



CITY CLERK

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**CITY OF FORT LAUDERDALE
APPLICATION FOR CITIZEN PRESENTATION
FIRST MEETING OF THE MONTH
CITY COMMISSION REGULAR MEETING (6:00 P.M.)
(Please Print or Type)**

City Commission Meeting Date Requested: Nov 6 2012 (Fill in Date)

Name of Individual Making Presentation: Phil GIRRBACK

Street Address: 3850 NE 21 Ave. Apt 15

City, State, Zip Code: Lighthouse Point, FL 33064

Daytime Telephone Number: 954 234 8112 Evening Telephone Number: same

Facsimile Number: N/A E-Mail Address: philgirrbach@aol.com

Briefly describe topic to be discussed: I am challenging the Ft Lauderdale Police + Fire Pension Dept. decisions which compromised my case for a Disability Retirement. The Pension Dept. altered Pension ORD #20-134 in their documents, and by exceeding the requirement of (3) Three examining Physicians to the amount they deem necessary. Does the City Council approve this, sort of Doctor Shopping?

IMPORTANT INFORMATION:

- Speakers will be afforded the opportunity to address the Commission at the **first Regular Commission Meeting of each month.**
- Speakers will be allowed a maximum of three (3) minutes to address the City Commission. (If more than one speaker will be making your presentation, a **total** of 3 minutes will be allotted for such presentation.)
- The promoting, advertising or marketing of any product or service is prohibited.
- A maximum of five (5) applications will be accepted for any City Commission meeting. All other applications received will have the option of being scheduled for a future meeting. **APPLICATIONS WILL BE REVIEWED/ACCEPTED ON A FIRST COME, FIRST SERVED BASIS. IF A SPEAKER HAS ALREADY SPOKEN THE PREVIOUS MONTH AND MORE THAN FIVE (5) APPLICATIONS ARE RECEIVED, THEN SUCH SPEAKER WILL BE SCHEDULED FOR THE FOLLOWING MONTH IN ORDER TO GIVE NEW SPEAKERS THE OPPORTUNITY TO BE HEARD.**
- If you wish to provide additional information, please attach it to your application. (Please provide the City Clerk's Office with 18 copies of color maps, color exhibits, or any documents containing more than 20 pages.)
- **Complete applications (including attachments) must be received by the City Clerk's Office, City Hall, 100 North Andrews Avenue, 7th floor, no later than 12:00 noon the Wednesday prior to the week the City Commission meeting is held.**

For questions or additional information, please contact the City Clerk's Office at (954) 828-5002 or e-mail JJoseph@fortlauderdale.gov

Summary Plan Description

INTRODUCTION

On behalf of the Board of Trustees of the City of Fort Lauderdale Police & Fire Retirement System, welcome to one of the finest Plans in the country.

The eight member Board of Trustees is comprised of highly dedicated, diverse professionals, who take their fiduciary responsibility very seriously. The individuals who serve on the Board are either elected by you the members, or appointed by the Board and Mayor to serve. The Board is committed to providing undivided loyalty to all participants and beneficiaries collectively, requiring all to be treated in a fair and equitable manner.

Between now and your retirement, the City of Fort Lauderdale, the State of Florida, and each eligible employee will contribute to a trust fund the amounts necessary to fund your pension and the pensions of all other eligible employees.

This Summary Plan Description (SPD) is a brief description of your Plan and your rights, obligations, and benefits under this Plan. This SPD is not meant to interpret, extend, or change the provision of your Plan in any way. The provisions of the Plan may only be determined accurately by reading the actual Plan document, contained in the City Code of Ordinances, Chapter 20. I encourage all of you to read this SPD carefully, as the Plan has had significant changes since 2000.

The Police & Fire Retirement Systems' day to day operations are handled by the Plan Administrator, Lynn Wenguer and her highly competent staff. A copy of the Plan document is available at the Police & Fire Retirement System office and may be read by you, your beneficiaries, or your legal representatives during normal working hours. If you have any questions regarding either your Plan or this SPD, you should contact the Plan's Administrator. In the event of any discrepancy between this SPD and the actual provisions of the Plan, the Plan shall govern.

This Summary Plan Description was published May, 2001.

Captain Richard E. Perez
Chairman

MISSION STATEMENT

The City of Fort Lauderdale Police Officers' & Firefighters' Retirement Board is to efficiently provide the highest quality of administrative services, within the applicable laws, professional and ethical standards, so that each member has the opportunity for a successful retirement.

THE ADMINISTRATION OF YOUR PLAN

General administration and responsibility for the operation of the pension plan is placed with a Board of Trustees. The Board keeps membership records, directs the investments of the Plan trust fund and employs consultants and other professionals as necessary. The Board may expend pension funds only to pay benefits and the reasonable cost of Plan administration.

75%, 66-2/3 and 50% Joint & Survivor: This option provides a monthly payment to you as long as both you and your beneficiary are living. After the death of either you or your beneficiary, a reduced monthly will continue for the life of the remaining person.

*These options provide no benefits to dependent children unless chosen specifically as the beneficiary. The Joint & Survivor benefits are based on the beneficiary named and are payable only to this beneficiary. If you wish to change your beneficiary at any time, the current beneficiary must be living and new amounts will be recalculated for the new beneficiary chosen.

*A DROP participant shall not be eligible for disability benefits offered under this Plan.

SERVICE INCURRED DISABILITY

If you suffer an injury or illness, which is determined to be service-connected, and the injury or illness either physically or mentally prevents you from performing the regular and continuous duties of your job with the City, you may be eligible for disability benefits.

The Board approves or denies claims for disability benefits based on the facts in the situation and evidence provided by a medical board consisting of 3 or more doctors selected by the Board. *

Service incurred disability benefits are equal to 65% of your monthly earnings, beginning on the 91st day you are off the job. If you receive Workers Compensation, your pension may be reduced to the extent allowed by law. During the period of a service-incurred disability Firefighters do not contribute to the Plan.

Disability benefits will be paid until your death, your recovery or you become eligible for retirement benefits. When you become eligible for retirement, your pension will convert to a normal retirement benefit. Retirement benefits will be computed on your earnings at date of disability and years of service, including the period of disability.

If your claim is denied, the written notice you will receive will give the specific reasons for the denial. You may ask for a formal hearing before the Board to present evidence or make statements relevant to the Board's review of its decision. You have the right to review all pertinent documents. Within 30 days following the hearing, you will receive written notice of the Board's decision.

There may be additional benefits payable under Florida Statutes and Federal Laws for Police Officers or Firefighters injured in the line of duty. These benefits are not included in this City Plan.

NON-SERVICE INCURRED DISABILITY BENEFITS

If you suffer an injury or illness, which is determined to be a non-service connected, and the injury or illness, either physically or mentally, prevents you from performing your regular and continuous duties, or any other gainful employment, you may be eligible for disability benefits.

The Board approves or denies claims for disability benefits based on the facts in the situation and evidence provided by a medical board consisting of 3 or more doctors selected by the Board. *

Non-service incurred disability benefits are equal to 50% of your monthly earnings, beginning on the 91st day you are off the job. If you receive Social Security disability benefits, your monthly pension is reduced by the amount of those benefits. During periods of approved non-service

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- (a) *Medical Board.* The Board shall designate a medical Board to be composed of three (3) * physicians who shall arrange for and pass upon all medical examinations required under the provisions of this division, shall investigate all essential statements or certificates made by or on behalf of a Member in connection with an application for disability or Retirement and shall report in writing to the Board its conclusions and recommendations upon all matters referred to it. The payment for such Services shall be determined by the Board.
- (b) *Determination and review of disability.* The status of each Service and nonservice incurred disability shall be determined initially and reviewed periodically pursuant to uniform procedures established by the Board; the Board shall take into full consideration the report of the medical Board as regards all disability cases.
- (c) *Exclusions for disability and death.* No Member shall be granted a disability benefit, pursuant to section 20-129(c)(1), 20-129(c)(2) or 20-129(c)(5), nor shall any pre-retirement death benefits pursuant to section 20-129(d)(1.1) or 20-129(d)(2.1) be payable on behalf of any Member, upon a showing to the satisfaction of the Board of the following:
- (1) That disability or death resulted from an intentionally self-inflicted injury within the first two (2) years of employment. The exclusion set forth herein shall nevertheless apply if disability or death occurs beyond such two-year period as the result of an injury that was intentionally self-inflicted within the first two (2) years of employment;
 - (2) That alcoholic beverages, narcotics or drugs were the cause of disability or death, and disability or death occurred as a direct result of the habitual intentional ingestion of alcoholic beverages, narcotics or drugs without an intervening or contributing cause;
 - (3) That disability or death resulted from unlawful participation or unlawful involvement in riots, insurrection or assembly;
 - (4) That disability or death resulted from participation or involvement in the commission of a felony as defined by the laws of the State of Florida or the United States of America; or
 - (5) That disability or death resulted from, or is an aggravation or recurrence of, a preexisting condition.

The provisions of this subsection shall apply to both Service and nonservice incurred death or disability.

- (d) *Recovery from disability.* The status of each Service and nonservice incurred disability under sections 20-129(c)(1), 20-129(c)(2) or 20-129(c)(5) shall be determined initially and reviewed periodically, as determined by the Board, pursuant to uniform procedures established by the Board. In the event a Member who has retired on a pension on Account of permanent incapacity regains his full health and is shown to be physically able to perform his duties in the police department or fire department in the case of Service connected disability, and/or any other employment in the case of nonservice connected disability, the Board shall require the said Member to resume his position in the respective department and discontinue the pension.

(Code 1953, § 31-20; Ord. No. C-72-94, § 3, 12-5-72; Ord. No. C-73-3, § 12, 1-2-73; Ord. No. C-76-26, § 2, 7-20-76; Ord. No. C-76-98, § 2, 10-19-76; Ord. No. C-77-60, § 1, 6-21-77; Ord. No. C-77-135, § 1, 9-20-77; Ord. No. C-80-18, § 3, 3-4-80; Ord. No. C-81-117, § 4, 3-2-82; Ord. No. C-00-34, § 1, 7-18-00)

Sec. 20-135. - Miscellaneous provisions.

- (a) *Discharged Members; forfeitures of Retirement benefits.* Members entitled to a pension shall not forfeit benefits to which they are entitled under this System upon dismissal from the fire or police departments. However, in accordance with the provisions of § 112.3173, Fla. Stat. any Member who is convicted of a specified offense, as defined therein, committed prior to Retirement, or whose employment is terminated by reason of his admitted commission, aid or abetment of a specified offense, shall forfeit all rights and benefits under this System, except for the return of