

detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers, but does not include part-time law enforcement officers or auxiliary law enforcement officers as the same are defined in §943.10(6) and (8), Florida Statutes. The term "police officer" shall also include a public safety officer who is responsible for performing both police and fire services

17. Predecessor Plan means the pension plan for Police Officers of the Town that was in effect up to the day before the Effective Date hereof.
18. Spouse shall mean the lawful wife or husband of a member at time of preretirement death or retirement.
19. Town means Town of Lake Park, Florida.
20. Town Commission means the Town Commission of the Town of Lake Park, Florida.

Section 4. Membership.

1. Each Police Officer who was a Retired Member of the Predecessor Plan on the day before the Effective Date of this Plan shall receive benefits on an uninterrupted basis. The retired members of the Plan who are eligible to receive benefits are:

- A. Jake Ciliberto

- B. William Evans
- C. Patricia Gordon
- D. Carol Jarman
- E. Michael Lewis
- F. Mark Schneider
- G. James Tice

2. There are also two members who are entitled to a refund of contributions: Carl Applebaum and Robert Rodriguez.

Section 5. Benefit Amounts.

1. Normal Retirement Benefit. The normal retirement benefits for the retired police officers were based upon the following formulas.

a. Carol Jarman - a normal retirement benefit commencing on the effective date of this Plan. Her monthly normal retirement benefit is an amount equal to two and one-half percent (2 ½%) of her Average Monthly Earnings multiplied by the length of her Credited Service as of date of termination of her employment. Her benefit amount is \$650.00 monthly payable for her life with ten years certain.

b. James Tice -a normal retirement benefit which commenced on his actual retirement date. His monthly normal retirement benefit shall be an amount equal to two and one-half percent (2 ½%) of his Average Monthly Earnings multiplied by the length of his Credited Service as of his actual retirement date. His benefit amount is \$1,593.45 monthly payable for his life.

2. Early Retirement Incentive Program

a. Mark Schneider - a normal retirement benefit commencing on October 1, 2001 as

set forth in Ordinance 30-2002 and Ordinance 6-2001. His early retirement incentive program benefit is an amount equal to three and one-half percent (3 ½%) of his Average Monthly Earnings multiplied by the length of his Credited Service as of September 30, 2001. His benefit amount is \$4,284.46 monthly payable for his life with a 75% Joint and Survivor Benefit.

3. Disability Retirement.

a. Definition of Disability. For purposes of this Plan, total and permanent disability shall mean an injury, disease or condition which permanently incapacitates a Member, either physically or mentally, from his regular and continuous duty as a Police Officer. A total and permanent disability arising directly from the performance of service to the Town by a Member as a Police Officer shall be considered to be a Service Incurred Disability. A total and permanent disability arising from any other cause or source shall be considered to be a Non-Service Incurred Disability.

b. The Retired members entitled to disability benefits are:

1. Jake Ciliberto - Sixty-six and two-thirds percent (66 2/3%) of his monthly Earnings in effect on the date of disability. His benefit amount is \$1,725.38 monthly, payable for his life with \$862.69 payable for life to Debra A. Ciliberto, his wife, should she survive him.
2. William Evans - Sixty-six and two-thirds percent (66 2/3%) of his monthly Earnings in effect on the date of disability. His benefit amount is \$1,202.12 monthly, payable for his life with \$1,202.12 payable for life to Paula J. Evans, his wife, should she survive him.
3. Patricia Gordon - Sixty-six and two-thirds percent (66 2/3%) of her monthly

Earnings in effect on the date of disability. Her benefit amount is \$2,439.65 monthly, payable for her life with 10 years certain.

4. Michael Lewis - Sixty-six and two-thirds percent (66 2/3%) of his monthly Earnings in effect on the date of disability. His benefit amount is \$2,011.72 monthly, payable for his life.

c. Authority for Reexamination. Each person who first qualifies for disability retirement benefits on or after the Effective Date shall be subject to periodic reexamination by a medical board selected by the Board of Trustees to determine if such disability has ceased to exist. Such reexaminations shall not be permitted more often than twice in any calendar year.

4. Death Benefits. In the event of the death of a retiree, death benefits, if any, shall be paid in accordance with the form of benefit chosen at the time of retirement.

5. Termination Benefits and Vesting. There are two members (Carl D. Applebaum and Robert Rodriguez) who are entitled to a refund of accumulated contributions because at the time of their termination neither had ten years of service and neither was therefore eligible for any benefit including the Early Retirement Incentive Program.

6. Limitation on Benefits

(a) In no event may a member's annual benefit exceed the limits contained in Internal Revenue Code (IRC) section 415(d), as may be amended from time to time, but only for the year in which such adjustment is effective.

(b) Compensation in excess of limitations set forth in Section 401 (a) (17) of the Internal

* Revenue Code shall be disregarded. The limitation on compensation for an "eligible employee" shall