

**ORDINANCE NO. 99-8**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING ARTICLE II, DEFINITION OF SERVICE, OF THE RETIREMENT PLAN FOR POLICE OFFICERS AND FIREFIGHTERS OF THE CITY OF NORTH MIAMI BEACH; AMENDING ARTICLE III SECTION 3.02, RELATING TO DEFINITION OF SERVICE; AMENDING ARTICLE III SECTION 3.04(a) RELATING TO DEFINITION OF SERVICE; AMENDING ARTICLE VI SECTION 6.02(b)(3) AMOUNT OF [EARLY] RETIREMENT INCOME; AMENDING ARTICLE VI SECTION 6.04(a)(5)(C) RE-ENTRY INTO SERVICE OF CITY; AMENDING ARTICLE VI SECTION 6.06 OPTIONAL FORMS OF RETIREMENT INCOME; AMENDING ARTICLE VI SECTION 6.07 LUMP SUM PAYMENT OF SMALL RETIREMENT; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE.**

**WHEREAS**, the Florida Legislature, in Chapter 99-1, Laws of Florida, enacted significant amendments to Chapters 175 and 185, Florida Statutes, which govern police and firefighters pension funds; and

**WHEREAS**, this new legislation makes virtually all provisions of Chapters 175 and 185 expressly applicable to local law plans; and

**WHEREAS**, the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach currently complies with or exceeds most of the minimum requirements of Chapters 175 and 185; and

**WHEREAS**, it has been determined that certain technical amendments to the City's plan are required to bring the plan into complete compliance with the new state law; and

**WHEREAS**, it has been determined by the Plan's actuary that these required technical amendments will have no significant financial impact on the City's Plan; and

**WHEREAS**, the Mayor and City Council now desire to amend the City of North Miami Beach Retirement Plan for Police Officers and Firefighters to incorporate new requirements of Chapters 175 & 185 and to bring the Plan into complete compliance under state law.

**NOW, THEREFORE,**

**BE IT ORDAINED** by the City Council of the City of North Miami Beach, Florida.

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** Article II (**DEFINITIONS**) of the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach is hereby amended as follows:

**Service** means that period of ~~continuous uninterrupted~~ employment with the City and its designated successors from the employee's or participant's ~~last~~ date of employment to the earlier of the date of termination of his credited service and his retirement, as defined in Article III.

**Section 3.** Article III (**MEMBERSHIP**) Sections 3.02(a) and 3.04(a) of the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach are hereby amended as follows:

**S.3.02**            **SERVICE**

- (a) **Definition** - The term **service** means that period of ~~continuous uninterrupted~~ employment with the City and its designated successors from the employee's or participant's ~~last~~ date of employment to the earlier of the date of termination of his credited service and his retirement as herein described.

**S.3.04**            **CREDITED SERVICE**

- (a) **Defined** - The credited service of each employee or participant will be the total period of his service as defined in Section 3.02 (**Service**) computed in completed calendar months, from the ~~last~~ date of employment until the first day of the month coincident with or next following his date of actual retirement or termination of employment. (See Section 6.04(a)(5)(C).

**Section 4.** Article VI (**RETIREMENT BENEFITS**) Section 6.02(b)(3) of the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach is hereby amended as follows:

**S.6.02** **EARLY RETIREMENT AND RETIREMENT INCOME**

- (b) **Payment Governed By** - In the event of early retirement, payment of retirement income will be governed by the following provisions:
- (3) **Amount of Retirement Income.** The monthly amount of retirement income payable to an employee who retires prior his normal retirement date under the provisions of this section shall be an amount equal to 3% (.0300) of his final monthly compensation multiplied by his years of credited service multiplied by the actuarially-equivalent reduction factor to take into account the participant's younger age at retirement and the earlier commencement of retirement income payments. Effective upon the commensurate increase of Chapter 175 and 185 funds from the funding levels of Calendar Year 1997. The early retirement reduction factor shall be three (3%) percent per year for each year by which the employee's age at early retirement precedes his normal retirement age as provided in S.6.01(b)

**Section 5.** Article VI (**RETIREMENT BENEFITS**) Section 6.04(a)(5)(C) of the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach is hereby amended as follows:

**S.6.04 BENEFITS OTHER THAN ON RETIREMENT**

- (a) Benefit on Termination of Service.
  - (5) Re-Entry Into Service of City.
- (C) If the participant's service with the City is terminated and he subsequently re-enters the service of the City and he did not receive a return of his employee contributions, he will be entitled, upon such re-entry, to the credited service.

If the participant's service with the City is terminated and he subsequently re-enters the service of the City and he did receive a return of his employee contributions, he will not be automatically entitled, upon such re-entry, to the credited service, unless said participant ~~purchases the actuarial value of the prior service years~~ repays such amount with interest within sixty (60) ninety (90) days of re-entry.

**Section 6.** Article VI (**RETIREMENT BENEFITS**) Section 6.06(a) of the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach is hereby amended as follows:

**S.6.06 OPTIONAL FORMS OF RETIREMENT INCOME**

- (a) **Options** - In lieu of the amount and form of retirement income payable in the event of normal retirement, early retirement, disability retirement or termination of service as specified in Section 6.01, 6.02, 6.03, and 6.04(a), a participant, or a terminated participant as defined in Section 6.04(a), upon written request to the Retirement Committee, may elect to receive a retirement income or benefit commencing on the date specified in Sections 6.01, 6.02, 6.03 or 6.04(a), whichever is applicable, of equivalent actuarial value payable in accordance with one of the following options:

Option 1: A retirement income of larger monthly amount, payable to the participant for his lifetime only.

Option 2: A retirement income of modified monthly amount, payable to the participant during the joint lifetime of the participant and a joint pensioner designated by him; and following the death of either of them, 2/3 of such monthly amount payable to the survivor for the lifetime of the survivor.

Option 3: A retirement income of modified monthly amount, payable to the participant during the joint lifetime of the participant and a joint pensioner designated by the participant; and following the death of the participant, a percentage of such monthly benefit (either 50%, 66.667%, 75% or 100% as selected by the participant) to the joint pensioner for his or her lifetime. There shall be no reduction of the participant's benefits in case of death of the joint pensioner.

**Section 7.** Article VI (**RETIREMENT BENEFITS**) Section 6.07 of the Retirement Plan for the Police Officers and Firefighters of the City of North Miami Beach is hereby amended as follows:

**S.6.07 LUMP SUM PAYMENT OF SMALL RETIREMENT INCOME**

Notwithstanding any provision of the Plan to the contrary, if the monthly retirement income payable to any person entitled to any benefit hereunder is less than ~~\$30~~ \$100 or if the single-sum value of the accrued retirement income is less than \$3,500 as of the date of retirement or termination of service, whichever is applicable, the Retirement Committee may, in the exercise of its discretion, specify that the actuarial equivalent of such retirement income be paid in a lump sum or in monthly installments for a period certain of not more than 60 months.

**Section 8.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

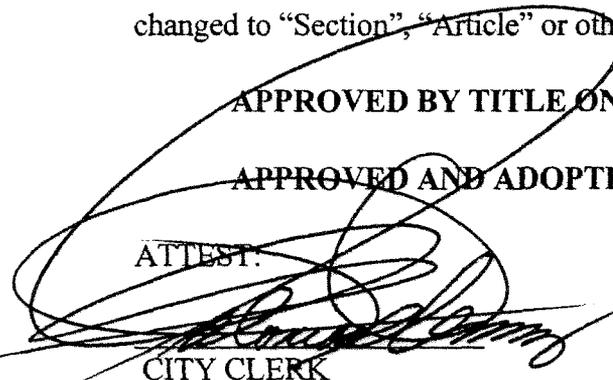
**Section 9.** If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall no be affected by such invalidity.

**Section 10.** It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.

**APPROVED BY TITLE ONLY** on first reading this **21st** day of **December**, 1999.

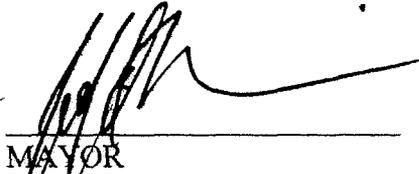
**APPROVED AND ADOPTED** on second reading this **4th** day of **January**, 2000.

ATTEST:



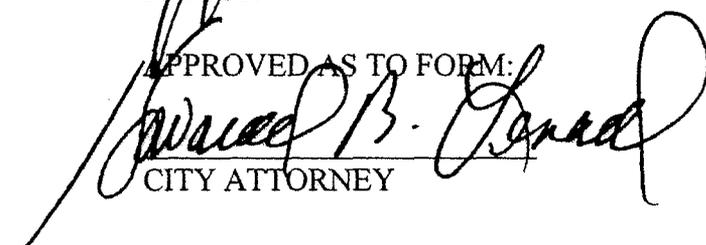
CITY CLERK

(CITY SEAL)



MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY

SPONSORED BY: Police Officers and Firefighters Retirement Committee  
Mayor and City Council

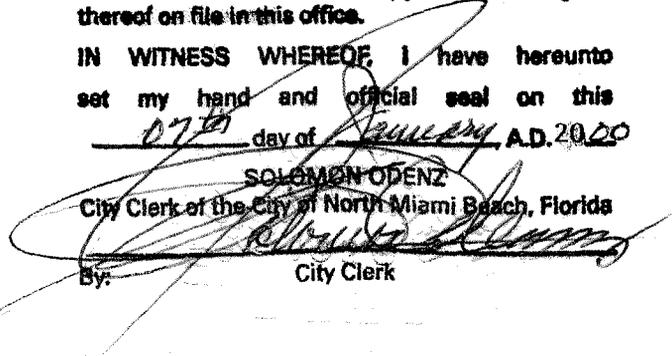
COUNCILPERSON	YES	NO	ABSTAIN	ABSENT
Mayor Jeffrey A. Mishcon	X			
Councilman Jay R. Chernoff	X			
Councilman Kenneth A. DeFillipo	X			
Councilman John Kurzman	X			
Councilman Jule Littman	X			
Councilman Raymond F. Marin	X			
Councilwoman Jacqueline H. Smith	X			

STATE OF FLORIDA  
COUNTY OF DADE:  
CITY OF NORTH MIAMI BEACH:

I, SOLOMON ODENZ, City Clerk of the City of North Miami Beach, do hereby certify that the attached and foregoing is a true and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 07<sup>th</sup> day of January, A.D. 2020

SOLOMON ODENZ  
City Clerk of the City of North Miami Beach, Florida

By:  City Clerk

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