

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING SECTION 33.025 OF THE CODE OF ORDINANCES REGARDING THE GENERAL EMPLOYEES' RETIREMENT FUND ALLOWING IN-SERVICE DISTRIBUTION FOR CHARTER EMPLOYEES.

WHEREAS, Section 33.025 of the City Code regulates pensions and retirement for the City of Hollywood Employees' Retirement Fund; and

WHEREAS, the Code is currently silent as to in-service DROP distributions to Charter employees; and

WHEREAS, the Code should be updated to allow payment of DROP distributions to Charter employees prior to retirement if all other distribution requirements are met.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That Section 33.025 of the Code of Ordinances entitled "PENSIONS AND RETIREMENT" is hereby amended to read as follows<sup>1</sup>:

**TITLE III: ADMINISTRATION**

**CHAPTER 33: CITY EMPLOYEES**

**RETIREMENT**

***EMPLOYEES; RETIREMENT FUND***

...

<sup>1</sup>Coding: Words and figures underscoring are additions to existing law; words and figures ~~struck through~~ are deletions, and words that are shaded are changes between first and second readings.

**§ 33.025 PENSIONS AND RETIREMENT.**

...

(H) *Deferred retirement option plan.*

...

(11) A DROP participant may:

(a) Terminate DROP participation and resign from city employment prior to the end of the maximum DROP period. Upon termination of DROP participation and separation from city employment, a member shall receive a distribution of his/her DROP account balance in accordance with division (H)(8) above, and regular monthly service retirement benefit payments shall thereafter commence. If a DROP participant does not separate from city employment at the end of the maximum DROP period, the DROP account will not be credited with additional interest and the member's monthly retirement benefit will not be paid until the member separates from city employment.

~~(b) In the case of the City Manager or City Attorney ("Charter Employees"), and notwithstanding any provision to the contrary, elect a DROP distribution to the extent permitted by the Internal Revenue Code and applicable Treasury Regulations. In such event, the Charter Employees will not earn additional service credit in the Plan.~~

~~Notwithstanding any provision in the Plan to the contrary, the City Manager or City Attorney ("Charter Employees") may, to the extent permitted by the Internal Revenue Code and applicable Treasury Regulations, elect a DROP distribution at the conclusion of their maximum participation in DROP while still holding their position as City Manager or City Attorney, if the City Attorney or City Manager has reached their normal retirement date, and is at least 59½ years of age. In such event, the Charter Employees will not earn additional service credit in the Plan.~~

...

Section 3: That it is the intention of the City Commission that the provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of the Code may be renumbered to accomplish such intention.

Section 4: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING SECTION 33.025 OF THE CODE OF ORDINANCES REGARDING THE GENERAL EMPLOYEES' RETIREMENT FUND ALLOWING IN-SERVICE DISTRIBUTION FOR CHARTER EMPLOYEES.

Section 5: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, the same are hereby repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised \_\_\_\_\_, 2024.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM:

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DOUGLAS R. GONZALES  
CITY ATTORNEY