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 HB 1369, Engrossed 1

2004 Legislature

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 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,

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accrued sick leave, and accrued personal leave. This definition of compensation shall not include off-duty employment performed for vendors other than the City of West Palm Beach per Article ~~30~~ 37, ~~Pension Salary Plan, Section 7 of the Officers' and Sergeants' Contract and Article 36, Salary Plan~~ and Section 5 of the collective bargaining agreement between the Palm Beach County Police Benevolent Association and the City of West Palm Beach Lieutenants' Contract.

(17) Death Benefits.--

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

1. Effective October 1, 2003, the surviving spouse shall receive a pension equal to two-thirds ~~four-ninths~~ of the member's highest 12 consecutive months' final average salary or the current top step police officer pay, whichever is greater. Upon the surviving spouse's death, the pension shall terminate. Any pension payable under this paragraph shall be subject to the provisions of subsection (18).

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

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

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

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

6. In the event the deceased member does not leave a surviving spouse, children, or parents eligible to receive a pension, then the death benefit, if any, shall be paid to the estate of the deceased member. In any of the above cases, the

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Board, in its discretion, may direct that the actuarial value of the monthly benefit be paid as a lump sum.

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