Docusign Envelope ID: B09C1405-E548-861B-80F2-9E6985EABBA7

ORDINANCE NO. 2027-__01__

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 34.058 "PRERETIREMENT DEATH," TO PROVIDE FOR COMPLIANCE WITH CHAPTER 2026-99, LAWS OF FLORIDA WHICH PROVIDES FOR AN EXTENSION OF FIREFIGHTER CANCER DEATH BENEFITS FOR FORMER EMPLOYEES; AMENDING SECTION 34.0603 "DEFERRED RETIREMENT OPTION PLAN (DROP)," TO PROVIDE FOR AN INCREASE IN DROP ADMINISTRATIVE EXPENSE RATE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 22, 2026, the Governor signed Senate Bill 984 into law as Chapter 2026-99, Laws of Florida, which amends Florida Statute 112.1816 and takes effect on July 1, 2026; and

WHEREAS, an amendment to the City Ordinance pertaining to the Retirement System is necessary to comply with the requirements of the new state mandate extending cancer-related line-of-duty death benefits to a former firefighter for a one-year period post-termination; and

WHEREAS, the Deferred Retirement Option Plan (DROP) is administered by the Board of Pension Trustees for the Police and Firefighters' Retirement System pursuant to Section 34.0603, which authorizes the Board to review the administrative fees charged to manage the system as necessary; and

WHEREAS, the Board of Trustees has reviewed and approved an increase to the Fund's DROP administrative expense rate; and

WHEREAS, the Board of Trustees of the Retirement System has requested and approved such an amendment as being in the best interests of the members and beneficiaries; and

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

Docusign Envelope ID: B09C1405-E548-861B-80F2-9E6985EABBA7

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a newspaper 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 34.058, "Preretirement Death," of Chapter 34, "City Policy," of the Pompano Beach Code of Ordinances, is hereby amended to read as follows:

§ 34.058 PRERETIREMENT DEATH.

(A) Service incurred. A death benefit shall be payable ~~in~~ **on** behalf of any member or eligible former firefighter, as provided in subsection (A)(4) below 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

(2) To the surviving spouse, until the earlier of the two events of death or remarriage, a monthly benefit equal to 75% of the member's final earnings (the above provision notwithstanding, the surviving spouse of any member killed in the line of duty shall not lose the survivor retirement benefits set forth herein if the spouse remarries); plus

(3) For each child until he has reached the age of 18 years, and for each child from age 18 until age 22 who is a full-time student in an accredited school, there shall be paid in equal monthly installments, an amount equal to 7½% of the final earnings subject to an overall limitation of a total of 90% of final earnings for the surviving spouse and children combined. The nonstudent child's pension shall terminate on the earlier of death, marriage, or the attainment of age 18; the pension of a child who is a student shall terminate on the earlier of death, marriage, or the attainment of age 22. Legally-adopted children shall be eligible the same as natural children. In the event there is no surviving spouse or upon remarriage or death of the surviving spouse, the 7½% child allowance shall be increased to 15% for each child, and shall be paid in trust to eligible children, not to exceed a combined total of 50% of a member's final earnings provided, however, that such increase shall not apply when a surviving spouse of a member who was killed in the line of duty remarries. The trusteeship and disbursements of the pension to any child or children shall be

Docusign Envelope ID: B09C1405-E548-861B-80F2-9E6985EABBA7

determined by the Board of Trustees. No survivor pension shall be paid to any stepchild of a deceased member.

(4) As provided and subject to the limitations in F.S. § 112.1816, effective July 1, 2019, a firefighter (as defined in F.S. § 112.1816(1)) 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 F.S. § 112.1816(1)) or circumstances that arise out of the treatment of cancer (as defined in F.S. § 112.1816(1)). Effective July 1, 2026, a Member that dies as a result of cancer (as defined in F.S. § 112.1816(1) or circumstances that arise out of the treatment of cancer (as defined in F.S. § 112.1816(1) within one year from the date on which a firefighter terminated employment, shall be deemed to have died in the line of duty as stated above so long as the firefighter otherwise met the criteria specified in F.S. § 112.1816 at the time of termination and was not employed as a firefighter after that date.

. . .

SECTION 2. That Section 34.0603(H), "Deferred Retirement Option Plan (DROP)," of Chapter 34, "City Policy," of the Pompano Beach Code of Ordinances, is hereby amended to read as follows:

§ 34.0603 DEFERRED RETIREMENT OPTION PLAN (DROP).

A deferred retirement option plan (DROP) is hereby authorized. The DROP is to be administered by the Board of Trustees. Police officer members may elect to enter the DROP upon reaching normal retirement as set forth and in accordance with the terms and conditions of the DROP document in existence as negotiated in the collective bargaining agreements between the Broward County Police Benevolent Association of Pompano Beach, Florida and the City or Broward County Sheriff's Office. In no event shall the Board administer a plan which results in the disqualification of the system under the Internal Revenue Code.

. . .

(G) DROP account earnings

(1) After each fiscal year quarter, the average daily balance in a member's deferred retirement option account shall be credited or debited at a rate equal to the actual net rate of investment return realized by the retirement system for that quarter. "Net investment return" for the purpose of this paragraph is the total return on the retirement system's assets (except those assets invested pursuant to DROP member direction under subsection (2) below) net of brokerage commissions and transaction costs.

(2) As an alternative, each current member of the DROP and each future member of the DROP may elect not to receive "net investment return" as set forth above. Instead, an electing member may direct the investment of his or her DROP account in designated proportions among such unitized or mutual funds as may be made available from time to time by the Board of Trustees. The electing member's DROP account shall

Docusign Envelope ID: B09C1405-E548-861B-80F2-9E6985EABBA7

be credited or debited at a rate equal to the actual net rate of investment return realized by the member's DROP account.

. . .

(H) Expenses. To compensate the system for the expenses of administering, investing, and operating the DROP, each member's account shall be charged an annual administrative fee, which shall be reviewed and subject to increase or decrease annually. The initial expense charge of three-quarters of one percent of the account balance (0.75%) shall be deducted from the member's account after each fiscal year quarter at the rate of 0.1875% of the account's average balance during that quarter. Effective April 1, 2020, the expense charge of 60 basis points (0.60%) of the account balance shall be deducted from the member's account after each fiscal year quarter at the rate of 0.15% of the account's average balance during that quarter. Effective October 1, 2026, the expense charge shall be increased to 80 basis points (0.80%) of the account balance, which shall be deducted from the member's account after each fiscal year quarter at the rate of 0.20% of the account's average balance during that quarter. Provided, however, if a member elects to participate as set forth in subsection (G)(2) above, the member's account may be charged an administrative cost to be determined from time to time by the Board of Trustees.

. . .

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance 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 4. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 22nd day of September, 2026.

PASSED SECOND READING this 13th day of October, 2026.

Signed by:
Rex Hardin
502CB780EB3F480...

REX HARDIN, MAYOR

ATTEST:

DocuSigned by:
Kervin Alfred
D1C913A8ED334CA...

KERVIN ALFRED, CITY CLERK

Signed by:

TAL/mcm
9/3/26
L:ord/ch34/2026-205