

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

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE POMPANO BEACH CODE OF ORDINANCES RELATING TO THE POLICE & FIREFIGHTERS' RETIREMENT SYSTEM BY AMENDING SECTION 34.049, "EXAMINATIONS," TO PROVIDE FOR AN ADDITIONAL EXPERT EXAMINATION WHEN A CONFLICT OF OPINION ARISES BETWEEN TWO EXPERTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has recommended the change described below to the Police and Firefighters' Retirement System to permit the appointment of an additional expert whenever a conflict arises between two expert opinions as a result of an evaluation of applicants for and recipients of disability pension; 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 34.049, "Examinations," of Chapter 34, "City Policy," of the City of Pompano Beach Code of Ordinances is hereby amended as follows:

§ 34.049 EXAMINATIONS.

The Board of Trustees shall designate physicians, psychologists, and other medical, vocational and occupational professionals experts as necessary who shall conduct medical examinations required under the provisions of this subchapter, and in connection with an application for disability or retirement. The Board is entitled to request a second expert opinion from a designated professional within the same field. If the second opinion conflicts with the opinion of the first expert, a third expert with a practice located within Broward, Dade or Palm Beach County, shall be appointed and the findings and opinions of the third designated expert shall prevail. All experts retained shall report in writing to the Board of Pension Trustees their conclusions and recommendations upon all matters referred to it. The payment for these expert services shall be determined by the Board of Trustees.

SECTION 2. 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 3. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2023.

PASSED SECOND READING this _____ day of _____, 2023.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

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12/19/2022
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