

By Representative Frankel

1                                   A bill to be entitled  
2           An act relating to the City of West Palm Beach,  
3           Palm Beach County; revising language with  
4           respect to the West Palm Beach Police Pension  
5           Fund; revising language relating to early  
6           retirement; revising the provisions regarding  
7           optional forms of retirement income; revising  
8           the beneficiary provisions; revising the  
9           disability provisions; adding language imposing  
10          penalties for false or misleading statements to  
11          obtain benefits; providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Paragraph (c) of subsection (8) of section  
16          16 of chapter 24981, Laws of Florida, 1947, as amended, is  
17          amended to read:

18

          Section 16. West Palm Beach Police Pension Fund.--

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          (8) Age and service requirements for retirement.--

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          (c) Early retirement.--Any member may retire from the

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service of the department, ~~with the consent of the city,~~ as of

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the first day of any calendar month which is prior to the

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member's normal retirement date but subsequent to the date as

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of which he or she has both attained the age of 50 and

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completed 10 years of credited service. In the event of early

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retirement, the monthly amount of retirement income payable

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shall be computed as described in paragraph (9)(a), taking

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into account his or her credited service to his or her date of

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actual retirement and his or her final average salary as of

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such date. The amount of retirement income shall be

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actuarially reduced to take into account the member's younger

1 age and earlier commencement of retirement income benefits.  
2 In no event shall the early retirement reduction exceed 3  
3 percent for each year by which the member's age at retirement  
4 preceded the member's normal retirement age.

5 Section 2. Subparagraph 1.a. of paragraph (d) and  
6 paragraph (e) of subsection (9) of section 16 of chapter  
7 24981, Laws of Florida, 1947, as amended by chapter 93-373,  
8 Laws of Florida, are amended to read:

9 Section 16. West Palm Beach Police Pension Fund.--

10 (9) Retirement pension calculation.--

11 (d) Optional forms of retirement income.--

12 1.a. In the event of normal, or early, or disability  
13 retirement, in lieu of the normal form of retirement income  
14 payable as specified in paragraph (c), and in lieu of the  
15 death benefits as specified in subsection (17), a member, upon  
16 written request to the board ~~and submission of evidence of~~  
17 ~~good health (except that such evidence shall not be required~~  
18 ~~if such request is made at least 3 years prior to the date of~~  
19 ~~commencement of retirement income)~~and subject to the approval  
20 of the board, may elect to receive a retirement income of  
21 equivalent actuarial value payable in accordance with one of  
22 the following options:

23 (I) Lifetime option.--A retirement income of a larger  
24 monthly amount, payable to the member for his or her lifetime  
25 only.

26 (II) Joint and survivor option.--A retirement income  
27 of a modified monthly amount, payable to the member during the  
28 joint lifetime of the member and a dependent joint pensioner  
29 designated by the member, and following the death of either of  
30 them, 100 percent, 75 percent, ~~66 2/3 percent~~, or 50 percent  
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1 of such monthly amounts, payable to the survivor for the  
2 lifetime of the survivor.

3 (e) Designation of beneficiary.--

4 1. Each member may, on a form provided for that  
5 purpose, signed and filed with the board, designate a  
6 beneficiary (or beneficiaries) to receive the benefit, if any,  
7 which may be payable in the event of the member's death; and  
8 each designation may be revoked by such member by signing and  
9 filing with the board a new designation of beneficiary form.  
10 However, after the benefits have commenced, a retirant may  
11 change his or her designation of a joint annuitant or  
12 beneficiary only twice. If the retirant desires to change his  
13 or her joint annuitant or beneficiary, he or she shall file  
14 with the board a notarized notice of such change either by  
15 registered letter or on a form as provided by the board. Upon  
16 receipt of a completed change of joint annuitant form or such  
17 other notice, the board shall adjust the member's monthly  
18 benefit by the application of actuarial tables and  
19 calculations developed to ensure that the benefit paid is the  
20 actuarial equivalent of the present value of the member's  
21 current benefit.

22 2. Absence or death of beneficiary.--If a deceased  
23 member failed to name a beneficiary in the manner prescribed  
24 in subparagraph 1., or if the beneficiary (or beneficiaries)  
25 named by a deceased member predeceases the member, death  
26 benefits, if any, which may be payable under this act on  
27 behalf of such deceased member may be paid, in the discretion  
28 of the board, ~~to:in accordance with subsection (11)(g).~~

29 a. The spouse or dependent child or children of the  
30 member;

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1           b. The dependent living parent or parents of the  
2 member; or

3           c. The estate of the member.

4           Section 3. Effective for share account distributions  
5 made for calendar year 1998 from chapter moneys received in  
6 July 1999, paragraph (a) of subsection (13) of section 16 of  
7 chapter 24981, Laws of Florida, 1947, as amended by chapter  
8 99-483, Laws of Florida, is amended to read:

9           Section 16. West Palm Beach Police Pension Fund.--

10           (13) Deferred Retirement Option Plan (DROP).--

11           (a) Eligibility to participate in the DROP.--

12           1. Any member who is eligible to receive an early or  
13 normal retirement pension and who has either attained age 50,  
14 regardless of credited service, or completed between 25 and 30  
15 years of credited service, may participate in the DROP.  
16 Members shall elect to participate by applying to the board of  
17 trustees on a form provided for that purpose.

18           2. Election to participate shall be forfeited if not  
19 exercised within the first 27 years of combined credited  
20 service. ~~However, participation in the first years of~~  
21 ~~enactment will be extended to those members with 28 years of~~  
22 ~~service in 1992.~~

23           3. A member shall not participate in the DROP beyond  
24 the time of attaining 30 years of service and the total years  
25 of participation in the DROP shall not exceed 5 years. For  
26 example:

27           a. Members with 25 years of credited service at time  
28 of entry shall participate for only 5 years.

29           b. Members with 26 years of credited service at time  
30 of entry shall participate for only 4 years.

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1 c. Members with 27 years of credited service at time  
2 of entry shall participate for only 3 years.

3 4. Upon a member's election to participate in the  
4 DROP, he or she shall cease to be a member and shall no longer  
5 accrue any benefits under the pension fund, except for the  
6 benefits provided under subsection (11), Chapter 185 share  
7 accounts. For all fund purposes, the member becomes a  
8 retirant, except that a DROP participant shall continue to  
9 receive shares of the chapter moneys in accordance with  
10 subsection (11), Chapter 185 share accounts. The amount of  
11 credited service and final average salary shall freeze as of  
12 the date of entry into the DROP.

13 5. Notwithstanding any provision of this section to  
14 the contrary, the police chief of the department may, at his  
15 or her option, extend his or her participation in the DROP  
16 beyond 5 years or 30 years of total service. For purposes of  
17 this subsection, "police chief" means a member who has been  
18 promoted from police officer through the ranks of the  
19 department to the position of police chief. Any such police  
20 chief shall not participate in the DROP beyond the attainment  
21 of 33 years of service, and the total years of participation  
22 in the DROP shall not exceed 8 years.

23 Section 4. Subparagraph 1. of paragraph (d) of  
24 subsection (16) of section 16 of chapter 24981, Laws of  
25 Florida, 1947, as amended by chapter 93-373, Laws of Florida,  
26 is amended to read:

27 Section 16. West Palm Beach Police Pension Fund.--

28 (16) Conditions applicable to all disability  
29 retirants.--

30 (d) Normal form of disability retirement income.--

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1           1. Duty or nonduty disability with 10 years of  
2 service.

3           a. Married member.--The standard form of disability  
4 retirement benefit for a married member or for a member with  
5 dependent children or parents shall be a disability pension  
6 and death benefit. This form of benefit shall provide monthly  
7 payments for the life of the member as set forth in subsection  
8 (14) or subsection (15), as applicable, or the disability  
9 retiree may select optional forms of benefits in accordance  
10 with paragraph (9)(d). Thereafter, death benefits shall be  
11 paid as provided in subsection (17).

12           b. Nonmarried member.--The standard form of disability  
13 retirement benefit for a member who is not married or who does  
14 not have dependent children or parents shall be a 10-year  
15 certain benefit. This benefit shall pay monthly benefits for  
16 the member's lifetime. In the event the member dies after his  
17 or her retirement but before he or she has received disability  
18 retirement benefits for a period of 10 years, the same monthly  
19 benefit shall be paid to the beneficiary (or beneficiaries) as  
20 designated by the member for the balance of such 10-year  
21 period. In the absence of a designated beneficiary, then the  
22 benefits will be paid to the estate of the retiree.

23           Section 5. Paragraph (d) is added to subsection (33)  
24 of section 16 of chapter 24981, Laws of Florida, 1947, as  
25 renumbered by chapters 95-478 and 99-483, Laws of Florida, to  
26 read:

27           Section 16. West Palm Beach Pension Fund.--

28           (33) Miscellaneous Requirements.--

29           (d) False or misleading statements made to obtain  
30 retirement benefits prohibited.--

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1           1. It is unlawful for a person to willfully and  
2 knowingly make, or cause to be made, or to assist, conspire  
3 with, or urge another to make, or cause to be made, any false,  
4 fraudulent, or misleading oral or written statement or to  
5 withhold or conceal material information to obtain any benefit  
6 under this plan.

7           2.a. A person who violates subparagraph 1. commits a  
8 misdemeanor of the first degree, punishable as provided in s.  
9 775.082 or s. 775.083, Florida Statutes.

10           b. In addition to any applicable criminal penalty,  
11 upon conviction for a violation described in subparagraph 1.,  
12 a participant or beneficiary of this plan may, in the  
13 discretion of the board of trustees, be required to forfeit  
14 the right to receive any or all benefits to which the person  
15 would otherwise be entitled under this plan. For purposes of  
16 this sub-subparagraph, "conviction" means a determination of  
17 guilt that is the result of a plea or trial, regardless of  
18 whether adjudication is withheld.

19           Section 6. All special laws and parts of special laws,  
20 ordinances, or regulations, insofar as they are in conflict or  
21 inconsistent with the provisions of this act, are repealed.

22           Section 7. This act shall take effect upon becoming a  
23 law.

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