

House Bill No. 957

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

(q) “Service” or “service credit” means the total number of years, and fractional parts of years, of employment of any police officer, omitting intervening years, and fractional parts of years, when such police officer was not

employed by the City. No member shall receive credit for years, or fractional parts of years, of service for which the member has withdrawn his or her contributions to the Fund. It is further provided that a member may voluntarily leave his or her contributions in the Fund for a period of 5 years after leaving the employ of the Department, pending the possibility of being rehired by the Department, without losing credit for the time he or she has participated actively as a police officer. Should he or she not be reemployed as a police officer with the Department within 5 years, his or her contributions shall be returned without interest. In determining the aggregate number of years of service of any member, years of service for prior police officer or military service, as well as intervening military service, may be added, provided the member meets the requirements of subsection 35 of the Plan, the time spent in the military service of the United States or United States Merchant Marine by the police officer on leave of absence for such reason shall be added to the years of service. However, to receive credit for such service, the member must have reentered the employ of the Department within 1 year after date of release from such service.

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

(19) Member's contributions; refunds.—

(a) Member's contributions.—

1. The member shall contribute 7 percent of his or her salary to the Fund. Effective the first full payroll period after January 1, 2005, the member shall contribute 9 percent of his or her salary to the Fund, which shall be deducted each pay period from the salary of each member in the Department. Effective the first full payroll period after January 1, 2006, the member shall contribute 10 percent of his or her salary to the Fund, which shall be deducted each pay period from the salary of each member in the Department. Effective the first full payroll period after January 1, 2007, the member shall contribute 11 percent of his or her salary to the Fund, which shall be deducted each pay period from the salary of each member in the Department. All amounts of member contributions that are deducted shall be immediately paid over to the Pension Fund. Any contribution amount over 7 percent is to be used to purchase eligibility for participation in the postretirement health insurance benefits.

2. The City shall cause the contributions provided for in subparagraph 1. to be deducted from the compensation of each member on each payroll, for each pay period, so long as he or she remains a member of the Fund. The member's contributions provided for herein shall be made, notwithstanding that the minimum compensation provided by law for any member is thereby changed. Each member shall be deemed to consent and agree to the deductions made and provided for herein. Payment of compensation, less said deductions, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by him or her during the period covered by such payment, except as to benefits provided by this act. When deducted, each of said contributions shall be paid into the Fund and credited to the individual member from whose compensation said deduction was made.

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

(35) Other police officer or military service.—

(a) Prior police officer or military service.—Unless otherwise prohibited by law, the years, or fractional parts of years, that a member previously served as a police officer with the City during a period of employment and for which accumulated contributions were withdrawn from the fund, or the years, or fractional parts of years, that a member served as a police officer for this or any other municipal, county, state, or federal law enforcement office or any time served in the military service of the Armed Forces of the United States shall be added to the years of credited service, provided that the member contributes to the fund the sum that would have been contributed, based on the member's salary and the employee contribution rate in effect at the time that the credited service is requested, had the member been a member of this system for the years, or fractional parts of years, for which the credit is requested, plus the amount actuarially determined, such that the crediting of service does not result in any cost to the fund, plus payment of costs for all professional services rendered to the board in connection with the purchase of years of credited service.

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

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

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

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

5. If a member who has either completed the purchase of service or is in the process of purchasing service terminates before vesting, the member's contributions shall be refunded, including the buyback contributions.

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

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

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

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

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

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

Approved by the Governor June 8, 2005.

Filed in Office Secretary of State June 8, 2005.