

ORDINANCE NO. 2020-4362

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING PART I, SUBPART B, ARTICLE IX, RELATED SPECIAL ACTS, OF THE MIAMI BEACH CITY CODE ENTITLED "PENSION SYSTEM FOR DISABILITY AND RETIREMENT OF MEMBERS OF POLICE AND FIRE DEPARTMENTS"; AMENDING THE PENSION SYSTEM TO IMPLEMENT THE COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE CITY AND FIRE FIGHTERS OF MIAMI BEACH, IAFF LOCAL 1510, AND MIAMI BEACH FRATERNAL ORDER OF POLICE, WILLIAM NICHOLS LODGE NO. 8; AMENDING SECTION 65, ENTITLED "COMPUTATION OF CREDITABLE SERVICE; SERVICE RECORD"; AMENDING SECTION 66, ENTITLED "SERVICE AND DISABILITY BENEFITS GENERALLY"; AMENDING SECTION 79, ENTITLED DEFERRED RETIREMENT OPTION PLAN (DROP); AMENDING SECTION 82, ENTITLED "MILITARY SERVICE"; AMENDING SECTION 84, ENTITLED "DISTRIBUTION LIMITATION"; AMENDING SECTION 87, ENTITLED "BENEFITS FOR EMPLOYEES HIRED ON OR AFTER JULY 14, 2010 AND PRIOR TO SEPTEMBER 31, 2013; AMENDING SECTION 88, ENTITLED "BENEFITS FOR MEMBERS HIRED ON OR AFTER SEPTEMBER 30, 2013 AND PRIOR TO JUNE 8, 2016 FOR INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 1510 (IAFF) AND JULY 20, 2016 FOR FRATERNAL ORDER OF POLICE, WILLIAM NICHOLS LODGE NO. 8 (FOP); AMENDING SECTION 89, ENTITLED "BENEFITS FOR MEMBERS HIRED ON OR AFTER JUNE 8, 2016 FOR INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 1510 (IAFF) AND JULY 20, 2016 FOR FRATERNAL ORDER OF POLICE, WILLIAM NICHOLS LODGE NO. 8 (FOP); CREATING A NEW SECTION 90, ENTITLED "BENEFITS FOR MEMBERS HIRED ON OR AFTER MAY 8, 2019 FOR INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 1510 (IAFF) AND ON OR AFTER JULY 31, 2019 FOR FRATERNAL ORDER OF POLICE, WILLIAM NICHOLS LODGE NO. 8 (FOP)"; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

Section 1. Section 65 of Part I, Subpart B, Article IX, Related Special Acts of the Miami Beach City Code, is amended to read:

Sec. 65. - Computation of creditable service; service record.

- (a) A member's Creditable Service shall include all periods of employment as an Employee for which contributions have been made to this System in accordance with subsections (b), (c) (d) and (e) below and section 63(b), together with all service in the uniformed services of the United States required to be included under section 82, provided, however, that only periods of service in the uniformed services of the United States for which the member makes the member contributions as provided for in section 82 shall be Creditable Service for purposes of computing the amount of the member's benefit from the System. Notwithstanding any provision to the contrary, in no event shall the same period of service be counted more than once as Creditable Service under this System, and in no event shall a member receive Creditable Service under this System for any period of service for which credit has been received under any other defined benefit retirement plan established by the City. Notwithstanding any other provision of this section or section 82, the total aggregate amount of Creditable Service that may be purchased pursuant to this section and section 82 shall not exceed a combined total of two (2) years or 6% additional multiplier.
- (b) Employees who become members of this System in order to receive credit for service rendered prior to their becoming a member shall make contributions to the Fund in the amount such member would have contributed had he been a member during the period of service for which credit is being purchased. In order to receive such credit, employees shall make payment within six months after becoming a member or within such other period as may be provided in a bargaining agreement covering the member. Notwithstanding the foregoing, any firefighter member hired before May 8, 2019 and any police officer member hired before July 31, 2019 employee who transfers to this System whereby the accumulated total credit in any other pension system of the City is transferred to this System, then and in that event, all of the creditable service time in such other system shall be considered Creditable Service time under this System, and such employee need make no additional contribution for time credited. Firefighter members hired on or after May 8, 2019 and police officer members hired on or after July 31, 2019 shall not be credited with any service under this System for service as a member of the Miami Beach Employees' Retirement Plan.
- (c) Police officer members who are employed and not participating in the DROP on July 1, 2021 may contribute an additional amount to the System in order to receive service credit for up to two (2) years of law enforcement service occurring prior to their date of employment with the City, as provided in this subsection (c). Creditable Service purchased pursuant to this subsection (c) must be purchased between July 1, 2021 and September 30, 2021, and may be purchased in increments of up to three percent (3%) per year of service for a maximum additional multiplier of six percent (6%). For purposes of this prior service purchase, service as a police officer in this state as well as federal, other state, or county service shall be credited as long as such service is recognized by the Criminal Justice Standards and Training Commission within the Department of Law Enforcement as provided in chapter 943, Florida Statutes, or the police officer member provides proof to the board of trustees that such service is equivalent to the service required to meet the definition of a law enforcement officer in section 943.10, Florida Statutes. The price for each year purchased shall be 10% (10.5% for members hired on or after September 30, 2013) of the member's Salary during the 12 calendar months immediately preceding the date of such purchase. For purposes of this purchase, a member may use the value of accrued sick and/or annual leave valued at the employee hourly rate at the time of purchase, with the cost prorated for fractional years of service. Upon completion of ten (10) years of Creditable Service under the System based solely on City employment, Creditable Service purchased under this subsection (c) may be used for purposes of benefit calculation and eligibility for normal retirement. However, in no event may such purchased service be used for purposes of vesting. In the event a member separates from employment purchase of such Creditable Service but prior to attaining ten (10) years of Creditable Service based solely on City employment; the employee shall be reimbursed amounts contributed pursuant to this subsection (c).

(d) Firefighter members who are employed and not participating in the DROP on July 1, 2021, may contribute an additional amount to the System in order to receive service credit for up to two (2) years of firefighter service for a county or municipal fire department, service as a federal firefighter, state fire agency or tribal fire department, occurring prior to their date of employment with the City, as provided in this subsection (d). Creditable Service purchased pursuant to this subsection (d) must be purchased between July 1, 2021 and September 30, 2021 and may be purchased in increments of up to three percent (3%) per year of service for a maximum additional multiplier of six percent (6%). The price for each year purchased shall be 10% (10.5% for members hired on or after September 30, 2013) of the member's Salary during the 12 calendar months immediately preceding the date of such purchase. For purposes of this purchase, a member may use the value of accrued sick and/or annual leave valued at the employee's hourly rate at the time of purchase, with the cost prorated for fractional years of service. Upon completion of ten (10) years of Creditable Service under the System based solely on City employment, Creditable Service purchased under this subsection (d) may be used for purposes of benefit calculation and eligibility for normal retirement. However, in no event may such purchased service be used for purposes of vesting. In the event a member separates from employment after purchase of such Creditable Service but prior to attaining ten (10) years of Creditable Service based solely on City employment, the employee shall be reimbursed amounts contributed pursuant to this subsection (d).

(e) Members who are employed and not participating in the DROP on July 1, 2021 may contribute an additional amount to the System in order to receive up to two (2) years of Creditable Service as provided in this subsection (e). Such Creditable Service must be purchased between July 1, 2021 and September 30, 2021, and may be purchased in increments of up to three percent (3%) for each year of Creditable Service purchased up to a maximum additional multiplier of six percent (6%). The cost of such service shall be 10% (10.5% for members hired on or after September 30, 2013) of the member's Salary during the 12 calendar months immediately preceding the date of such purchase, pensionable salary for each year purchased. For purposes of this purchase, a member may use the value of accrued sick and/or annual leave valued at the employee's hourly rate at the time of purchase, with the cost prorated for fractional years of service. Upon completion of ten (10) years of Creditable Service under the System based solely on City employment, Creditable Service purchased under this subsection (e) may be used for purposes of benefit calculation. However, in no event may such purchased service be used for purposes of eligibility for normal retirement or vesting. In the event the member separates from employment after purchase of such Creditable Service but prior to attaining ten (10) years of Creditable Service based solely on City employment, the member shall be reimbursed amounts contributed pursuant to this subsection (e).

~~(e)(f)~~ The Board shall establish the service record of all employees who may be entitled to participate in the benefits of this System and shall keep a record thereof.

Section 2, Section 66 of Part 1, Subpart B, Article IX, Related Special Acts of the Miami Beach City Code, is amended to read:

Sec. 66. - Service and disability benefits generally

(a) The Board shall, upon application retire members meeting any one of the following requirements:

- (1) The attainment of age 50.
- (2) Permanent and total disability incurred in line of duty in the police or fire department, or in the unclassified service as provided in section 70, irrespective of the number of years of Creditable Service;
- (3) Permanent and total disability incurred other than in the line of duty, after five years of Creditable Service.
- (4) The sum of the member's age and Creditable Service equals at least 70 and the member retires on or after October 1, 1998; provided, effective September 30, 2013, a member hired before July 14, 2010 must attain age 47 to be eligible for retirement under this paragraph (4) or reach the 85% maximum pension benefit regardless of age; and a member hired on or after July 14, 2010 must attain age 48 to be eligible for retirement under this paragraph (4) or reach the 85% maximum pension benefit regardless of age; and provided further, any member hired prior to July 14, 2010 who completes a buyback of prior Creditable Service prior to September 30, 2013 and reaches the maximum pension benefit of 85% of average monthly Salary prior to attaining age 47, the employee contribution shall cease on the date such employee reaches the 85% maximum pension benefit, and his/her final average monthly Salary will be frozen on the same date. Notwithstanding the preceding sentence, any police officer member; and effective January 16, 2014, any firefighter member hired pursuant to a consent decree may retire when the sum of the member's age and Creditable Service equals at least 70.
- (5) Only for periods prior to October 1, 2000, and only in the case of a May 1993 Member, the attainment of age 55 with at least 10 years of Creditable Service.

Section 3. Section 79 of Part 1, Subpart B, Article IX, Related Special Acts of the Miami Beach City Code, is amended to read:

Sec. 79. - Deferred Retirement Option Plan (DROP).

- (a) Eligibility. Any active member of the System may enter into the DROP on the first day of any month following the date upon which the member first becomes eligible for a normal service retirement, subject to the provisions of this section 79.
- (b) Conditions of eligibility. Upon becoming eligible to participate in the DROP, a member who enters the DROP before September 1, 2012, may elect to enter that program for a period not to exceed 36 months. Notwithstanding, DROP participation for members who enter the DROP before September 1, 2012, may not continue beyond the date when the member's combined years of creditable service and time in the DROP equals 352 months (387 months for members who were members prior to July 1, 1976). Members who enter the DROP on or after September 1, 2012, shall be eligible to participate for a period not to exceed sixty (60) months. Notwithstanding, for those members who enter the DROP on or after September 1, 2012, participation may not continue beyond the date when the member's combined years of creditable service and time in the DROP equals 456 months. Provided, members who enter the DROP on or before September 30, 2015, may extend their DROP participation period by 12 months, for a total maximum DROP participation period not to exceed seventy-two (72) months; provided further, members who enter the DROP on or after

October 1, 2015, but prior to June 8, 2016 for International Association of Firefighters, Local 1510 (IAFF) and July 20, 2016 Fraternal Order of Police, William Nichols Lodge No. 8 (FOP), may extend their DROP participation period by up to 36 months, for a total maximum DROP participation period not to exceed ninety-six (96) months; and provided further, members who enter the DROP on or after June 8, 2016 for International Association of Firefighters, Local 1510 (IAFF) and July 20, 2016 Fraternal Order of Police, William Nichols Lodge No. 8 (FOP) may participate in the DROP for a period not to exceed ninety-six (96) months. Provided also that participation in DROP shall require the member to complete and submit the following prior to start of DROP payments:

1. Such forms as may be required by the Board or Plan Administrator. Election of the DROP is irrevocable once DROP payments begin. Members who are participating in the DROP on June 8, 2016 for International Association of Firefighters, Local 1510 (IAFF) and July 20, 2016 Fraternal Order of Police, William Nichols Lodge No. 8 (FOP) and elect to extend their DROP participation period must complete such forms as are required by the Board no later than September 1, 2019 ~~December 1, 2016~~.
2. A waiver and an irrevocable resignation from employment with the actual date of termination being the date designated by the member as the end of his/her DROP participation. The administration and timing of execution and delivery of the waiver and resignation forms shall meet the requirements of the Age Discrimination in Employment Act and the Older Worker's Benefits Protection Act, as same may be amended from time to time.

Section 4. Section 82 of Part 1, Subpart B, Article IX, Related Special Acts of the Miami Beach City Code, is amended to read:

Sec. 82. - Military service.

- (a) Any member of the System or any probationary employee in the fire or police department who is absent from the service of the City because of service in the uniformed services of the United States (as defined in the Uniformed Services Employment and Reemployment Rights Act of 1994) who returns to the service of the City having applied to return while his reemployment rights were protected by law, shall be entitled to all retirement rights and privileges under this system if such member, or such probationary employee after he becomes a member, contributes the amount such member or probationary employee would have contributed had he been a member during the period of service in the uniformed services for which credit is being purchased, and creditable toward service retirement as provided in this section. The amount of any such contributions shall be determined based on the member's Salary in effect immediately prior to such period of absence and the terms of the System in effect at that time. The member shall make any such payments to the System during a repayment period equal to the lesser of (i) three times the member's period of absence for service in the uniformed services or (ii) five years. The repayment period shall begin on the later of (i) the date the member is reemployed by the City and (ii) the date the City notifies the member of his rights under this section.
- (b) Effective September 30, 2013, members who have at least 5 years but not more than 10 years of Creditable Service under the System on that date, may contribute an additional amount to the System in order to receive service credit for years of active military service in the U.S. Army, Navy, Air Force, Marines or Coast Guard occurring prior to their date of employment with the City. A member may purchase up to two years of such service. The price for each such year shall be 10% (10.5% for members hired on or after September 30, 2013) of the aggregate of the

member's Salary during the 12 calendar months immediately preceding the date of such purchase; and such price shall be prorated accordingly if a member's election includes a fractional year of service. Any additional benefits attributable to service purchased under this subsection (b) shall be at the benefit multiplier rate of 3% per year of Creditable Service, with a total maximum additional benefit of 6% based on two years of Creditable Service purchased. The purchase of Creditable Service under this subsection (b) for police officer members with 5 or more years of credited service on September 30, 2013 must be completed within 36 months following September 30, 2013. The purchase of Creditable Service under this subsection (b) for police officer members with less than 5 years of credited service on September 30, 2013 must be completed within 36 months following the date the member completes 5 years of Creditable Service. The purchase of Creditable Service under this subsection (b) for firefighter members with 5 or more years of credited service on September 30, 2013 must be completed within 24 months following September 30, 2013. The purchase of Creditable Service under this subsection (b) for firefighter members with less than 5 years of credited service on September 30, 2013 must be completed within 24 months following the date the member completes 5 years of Creditable Service. A member who does not complete and fully pay for the purchase of Creditable Service under this subsection (b) within the applicable time period specified herein shall not receive Creditable Service for more than the amount for which payment has been made, and shall not be eligible to purchase Creditable Service for prior military service in the future.

(c) Effective [effective date of ordinance], members who have at least five (5) years Creditable Service under the System (ten years of Creditable Service for firefighter members hired after May 8, 2019 and police officer members hired after July 31, 2019) may contribute an additional amount to the System in order to receive service credit for up to two years of active military service in the U.S. Army, Navy, Air Force, Marines or Coast Guard occurring prior to their date of employment with the City, at the benefit multiplier rate of 3% per year of Creditable Service; provided in no event shall the total aggregate amount of Creditable Service purchased pursuant to this section 82 and section 65 exceed a combined total of two (2) years or 6% additional multiplier. The price for each year of prior military service purchased shall be 10% (10.5% for members hired on or after September 30, 2013) of the member's pensionable salary during the twelve (12) calendar months immediately preceding the date of such purchase; and such price shall be prorated accordingly if a member's purchase includes a fractional year of service. For the purpose of purchases of Creditable Service under this subsection (c), a member may use the value of accrued sick and/or annual leave valued at the member's hourly rate at the time of purchase, with the cost prorated for fractional years of service. The purchase of Creditable Service under this subsection (c) must be completed within twenty-four (24) months following a member's completion of five years of Creditable Service under the System (ten years of Creditable Service for firefighter members hired after May 8, 2019 and police officer members hired after July 31, 2019). A member who does not complete and fully pay for the purchase of Creditable Service under this subsection (c) within the twenty-four (24) month period shall not receive Creditable Service for more than the amount for which payment has been made, and shall not be eligible to purchase Creditable Service for prior military service in the future. Service credit purchased pursuant to this subsection (c) may be used for purposes of benefit calculation and eligibility for normal retirement; however, in no event may such purchased service credit be used for purposes of vesting.

(ed) Notwithstanding any provision of this plan to the contrary, effective as of December 12, 1994, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with Section 414(u) of the Internal Revenue Code of 1986, as amended, and USERRA, as applicable.

Section 5. Section 84 of Part 1, Subpart B, Article IX, Related Special Acts of the Miami Beach City Code, is amended to read:

Sec. 84. - Distribution limitation.

Notwithstanding any other provision of this System, all distributions from this System shall conform to section 401(a)(9) of the Internal Revenue Code in general and to section 401(a)(9)(C) of the Internal Revenue Code in particular. Notwithstanding any other provision of this plan to the contrary, a form of retirement income payable from this plan shall satisfy the following conditions:

(a) If the retirement income is payable before the member's death:

- (1) For members who attain age 70 and ½ before January 1, 2020, it shall either be distributed or commence to the member not later than April 1 of the calendar year following the later of the calendar year in which the member attains age 70½, or the calendar year in which the member retires;
- (2) For members who attain age 70 and ½ on or after January 1, 2020, it shall either be distributed or commence to the member not later than April 1 of the calendar year following the later of the calendar year in which the member attains age 72, or the calendar year in which the member retires;
- (3) The distribution shall commence not later than the calendar year defined above; and (a) shall be paid over the life of the member or over the lifetimes of the member and the member's designated beneficiary or (b) shall be paid over the period extending not beyond the life expectancy of the member and the member's designated beneficiary.

Where a form of retirement income payment has commenced in accordance with the preceding paragraphs and the member dies before his entire interest in the plan has been ~~distributed~~ ~~disrupted~~, the remaining portion of such interest in the plan shall be distributed no less rapidly than under the form of distribution in effect at the time of the member's death.

(b) If the member's death occurs before the distribution of his interest in the plan has commenced, the member's entire interest in the plan shall be distributed within five years of the member's death, unless it is to be distributed in accordance with the following rules:

- (1) The member's remaining interest in the plan is payable to his member's designated beneficiary.
- (2) The remaining interest is to be distributed over the life of the member's designated beneficiary or over a period not extending beyond the life expectancy of the member's designated beneficiary; and
- (3) Such distribution begins within one year of the member's death unless the member's Surviving Spouse is the sole designated beneficiary, in which case the distribution need not begin before the date on which the member would have attained age 70½ (age 72 for members who attain or would have attained age 70 and ½ on or after January 1, 2020) and

if the member's Surviving Spouse dies before the distribution to the Surviving Spouse begins, this section shall be applied as if the Surviving Spouse were the member.

Section 6. Section 87 of Part I, Subpart B, Article IX, Related Special Acts of the Miami Beach City Code, is amended to read:

Sec. 87. - Benefits for employees hired on or after July 14, 2010 and prior to September 31, 2013.

The pension benefits for employees hired on or after July 14, 2010 and prior to September 31, 2013, shall be as provided in the sections 61 through 86, except as follows:

- (a) The benefit multiplier shall be three percent (3%) for each year of creditable service for the first 20 years of service, and four percent (4%) for each year of creditable service after 20 years of creditable service.
- (b) The normal retirement date shall be as provided in sec. 66, except that a member must complete at least *five* years of creditable service, and must attain age 48 to be eligible for "Rule of 70" retirement or reach the 85% maximum pension benefit regardless of age.
- (c) Final *average* monthly salary shall be based on the three (3) highest paid years or last three (3) years as the case may be, prior to retirement or separation from employment.
- (d) The cost of living adjustment shall be one and one-half percent (1.5%) annually.
- (e) A member shall be vested upon completion of *five* years of creditable service.
- (f) The maximum pension benefit shall be as provided in section 11-66(e).

Section 7. Section 88 of Part I, Subpart B, Article IX, Related Special Acts of the Miami Beach City Code, is amended to read:

Sec. 88. - Benefits for members hired on or after September 30, 2013 and prior to June 8, 2016 for International Association of Firefighters, Local 1510 (IAFF) and July 20, 2016 for Fraternal Order of Police, William Nichols Lodge No. 8 (FOP).

Notwithstanding any other provision of the System, the pension benefits for members hired on or after September 30, 2013 and prior to June 8, 2016 for International Association of Firefighters, Local 1510 (IAFF) and July 20, 2016 for Fraternal Order of Police, William Nichols Lodge No. 8 (FOP) shall be as provided in the sections 61 through 86, except as follows:

- (a) The benefit multiplier shall be three percent (3%) for each year of creditable service for the first 20 years of service, and four percent (4%) for each year of creditable service after 20 years of creditable service.
- (b) The normal retirement date shall be as provided in sec. 66, except that a member must complete at least five years of creditable service, and must attain age 48 to be eligible for "Rule of 70" retirement or reach the 85% maximum pension benefit regardless of age.

- (c) Final average monthly salary shall be based on the five (5) highest paid years or last five (5) years as the case may be, prior to retirement or separation from employment.
- (d) The cost of living adjustment shall be one and one-half percent (1.5%) annually.
- (e) A member shall be vested upon completion of five years of creditable service.
- (f) The maximum pension benefit shall be as provided in section 11-66(e).

Section 8. Section 89 of Part 1, Subpart B, Article IX, Related Special Acts of the Miami Beach City Code, is amended to read:

Sec. 89. - Benefits for members hired on or after June 8, 2016 and prior to May 8, 2019 for International Association of Firefighters, Local 1510 (IAFF) and hired on or after July 20, 2016 and prior to July 31, 2019 for Fraternal Order of Police, William Nichols Lodge No. 8 (FOP).

Notwithstanding any other provision of the System, the pension benefits for members hired on or after June 8, 2016 and prior to May 8, 2019 for International Association of Firefighters, Local 1510 (IAFF) and hired on or after July 20, 2016 and prior to July 31, 2019 for Fraternal Order of Police, William Nichols Lodge No. 8 (FOP) shall be as provided in sections 61 through 86, except as follows:

- (a) The benefit multiplier shall be three percent (3%) for each year of creditable service for the first 20 years of service, and four percent (4%) for each year of creditable service after 20 years of creditable service.
- (b) The normal retirement date shall be upon attainment of age 52 with five or more years of creditable service, or when the sum of a member's age plus years of creditable service equal 70 or more, provided the member has attained age 48 or reach the 85% maximum pension benefit regardless of age.
- (c) Final average monthly salary shall be based on the five (5) highest paid years prior to retirement or separation from employment.
- (d) The cost of living adjustment shall be one and one-half percent (1.5%) annually.
- (e) The maximum pension benefit shall be as provided in section 11-66(e).
- (f) A member shall be vested upon completion of five years of creditable service.
- (g) The member contribution shall be ten and one-half percent (10.5%) of Salary.

Section 9. A new Section 90 of Part 1, Subpart B, Article IX, Related Special Acts of the Miami Beach City Code, is created to read:

Sec. 90. - Benefits for members hired on or after May 8, 2019 for International Association of Firefighters, Local 1510 (IAFF) and on or after July 31, 2019 for Fraternal Order of Police, William Nichols Lodge No. 8 (FOP).

Notwithstanding any other provision of the System, the pension benefits for members hired on or after May 8, 2019 for International Association of Firefighters, Local 1510 (IAFF), and on or after July 31, 2019 for Fraternal Order of Police, William Nichols Lodge No. 8 (FOP), shall be as provided in section 89, except that such members shall be vested upon completion of ten years of creditable service and shall not be credited with any service under this System for service as a member of the Miami Beach Employees Retirement Plan.

Section 10. Conflicts and Severability.

(a) All Ordinances, and parts of ordinances, in conflict herewith shall be and the same are hereby repealed.

(b) In the event any article, section, paragraph, sentence, clause, or phrase of this Ordinance shall be adjudicated invalid or unconstitutional such adjudication shall in no manner affect the other articles, sections, paragraphs, sentences, clauses or phrases of this Ordinance, which shall be and remain in full force and effect as fully as if the item so adjudged invalid or unconstitutional was not originally a part thereof.

Section 11. Codification. This Ordinance shall be codified in the Code of Ordinances of the City of Miami Beach.

Section 12. Effective date.

This Ordinance shall take effect on the 24 day of October, 2020.

PASSED AND ADOPTED this 14 day of October, 2020.

ATTEST

[Signature]
10/26/2020

[Signature]

Dan Gelber, Mayor

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Rafael E. Granado, City Clerk

I, RAFAEL E. GRANADO, City Clerk of the City of Miami Beach, Florida, do hereby certify that the above and foregoing is a true and correct copy of the original thereof on file in this office.

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

[Signature]
City Attorney

10/7/2020
Date

WITNESS my hand and seal of said City this 27 day of October, 2020.

[Signature]
Rafael E. Granado
City Clerk of the City of Miami Beach, Florida

