

HB 1369

2004

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A bill to be entitled
An act relating to the City Of West Palm Beach, Palm
Beach County; amending chapter 24981 (1947), Laws of
Florida, as amended; revising the definition of
"salary"; increasing duty death benefits; providing
for a repeal; providing an effective date.

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

Section 1. Paragraph (p) of subsection (2) and paragraph
(b) of subsection (17) of section 16 of chapter 24981 (1947),
Laws of Florida, as amended, are amended to read:

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

(2) Definitions.--The following words or phrases, as used
in this act, shall have the following meanings, unless a
different meaning is clearly indicated by the context:

(p) "Salary" means the fixed monthly compensation paid to
a member; compensation shall include those items as have been
included as compensation in accordance with past practice.
However, the term shall not be construed to include lump sum
payments for accumulated leave. On and after January 1, 2003
~~1997~~, salary compensation shall mean total cash remuneration
paid by the City to a police officer for services rendered
~~payment for regular hours worked, overtime payments for services~~
~~performed for the City, hazardous duty pay, holiday pay,~~
~~educational supplements, longevity pay, specialized assignment~~
~~pay, and any payments for approved leave, excluding lump sum~~
payments for accumulated leave such as accrued vacation leave,
accrued sick leave, and accrued personal leave. This definition

HB 1369

2004

30 of compensation shall not include off-duty employment performed
 31 for vendors other than the City of West Palm Beach per Article
 32 30 37, Pension Salary Plan, Section 7 of the Officers' and
 33 Sergeants' Contract and Article 36, Salary Plan and Section 5 of
 34 the collective bargaining agreement between the Palm Beach
 35 County Police Benevolent Association and the City of West Palm
 36 Beach of the Lieutenants' Contract.

37 (17) Death Benefits.--

38 (b) Duty death.--In the event a member dies and the Board
 39 finds his or her death to be the natural and proximate result of
 40 a personal injury or disease arising out of and in the course of
 41 his or her actual performance of the duties as a police officer
 42 in the employ of the City, the following applicable pensions
 43 shall be paid:

44 1. Effective October 1, 2003, the surviving spouse shall
 45 receive a pension equal to two-thirds ~~four-ninths~~ of the
 46 member's highest 12 consecutive months' ~~final average~~ salary or
 47 the current top step police officer pay, whichever is greater.

48 Upon the surviving spouse's death, the pension shall terminate.

49 Any pension payable under this paragraph shall be subject to
 50 the provisions of subsection (18).

51 2. If, in addition to a surviving spouse, the deceased
 52 member leaves an unmarried child or children under age 18, each
 53 child shall receive a pension of \$150 per month. Upon any
 54 child's adoption, marriage, death, or attainment of age 18, the
 55 child's pension shall terminate. Any pension payable under this
 56 paragraph shall be subject to the provisions of subsection (18).

57 3. In the event the deceased member does not leave a
 58 surviving spouse, or if the surviving spouse dies, and the

HB 1369

2004

59 member leaves an unmarried child or children under age 18, each
60 such child shall receive a pension of an equal share of one-
61 third of the deceased member's final average salary. Upon any
62 such child's adoption, marriage, death, or attainment of age 18,
63 the child's pension shall terminate and it shall be apportioned
64 to the pensions payable to the deceased member's remaining
65 eligible children under age 18. Any pension payable under this
66 paragraph shall be subject to the provisions of subsection (18).

67 4. Any pensions payable, under subparagraphs 2. and 3.
68 above, to any child under age 18 shall be paid to his or her
69 legal guardian.

70 5. In the event the deceased member does not leave a
71 surviving spouse or children under age 18 eligible to receive a
72 pension provided for in subparagraph 1., subparagraph 2., or
73 subparagraph 3., and the member leaves a parent or parents who
74 the Board finds are dependent upon the member for at least 50
75 percent of his, her, or their financial support, then each
76 parent shall receive a pension of an equal share of one-third of
77 the deceased member's final average salary. Upon any such
78 parent's remarriage or death, his or her pension shall
79 terminate. Any pension payable under this paragraph shall be
80 subject to the provisions of subsection (18).

81 6. In the event the deceased member does not leave a
82 surviving spouse, children, or parents eligible to receive a
83 pension, then the death benefit, if any, shall be paid to the
84 estate of the deceased member. In any of the above cases, the
85 Board, in its discretion, may direct that the actuarial value of
86 the monthly benefit be paid as a lump sum.

87 Section 2. All special laws and parts of special laws,

HB 1369

2004

88 ordinances, or regulations, insofar as they are in conflict or
89 inconsistent with the provisions of this act, are repealed.

90 Section 3. This act shall take effect upon becoming a law.