

HB 957

2005

A bill to be entitled

An act relating to the City of West Palm Beach, Palm Beach County; amending ch. 24981 (1947), Laws of Florida, as amended; revising provisions applicable to the West Palm Beach Police Pension Fund; amending the definitions of "final average salary," "salary," and "service"; revising the provisions for membership; revising the member's contributions; allowing the purchase of permissive service; clarifying provisions related to credit for intervening military service; providing an effective date.

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

Section 1. Paragraphs (g), (p), and (q) of subsection (2), subsection (6), and paragraph (a) of subsection (19) of section 16 of chapter 24981 (1947), Laws of Florida, as amended, are amended, and subsection (35) is added to said section, 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:

(g) "Final average salary" means the average of the monthly salary paid a member in the 3 best years of employment.

In no event shall any one year, beginning January 1, 2005, include more than 400 hours of overtime. Prior to January 1, 2005, individual years may include more than 400 hours of overtime.

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

HB 957

2005

30 included as compensation in accordance with past practice.
 31 However, the term shall not be construed to include lump sum
 32 payments for accumulated leave. On and after January 1, 2003,
 33 salary shall mean total cash remuneration paid by the City to a
 34 police officer for services rendered, excluding lump sum
 35 payments for accumulated leave such as accrued vacation leave,
 36 accrued sick leave, and accrued personal leave. Effective
 37 January 1, 2005, overtime hours earned and paid in excess of 400
 38 hours in any 26 consecutive pay periods shall be excluded from
 39 the definition of salary; prior to January 1, 2005, all overtime
 40 hours earned and paid shall be included in the definition of
 41 salary and shall not be limited by any cap. This definition of
 42 compensation shall not include off-duty employment performed for
 43 vendors other than the City of West Palm Beach per Article 30,
 44 Pension Plan and Section 5 of the collective bargaining
 45 agreement between the Palm Beach County Police Benevolent
 46 Association and the City of West Palm Beach.

47 (q) "Service" or "service credit" means the total number
 48 of years, and fractional parts of years, of employment of any
 49 police officer, omitting intervening years, and fractional parts
 50 of years, when such police officer was not employed by the City.
 51 No member shall receive credit for years, or fractional parts of
 52 years, of service for which the member has withdrawn his or her
 53 contributions to the Fund. It is further provided that a member
 54 may voluntarily leave his or her contributions in the Fund for a
 55 period of 5 years after leaving the employ of the Department,
 56 pending the possibility of being rehired by the Department,
 57 without losing credit for the time he or she has participated
 58 actively as a police officer. Should he or she not be reemployed

HB 957

2005

59 as a police officer with the Department within 5 years, his or
 60 her contributions shall be returned without interest. In
 61 determining the aggregate number of years of service of any
 62 member, years of service for prior police officer or military
 63 service, as well as intervening military service, may be added,
 64 provided the member meets the requirements of subsection 35 of
 65 the Plan. ~~the time spent in the military service of the United~~
 66 ~~States or United States Merchant Marine by the police officer on~~
 67 ~~leave of absence for such reason shall be added to the years of~~
 68 ~~service. However, to receive credit for such service, the member~~
 69 ~~must have reentered the employ of the Department within 1 year~~
 70 ~~after date of release from such service.~~

71 (6) Membership.--All police officers in the employ of the
 72 Department shall be included in the membership of the Fund, and
 73 all persons who hereafter become police officers in the employ
 74 of the City shall thereupon become members of the Fund. Except
 75 as otherwise provided in this act, should any member cease to be
 76 a police officer in the employ of the Department, he or she
 77 shall thereupon cease to be a member and his or her credited
 78 service at that time shall be forfeited. In the event such
 79 person is reemployed in the Department as a police officer, he
 80 or she shall again become a member. ~~Should said employment occur~~
 81 ~~within a period of 6 years from and after the date the member~~
 82 ~~last left the employ of the Department,~~ His or her forfeited
 83 service shall be restored to the member's credit, provided that
 84 he or she returns to the Fund the amount he or she might have
 85 withdrawn, together with regular interest from the date of
 86 withdrawal to the date of repayment. Upon the member's
 87 retirement or death, he or she shall thereupon cease to be a

HB 957

2005

88 member.

89 (19) Member's contributions; refunds.--

90 (a) Member's contributions.--

91 1. The member shall contribute 7 percent of his or her
92 salary to the Fund. Effective the first full payroll period
93 after January 1, 2005, the member shall contribute 9 percent of
94 his or her salary to the Fund, which shall be deducted each pay
95 period from the salary of each member in the Department.
96 Effective the first full payroll period after January 1, 2006,
97 the member shall contribute 10 percent of his or her salary to
98 the Fund, which shall be deducted each pay period from the
99 salary of each member in the Department. Effective the first
100 full payroll period after January 1, 2007, the member shall
101 contribute 11 percent of his or her salary to the Fund, which
102 shall be deducted each pay period from the salary of each member
103 in the Department. All amounts of member contributions that are
104 deducted shall be immediately paid over to the Pension Fund. Any
105 contribution amount over 7 percent is to be used to purchase
106 eligibility for participation in the postretirement health
107 insurance benefits.

108 2. The City shall cause the contributions provided for in
109 subparagraph 1. to be deducted from the compensation of each
110 member on each payroll, for each pay period, so long as he or
111 she remains a member of the Fund. The member's contributions
112 provided for herein shall be made, notwithstanding that the
113 minimum compensation provided by law for any member is thereby
114 changed. Each member shall be deemed to consent and agree to the
115 deductions made and provided for herein. Payment of
116 compensation, less said deductions, shall be a full and complete

HB 957

2005

117 discharge and acquittance of all claims and demands whatsoever
 118 for the services rendered by him or her during the period
 119 covered by such payment, except as to benefits provided by this
 120 act. When deducted, each of said contributions shall be paid
 121 into the Fund and credited to the individual member from whose
 122 compensation said deduction was made.

123 3. In addition to the contribution deducted from the
 124 compensation of a member, as hereinbefore provided, a member
 125 shall deposit in the Fund, by a single contribution or by an
 126 increased rate of contribution, as approved by the Board of
 127 Trustees, the amount of previously withdrawn member
 128 contributions not repaid to the Fund, together with regular
 129 interest from the date of withdrawal to the date of repayment.
 130 In no case shall any member be given credit for service rendered
 131 prior to the date he withdrew his aggregate contributions until
 132 he or she repays to the member's deposit account all amounts
 133 due the account by such member.

134 (35) Other police officer or military service.--

135 (a) Prior police officer or military service.--Unless
 136 otherwise prohibited by law, the years, or fractional parts of
 137 years, that a member previously served as a police officer with
 138 the City during a period of employment and for which accumulated
 139 contributions were withdrawn from the fund, or the years, or
 140 fractional parts of years, that a member served as a police
 141 officer for this or any other municipal, county, state, or
 142 federal law enforcement office or any time served in the
 143 military service of the Armed Forces of the United States shall
 144 be added to the years of credited service, provided that the
 145 member contributes to the fund the sum that would have been

HB 957

2005

146 contributed, based on the member's salary and the employee
 147 contribution rate in effect at the time that the credited
 148 service is requested, had the member been a member of this
 149 system for the years, or fractional parts of years, for which
 150 the credit is requested, plus the amount actuarially determined,
 151 such that the crediting of service does not result in any cost
 152 to the fund, plus payment of costs for all professional services
 153 rendered to the board in connection with the purchase of years
 154 of credited service.

155 1. Payment by the member of the required amount may be
 156 made within 6 months after the request for credit and in one
 157 lump sum payment, or the member may buy back this time over a
 158 period equal to the length of time being purchased or 5 years,
 159 whichever is greater, at an interest rate which is equal to the
 160 Fund's actuarial assumption. A member may request to purchase
 161 some or all years of service.

162 2. The credit purchased under this subsection shall count
 163 for all purposes, except vesting.

164 3. In no event, however, may credited service be purchased
 165 pursuant to this section for prior service with any other
 166 municipal, county, state, or federal law enforcement office, if
 167 such prior service forms or will form the basis of a retirement
 168 benefit or pension from another retirement system or plan.

169 4. In the event that a member who is in the process of
 170 purchasing service suffers a disability and is awarded a benefit
 171 from the plan, the member shall not be required to complete the
 172 buyback. However, contributions made prior to the date the
 173 disability payment begins will be retained by the Fund.

174 5. If a member who has either completed the purchase of

HB 957

2005

175 service or is in the process of purchasing service terminates
176 before vesting, the member's contributions shall be refunded,
177 including the buyback contributions.

178 6. A request to purchase service may be made at any time
179 during the course of employment; however, the buyback is a one-
180 time opportunity.

181 (b) Intervening military service.--In determining the
182 creditable service of any police officer, credit for up to 5
183 years of the time spent in the military service of the Armed
184 Forces of the United States shall be added to the years of
185 actual service without employee contribution, if:

186 1. The police officer is in the active employ of the
187 municipality prior to such service and leaves a position, other
188 than a temporary position, for the purpose of voluntary or
189 involuntary service in the Armed Forces of the United States.

190 2. The police officer is entitled to reemployment under
191 the provisions of the federal Uniformed Services Employment and
192 Reemployment Rights Act.

193 3. The police officer returns to his or her employment as
194 a police officer of the municipality within 1 year after the
195 date of his or her release from such active service.

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