

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

7  
 8   Be It Enacted by the Legislature of the State of Florida:

9  
 10           Section 1. Paragraph (p) of subsection (2) and paragraph  
 11           (b) of subsection (17) of section 16 of chapter 24981 (1947),  
 12           Laws of Florida, as amended, are amended to read:

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

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

17           (p) "Salary" means the fixed monthly compensation paid to  
 18           a member; compensation shall include those items as have been  
 19           included as compensation in accordance with past practice.  
 20           However, the term shall not be construed to include lump sum  
 21           payments for accumulated leave. On and after January 1, 2003  
 22           ~~1997, salary compensation~~ shall mean total cash remuneration  
 23           paid by the City to a police officer for services rendered  
 24           ~~payment for regular hours worked, overtime payments for services~~  
 25           ~~performed for the City, hazardous duty pay, holiday pay,~~  
 26           ~~educational supplements, longevity pay, specialized assignment~~  
 27           ~~pay, and any payments for approved leave, excluding lump sum~~  
 28           payments for accumulated leave such as accrued vacation leave,

29 accrued sick leave, and accrued personal leave. This definition  
 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 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 the  
 50 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  
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

HB 1369, Engrossed 1

2004

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. This act shall take effect upon becoming a law.