcement officer in compliance with Section
283 943.1395, Fla. Stat., who is vested with authority to bear arms and make arrests, and whose primary
284 responsibility is the prevention and detection of crime or the enforcement of the penal, criminal,
285 traffic or highway laws of the state.

286

287 **Police Tier One** - shall mean the defined benefit pension program for Police Officers hired before
288 March 20, 2013.

289

290 **Police Tier Two** - shall mean the defined benefit pension program for Police Officers hired on or
291 after March 20, 2013. Benefits shall be administered in the same manner as Police Tier One
292 benefits, except as follows: (1) the Normal Retirement Benefit for Police Tier Two members shall
293 be determined by multiplying 3% of Final Average Compensation by the number of years of
294 credited service; (2) Final Average Compensation for Police Tier Two members shall be calculated
295 using the member's average monthly rate of Pensionable Earnings for the five (5) most recent
296 Calendar Years; (3) Police Tier Two members shall not be entitled to a COLA; and ~~(4) Police Tier~~
297 ~~Two members shall not be eligible to participate in DROP.~~

298

299 **Retirement** – shall mean a member’s withdrawal from active service with a benefit granted to the
300 member pursuant to the provisions of this Ordinance. Unless otherwise provided herein,
301 participants in the Deferred Retirement Option Plan (DROP) shall be treated as retired for pension
302 purposes, with actual receipt of benefits deferred until separation from service.

303

304 **Retirement Allowance** – shall mean a pension provided by the Retirement Plan.

305
306 **Retirement Plan** – shall mean the City of Hallandale Beach Police Officer’s and Firefighter’s
307 Personnel Retirement Trust. The terms “Retirement Plan” and “Plan” shall have the same meaning
308 and shall be interchangeable as used herein.

309
310 **Service** – shall mean active service as an employee.

311
312 **Service Duty Detail** – shall mean police or firefighter related work or duties performed within the
313 municipal corporation limits of Hallandale Beach and shall not include similar work engaged
314 outside of said corporate limits nor shall it include any other type of work whether within or
315 without the City. The terms “Service Duty Detail”, “Outside Service Duty” and “Off-duty Detail”
316 shall have the same meaning and shall be interchangeable when used herein and within the
317 bargaining unit contracts.

318
319 **Service Retirement** – shall mean a member’s retirement from active service under circumstances
320 permitting payment of a retirement allowance without reduction because of age or length of service
321 and without special qualifications such as disability. Service retirement shall be considered normal
322 retirement.

323
324 **Trustee** – shall mean a member of the Board of Trustees of the Retirement Plan.

325
326 **Minimum Vesting** – shall mean ten (10) years of credited service before the member is entitled
327 to retirement benefits except for service incurred disability retirement income or service incurred
328 death benefits.

329
330 **Vested Benefit** – shall mean an immediate or deferred benefit to which a member has gained a
331 non-forfeitable under the provisions of this Ordinance.

332
333
334

335 **Sec. 21-330. Administration of the Retirement Plan**

336

337 (1) The sole and exclusive administration of, and the responsibility for, the proper effective operation
338 of the Retirement Plan and for making the provisions of this Ordinance is vested in a Board of
339 Trustees.

340

341 (2) The Board of Trustees shall consist of five persons; two of whom shall be legal residents
342 of the City of Hallandale Beach and who shall be appointed by the City Commission. One
343 members of the Board of Trustees shall be a police officer who shall be elected by a majority of
344 the police officers who are active members of the Plan. One member shall be a firefighter who
345 shall be elected by a majority of the firefighters who are active employee members of the Plan. In
346 accordance with §175.061, Fla. Stat., when the number of firefighters who are active members of

347 the Plan falls below ten (10), an active firefighter member seat may be held by either a retired
348 member or an active firefighter member of the Plan who is elected by the active and retired
349 members of the Plan. If there are no active or retired firefighters remaining in the Plan or capable
350 of serving, the remaining Board members may elect an individual to serve in the active firefighter
351 seat. Such person's name will be submitted to the City Commission for appointment as a
352 ministerial duty. A fifth member of the Board shall be chosen by a majority of the previous four
353 persons, and such person's name shall be submitted to the City Commission for appointment. The
354 City Commission shall appoint the fifth member selected by the other four as a ministerial duty.

355
356 All Trustees shall serve a term of ~~two~~ four years. If a vacancy shall occur prior to the expiration
357 of a member's term, a replacement member shall be chosen in the same manner as the person who
358 has left office. A replacement Trustee shall serve a full term measured from the date of
359 replacement. All Trustees shall serve until their replacements are selected.

360
361 The Board of Trustees shall prescribe a uniform election procedure for the selection of the active
362 member Trustee.

363
364 All Trustees shall serve without compensation, but they shall be reimbursed from the Fund for all
365 necessary expenses authorized by the Board. The Board shall be permitted to prescribe uniform
366 rules for reimbursement for travel expenditures.

367
368 The Board of Trustees shall annually select a Chairman and a Secretary who shall execute all
369 documents on behalf of the Board.

370
371 A majority of the members of the Board shall constitute a quorum for the transaction of business
372 and shall have full power to act under the terms of the Plan. Three concurring votes shall be
373 required of the Board to take action.

374
375 The Board shall keep minutes of all meetings and a record of any action taken by the Board shall
376 be kept in written form and maintained by the Board.

377
378 The Board of Trustees shall have the authority to make such uniform rules and regulations and to
379 take such action as may be necessary to carry out the provisions of the Plan and all decisions of
380 the Board of Trustees, made in good faith, and shall be final, binding and conclusive on all parties.

381
382 The Board of Trustees shall be deemed the name fiduciary of the Plan and shall discharge its
383 responsibilities solely in the interest of the members and beneficiaries of the Plan for the exclusive
384 purpose of providing benefits to the members and their beneficiaries and to defray the reasonable
385 expenses of the Plan. The Trustees shall exercise those fiduciary responsibilities with the care,
386 skill, prudence and diligence under the circumstances then prevailing that a prudent person acting
387 in a like capacity and familiar with such matters would use in the conduct of an enterprise of a
388 similar character and with similar aims.

389
390 The Board of Trustees shall have the following administrative duties:

- 391
392 a) To maintain such records as are necessary for calculating and distributing
393 retirement benefits;
394
395 b) To maintain such records as are necessary for financial accounting and reporting of
396 Retirement Plan funds;
397
398 c) To maintain such records as are necessary for actuarial evaluation of the Retirement
399 Plan, including investigations into the mortality, service and compensation
400 experience of its members and beneficiaries;
401
402 d) To compile such other administrative or investment information as is necessary for
403 the management of the Retirement Plan;
404
405 e) To process, certify and/or respond to all correspondence, bills and statement
406 received by the Retirement Plan, as well as all applications submitted to the Board
407 for retirement benefits.
408
409 f) To establish and maintain communication with City departments and other agencies
410 of government as is necessary for the management of the Retirement Plan,
411 including preparing, filing and distributing such reports and information as are
412 required by law to be prepared, filed or distributed on behalf of the Retirement Plan;
413
414 g) To determine all questions relating to and process all applications for eligibility,
415 participation and benefits;
416
417 h) To distribute at regular intervals to employees, a comprehensive Summary Plan
418 Description and periodic reports as required by law;
419
420 i) To retain and compensate such professional and technical experience as is
421 necessary to fulfill its fiduciary responsibilities;
422
423 j) To make recommendations regarding changes in the provisions of the Plan;
424
425 k) To assure the prompt deposit of all member contributions, City contributions,
426 Chapter 175 and 185 monies, and investment earnings;
427
428 l) To establish a uniform set of rules and regulations for the management of the Trust;
429

430 m) To take such other action as the Trustees shall deem, in their sole and exclusive
431 discretion, as being necessary for the efficient management of the Plan.

432

433 The Board shall have the authority to retain its own legal counsel, accountants, actuaries and other
434 professional advisors to assist the Board in the performance of its duties. The Board may act
435 without independent investigation upon the professional advice of the advisors so retained.

436

437 The Board is authorized to prosecute or defend actions, claims or proceedings of any nature or
438 kind for the protection of the Fund assets or for the protection of the Board in the performance of
439 its duties.

440

441 Neither the Board nor any of its individual members shall have any personal liability for any action
442 taken in good faith. The Trustees individually and the Board as a whole shall be entitled to the
443 protections of Section 768.28 Fla., Stats. The Trustees shall also be authorized to purchase from
444 the assets of the Fund, errors and omission insurance to protect the Trustees in the performance of
445 their duties. Such insurance shall not provide protection against a Trustee's fraud, intentional
446 misrepresentation, willful misconduct or gross negligence.

447

448 No Trustee shall be responsible at his or her own expense, to take legal action to correct the
449 misconduct of any other member of the Board or Trustees. A Trustee shall have an affirmative
450 obligation, however, to publicly reveal any misfeasance, malfeasance or nonfeasance by a co-
451 Trustee, and upon make such revelation in a public meeting, shall be relieved further individual
452 responsibility of the actions of that co-Trustee.

453

454 If an action of the Board has an impact on the City of Hallandale Beach contribution the action
455 must be approved by the City Commission. The City retains the right to obtain independent
456 actuarial services to determine financial impact.

457

458 Board of Trustees Shall Not Amend the Plan.

459

460 a. The Board of Trustees shall not amend the provisions of the Retirement Plan
461 without the approval of the Hallandale Beach City Commission. The Board of
462 Trustees shall administer the Retirement Plan in accordance with the Retirement
463 Plan ordinance as written, providing that the authority of the Board of Trustees to
464 exercise its exclusive authority to administer the Plan shall not be diminished or
465 impaired by this provision. Actions required by order of a court of law are excluded.

466

467 b. The Board of Trustees shall provide the City, ~~BSO and Union~~ representatives
468 written notice of any action it intends to take that may be reasonably expected to
469 increase the City's contribution at least ~~thirty (30)~~ sixty (60) days prior to the
470 effective date of any such action. Such notice shall specifically describe the action,
471 the reason for the action and an estimate from the actuary of the anticipated cost

472 ("estimated actuarial valuation cost"). This estimated actuarial valuation cost must
473 include the overall change to the UAAL and the dollar impact to the annual
474 contribution for the current year and for the next (5) five years. This notice
475 requirement does not apply to (1) Board action approving a change to the actuarial
476 assumptions mandated by statute or regulation, (2) investment-related Board
477 action, (3) adoption of an assumed rate of return, or (4) board action affecting only
478 one member, (5) actions required by order of a court of law, (6) actions taken prior
479 to the effective date of the enacting ordinance, or (7) adoption of the annual
480 actuarial valuation.

481
482 c. Upon receipt of notice as required by paragraph (b), the City must notify the
483 Pension Board in writing if it objects to a proposed action of the Pension Board.
484 Should the Board approve any action contemplated as stated in paragraph (b) of
485 this subsection, and the City's annual contribution, as determined by the annual
486 estimated actuarial valuation cost, will increase by \$125,000 or more due to an
487 action or directive of the Board of Trustees, the firefighter member employee
488 contribution will be increased by up to 5% of pensionable earnings to offset the
489 increase until the issue is resolved. The maximum increase of 5% is cumulative of
490 all increases and in no event shall the total number of increases pursuant to this
491 paragraph exceed 5% at any given time. This paragraph does not apply to increases
492 resulting from changes to actuarial assumptions mandated by statute or regulation
493 of the Division of Retirement, increases resulting from investment losses, increases
494 resulting from changes to the assumed rate of return, increases resulting from action
495 of the Pension Board that affects only one member, actions required by court order,
496 actions taken prior to the effective date of this ordinance, or adoption of the annual
497 actuarial valuation.

498
499 d. The amount of the police member contribution increase required pursuant to
500 paragraph c. shall be calculated as follows:

501
502 i. The total amount of the annual increase shall be divided by half, one
503 half to be considered the "City's Additional Contribution Total"; and
504 one half to be considered the "Members' Additional Contribution
505 Total," except that the City's Additional Contribution Total shall not
506 be less than \$125,000.

507
508 ii. The Members' Additional Contribution Total will be multiplied by the
509 ratio of active Police members to active Fire members of the Plan.
510 (For example, if 70% of active plan members are Police, the

511 Members' Additional Contribution Total will be multiplied by 0.7).
512 This sum will be the Police Additional Contribution Total.

513
514 iii. The Police Additional Contribution Total will be divided by 1% of the
515 previous year's active police members' pensionable earnings. The
516 total shall be the percentage of increased employee contribution for
517 the purposes of paragraph c.

518
519 **Sec. 21-331. Member Contributions**

520
521 The City shall pick-up, rather than deduct from each member's pay, beginning with the date of
522 employment, eight (8%) percent of the member's pensionable earnings. Effective October 1, 2006,
523 the employee contribution shall be ten percent (10%) of pensionable earnings. Effective July 8,
524 2010, the City shall pick-up, rather than deduct from each Police Officer's pay nine and one-half
525 percent (9.5%) of the Police Officer's pensionable earnings. Effective February 16, 2011, the City
526 shall pick-up, rather than deduct from each Firefighter's pay nine and one-half percent (9.5%) of
527 the Firefighter's pensionable earnings. Effective October 1, 2021, the City shall pick-up, rather
528 than deduct from each Police Officer's pay ten and one-half percent (10.5%) of the Police Officer's
529 pensionable earnings. Effective October 1, 2022, the City shall pick-up, rather than deduct from
530 each Police Officer's pay eleven and one-half percent (11.5%) of the Police Officer's pensionable
531 earnings. The monies so picked-up shall be deposited in the Fund on a bi-monthly basis. An
532 account record shall be maintained continuously for each member. Pick-up contributions shall
533 continue until death, entry into the DROP, disability or termination of service, whichever shall
534 occur first. Contributions shall remain in the Fund unless withdrawn as provided in the Plan. No
535 member shall have the option to choose to receive the contributed amounts directly instead of
536 having them paid by the City directly to the Plan. All such pick-up contributions by the City shall
537 be deemed and be considered as part of the member's accumulated contributions and subject to all
538 provisions of the Plan pertaining to accumulated contributions of members. The intent of this
539 provision is to comply with Section 414(h)(2) of the Internal Revenue Code. For the purpose of
540 accruing and calculating pension benefits, social security benefits, overtime compensation,
541 percentage increases to base pay, supplemental percentage payments for particular assignments,
542 education, experience, longevity, years of service, payroll steps, licensure or training, and for
543 paying social security taxes, and for such other purposes except as specified in this Plan, the
544 amount of employee contributions "picked-up" or paid by the City will be added to the amount
545 distributed on a current basis in order to determine total wages, salary, pay or compensation.

546
547 All benefits payable under this Plan are in lieu of a refund of accumulated contributions. In any
548 event, however, each member shall be guaranteed the payment of benefits at least equal in total
549 amount to the member's accumulated contributions.

550
551 Any monies received or receivable by reason of the laws of the State of Florida for the express
552 purpose of funding or paying for retirement benefits for police officers and firefighters shall be

553 deposited into the Fund immediately, but not later than five (5) business days after receipt by the
554 City.

555
556 The City shall make such contribution under the Florida Protection of Public Employee Retirement
557 Benefits Act and Chapters 175 and 185, Florida Statutes, which together with contributions picked-
558 up on behalf of members, plan earnings and state insurance premium tax rebates will maintain the
559 Fund on a sound actuarial basis, as determined by the Board in conjunction with its actuary.

560
561 Expenses, charges and fees attributable to the management of the Plan shall be paid from the Fund.

562
563 The City shall have no right, title or interest in the Fund or in any part thereof, and no contribution
564 made thereto shall revert to the City, except such part of the Fund, if any, which remains therein
565 after the satisfaction of all liabilities to persons entitled to benefits under the Plan.

566

567 **Sec. 21-332. Fund Management and Investments**

568

569 The Plan is hereby established as an irrevocable Trust Fund into which shall be deposited all of
570 the assets of the Plan of every kind and description.

571

572 The actual custody and supervision of the Fund shall be vested in the Board. All assets of the Plan
573 may be co-mingled provided that accurate records are maintained at all times reflecting the
574 financial composition of the Fund, including accurate accounts regarding the following:

575

576 a. Current amounts of accumulated contributions of members, both on an individual
577 and aggregate basis;

578

579 b. Receipts and disbursements;

580

581 c. Benefit payments;

582

583 d. All contributions from the City;

584

585 e. All contributions from the State of Florida pursuant to Chapters 175 and 185;

586

587 f. All interest, dividends, gains and losses from investment;

588

589 g. Such other entries as may be required for a clear, complete financial report of the
590 status of the Fund.

591

592 The Board shall establish a written investment policy, with the advice and counsel of such advisors
593 as the Board deems necessary and said investment policy shall set forth the types of securities and
594 other types of investments into which shall be placed the assets of the Fund. The policy shall

595 further set forth appropriate limitations on those investments, including but not limited to,
596 anticipated rate of return, quality of investment, class of investment and acceptable risk. The
597 investment policy shall comply with the provisions of Florida Statutes, 112.661. The Board shall
598 have the authority to invest and reinvest the assets of the Plan in such securities or property, real
599 or personal, as the Board deems appropriate, including but not limited to:

- 600
- 601 a. Bond, notes or other obligations of the United States or any of its agencies, or those
602 guaranteed by the United States or for which the credit of the United States is
603 pledged for the payment of the principal and interest or dividends thereof;
- 604
- 605 b. Accounts or certificates of deposit in any bank or other financial institution
606 incorporated under the laws of the State of Florida, or any national bank organized
607 under the laws of the United States, or authorized to do business and situated in the
608 State of Florida to the extent that such certificates of deposit are secured by the
609 deposits of securities United States government;
- 610
- 611 c. Notes secured by first mortgages on real property insured or guaranteed by the
612 Federal Housing Administration or the Veterans Administration;
- 613
- 614 d. Interest bearing obligations with a fixed maturity or any corporation organized
615 under the laws of the United States, any state or organized territory of the United
616 States and the District of Columbia; provided that the entire fixed income portfolio
617 has a mean quality rating of investment grade or higher;
- 618
- 619 e. Foreign investments, including bonds issued by the State of Israel, in an amount
620 not to exceed 25% of the portfolio on a market value basis;
- 621
- 622 f. Real estate, which may be in the form of co-mingled ownership and financial
623 institutional futures, listed options, stock index futures, which may be sued under
624 specific instruction of managers;
- 625
- 626 g. Common stock, preferred stock and interest-bearing obligations of domestic
627 corporations having an option to convert into common stock, trading on a national
628 exchange and issued by a corporation organized under the law of the United States,
629 any state or organized territory of the United States or any state or organized
630 territory of the United States and the District of Columbia;
- 631
- 632 h. Co-mingled or common trust funds and mutual funds.
- 633

634 The Board may determine the percentage of each type of investment to be held without regard

635 to the limitations set forth in Section 175.071, Fla. Stats., and Section 185.06, Fla., Stats.

636

637 The Board shall be authorized to retain one or more money managers for the management of
638 property held in the Plan and the Board shall convey property of the Plan to such money managers
639 for investment and reinvestment in accordance with the terms of this Ordinance and the
640 investment policies established by the Board. Any such money manager contracting with the
641 Board for the investment of its assets shall be deemed a fiduciary of the Plan.

642

643 The Board shall have a continuing duty to observe and evaluate the performance of any money
644 manager retained by the Board. The Board shall, in selecting a money manager or other
645 investment advisor, exercise all judgment and care in the circumstances then prevailing which
646 persons of prudence, discretion and intelligence, familiar with such matters, and in the
647 management of an activity of a like character and purpose

648

649 The Board shall require that any money manager or other agent who has custody or control of
650 any property of the Plan to keep accurate and detailed accounts of all investments, receipts,
651 disbursements and other transactions pertaining to such Trust property and the Board shall
652 further require that all accounts, books and records pertaining thereto be open for inspecting and
653 audit at all reasonable times by the City, the Board or the designees.

654

655 The Board shall also keep accurate and detailed accounts of all investments, receipts,
656 disbursements or other transactions pertaining to the Trust property and all accounts, books and
657 records pertaining thereto shall be open to inspection and audit at all reasonable times by the
658 City or its designees.

659

660 **Sec. 21-333. Service Retirement Benefits**

661

662 (1) A member may retire on the first day of the month coincident with or next following
663 the earlier of: the date upon which the member completes 25 years of credited service, regardless
664 of age; or the date upon which the member attains age fifty-two (52) with ten years of credited
665 service. There shall be no mandatory retirement age.

666

667 (2) For members retiring on or after October 1, 2002, the normal retirement benefit shall
668 be determined by multiplying three and two-tenths (3.2%) percent of final average compensation
669 by the number of years of credited service. For members retiring on or after October 1, 2002, the
670 amount provided in this section shall not exceed eighty (80%) percent of final average
671 compensation, except as may be required to meet the minimum standards of Chapters 175 and
672 185, Florida Statutes. Notwithstanding the foregoing, the normal retirement benefit for Police
673 Tier Two and Fire Tier Two members shall be determined by multiplying three percent (3%) of
674 Final Average Compensation by the number of years of Credited Service, not to exceed seventy-
675 five percent (75%) of Final Average Compensation.

676

677 (3) A service retirement benefit shall be payable on the first day of each month. The

678 benefit shall commence on the first day of the month coincident with or next following the
679 member's actual retirement and shall continue until the death of the member. No member shall
680 be permitted to accrue more than the equivalent of forty (40) years of credited service at the
681 minimum benefit level provided in Chapters 175 and 185, Florida Statutes.

682
683 (4) A member shall be guaranteed a benefit equal to one hundred twenty (120) payments.
684 If the member shall die prior to receiving one hundred twenty (120) payments, the remaining
685 benefit shall be paid to the beneficiary designated by the member or pursuant to an option
686 providing a survivor benefit, if any, which has been selected by the member prior to actual
687 retirement. In the event that no survivor has been designated, the member's estate shall be the
688 recipient of the remaining balance of payments.

689
690 (5) Early retirement shall be available to a member on the first day of the month
691 coincident with or next following the attainment of age forty-five (45) and a completion of ten
692 (10) years of credited service.

693
694 (6) A member electing early retirement may receive either a deferred payment or an
695 immediate payment under the following formula:

696
697 (a) A deferred payment shall commence on the normal retirement date of the member.
698 This shall mean the earlier of the date upon which the member would have
699 completed 25 years of credited service or the date upon which the member attains
700 age fifty-two (52) with ten years of credited service. A deferred payment shall be
701 determined in the same manner as a normal retirement, except that final monthly
702 compensation and credited service shall be based upon the early retirement date.

703
704 (b) An immediate retirement benefit may commence on the first day of the month
705 coincident with or next following the date of early retirement. The benefit shall be
706 determined for normal retirement and then actuarially reduced for the number of
707 actual years and months at which the starting date of the benefit precedes the
708 normal retirement date. The normal retirement date shall be the earlier of the date
709 upon which the member would have completed 25 years of credited service or
710 attained age fifty-two (52) with ten years of credited service. The actuarial
711 reduction factor applied to the benefit shall be a reduction of one-half percent for
712 each month by which the early retirement date preceded the normal retirement
713 date.

714
715 (7) The payment of the early retirement income shall be subject to the same conditions as
716 normal retirement income.

717
718 (8) In the event a member elects early retirement, the benefit formula in effect on the early

719 retirement date shall be applicable to the member.

720

721 (9) A member entitled to a normal or early service retirement benefit shall have the right
722 at any time prior to the date upon which the first payment is received to elect to have the benefit
723 payable under one of the options provided in this plan. A member shall be permitted to revoke
724 any such election and to elect a new option at any time prior to the receipt of the first payment.
725 Each retirement option shall be the actuarial equivalent of the other retirement options available.
726 The present value of payments to a retiring member must be equal to at least 50 percent of the
727 total value of payments to a retiring member and designated beneficiary. Election of the
728 retirement option shall be on a form prescribed by the Board.

729

730 (a) Joint and Last Survivor Option.

731

732 A member may elect to receive a benefit for life and to have the benefit (or a designated fraction
733 of the benefit) continued after the member's death and during the lifetime of a designated
734 survivor. A designated survivor may be any natural person or persons, named jointly or
735 sequentially, but need not be the spouse of the member. In the event that the designated survivor
736 dies before the member's benefit payments begin, this option shall be canceled automatically and
737 a retirement income shall be payable to the member as if the election had never been made.

738

739 (b) Other Options.

740

741 (c) The Trustees may authorize the payment of the retirement benefit in any
742 form which is the actuarial equivalent of the other forms of retirement
743 provided in this plan. An interest only option or an option providing
744 guaranteed payments over a period in excess of 20 years or beyond age
745 eighty-five (85) may not be offered. The Board, in its sole discretion, may
746 make a lump sum distribution which is the actuarial equivalent of the
747 monthly benefit if the lump sum is not greater than \$1,750.00.

748

749 (d) Pop-up option.

750

751 Upon retirement, including entry into the DROP, a member may select an actuarially equivalent
752 pop-up option as part of the joint and last survivor annuity. An eligible member, by electing this
753 option, consents to the actuarial adjustment of the member's retirement benefits sufficient to
754 cover the cost of this option. Notwithstanding the provisions of subsection 6.09(a), in the event
755 that a member has selected a joint and last survivor option with a pop-up, and the member's
756 designated joint annuitant predeceases the member, the survivorship benefit shall be deemed
757 cancelled and the member's annuity shall be recalculated as the normal form of benefit without
758 adjustment for optional forms of payment, and shall be paid for the life of the participant.

759
760 (10) *Medical Stipend:* Members hired prior to January 1, 1996 who have terminated
761 employment and are receiving pension benefits shall be entitled to receive a monthly stipend of
762 \$10 per year of service to a maximum of \$200 per month. The benefit shall continue for the life
763 of the eligible retiree and any surviving spouse, if the spouse was chosen with the survivor option.
764 Eligible stipend recipients shall no longer be required to provide annual proof of health insurance.
765 The Medical Stipend is eliminated for all members hired after January 1, 1996.

766
767 (11) Except as set forth in Sections (12) and (13) below, each Police Tier One member and
768 Fire Tier One member employed on or after October 1, 2002 shall be eligible, upon retirement or
769 entry into DROP, to receive a cost of living adjustment (COLA) as follows: on January 1 of the
770 first year after a member retires or enters the DROP and every January 1 thereafter a two (2%)
771 percent annual COLA shall be paid, provided that the Consumer Price Index for Urban Areas
772 (CPIU) is equal to or greater than 0.5% for the immediately preceding 12 month period on or
773 about September 30. The COLA hereby created shall apply to benefits paid to joint annuitants of
774 members employed on or after October 1, 2002.

775
776 (12) *COLA During DROP:* Police Tier One members who enter the DROP on or after
777 March 20, 2013 shall not be eligible for a COLA while in the DROP (except for those Police Tier
778 One members who attain twenty-four (24) or more years of Credited Service in the Plan by March
779 20, 2013) and Fire Tier One members who enter the DROP on or after August 7, 2013 shall not
780 be eligible for a COLA while in the DROP (except for those Fire Tier One members who attain
781 twenty-four (24) or more years of Credited Service in the Plan by December 28, 2013).

782
783 (13) *Benefit Cap:* Effective March 20, 2013 for Police Officers and August 7, 2013 for
784 Firefighters, no annual service retirement benefit based on the normal annuity form (life with 10
785 year certain) payable in the initial year of retirement shall exceed \$95,000 (hereinafter the "Initial
786 Year Benefit cap").

787
788 Effective April 15, 2021, subject to the 80% of AFC cap, the benefit cap for Police
789 Tier One members shall be \$110,000. Police Tier one members who reach the cap and who were
790 otherwise eligible to receive cost of living adjustments on their benefit will earn up to eight (8)
791 2% pension cost of living adjustments on their benefit after reaching the \$110,000 cap.

792
793 Police Tier One members shall receive a COLA for pre-2013 service. The prorated
794 COLA will be based on years of service and service time purchased prior to the effective date of
795 the 2013 Ordinance, March 20, 2013. The pre-2013 COLA will be paid as a percent of the full
796 benefit after all other current COLA benefits have been paid. (For example, any member who
797 earned 12.5 years of service prior to the 2013 pension ordinance effective date and retires at the
798 pension cap benefit of \$110,000 will first receive the current 8 COLAS of 2% after which time
799 the member will continue to receive a 1% COLA.

800
801 Subject to the 75% of AFC cap, the benefit cap for Police Tier Two members shall be \$110,000.
802

803 Optional annuity forms, actuarially equivalent to the normal annuity form, will be determined
804 using the Initial Year Benefit Cap, if applicable. The Initial Year Benefit Cap shall apply to all
805 Police Officers who have not entered the DROP and are not eligible for normal retirement as of
806 March 20, 2013, except for those Police Officers who have accrued twenty-four (24) or more
807 years of service as of March 20, 2013. The Initial Year Benefit Cap shall apply to all Firefighters
808 who have not entered the DROP and are not eligible for normal retirement as of August 7, 2013,
809 except for those Firefighters who have accrued twenty-four (24) or more years of service as of
810 December 28, 2013. Notwithstanding the Initial Year Benefit Cap, Police Officers and
811 Firefighters who are otherwise eligible for COLAs shall receive up to eight (8) COLA
812 adjustments after their annual benefit reaches the Initial Year Benefit Cap (modified by any
813 optional form of annuity elected, if applicable).

814
815 (14) *Minimum benefit accrual:* Notwithstanding the foregoing, in no case shall benefits
816 accrued under the Plan for Police Tier One members be less than benefits accrued by such
817 members as of March 20, 2013 and in no case shall benefits accrued under this Plan for Fire Tier
818 One member be less than benefits accrued by such members as of August 7, 2013. Police Officers
819 may elect to receive their respective March 20, 2013 benefit accrual and paid according to the
820 terms and conditions applicable to that accrued benefit instead of benefits accrued under the Plan
821 as amended herein and Firefighters may elect to receive their respective August 7, 2013 benefit
822 accrual and paid according to the terms and conditions applicable to that accrued benefit instead
823 of benefits accrued under the Plan as amended herein.

824
825 (15) *Transition of Firefighters to Broward Sheriff's Office:*

826
827 Notwithstanding any other provision of this Retirement Plan, the provisions of this
828 Section 21-333 (15) shall take effect January 4, 2020 for firefighter members employed by the
829 City on December 31, 2019 who became employees of Broward Sheriff's Office (BSO) on
830 January 4, 2020, in accordance with the Agreement between the City and BSO to provide
831 fire/rescue services to the City. The current provisions of this Retirement Plan in effect on
832 December 31, 2019 shall continue to apply, except as otherwise provided in this section.

- 833
834 (a) Upon becoming employees of BSO, firefighter members shall have the
835 option to remain in this Retirement Plan or enroll in the Florida
836 Retirement System for future service at the BSO.
- 837
838 (b) Firefighter members with ten (10) or more years of credited service in this
839 Retirement Plan on December 31, 2019 who elect to enroll in the Florida
840 Retirement System shall be entitled to receive normal retirement benefits
841 from this Retirement Plan based on the average of their five highest years
842 of earnings (including earnings received from the City, BSO or a
843 combination of the two), upon attaining 25 years of combined service with
844 the City and BSO, regardless of age (including additional accrual service),

845 or upon reaching age 52 with ten (10) or more years of credited service.
846 Such members shall be entitled to receive an in-service distribution from
847 this Retirement Plan upon reaching eligibility for normal retirement benefits
848 as provided in the preceding sentence, with no requirement of separation
849 from BSO employment.

850
851 (c) For firefighter members who elect to continue participating in this
852 Retirement Plan on or after January 4, 2020 and are not eligible for normal
853 retirement on that date or within twenty- five (25) months thereafter, the
854 following provisions shall apply:

855
856 1. Employee contributions shall increase to 10.75% of pensionable
857 earnings on or after January 4, 2020, and shall increase to 11.25%
858 of pensionable earnings on January 1, 2022.

859
860 2. The benefit multiplier for all future service shall be 3.00% per year
861 of credited service, up to the maximum cap provided in paragraph
862 (5) below.

863
864 3. Average Final Compensation shall be based on the highest five (5)
865 years of the last ten (10) years of credited service (including BSO
866 service); but for firefighter members hired before August 7, 2013,
867 Average Final Compensation shall be no less than the average of the
868 two most recent calendar years before January 4, 2020.

869
870 4. The normal retirement age shall be the earlier of age 52 with ten (10)
871 years of credited service or attainment of twenty-five (25) years of
872 credited service (including BSO service) regardless of age; or upon
873 reaching the maximum benefit accrual percentage provided in
874 section 6.02 once the member has completed the terms of their
875 additional accrual service purchase agreement, if applicable.

876
877 5. Effective— February 19, 2020, the maximum annual service
878 retirement benefit payable to firefighter members, excluding cost of
879 living adjustments and the health care stipend, shall not exceed
880 \$100,000 or the maximum percentage of average final
881 compensation provided in section 6.02. Effective January 1, 2021
882 and every two years thereafter, the \$100,000 maximum annual

883 service retirement benefit for firefighter members shall increase by
884 2%, until it reaches \$125,000, at which point there shall be no further
885 increases. The maximum percentage of average final compensation
886 provided in section 6.02 above shall continue to apply; provided in
887 no event shall a member's normal retirement benefit, including the
888 health care stipend, be less than 2.75% for all years of credited
889 service, to include additional accrual service once the member has
890 completed the terms of their additional accrual service agreement.

891
892 6. Tier 1 firefighter members (firefighter members hired before August
893 7, 2013) who enter the Deferred Retirement Option Plan on or after
894 January 4, 2020, shall earn annual interest credits equal to the net
895 market rate of return on Retirement Plan investments during the
896 preceding plan year, with a minimum of zero and a maximum of
897 6%.

898
899 7. Tier 1 firefighter members shall receive a prorated 2% annual cost
900 of living adjustment (COLA) on the portion of their accrued benefit
901 based on credited service before August 7, 2013. Tier 1 members
902 shall receive eight annual COLAs on the portion of their accrued
903 benefit based on service between August 7, 2013 and January 1,
904 2020, and shall not receive a COLA for any benefit accrued on and
905 after January 1, 2020. Tier 2 firefighter members (firefighter
906 members hired on or after August 7, 2013) are not eligible for a
907 COLA.

908
909 8. All earnings considered pensionable by the Florida Retirement
910 System shall be considered pensionable earnings under this
911 Retirement Plan for firefighter members who elect to continue
912 participating in this Retirement Plan on or after January 1, 2020,
913 except no more than 300 hours of overtime pay per fiscal year may
914 be included in pensionable earnings, and payments for accrued
915 unused sick and annual leave shall be excluded, and wages earned
916 for details shall not be pensionable.

917
918 9. Firefighter members who are eligible for normal retirement under
919 this Retirement Plan as provided in section 6.01 within twenty-five
920 months following January 1, 2020 may elect to retain the current

921 Retirement Plan benefits (as written in the Retirement Plan on
922 December 31, 2019, not as amended by legal opinions dated
923 between 2016-2018), if they complete and submit an irrevocable
924 retirement application before March 1, 2020, for retirement no later
925 than the first date of normal retirement eligibility.

926
927 10. Firefighter members who elect to continue participating in this
928 Retirement Plan after January 1, 2020 may receive an in-service
929 distribution of benefits from this Retirement Plan upon reaching
930 eligibility for normal retirement, with no requirement of separation
931 from BSO employment.

932
933 11. The City shall continue participating in Ch. 175, F.S. The City and
934 the union representing firefighters have agreed that all Ch. 175
935 premium tax revenues will be used to offset City contributions to the
936 Retirement Plan.

937 **Sec. 21-334. Disability**

938
939 (1) A member shall be disabled under the terms of the Plan if the member has suffered an
940 illness, injury or disease which renders the member permanently and totally incapacitated,
941 physically or mentally, from regular and continuous duty as a police officer or firefighter.
942 Disability shall not be determined based solely on the fact that a member cannot perform
943 all of the duties of a police officer or a firefighter as set forth in the job description. The
944 definition of disability shall be applied to an individual who because of illness, injury, or
945 disease, cannot perform any job in the police or fire department which is within the
946 member's physical or mental capabilities and further provided that a vacancy exists which
947 will be made available by the City, or BSO as applicable to firefighters. The City shall be
948 required to accommodate disabled workers in accordance with state and federal law. A
949 disability benefit cannot be based on a condition which pre-existed membership in the
950 plan unless the course of the disability would reasonably be expected to give rise to a
951 disability in a person without the pre-existing condition.

952
953 (2) A member shall be eligible for a service incurred disability retirement from the entry date
954 into the plan. A service incurred disability retirement shall mean that the disability arose as a
955 result of an act occurring in the performance of service with the City, or BSO as applicable to
956 firefighters.

957
958 (3) A member shall be eligible for a non-service incurred disability retirement upon the
959 completion of ten years of credited service. A non-service incurred disability shall be an illness,
960 injury, or disease, which did not occur as a result of an act in the performance of service with the

961 City, or BSO as applicable to firefighters.

962

963 (4) The service incurred disability benefit shall be paid in equal monthly installments in an
964 amount equal to 75 percent of the member's pensionable earnings at the time of the disability. A
965 disability retiree may select any of the optional forms of payment available to service retirees.
966 The disability benefit shall be subject to an offset against disability benefits received from the
967 Social Security Administration in an amount equal to 64 percent of the Social Security benefit.
968 The member's disability benefit shall be subject to an offset against worker's compensation
969 benefits received from the City and a member's outside income at the rate of one dollar (\$1.00)
970 for each three dollars (\$3.00) earned, to the extent that the sum of the worker's compensation
971 benefit and the disability benefit exceed 100 percent of the member's earnable compensation. If
972 a member receives a cost of living adjustment to the Social Security disability benefit or to the
973 worker's compensation benefit, those cost of living benefits shall not be used in the calculation
974 of the offset. In no event shall the disability benefit payable under this Plan, net of all offsets, be
975 less than the greater of the member's accrued benefit or forty-two (42%) percent of the member's
976 earnable compensation.

977

978 (5) In the case of a lump sum settlement of worker's compensation, the application of the
979 lump sum payment shall be applied to the offset provisions in Section 7.04 in accordance
980 with the terms of this section. Only that portion of a lump sum settlement attributable to
981 lost wages shall be applied to the offset. Offsets shall not apply to that portion of a lump
982 sum settlement attributable to future medical benefits and attorney's fees. The lump sum
983 payment received shall be divided the number of months in which the payment would
984 have been received had the lump sum not been offered, and that amount shall be applied
985 on a monthly basis to the determination of the offset. In the case of a lifetime worker's
986 compensation benefit, the lump sum amount shall be divided by the number of months
987 remaining in the member's actuarial lifetime, and that fraction shall be applied on a
988 monthly basis to the determination of the offset. The Board may prescribe uniform rules
989 for the application of this Section.

990

991 (6) The non-service incurred disability benefit shall be paid on a monthly basis in an amount
992 equal to 3.2 percent of final average compensation multiplied by the number of years of
993 credited service. This amount shall be subject to an offset against the member's Social
994 Security disability benefit in an amount equal to 64 percent of that Social Security benefit.
995 In no event shall a non-service incurred disability benefit exceed 50 percent of the
996 member's final average compensation; provided however, that the minimum benefit shall
997 be the greater of the member's accrued retirement benefit or twenty-five percent (25%) of
998 the member's final average compensation. For the purposes of a non-service incurred
999 disability benefit, final average compensation shall be determined as of the last day the
1000 member was actively at work for the City, or BSO as applicable to firefighters. A
1001 disability retiree may select any of the optional forms of payment available to service
1002 retirees.

1003

1004 (7) Disability benefits shall be paid on the first day of each month. Entitlement to a disability
1005 benefit shall accrue on the first day of the month coincident with or next following the
1006 later of the date upon which the disability has existed for ninety (90) days or the date
1007 upon which the member has made written application for disability benefits on the form
1008 prescribed by the Board of Trustees. No benefit shall be paid until the Board of Trustees
1009 has actually considered and voted upon entitlement to disability.

1010
1011 (8) Disability retirement income shall continue until the death of the member or recovery
1012 from disability, as determined by the Board of Trustees. In the event of the death of a
1013 member who is retired on a disability benefit and has not received one hundred twenty
1014 (120) payments, the remaining unpaid benefits shall be paid to a designated beneficiary
1015 selected by the member and communicated to the Board on the form prescribed by the
1016 Board. In the event that there is no designated beneficiary, the remaining unpaid benefits
1017 shall be paid to the estate of the deceased member.

1018
1019 (9) The Board of Trustees shall have the continuing right to require disabled members to
1020 submit to a medical examination to determine that the member remains disabled. In order
1021 for a member to be deemed recovered, the medical board must recommend to the Board
1022 of Trustees that the member has sufficiently recovered to again engage in the duties of a
1023 police officer or firefighter and that the City has certified that it has a position within the
1024 police or BSO has certified that it has a position for fire service available for the member
1025 consistent with the member's medical condition.

1026
1027 (10) Upon finding that a member is no longer disabled, the member shall return to work for
1028 the City, or BSO as applicable to firefighters, at the same rank and position previously
1029 occupied and shall be placed into the appropriate step in the pay plan which the member
1030 would have occupied but for the disability. The member shall again become an active
1031 member of the plan but shall receive no creditable service for any period of time in which
1032 the member was receiving disability benefits. If the member declines re-employment
1033 within the City, or BSO as applicable to firefighters, the member shall be deemed to have
1034 terminated employment on the date that the disability benefit commenced.

1035
1036 (11) No member shall be eligible to receive disability benefits from the retirement plan
1037 during any period of time that the member is receiving a salary from the City, or BSO as
1038 applicable to firefighters. This section shall not apply to the receipt of worker's compensation
1039 benefits.

1040
1041 (12) Application for disability retirement shall be made on a form prescribed by the Board of
1042 Trustees. The member shall execute such medical releases as are necessary to permit the Board
1043 of Trustees to review the medical records needed to determine the question of disability and to

1044 discuss said records at a public meeting. Upon receipt of an application for disability, the Board
1045 shall appoint a medical committee to be composed of not less than one nor more than three
1046 licensed physicians. The applicant for disability shall be required to submit to examination by the
1047 medical committee. The medical committee shall report its findings to the Board of the Trustees
1048 which shall include a determination, to the extent reasonably possible, the origin of the disability,
1049 whether the disability is permanent, and whether the disability is total. In making that
1050 determination, the medical committee shall be bound by the definition of disability set forth in
1051 this plan.

1052
1053 (13) As a part of the disability application, notice of the application shall be forwarded to
1054 the ~~Personnel~~ Human Resource Department of the City, or BSO as applicable to firefighters,
1055 together with a questionnaire seeking information from the City, or BSO as applicable to
1056 firefighters, concerning any available job openings for the applicant in the appropriate
1057 department, consistent with the applicant's physical limitations. In addition, the City, or BSO as
1058 applicable to firefighters, shall be requested to provide a copy of any worker's compensation
1059 records. The Board is not bound in its deliberations by any worker's compensation proceeding,
1060 but should be apprised of any medical or other information contained in those records which
1061 bears on the questions of the permanency, totality, and causation of the disability.

1062
1063 (14) Upon receipt of the report of the medical committee, the Trustees shall schedule a
1064 public hearing at which time the Board shall review all reports of the medical committee,
1065 together with any such documentary evidence as the applicant may wish to submit. The Board
1066 shall conduct a preliminary determination as to whether the member is permanently and totally
1067 disabled based upon the written documentation presented. If the Board does not grant the
1068 application based on the written documentation, it shall inform the member in writing of the
1069 reasons for the denial of the application. The member may, within thirty (30) days of receipt of
1070 the Board's preliminary denial, request a full evidentiary hearing before the Board. Said hearing
1071 will be conducted consistent with the principles of due process and the rules of evidence generally
1072 applicable to administrative proceedings shall apply. The Board shall have the power to issue
1073 subpoenas compelling the attendance of witnesses. At said hearing the applicant may present
1074 such oral and written evidence as the applicant deems necessary to establish its burden of proof.
1075 The Board may appoint special counsel as an advocate to cross-examine witnesses and to offer
1076 argument in opposition to the application. The attorney for the Board shall not serve both as
1077 advocate and as advisor to the Board in the same proceeding. The applicant and the Board shall
1078 have the right to examine and cross-examine all witnesses. The decision of the Board shall be
1079 based solely upon the evidence presented and the law applicable to this plan. Following the
1080 conclusion of the hearing, the Board shall render an opinion in writing setting forth the reasons
1081 for the grant or denial of the benefit. In the event that the disability benefit is denied, the applicant
1082 shall have the right to judicial review by complaint for common law certiorari in the Circuit Court
1083 of Broward County.

1084
1085 (15) The Board of Trustees may prescribe rules of procedure to implement the provisions of
1086 this plan relating to the conduct of disability hearings.

1087
1088 (16) No member shall be granted a disability pension upon a determination by the Board
1089 that the disability resulted from:

- 1090
1091 a. Excessive and habitual use of drugs, intoxicants or narcotics;
1092 b. Injury or disease sustained while willfully and illegally participating in fights,
1093 riots, civil insurrections or while committing a crime;
1094 c. Intentionally self-inflicted wounds, injuries or ailments;
1095 d. Any occurrence arising from compensable employment unrelated to regular City
1096 employment, and such employment having been undertaken without prior permission of the
1097 appropriate department head having been granted to such member in writing.

1098 (17) The provisions of Section 112.1816, Fla. Stat., as amended, providing for a
1099 non-rebuttable conclusive cancer presumption for firefighters, are hereby codified within the Plan
1100 and are intended to be incorporated by reference. The Board of Trustees shall adopt uniform
1101 administrative rules relating to this presumption and for the determination of any disqualifying
1102 events as reflected in Chapters 112 and 175, Fla. Stat., as amended.

1103

1104 **Sec. 21-335. Vesting and Termination**

1105

1106 (1) Except as otherwise provided in this section, all rights to benefits under this plan shall
1107 terminate when a member's employment terminates for any reason other than normal
1108 service retirement, early service retirement, or disability retirement. Any member who
1109 completes ten years of credited service and whose contributions remain in the plan has a
1110 vested right to accrued benefits from the plan. No member who has completed less than
1111 ten years of credited service shall have a vested interest in any accrued benefit.

1112

1113 (2) A member who shall leave the service of the City prior to eligibility for normal service
1114 retirement or early service retirement, but who has completed ten years of creditable
1115 service shall be entitled to receive retirement benefits commencing at the regular normal
1116 service retirement date. Such benefits will be based on final monthly compensation and
1117 credited service as of the date of termination.

1118

1119 (3) Every member shall have the right to elect to receive, in lieu of all benefits under the
1120 plan, a return of the member's accumulated contributions. If the member terminates
1121 with less than five years of credited service, the member shall be entitled to a return
1122 of the contributions with no interest. If a member has completed more than five years
1123 of credited service and elects a lump sum return of contributions, the member shall
1124 receive interest at the rate of three percent for each full year of credited service, to be
1125 prorated for the final year of employment.

1126

1127 (4) A member who elects a lump sum return of contributions releases and discharges the City
1128 of Hallandale Beach and the Retirement Plan from the right to any other benefits from
1129 the plan.

1130
1131 (5) If a member of the plan has completed ten years of credited service and dies prior to
1132 retirement, the beneficiary of the vested member shall receive a monthly retirement
1133 income for one hundred twenty (120) months based on final monthly compensation and
1134 credited service as of the date of the member's death. In the event that there is no
1135 beneficiary designated on a form prescribed by the Board, the benefits otherwise payable
1136 will be paid to the estate of the deceased member.

1137
1138 (6) If a member who has terminated service prior to retirement re-enters the police or fire
1139 service of the City, the member will be entitled to reinstate the credited service that the
1140 member had on the date of termination in lieu of the benefits to which the member became
1141 entitled at time of separation. If, at the time of separation, the member withdrew the
1142 member's accumulated contributions, credited service can only be restored by repaying to
1143 the pension plan an amount equal to the accumulated contributions plus five percent
1144 interest from the date the contributions were withdrawn.

1145
1146 (7) A member with prior police or firefighter service with another employer or who has
1147 served on active military duty in the Armed Forces of the United States may purchase up
1148 to a maximum of four (4) years of service credit, provided that for each year being
1149 purchased the member pays to the pension plan eight and four tenths (8.4%) percent of
1150 the member's current salary for each year being purchased. A member who is receiving,
1151 or will receive a pension benefit for prior service in any other pension plan supported by
1152 public funds, except a military pension, shall not be eligible for buy-back of that prior
1153 service, under the provisions of this section. In order to be permitted to purchase prior
1154 service under this Section, the member must submit proof to the Board that the member
1155 is not receiving and will not receive a pension benefit from another plan based on the
1156 prior service. Members hired after October 1, 2001 must exercise this option within ninety
1157 (90) days of completion of probation in accordance with policy adopted by the Board.

1158
1159 All payments must be completed within five (5) years and may be made by payroll deduction or
1160 by rollover from a qualified plan, including the City's 457 plan. Purchased service shall count
1161 towards vesting. A member may not purchase in excess of five years of combined service credit
1162 and/or accrual service under this Section and Section 8.08. Effective October 1, 2006, police
1163 officers shall not be credited with prior service under this Section until the police officer has
1164 earned ten (10) years of actual service as a member of the Plan. Effective November 1, 2006,
1165 firefighters shall not be credited with prior service under this Section until the firefighter has
1166 earned ten (10) years of actual service as a member of the Plan.

1167
1168 (8) Police officers hired after January 1, 2006 and firefighters hired after January 1, 2007,
1169 shall have the option to purchase up to five years of additional accrual service, which

1170 shall be calculated in the form of an enhanced multiplier of an additional three and two-
1171 tenths (3.2%) percent, resulting in a total multiplier of six and four-tenths (6.4%) percent
1172 for each completed year during the sixteenth through twentieth years of service, if five
1173 years of additional accrual service are purchased. Where less than five years are
1174 purchased, the enhanced multiplier shall be applied, as appropriate, during the final years
1175 of service corresponding with the number of years purchased. In order to qualify for this
1176 benefit, the member must have been employed as a Police Officer or Firefighter for at
1177 least one year. Members must exercise this option within ninety (90) days after
1178 completion of probation. in accordance with policy adopted by the Board. Members
1179 electing this option shall contribute the full actuarial cost of the benefit for each year of
1180 enhanced multiplier purchased. Members must complete the required contribution within
1181 ten (10) years or prior to entry into the DROP, whichever shall occur first. Payments may
1182 be made by payroll deduction. A member may not purchase in excess of *five* years of
1183 total service credit and/or accrual service under this Section and Section 8.07. Service
1184 purchased under this section shall not count for vesting purposes.

1185

1186 **Sec. 21-336. Death Benefits**

1187

1188 (1) A member shall be eligible for service incurred death benefits from the date of entry into
1189 the Plan.

1190

1191 (2) A member who is killed or dies as a direct result of an occurrence arising in the
1192 performance of the service of the City shall be entitled to a service incurred death benefit.
1193 The benefit shall be an amount equal to the greater of 30 percent of the member's rate of
1194 pensionable earnings at the time of death or the member's accrued monthly retirement
1195 benefit at the time of death. The benefit shall be paid on a monthly basis to the member's
1196 designated beneficiary on a ten-year certain and life thereafter basis. In the event that the
1197 member has not designated a beneficiary on a form prescribed by the Board, the death
1198 benefit shall be payable for a guaranteed one hundred twenty (120) months to the estate
1199 of the deceased member.

1200

1201 (3) A non-service incurred death benefit shall be available to a member who has completed
1202 ten years of credited service in the Plan.

1203

1204 (4) The non-service incurred death benefit shall be equal to the member's accrued monthly
1205 retirement benefit at the time of death. The benefit shall be paid on a monthly basis to the
1206 member's designated beneficiary on the basis of a ten-year certain and life thereafter
1207 calculation. In the event that the member has not designated a beneficiary on the form
1208 prescribed by the Board, the benefits shall be payable for one hundred twenty (120)
1209 months to the estate of the deceased member.

1210

1211 **Sec. 21-337. Compliance with the Internal Revenue Code**

1212

1213 (1) It is the intention of the City and of the Board that the plan remain at all times a
1214 qualified plan as that term is defined under the Internal Revenue Code. In recognition
1215 of the changing requirements of plan qualification, the Board shall adopt an administrative
1216 policy setting forth the required provisions for tax qualification. Such a policy shall be
1217 amended by the Board as required to maintain continuing compliance with the Internal
1218 Revenue Code and that policy and any amendments shall have the force of law as if
1219 adopted by the City Council.

1220

1221 (2) No member's annual benefit may exceed the limitations set forth in Section 415 of
1222 the Internal Revenue Code.

1223

1224 (3) In no event may a member's retirement benefit be delayed beyond the later of April 1st
1225 following the calendar year in which the member attains age ~~seventy and one half (70-~~
1226 ~~1/2) or April 1st of the year following the calendar year in which the member retires~~
1227 seventy-two, provided the member had not attained age 70 1/2 by December 31, 2019.

1228

1229 When a distribution of the participant's entire interest is not made in a lump sum, the
1230 distribution will be made in one of the following ways: over the life of the participant; over
1231 the life of the participant and designated beneficiary; over a period certain not extending
1232 beyond the life expectancy of the participant; or over a period certain not extending beyond
1233 the joint life and last survivor expectancy of the participant and a designated beneficiary.
1234

1235 (4) If the distribution has commenced before the participant's death, the remaining
1236 interest will be distributed at least as rapidly as under the method of distribution being
1237 used as the date of the participant's death.

1238

1239 The method of distribution, if the participant dies before distribution is commenced, must
1240 satisfy the following requirements:

1241

1242 a. Any remaining portion of the participant's interest that is not payable to a beneficiary
1243 designated by the participant will be distributed within five years after the participant's death;
1244

1245 b. Any portion of the participant's interest that is payable to a beneficiary designated by the
1246 participant will be distributed either: (i) within five years after the participant's death; or (ii)
1247 over the life of the beneficiary, or over a period certain not extending beyond the life expectancy
1248 of the beneficiary, commencing not later than the end of the calendar year following the calendar
1249 year in which the participant died (or, if a designated beneficiary is the participant's surviving
1250 spouse, commencing not later than the end of the calendar year following the calendar year in

1251 which the participant would have attained age ~~seventy and one half (70 1/2))~~ seventy-two (72).

1252

1253 (5) Direct transfers of eligible distributions shall be made as follows:

1254

1255 (a) General.

1256

1257 This subsection applies to distributions made on or after January 1, 1993. Notwithstanding any
1258 provision of the Plan to the contrary that would otherwise limit a distributee's election under this
1259 subsection, a distributee may elect, at the time and in the manner prescribed by the Board, to have
1260 any portion of an eligible rollover distribution made directly to an eligible retirement plan
1261 specified by the distributee in a direct rollover.

1262

1263

1264 (b) Definitions.

1265

1266 (i) *Eligible Rollover Distribution.* An Eligible Rollover Distribution is any distribution of
1267 all or any portion of the balance to the credit of a distributee, except that an eligible rollover
1268 distribution does not include: any distribution that is one (1) of a series of a substantially equal
1269 periodic payments (not less frequently than annually) made for the life (or life expectancy) of the
1270 distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's
1271 designated beneficiary, or for a specified period of ten (10) years or more; any distribution to the
1272 extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code; and
1273 the portion of any distribution that is not includable in gross income.

1274

1275 (ii) *Eligible Retirement Plan.* An Eligible Retirement Plan is an individual retirement
1276 account described in Section 408(a) of the Internal Revenue Code, an Individual Retirement
1277 Annuity described in Section 408(b) of the Internal Revenue Code, an Annuity Plan described in
1278 Section 403(a) of the Internal Revenue Code, or a Qualified Trust described in Section 401(a) of
1279 the Internal Revenue Code that accepts a distributee's eligible rollover distribution. However, in
1280 the case of an eligible rollover distribution to a surviving spouse, an eligible retirement plan is an
1281 individual retirement account or individual retirement annuity.

1282

1283 (iii) *Distributee.* A Distributee includes an employee or former employee. In addition, the
1284 employee's or former employee's surviving spouse is a distributee with regard to the interest of
1285 the spouse.

1286

1287 (iv) *Direct Rollover.* A Direct Rollover is a payment by the Plan to the eligible retirement plan
1288 specified by the distributee.

1289

1290 **Sec. 21-338. Amendment or Termination of the System**

1291

1292 (1) It is the intention of the City and the Board. that this pension plan shall constitute an
1293 irrevocable trust and no portion of the assets may revert to the employer until all other

1294 obligations of the plan, including the payment to the last surviving member and
1295 beneficiary has been paid.

1296
1297 (2) In the event of termination or partial termination of the plan, each participant's accrued
1298 pension benefit shall become nonforfeitable (100 percent vested) to the extent funded. At
1299 such time, the funds shall be appropriated and distributed in accordance with the
1300 provisions of Chapters 175 and 185.

1301
1302 In the event that the plan is terminated, the assets of the plan shall first be distributed to
1303 retired members and their beneficiaries. If there is any asset value remaining after the
1304 apportionment to retired members and their beneficiaries, apportionment shall next be made to
1305 each member in the service who has completed at least ten years of credited service and has
1306 contributed to the fund for at least ten years and who is not otherwise eligible to retire. If there is
1307 any asset value after the apportionments to retirees and their beneficiaries and to vested members
1308 of the plan, apportionment shall lastly be made in respect of each member in the service of the
1309 City for an amount not to exceed the total value of the member's contributions. In the event that
1310 there is any asset value remaining after full apportionment to all members and beneficiaries of
1311 the plan, the excess, if any, shall revert proportionately to the City and the State of Florida on the
1312 basis of contributions to the plan.

1313
1314

1315 **Sec. 21-339. Qualified Domestic Relations Orders**

1316
1317 (1) In the event that the Board is served with a qualified domestic relations order or other
1318 legal process purporting to require the payment of any portion of a member's benefit to
1319 another person as a result of dissolution of marriage, the Board shall cause such order to
1320 be reviewed to determine compliance with the provisions of the plan.

1321
1322 (2) The Board of Trustees shall be authorized to intervene in any (suet) dissolution of
1323 marriage proceeding to ensure that such qualified domestic relations order is otherwise
1324 consistent with the distribution of an interest in a public employee's retirement plan under
1325 state law.

1326
1327 (3) Any cost associated with the modification or correction of such qualified domestic
1328 relations orders shall be the responsibility of the plan member.

1329
1330 **Sec. 21-340. Miscellaneous**

1331
1332 (1) The present or future right of a person to money in the Pension Fund or to a retirement
1333 allowance, an optional allowance, a death benefit, the return of contributions, or any other
1334 right accrued or accruing under the provisions of this plan shall not be assignable and
1335 shall not be subject to execution, garnishment, attachment, the operation of bankruptcy

1336 or insolvency law or any other process of law whatsoever, except with respect to
1337 alimony, child support or medical payments to a former spouse.

1338
1339 (2) The Board shall have the power to examine into the facts upon which any pension has
1340 been granted under any prior or existing law or which may be granted in the future or
1341 obtained erroneously, fraudulently, or illegally for any reason. The Board is empowered
1342 to purge the pension rolls of any person who has been granted a pension under a prior or
1343 existing law, or who is hereafter granted a benefit under this ordinance if the granting of
1344 that pension is found to be erroneous, fraudulent, or illegal for any reason; and to
1345 reclassify any pensioner who has under any prior or existing law or who may under this
1346 ordinance be erroneously, improperly or illegally classified.

1347
1348 (3) Should any change or error in retirement system records be discovered or result in any
1349 member or beneficiary receiving from the retirement plan more or less than he or she
1350 would have been entitled to receive had the records been correct, the Board shall have the
1351 power to correct such error and, as far as possible, adjust~~ment~~ the payments in such a
1352 manner that the actuarial equivalent of a benefit to which such member or beneficiary
1353 was correctly entitled shall be paid.

1354
1355 (4) If any member or beneficiary is a minor or is under any other legal disability, the Board
1356 of Trustees shall have the power to withhold payment of benefits until the Board is
1357 presented with proof satisfactory to the Board of the appointment of a guardian. If the
1358 Board becomes aware that any member or beneficiary is incapable of personally receiving
1359 and giving a valid receipt for any payment due under the plan, the Board shall cause
1360 notice to be given to that participant or beneficiary of a hearing to determine whether said
1361 benefits should continue to be paid until the appointment of a guardian. During the
1362 pendency of any such hearing, however, the Board may continue to pay benefits to the
1363 member or beneficiary and that such payment shall be a complete discharge of any
1364 liability under the plan for such payment.

1365

1366 **Sec. 21-341. Deferred Retirement Option Plan**

1367
1368 (1) A deferred retirement option plan ("DROP") was created, effective January 1, 1998.
1369

1370 (2) Any erroneous contributions picked up on behalf of members after entry into the DROP
1371 shall be refunded to the member.
1372

1373 (3) Police Tier One and Fire Tier One Members are eligible ~~eligibility~~ to participate in the
1374 DROP ~~is~~ based upon the attainment of age fifty-two (52) with twenty (20) years of service
1375 (including purchases of service credit and buyback),the completion of twenty-five (25)

1376 years of credited service (including purchases of service credit and buyback), regardless
1377 of age, or, effective October 1, 2002, for members entering the DROP after October 1,
1378 2002, the date that a member's service credit reaches the eighty (80%) percent benefit
1379 accrual limitation set forth in Section 6.02.

1380

1381 (4) Effective April 15, 2021, Police Tier Two members are eligible to participate in the
1382 DROP upon the completion of 25 years of credited service, regardless of age (including
1383 the purchase of service time).

1384

1385 ~~Notwithstanding the foregoing, Police Tier Two and Fire Tier Two members shall not~~
1386 ~~be eligible to participate in DROP.~~

1387

1388 (5) Participation in the DROP for Police Tier One and Fire Tier One members must be
1389 exercised within ninety (90) days of the date of a member's twenty-fifth anniversary of
1390 employment, the completion of twenty-five (25) years of credited service (including
1391 purchases of service credit and buyback), attainment of age fifty-two (52) with twenty
1392 (20) years of service (including purchases of service credit and buyback), or the date that
1393 a member's service credit reaches eighty (80%) percent benefit accrual, or the right to
1394 participate in the DROP is forfeited.

1395

1396 (6) Participation in the DROP for Police Tier Two members must be exercised within ninety
1397 (90) days of the date of a member's twenty-fifth anniversary of employment, the
1398 completion of twenty-five (25) years of credited service (including purchases of service
1399 credit and buyback), or the date that a member's service credit reaches seventy-five (75%)
1400 percent benefit accrual, or the right to participate in the DROP is forfeited.

1401

1402 (7) The maximum period of participation in the DROP is five (5) years or a total of thirty
1403 (30) years of service (including purchases of service credit and buyback). Notice of
1404 election to DROP must be accompanied by a post-dated letter of resignation which shall
1405 be fully binding upon the member. Any subsequent election to voluntarily terminate
1406 employment, prior to the maximum limit of the DROP, shall be by binding written notice
1407 to the employer at least thirty days in advance.

1408

1409 (8) Upon exercising the right to participate in the DROP, an employee's creditable service,
1410 accrued benefits and compensation calculation shall be frozen and shall utilize Final
1411 Average Compensation for determining the benefit.

1412

1413 (9) Payment shall be made into the employee's DROP account as if the employee had
1414 terminated employment in the City in an amount determined by the employee's selection
1415 of Options 1 and 2 as enumerated in Section 21-333(9).

1416

1417 (10) Subject to Sections 21.341 (16) and (17) of this Ordinance, a Police Tier One and Fire
1418 Tier One member's account in the DROP program shall earn or lose interest based upon

1419 the actual earnings of the retirement plan for the preceding year or the most recent
1420 Assumed Rate of Return of the actuarial valuation. The member must choose an
1421 irrevocable earnings option at the time of entry into the DROP. As of the
1422 effective date of this ordinance, Police Tier One members
1423 entering the DROP program shall earn interest credits equal
1424 to the net market rate of return on Pension Plan investments
1425 during the preceding plan year, with a minimum of 0% (zero
1426 percent) and a maximum of 6% (six percent). Pension Plan
1427 assets that are not used to provide DROP interest in
1428 accordance with this paragraph shall remain assets of the
1429 Plan. Interest credit for Police Tier Two members shall be based on net plan earnings
1430 on DROP balances with no guarantee of returns. The Board may, by uniform
1431 administrative rule, establish an employee-directed investment program.

1432
1433 (11) DROP participant shall terminate service with the City at the conclusion of five (5) years
1434 in the DROP or a total of thirty (30) years of service (including purchases of service credit
1435 and buyback).

1436
1437 (12) All interest shall be credited to the employee's DROP account at the end of the DROP
1438 period.

1439
1440 (13) Upon termination with the City, an employee may receive payment within forty-five (45)
1441 days of the member requesting payment or may defer payment until a time not later than
1442 the latest date authorized by Section 401(a)(9) of the Internal Revenue Code at the option
1443 of the member. Payments for the DROP may be received as a lump sum, rollover,
1444 installment payment, annuity or combination of payments, provided, however, that at all
1445 times, the DROP shall be subject to the provisions of the Internal Revenue Code. No
1446 payment may be made from the DROP until the employee actually separates from the
1447 service with the City.

1448
1449 (14) If an employee shall die during participation in the DROP, the employee shall be treated
1450 as any other vested member in the Plan who dies after retirement.

1451
1452 (15) Upon commencement of participation in the DROP, the member shall no longer be
1453 eligible for disability retirement from the pension plan. If a member becomes disabled
1454 during the DROP period, the member shall be treated as if he/she voluntarily terminated
1455 DROP participation on the day prior to the date of disability.

1456
1457 (16) An administrative fee of one-half percent (1/2%) will be assessed on the DROP account
1458 balance to cover the administrative costs of the DROP.

1459
1460 (17) If a Firefighter DROP participant selected the fixed rate option, upon exiting the DROP
1461 the firefighter DROP participant's investment rate shall revert to the actual earnings

1462 method set forth in subsection (10). This provision shall not apply for Firefighter
1463 members who entered the DROP prior to October 3, 2006.

1464
1465 (18) Effective July 8, 2010, Police Officers who have not yet entered the DROP and upon
1466 entering the DROP select to have their DROP accounts earn interest on the most recent
1467 Assumed Rate of Return of the actuarial valuation shall have their DROP investment rate
1468 revert to the actual earnings of the Plan for the preceding year upon exiting the DROP.
1469 This provision shall not apply to those Police Officers who entered the DROP prior to
1470 July 8, 2010.

1471
1472

1473 **Sec. 21-342. Defined Contribution Component (“Share Plan”)**

1474
1475 (1) Pursuant to the requirements of Florida Statutes 175.351(6) and 185.35(6), a defined
1476 contribution plan (“DC Plan”) is hereby created as a component of the Plan, but will not be
1477 activated unless and until a portion of the Chapter 175 and 185 premium tax revenues have been
1478 assigned to fund the DC Plan. The provisions of the DC Plan, when and if activated, shall be
1479 negotiated at the time funding has been assigned to the DC Plan. Assignment of premium tax
1480 revenues can result either from agreement between the parties, or from application of the
1481 provisions of ~~Ch. 2015-39, Laws of Florida~~ Chapter 175 and Chapter 185, Florida Statutes.

1482
1483

1484 **Sec. 21-343 Usage of Premium Tax Revenues**

1485
1486 (1) All annual premium tax revenues received by the City in accordance with Chapters
1487 175 and 185, Florida Statutes, shall be applied to reduce the City pension contribution.

1488
1489 (2) All funds in the excess state monies reserve shall be applied to reduce the City pension
1490 contribution.

1491
1492

1493
1494

1495 **SECTION 8:** The current Section 21-341.- **Established**, shall be renumbered as Section
1496 21-344, all parts remaining the same.

1497
1498

1499 **SECTION 9:** The current Section 21-342., **Execution of agreements**, shall be renumbered
1500 as Section 21-345, all parts remaining the same.

1501
1502

1503 **SECTION 10:** If any clause, section, or other part or application of this Ordinance
1504 shall be held in any court of competent jurisdiction to be unconstitutional or invalid, such
unconstitutional or invalid part or application shall be considered as eliminated and shall not affect
the validity of the remaining portions or applications which shall remain in full force and effect.

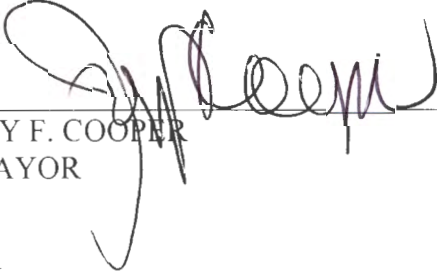
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SECTION 11: All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 12: This Ordinance shall become effective immediately upon adoption, unless otherwise provided.


PASSED on first reading by the City Commission of the City of Hallandale Beach, Florida, this 1st day of September, 2021.

PASSED AND ADOPTED on the second reading by the City Commission of the City of Hallandale Beach, Florida, this 6th day of October, 2021.




JOY F. COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:


JENORGEN GUILLEN, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY and
FORM


JENNIFER MERINO
CITY ATTORNEY

FIRST READING VOTE ON ADOPTION

Mayor Cooper	<u>YES</u>
Vice Mayor Butler	<u>YES</u>
Commissioner Javellana	<u>ABSENT</u>
Commissioner Lazarow	<u>YES</u>
Commissioner Lima-Taub	<u>ABSENT</u>

FINAL VOTE ON ADOPTION

Mayor Cooper	<u>YES</u>
Vice Mayor Butler	<u>YES</u>
Commissioner Javellana	<u>YES</u>
Commissioner Lazarow	<u>YES</u>
Commissioner Lima-Taub	<u>YES</u>

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