

25 | 1. Any member who is actively employed on and after
26 | October 1, 2003, excluding members in the DROP, who has attained
27 | age 50 years and who has acquired 15 or more years of service
28 | credit; who has attained age 55 years and who has acquired 10 or
29 | more years of service credit; or who has acquired 26 years of
30 | service credit without regard to age shall, upon application
31 | filed with the Board, be retired and shall be entitled to a
32 | monthly pension for the remainder of his or her life.

33 | 2. The normal retirement benefit is calculated based upon
34 | the sum of sub-subparagraphs a. and b. to a maximum of 92
35 | percent of salary. However, in all cases, a member is entitled
36 | to at least 2.75 ~~2~~ percent per year of credited service.

37 | a. Effective on and after May 13, 2012, for all active
38 | members who retire on or after May 13, 2012, and who are not
39 | eligible for normal retirement as of May 13, 2012, the benefit
40 | is equal to 3 percent of final average earnings times credited
41 | service earned on and after May 13, 2012; and

42 | b. Effective for service earned before May 13, 2012, for
43 | retirements before May 13, 2012, or for members who are eligible
44 | for normal retirement as of May 13, 2012, the benefit is equal
45 | to 4 percent of final average salary times credited service.

46 | 3. The 3-percent benefit accrual factor in subparagraph 2.
47 | is contingent on and subject to the adoption and maintenance of
48 | the assumptions set forth in subsection (22). If such
49 | assumptions are modified by legislative, judicial, or

50 administrative agency action, and the modification results in
51 increased City contributions to the Pension Fund, the 3-percent
52 accrual factor in subparagraph 2. shall be automatically
53 decreased prospectively, from the date of the action, to
54 completely offset the increase in City contributions. However,
55 in no event shall the benefit accrual factor in subparagraph 2.
56 be adjusted below 2.5 percent. To the extent that the benefit
57 accrual factor is less than 3 percent, the supplemental pension
58 distribution calculation under paragraph (d) shall be adjusted
59 for employees who retire on or after October 1, 1998, and those
60 employees who were members of the DROP on October 1, 1998. The
61 adjustment shall be to decrease the minimum return of 8.25
62 percent needed to afford the supplemental pension distribution,
63 when the amount of the reduction is zero if an employee has been
64 credited with 16 or more years with the 3-percent benefit
65 accrual factor or 1.25 percent if an employee has been credited
66 with no more than a 2.5-percent benefit accrual factor. If an
67 employee has been credited with less than 16 years at the 3-
68 percent benefit accrual factor, then the accumulated amount over
69 2.5 percent for each year of service divided by .5 percent
70 divided by 16 subtracted from 1 multiplied by 1.25 percent is
71 the reduction from 8.25 percent. An example of the calculation
72 of the minimum return for supplemental pension distribution as
73 described above is set forth in Appendix B to the collective
74 bargaining agreement between the City of West Palm Beach and the

75 West Palm Beach Association of Firefighters, Local 727-IAFF,
76 October 1, 2003-September 30, 2006.

77 (15) Review procedures.—

78 (c) The procedures at the hearing shall be as follows:

79 1. All parties shall have an opportunity to respond, to
80 present physical and testimonial evidence and argument on all
81 issues involved, to conduct cross-examination, to submit
82 rebuttal evidence, and to be represented by counsel. Medical
83 reports and depositions may be accepted in lieu of live
84 testimony at the Board's discretion.

85 2. All witnesses shall be sworn.

86 3. The applicant and the Board shall have an opportunity
87 to question all witnesses.

88 4. Formal rules of evidence and formal rules of civil
89 procedure shall not apply. The proceedings shall comply with the
90 essential requirements of due process and law.

91 5. The record in a case governed by this subsection shall
92 consist only of:

93 a. A tape recording of the hearing, to be taped and
94 maintained as part of the official files of the Board of
95 Trustees by the pension's secretary or plan's administrator.

96 b. Evidence received or considered.

97 c. All notices, pleadings, motions, and intermediate
98 rulings.

99 d. Any decisions, opinions, proposed or recommended
100 orders, or reports by the Board of Trustees.

101 (d) Within a reasonable period ~~5 days~~ after the ~~first~~
102 hearing, the Board shall take one of the following actions:

103 1. Grant the pension benefits by overturning the proposed
104 order by a majority vote.

105 2. Deny the benefits and approve the proposed order as a
106 final order after making any changes in the order the Board
107 feels is necessary.

108 (g) The applicant may seek review of the order by the
109 Board of Trustees by filing a petition for writ of certiorari
110 with the circuit court within 30 days. In reviewing the Board's
111 decision, the court or administrative agency shall defer to the
112 Board's interpretation of this special act.

113 (22) Actuarial assumptions.—The following actuarial
114 assumptions shall be used for all purposes in connection with
115 this Fund, effective October 1, 1998: the assumed investment
116 rate of return shall be 8.25 percent. Effective October 1, 2018
117 ~~October 1, 2014~~, the assumed investment rate of return shall be
118 7.5 percent ~~8 percent~~. Due to the other assumption changes that
119 were made at the same time as this reduction in the assumed rate
120 of return, the City did not have an increase in City
121 contributions as a result of the change of the assumed
122 investment rate of return. Therefore, there was no change
123 necessary to the 3-percent accrual factor in subsection (5)(a)2.

HB 901

2019

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