

**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 POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 34.0604, "SUPPLEMENTAL RETIREMENT BENEFIT FOR FIREFIGHTERS," TO CLARIFY ITS STATUS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Pompano Beach has established a retirement plan for its police and fire employees, known as the Police and Firefighters' Retirement System and codified in Sections 34.045 through 34.073 of the City Code of Ordinances; and

**WHEREAS**, the Pompano Beach Professional Fire Fighters and the City of Pompano Beach, Florida, have entered into a Collective Bargaining Agreement for the period of October 1, 2022 to September 30, 2025; and

**WHEREAS**, the Collective Bargaining Agreement includes changes to provisions of the Police and Firefighters' Retirement System; and

**WHEREAS**, based upon inquires to the Police and Firefighters pension board as to the status of the supplemental retirement benefit, it is advisable to provide minimal additional language to clarify same; 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 34.0604, “Supplemental Retirement Benefit For Firefighters,” of Chapter 34, “City Policy,” of the Code of Ordinances is hereby amended to read as follows:

**§ 34.0604 SUPPLEMENTAL RETIREMENT BENEFIT FOR FIREFIGHTERS.**

...

(B) Effective September 30, 2022, the supplemental retirement benefit for firefighters established by Ordinance 2011-68 is terminated and repealed. Effective October 1, 2022, in accordance with Section 175.351, Florida Statutes, the city and the union representing city firefighters have mutually agreed that all Chapter 175 premium tax revenues received each year shall be used to offset city pension contributions, and there shall be no further allocations of Chapter 175 premium tax revenues to the supplemental retirement benefit for firefighters or individual share accounts after that date. Firefighter members who have an individual share account balance in the supplemental retirement benefit plan on October 1, 2022 ~~September 30, 2022~~, may elect shall choose to receive either an in-service distribution of all or a portion of their share account balance as of that date, ~~or may~~ to transfer or roll over all or a portion of their share account balance to an IRA or qualified retirement plan or a combination of both. The provisions of this subsection (B) shall remain in effect until modified by mutual agreement of the city and the union representing city firefighters.

(C) Effective October 1, 2022, a defined contribution plan component, the firefighter’s share plan, is hereby established as required by § 175.351 (6), Florida Statutes. The city and the union representing firefighters have mutually agreed that no Chapter 175, Florida Statutes, premium tax revenues will be allocated to the share plan. The share plan shall not be activated unless and until Chapter 175, Florida Statutes, premium tax revenues are allocated to the share plan by mutual agreement of the city and the union representing the city firefighters and said union and the city agree upon the details of the share plan.

~~(C)~~(D) The supplemental pension retirement benefit shall consist of an individual share account for each active firefighter, including DROP participants, for the City of Pompano Beach. The supplemental retirement benefit shall be funded solely by premium tax revenues received by the city pursuant to ~~Section~~

Chapter 175, Florida Statutes, as provided for by the City of Pompano Beach Code of Ordinances. The total initial amount to be allocated to the participants' share accounts as provided herein shall be \$2,540,196. For plan years beginning October 1, 2010 and later, all premium tax revenues received by the city pursuant to ~~Section~~ Chapter 175, Florida Statutes, in excess of \$821,230 shall be allocated to the participants' share accounts as provided for herein. Participants' share accounts shall be credited with premium tax revenues and investment earnings or losses, and interest, and distributed as follows:

...

**SECTION 2.** All ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

**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 other 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 \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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**REX HARDIN, MAYOR**

**ATTEST:**

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**KERVIN ALFRED, CITY CLERK**

TAL:jrm  
11/18/2023  
L:Ord/ch34/2023-82 amended