

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends
2 the following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the City Of West Palm Beach, Palm
8 Beach County; amending chapter 24981 (1947), Laws of
9 Florida, as amended; revising the definition of
10 "salary"; increasing duty death benefits; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Paragraph (p) of subsection (2) and paragraph
16 (b) of subsection (17) of section 16 of chapter 24981 (1947),
17 Laws of Florida, as amended, are amended to read:

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

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

22 (p) "Salary" means the fixed monthly compensation paid to
23 a member; compensation shall include those items as have been

HB 1369

2004
CS

24 included as compensation in accordance with past practice.
 25 However, the term shall not be construed to include lump sum
 26 payments for accumulated leave. On and after January 1, 2003
 27 ~~1997, salary compensation~~ shall mean total cash remuneration
 28 paid by the City to a police officer for services rendered
 29 ~~payment for regular hours worked, overtime payments for services~~
 30 ~~performed for the City, hazardous duty pay, holiday pay,~~
 31 ~~educational supplements, longevity pay, specialized assignment~~
 32 ~~pay, and any payments for approved leave, excluding lump sum~~
 33 payments for accumulated leave such as accrued vacation leave,
 34 accrued sick leave, and accrued personal leave. This definition
 35 of compensation shall not include off-duty employment performed
 36 for vendors other than the City of West Palm Beach per Article
 37 30 37, Pension Salary Plan, Section 7 of the Officers' and
 38 ~~Sergeants' Contract and Article 36, Salary Plan and Section 5 of~~
 39 the collective bargaining agreement between the Palm Beach
 40 County Police Benevolent Association and the City of West Palm
 41 Beach Lieutenants' Contract.

42 (17) Death Benefits.--

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

49 1. Effective October 1, 2003, the surviving spouse shall
 50 receive a pension equal to two-thirds ~~four-ninths~~ of the
 51 member's highest 12 consecutive months' final average salary or

HB 1369

2004
CS

52 | the current top step police officer pay, whichever is greater.
53 | Upon the surviving spouse's death, the pension shall terminate.
54 | Any pension payable under this paragraph shall be subject to the
55 | provisions of subsection (18).

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

62 | 3. In the event the deceased member does not leave a
63 | surviving spouse, or if the surviving spouse dies, and the
64 | member leaves an unmarried child or children under age 18, each
65 | such child shall receive a pension of an equal share of one-
66 | third of the deceased member's final average salary. Upon any
67 | such child's adoption, marriage, death, or attainment of age 18,
68 | the child's pension shall terminate and it shall be apportioned
69 | to the pensions payable to the deceased member's remaining
70 | eligible children under age 18. Any pension payable under this
71 | paragraph shall be subject to the provisions of subsection (18).

72 | 4. Any pensions payable, under subparagraphs 2. and 3.
73 | above, to any child under age 18 shall be paid to his or her
74 | legal guardian.

75 | 5. In the event the deceased member does not leave a
76 | surviving spouse or children under age 18 eligible to receive a
77 | pension provided for in subparagraph 1., subparagraph 2., or
78 | subparagraph 3., and the member leaves a parent or parents who
79 | the Board finds are dependent upon the member for at least 50

HB 1369

2004
CS

80 | percent of his, her, or their financial support, then each
81 | parent shall receive a pension of an equal share of one-third of
82 | the deceased member's final average salary. Upon any such
83 | parent's remarriage or death, his or her pension shall
84 | terminate. Any pension payable under this paragraph shall be
85 | subject to the provisions of subsection (18).

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

92 | Section 2. This act shall take effect upon becoming a law.