

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES TITLED "POLICE OFFICER'S RETIREMENT SYSTEM", INCORPORATING VARIOUS CORRECTIONS TO THE RETIREMENT SYSTEM BASED ON AN AGREEMENT WITH THE FRATERNAL ORDER OF POLICE, LODGE #24, INCLUDING CHANGES TO PRERETIREMENT DEATH BENEFITS.

WHEREAS, the Fraternal Order of Police ("FOP"), Lodge #24 and the City agreed to revisions to the Collective Bargaining Agreement for the period commencing October 1, 2022 and terminating on September 30, 2025 ("CBA"); and

WHEREAS, included in the CBA are changes to the Police Officer's Retirement System; and

WHEREAS, to make the changes to the pension plan official, it is necessary to incorporate them into the Code of Ordinances; and

WHEREAS, Section 33.138 of the City's Code of Ordinances requires, as one of the two alternative procedures to amend the police officers' pension plan, approval by a 5/7 vote of the City Commission and 50% plus one of the active members of the police officers' pension plan; and

WHEREAS, prior to the adoption of this Ordinance on second reading, 50% plus one of the active members of the police officers' pension plan will have to approve the amendments contained in this Ordinance.

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 into this Ordinance.

Section 2: That Chapter 33, Section 33.128 of the Code of Ordinances, entitled "Normal Retirement," is amended to read as follows¹:

¹ Words in ~~struck through~~ type are deletions from existing text; underscoring words are additions to existing text.

§ 33.128 NORMAL RETIREMENT

[. . .]

(D) *Pre-retirement death.*

(1) Service-related death.

~~(a) Effective October 1, 2008, if~~ If a member who is killed or dies as a direct result of an occurrence arising in the performance of service dies prior to retirement, his or her beneficiary is entitled, until death, to a monthly benefit equal to the greater of the earned benefit or fifty (50%) percent of final average compensation ~~the benefit otherwise payable under (D)(3) below, as applicable;~~ provided, however, that, if the beneficiary dies before having received such benefit for a period of ten years, the estate of the member is entitled to the same monthly benefit for the balance of such ten-year period. Benefit payments made pursuant to this provision shall not be retroactive, and shall instead begin on July 4, 2024.

~~(b) If a member who is killed or dies as a direct result of an occurrence arising in the performance of service dies prior to retirement and fails to designate a beneficiary, the estate of the member is entitled, for a period of ten years, to a monthly benefit equal to the greater of the earned benefit or the benefit otherwise payable under (D)(3) below, as applicable.~~

~~(c) The manner of handling and administering the pension to any child or children shall be determined by the Board including the establishment of a trust for the benefit of said child or children. However, funds payable by the Board to any trust shall be for maintenance, health, and education of said child or children during the period of existence of any such trust. No survivor pension shall be paid to any stepchild of a deceased member who had not been legally adopted by such member.~~

(2) Non-service incurred death within less than ten years of service. A death benefit shall be payable in ~~on~~ behalf of any member having less than ten years of continuous service who is killed or dies within five years from causes not related to performance of duty. The benefits shall be payable as follows:

(a) If the member is not married at the time of his or her death, his or her beneficiary is entitled, for a period of ten years, to a monthly benefit equal to 25% of the member's earnings at the time of death; provided, however, that, if the beneficiary dies before having received such benefit for a period of ten years, the estate of the member is entitled to the same monthly benefit for the balance of such ten-year period.

(b) If the member is not married at the time of his or her death, the member has surviving children, and the member fails to designate a beneficiary, then a monthly benefit equal to 25% of the member's earnings at the time of death shall be paid to the member's surviving children for a period of ten years or until the youngest child reaches the age of 18 years, whichever is later. If the monthly benefit to the surviving children ceases before benefit payments have been made for a total of ten years, the estate of the member is entitled to the same monthly benefit for the balance of such ten-year period.

(c) If the member is not married at the time of his or her death, the member has no surviving children, and the member fails to designate a beneficiary, then a monthly benefit equal to 25% of the member's earnings at the time of death shall be paid to the member's estate for a period of ten years.

(d) If the member is married at the time of his or her death, his or her spouse is entitled, until the earlier of death or remarriage, to a monthly benefit equal to 25% of the member's earnings at the time of death. Upon remarriage or death of the widow(er), the benefits shall be paid to the member's surviving children until the youngest child reaches the age of 18 years. If the monthly benefit to the widow(er) or surviving children ceases before benefit payments have been made for a total of ten years, the estate of the member is entitled to the same monthly benefit for the balance of such ten-year period.

(3) For the purpose of benefits under this division (D), the date of death of any member shall be established as the end of the calendar month in which such member dies.

[. . .]

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.

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 are 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.

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ADVERTISED on _____, 2024.

PASSED on the first reading this _____ day of _____, 2024.

PASSED AND ADOPTED on the second reading this _____ day of _____, 2024.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM:

DOUGLAS R. GONZALES
CITY ATTORNEY