

ORDINANCE NO. 032 2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 82 OF THE TOWN CODE OF ORDINANCES RELATING TO PERSONNEL, AT ARTICLE II, EMPLOYEE BENEFITS, DIVISION 2, RETIREMENT SYSTEM; AMENDING SUBDIVISION III, FIREFIGHTERS; AMENDING SECTION 82-95, AMOUNT OF PENSION – FIREFIGHTERS; AMENDING SECTION 82-119 DEFERRED RETIREMENT OPTION PROGRAM FOR POLICE OFFICERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III. – Firefighters; by amending Section 82-95 to read as follows:

Sec. 82-95. Amount of pension—Firefighters.

* * *

(c) The benefit formula for firefighters is:

(1) For pension payments payable after October 1, 2005 to firefighters who were actively employed on and after October 1, 2005 and who retired, entered the DROP, or terminated employment with ten or more years of credited service prior to May 1, 2012, and to firefighters who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, the benefit formula shall be, average final compensation multiplied by the sum of 3.5 percent of credited service to a maximum of 87.5 percent, plus two percent of average final compensation for credited service, if any, in excess of 43.75 years. The standard form of payment for such benefit shall be life and ten years certain (i.e., unless a retirant chooses an optional form of payment under section 82-96, payments for the benefit of a retirant who dies within ten years of retirement shall continue to the retirant's designated beneficiary until the tenth anniversary of the retirant's retirement date.

(2) For firefighters who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, the benefit formula shall be 3.5 percent of average final compensation on April 30, 2012, multiplied by credited service on that date. The accrued benefit of all such firefighters shall be frozen on May

1, 2012. The standard form of payment for the frozen accrued benefit shall be life and ten years certain.

(3) For credited service on and after May 1, 2012, except as such service may be credited to members who qualify under subsection 82-95(c)(1) above, the benefit formula shall be 1.25 percent of average final compensation multiplied by years of credited service on and after that date. The standard form of payment for benefits based on credited service on and after May 1, 2012 shall be a straight life annuity, payable for the member's lifetime.

(4) Firefighters who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on May 1, 2012 shall, upon retirement, be eligible to receive a retirement benefit consisting of two parts: (1) the frozen accrued benefit based on credited service prior to May 1, 2012, payable upon entry into the DROP or termination of employment and attaining eligibility for receipt of retirement benefits under the provisions of the system in effect on April 30, 2012; and (2) the accrued benefit based on credited service on and after May 1, 2012, payable upon attaining age 65 with ten or more years of credited service and entry into the DROP or termination of employment.

(5) Notwithstanding the provisions of paragraphs (3) and (4) above, effective October 1, 2016, the benefit formula for non-bargaining unit firefighters who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and non-bargaining unit firefighters hired on or after May 1, 2012, shall be 2.75% of average final compensation multiplied by credited service on and after October 1, 2016, payable upon attaining age 56 with ten or more years of credited service and entry into the DROP or termination of employment.

(6) Notwithstanding the provisions of paragraphs (3) and (4) above, effective August 12, 2017, the benefit formula for bargaining unit firefighters who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and bargaining unit firefighters hired on or after May 1, 2012, shall be 2.75 percent of average final compensation multiplied by credited service on and after August 12, 2017, payable upon attaining age 56 with ten or more years of credited service and entry into the DROP or termination of employment.

Notwithstanding the provisions of paragraphs (3), (4) and (5) above, effective June 1, 2024, the benefit formula for non-bargaining unit firefighters who did not attain normal retirement eligibility based on credited service as of May 1,

2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and non-bargaining unit firefighters hired on or after May 1, 2012, shall be 1.25 percent of average final compensation multiplied by years of credited service between May 1, 2012 and September 30, 2016; and 2.75 percent of average final compensation multiplied by years of credited service between October 1, 2016 and May 31, 2024; and 3.0 percent of average final compensation multiplied by years of credited service on and after June 1, 2024, payable upon attaining age 55 with eight or more years of credited service or upon attaining 25 years of service regardless of age, and entry into the DROP or termination of employment.

(8) Notwithstanding the provisions of paragraphs (3), (4) and (6) above, effective June 1, 2024, the benefit formula for bargaining unit firefighters who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82- 54, and who were employed by the town and not participating in the DROP on that date, and bargaining unit firefighters hired on or after May 1, 2012, shall be 1.25 percent of average final compensation multiplied by years of credited service between May 1, 2012 and ~~September 30, 2016~~ August 11, 2017; 2.75 percent of average final compensation multiplied by years of credited service between ~~September 30, 2016~~ August 12, 2017 and May 31, 2024; and 3.0 percent of average final compensation multiplied by years of credited service on and after June 1, 2024, payable upon attaining age 55 with eight or more years of credited service or upon attaining 25 years of service regardless of age, and entry into the DROP or termination of employment. Notwithstanding the preceding sentences, the provisions of this subsection shall not apply to bargaining unit firefighters until such time as the provisions of this section are implemented through the collective bargaining process.

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV. – Police Officers; by amending Section 82-119 to read as follows:

Sec. 82-119. Deferred retirement option program for police officers.

* * *

(c) Participation in the DROP.

(1) The date on which participation in the DROP must terminate is within 120 months of the commencement of the election period provided in subsection (b)(1) of this section. For those members who entered the DROP prior to June 1, 2024, the maximum DROP period is 60 months unless extended as provided in subsection (c)(4). For members who enter the DROP on or after June 1, 2024, the maximum DROP period is 96 months. No DROP participant may participate in the DROP for more than 96 months ~~or~~

and for any time after 120 months following the date on which the member first reaches normal retirement age or date, except as provided in subsection {c}{4} below, unless the member first reached normal retirement age or date prior to the effective date of the ordinance from which this section derives. Notwithstanding the preceding sentence, effective October 1, 2016 for members who are participating in the DROP on that date or who enter the DROP after that date, the maximum DROP participation period shall be 60 months, or 96 months on or after June 1, 2024, but such members may continue to participate in the DROP beyond 120 months following the date on which the member first reaches normal retirement age or date-, but not longer than their maximum DROP period.

* * *

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 6 Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this ___th day of _____, 2024, and for second and final reading on this ___th day of _____, 2024.

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Bridget Moran, Town Council Member

ATTEST:

Kelly Churney, Acting Town Clerk
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