

Ord. 32

ORDINANCE NO. 2020- 14

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH RELATING TO THE POLICE & FIREFIGHTERS' RETIREMENT SYSTEM BY AMENDING SECTION 34.045, "DEFINITIONS," SECTION 34.057, "DISABILITY," AND SECTION 34.058, "PRERETIREMENT DEATH," TO PROVIDE FOR COMPLIANCE WITH CHAPTER 2019-21, LAWS OF FLORIDA; PROVIDING FOR CLARIFICATION TO EXISTING METHODOLOGIES AND PRACTICE FOR BENEFIT CALCULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of Trustees of the Pompano Beach Police & Firefighters' Retirement System ("Retirement System") have recommended an amendment to the Retirement System to comply with Chapter 2019-21, Laws of Florida, enacted by the 2019 Florida Legislature; and

**WHEREAS**, the Board of Trustees of the Retirement System have recommended an amendment to the Retirement System to clarify its existing methodologies and practice with respect to benefit calculations; and

**WHEREAS**, the Board of Trustees of the Retirement System have requested and approved such an amendment as being in the best interests of the members and beneficiaries as well as improving the administration of the plan; and

**WHEREAS**, the City Commission has received and reviewed an actuarial impact statement from the Retirement System's actuary relating to the amendment set forth herein; and

**WHEREAS**, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

**WHEREAS**, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now therefore,

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That Section 34.045, "Definitions," of Chapter 34, "City Policy," of the Pompano Beach Code of Ordinances, shall be amended as follows:

**§ 34.045 DEFINITIONS.**

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ACTUARIAL EQUIVALENCE or ACTUARIALLY EQUIVALENT.***  
Any benefit payable under the terms of this Retirement System in a form other than the normal benefit shall have the same actuarial present value on the date payment commences as the normal form of benefit. For purposes of establishing the actuarial present value of any form of payment, all future payments shall be discounted for interest and mortality ~~by using 7.5% interest and the RP-2000 Mortality Table projected to 2010. Calculations shall also reflect a 2% COLA and a blend of 90% male rates and 10% female rates for participants and a blend of 10% male rates and 90% female rates for beneficiaries, with ages set ahead five years in the case of disability retirees based on such rates of interest, mortality and other tables of experience as are necessary and recommended in the proper operation of the Retirement System on an actuarially sound basis as determined and adopted by the Board from time to time.~~

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**SECTION 2.** That Section 34.057, "Disability," of Chapter 34, "City Policy," of the Pompano Beach Code of Ordinances, shall be amended as follows:

**§ 34.057 DISABILITY.**

(A) Service incurred. Any active member who receives a service-connected injury, disease, or disability, which totally and permanently

incapacitates him or her, physically or mentally, from regular and continuous duty as a firefighter or police officer, and any other duty or duties available through the Fire or Police Departments respectively to the firefighter or police officer, shall receive in equal monthly installments an amount equal to 75% of monthly earnings in effect on date disability is granted by the Board. For firefighters only, if the member's accrued benefit exceeds the disability benefit, such excess benefit will be classified as a normal retirement benefit. The disability pension shall be effective immediately and the first payment shall be made on the first day of the month coincident with or next following such granting and shall be payable until the earlier of death or recovery from disability. If the member dies after retirement but before recovery from disability and before he or she has received benefits for a period of ten years, the same monthly benefit will be paid to the beneficiary (or beneficiaries) as designated by the member for the balance of such ten-year period.

As provided and subject to the limitations in Section 112.1816, Florida Statutes, effective July 1, 2019, a firefighter (as defined in Section 112.1816(1), Florida Statutes) Member shall be considered to be totally and permanently disabled in the line of duty if he or she meets the Plan's definition of Totally and Permanently Disabled due to a diagnosis of cancer (as defined in Section 112.1816(1), Florida Statutes), or circumstances that arise out of the treatment of cancer (as defined in Section 112.1816(1), Florida Statutes).

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**SECTION 3.** That Section 34.058, "Preretirement Death," of Chapter 34, "City Policy,"

of the Pompano Beach Code of Ordinances, shall be amended as follows:

**§ 34.045 PRERETIREMENT DEATH.**

A. Service incurred. A death benefit shall be payable in behalf of any member who dies as a direct result of an occurrence arising in the performance of service. The benefit shall be payable as follows.

(1) To the designated beneficiary a lump sum payment of \$5,000; plus

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(4) As provided and subject to the limitations in Section 112.1816, Florida Statutes, effective July 1, 2019, a firefighter (as defined in Section 112.1816(1), Florida Statutes) Member shall be considered to have died in the line of duty if he or she dies as a result of cancer (as defined in Section 112.1816(1), Florida Statutes) or circumstances that arise out of the treatment of cancer (as defined in Section 112.1816(1), Florida Statutes).

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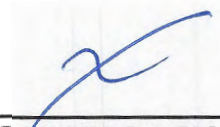
**SECTION 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5.** If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

**SECTION 6.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this   12th   day of   November  , 2019.

**PASSED SECOND READING** this   10th   day of   December  , 2019.



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**REX HARDIN, MAYOR**

**ATTEST:**



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**ASCELETA HAMMOND, CITY CLERK**

:jrm  
10/23/19  
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