

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 62 (PERSONNEL AND RETIREMENT), ARTICLE III (PENSIONS AND RETIREMENT), DIVISION 5 (RESTATED EMPLOYEES DEFINED BENEFIT RETIREMENT SYSTEM) AT SECTION 62-176 (DEFINITIONS) AND SECTION 62-195 (RETIREMENT ALLOWANCE OPTIONS), TO ADD A DEFINITION FOR SPOUSE, AND TO ADD THE ABILITY FOR A CHANGE IN BENEFICIARY UNDER CERTAIN CONDITIONS; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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WHEREAS, the City of West Palm Beach, through its Ordinances, has established a Restated Employees Defined Benefit Retirement System, commonly referred to as a pension, for non-first responder eligible and retired employees , codified at Section 62-185 of the City of West Palm Beach Code of Ordinances (“Plan”); and

WHEREAS, the Plan is a closed pension plan, including only certain employees who were employed on or before September 10, 1997; and

WHEREAS, the Plan may be amended by ordinance by the City commission as per sec. 62-177; and

WHEREAS, the City Commission has vested in a Board of Trustees for the retirement system the ability to oversee the general administration, management and responsibility for the proper operation of this retirement system and for construing and making effective the provisions of Division 5, Article III, of chapter 62 of the Code of Ordinances; and

WHEREAS, the Plan presently does not allow a retirant to change beneficiary after the date of retirement, and

WHEREAS, current societal norms reflect that many individuals have situations wherein their initial designated beneficiary for a pension/retirement pre-deceases the retirant, or otherwise becomes permanently estranged from the retirant; and

WHEREAS, without a beneficiary to whom a retirant can pass on their pension/retirement benefits, such amounts, at death of the retirant, would otherwise pass to the retirant’s estate, if there is one, preventing a new beneficiary from enjoying in the fruits of the labor of the retirant, despite the retirant’s wishes to the contrary; and

WHEREAS, the Board of Trustees for the Plan voted to recommend a Plan Amendment to allow a member one time after retirement to designate a new beneficiary and to designate a new spouse where the retirant no longer has a living spouse; and

WHEREAS, the City desires to accept the recommendations of the Board of Trustees for the Plan.

(Additions to text are indicated by underline; deletions by ~~strikeout~~.)

Asterisks ***** indicate language not amended which has been omitted to save space.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The Code of Ordinances of the City of West Palm Beach, Florida, is hereby amended at Chapter 62 (Personnel and Retirement), Article III (Pensions and Retirement), Division 5 (Restated Employees Defined Benefit Retirement System), Section 62-176 (Definitions to add a definition of “spouse”, which shall read as follows:

Sec. 62-176. Definitions.

The following words and phrases, as used in this division, unless a different meaning is clearly indicated by the context, shall have the following meanings:

Spouse means a person who is an individual lawfully married to another individual.

SECTION 2: The Code of Ordinances of the City of West Palm Beach, Florida, is hereby amended at Chapter 62 (Personnel and Retirement), Article III (Pensions and retirement), Division 5 (Restated Employees Defined Benefit Retirement System), Section 62-195 (Retirement allowance options) to add subsections (e) and (f) allow for a change in beneficiary, and shall now read as follows:

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Sec. 62-195. Retirement allowance options.

(e) For a retirant who has elected for payment of the retirant’s retirement allowance pursuant to option A, option B, or option C, after the date that the first required payment of the retirement allowance is issued to the retirant, and if the retirant’s previously designated beneficiary, is still living, the retirant may change the designated beneficiary one time only, as follows:

- (1) The retirant shall designate such new beneficiary by written declaration fully completed and filed with the board in the manner and form prescribed by the board; and,
- (2) The retirant notifies the previously designated beneficiary that such person is no longer a beneficiary by utilizing a form prescribed by the board for such notification; and,
- (3) The retirant shall provide proof to the board that the initial designated beneficiary received such notice of change of beneficiary; and,
- (4) The retirant shall pay any such fee as is assessed for the retirant’s account to be re-evaluated from an actuarial perspective due to the choice of new beneficiary; and,
- (5) The retirant shall ensure that any and all additional information and documentation required by the board and/or for the actuary/underwriter regarding the retirant and/or the newly proposed beneficiary are provided timely as requested in order to effectuate the required re-analysis.

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In the event that all of the above requirements are met, the change in beneficiary shall be effective. If the initially designated living beneficiary becomes deceased during the process of meeting the requirements of sec. 62-195(e)(1) through (5) above, the request to change beneficiary shall be null and void and there shall be no further change of beneficiary. In the event the retirant does not provide full payment of the actuarial fee, the request to change beneficiary shall be null and void. In the event the retirant does not provide requested additional information or documents, preventing the re-analysis of the retirant's account from an actuarial perspective, the request to change beneficiary shall be null and void.

(f) A retirant who has elected to receive his or her retirement allowance via a straight life retirement allowance, and who retires, and whose spouse becomes deceased after the retirant's retirement, may designate a new spouse thereafter by completing the following requirements:

- (1) The retirant shall provide evidence to the board of the death of the former spouse in form acceptable to the board; and
- (2) The retirant shall provide evidence of a legally-recognized marriage to the new spouse in form and substance acceptable to the board; and
- (3) The retirant shall designate such new spouse by written declaration fully completed and filed with the board in the manner and form prescribed by the board; and
- (4) The retirant shall pay such fee as is assessed for the retirant's account to be re-evaluated from an actuarial perspective due to the choice of new beneficiary, if any such re-analysis be required; and
- (5) The retirant shall ensure that any and all additional information and documentation required by the board and/or the actuary/underwriter regarding the retirant and/or for the newly proposed beneficiary are provided timely as requested in order to effectuate the required re-analysis.

In the event that all of the above requirements are met, the change in beneficiary spouse shall be effective. If the new spouse becomes deceased during the process of meeting the requirements of sec. 62-195(f)(1) through (5) above, the request to change to the new spouse shall be null and void and there shall be no further change of spouse. In the event the retirant does not provide full payment of the actuarial fee, the request to change spouse shall be null and void. In the event the retirant does not provide requested additional information or documents, preventing the re-analysis of the retirant's account from an actuarial perspective, the request to change spouse shall be null and void.

SECTION 3: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of the Ordinance.

SECTION 5: Specific authority is hereby granted to codify this Ordinance.

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SECTION 6: This Ordinance shall take effect immediately upon its passage and adoption.

FIRST READING THIS 19TH DAY OF AUGUST 2024.

SECOND READING AND PASSAGE THIS 3RD DAY OF SEPTEMBER, 2024.




ATTEST:

X 
CITY CLERK Signed by: Shaquita Lashae Edwards

**CITY OF WEST PALM BEACH
BY ITS CITY COMMISSION:**

X 
PRESIDING OFFICER Signed by: Keith A. James

**APPROVED AS TO FORM AND
LEGALITY:**

X 
CITY ATTORNEY Signed by: Nancy DeSimone Urcheck