

ENROLLED

HB 957

2005 Legislature

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

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

## ENROLLED

HB 957

2005 Legislature

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

ENROLLED

HB 957

2005 Legislature

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

ENROLLED

HB 957

2005 Legislature

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

ENROLLED

HB 957

2005 Legislature

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

## ENROLLED

HB 957

2005 Legislature

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

ENROLLED

HB 957

2005 Legislature

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.