
**POLICE AND FIRE PENSION FUND
ADVISORY COMMITTEE
MEETING AGENDA – SEPTEMBER 13, 2017 – 9:00AM**

PRESENT

James Holderfield, Chair
Battalion Chief Sean Hatchett, V. Chair
Lt. Ellis Burns, Police Representative
Cpt. Michael Lynch, Fire Representative
Lt. Christopher Stover, Fire Representative
Lt. Michael Shell, Police Representative
Rick Townsend, Retired Police Representative

STAFF

Timothy H. Johnson, Executive Director – Plan Administrator
Steve Lundy, Assistant Plan Administrator
Chuck Hayes, Pension Benefits Manager
Lawsikia Hodges, Office of General Counsel
Bob Sugarman, Fund Counsel – via webex

EXCUSED

GUESTS

I. CALL TO ORDER

II. PUBLIC SPEAKING PERIOD

III. CONSENT AGENDA (ITEMS 1-11)

1. MEETING SUMMARY TO BE APPROVED
Committee action requested

1. **Summary of the meeting held August 9, 2017**
Copy held in the meeting file.

2. **APPLICATION FOR MEMBERSHIP**
Committee action requested

1. **CLEARED (POLICE):**

BINGHAM, Rebecca L.
GOLDEN, Dakota W.M.
HAIRE, Cassie M.
IRRA, Jonathan
PADGETT, Casey N.
SETERFITT, Brandon T.
WEBER, Ryan L.

2. **TRUSTEE RULE 13.3 (POLICE):**

GUNSON, Michael P.
MULLIS, Michael L.
POUNDERS, Corey L.
SWINTON, Lawanda A.

3. **CLEARED (FIRE):**

ANDERSON, Isaiah E.
FOOTE, Christopher S.
HALKER, Jeffrey A.
HARRISON, Joseph E.
KIRKLAND, Trevor K.
LANG, Andrew C.
OBERMILLER, Zachary M.
PANNELL, Christopher T.
POOLE, John W.
SMITH-WILCOX, Amber R.
STEPHENS, Kayla L.

4. **TRUSTEE RULE 13.3 (FIRE):**

BAPTISTE, Peter F.
GARCON, Marckenley
HODGE, Benjamin D.
JEFFERSON, Jarvis D.M.
LEROY Jr., Menos W.
ROLAND, Adam

SPERRY, Colin J.

3. APPLICATION FOR VESTED RETIREMENT

Committee action requested

1. AGLE, Lawrence E.

Date of Vesting August 11, 2017, to be placed on pension
June 2, 2028, monthly pension base amount of \$1,250.11.
Police Officer.

4. APPLICATION FOR TIME SERVICE CONNECTIONS

Committee action requested

1. CLARK, Nicole M.

Prior Florida Service (2 yrs., 14 days), \$14,526.10. Firefighter.

2. COAN, Michael J.

Prior Military Service (8 mos., 14 days), \$5,586.32. Police Recruit.

3. GILLIARD, Curtis A.

Prior Military Service (2 yrs.), \$24,561.70. Police Officer.

4. GRESHAM, Scott T.

Prior Military Service (2 yrs.), \$23,155.20. Police Officer.

5. JONES, Victor B.

Prior Military Service (1 yrs., 1 mos., 11 days), \$13,543.13. Police Officer.

6. PARAVISINI, Jean F.

Prior Military Service (2 yrs.), \$25,089.60. Firefighter Engineer.

5. APPLICATION FOR DROP

Committee action requested

1. POLICE:

BARKER, William V.
BATROUS, David J.
BENTON, Lisa M.
BUXTON, Jonette M.

POLICE AND FIRE PENSION FUND
ADVISORY COMMITTEE
MEETING AGENDA – SEPTEMBER 13, 2017
Page 4

CHU, Jack 7520
CROTTY, Joseph T.
GOODY, Peter C.
HARRIS, Ivey D.
HUDSON, Erica L.
IVEY, Patrick L.
JOHN, Caroline S.
JOHNSON, Anthony E.
KNUDSEN, John B.
KOBYLARZ, Sean P.
McCOY JR., Robert L.
MOON, Jennifer L.
MOON, Michael W.
MURPHY, Lesia M.
NAVARRO, Kimberly A.
RUSSELL, Matthew M.
THOMPSON V., Lucius E.
WHITE, Charles M.

2. **FIRE:**

GAINEY, Robin R.
IRONSIDE, William P.
JOHNSTON, David B.
RUTKOWSKI, David T.
WILLIAMS, Matthew R.

6. **REFUND OF PENSION CONTRIBUTIONS**

To be received as information

1. **FULLWOOD, Terica D.**
Refund of pension contributions in the amount of \$38,663.09. Police Recruit.
2. **GOODBRED, Eric T.**
Refund of pension contributions in the amount of \$69.69. Police Recruit.
3. **GRIGSBY, Thomas D.**
Refund of pension contributions in the amount of \$3,144.71. Police Recruit.

POLICE AND FIRE PENSION FUND
ADVISORY COMMITTEE
MEETING AGENDA – SEPTEMBER 13, 2017
Page 5

4. **LAWTON, Terrance J.**
Refund of pension contributions in the amount of \$83.63. Police Recruit.
5. **OLIVER, Damon L.**
Refund of pension contributions in the amount of \$10,084.54. Police Officer.
6. **RONE, Brian L.**
Refund of pension contributions in the amount of \$31,162.49. Police Officer.
7. **SCOTT, Stephen J.**
Refund of pension contributions in the amount of \$178.41. Police Recruit.
8. **STANLEY, Christopher A.**
Refund of pension contributions in the amount of \$5,653.28. Police Officer.
9. **WARE, Kyan M.**
Refund of pension contributions in the amount of \$69.69. Police Recruit.

7. **SHARE PLAN DISTRIBUTIONS**
To be received as information

The following members received gross Share Plan Distributions in the following amounts:

DUPUY, Jimmie	\$3,167.76
HORSTMANSHOF, Jon-Kipp	\$3,167.76
WYATT, Jeffrey W.	\$3,167.76

8. **DROP PARTICIPANT TERMINATION OF EMPLOYMENT**
To be received as information

1. **ELKINS, Richard H.**
DROP commencement date of April 13, 2013, termination of employment date effective August 11, 2017, with a retirement base of \$5,803.92. Police Lieutenant.

POLICE AND FIRE PENSION FUND
ADVISORY COMMITTEE
MEETING AGENDA – SEPTEMBER 13, 2017
Page 6

9. DROP DISTRIBUTIONS

To be received as information

1. DAUNHAUER, George V.

The entire value of his DROP account \$175,546.59 will be paid to him lump sum.

2. ELKINS, Richard H.

The entire value of his DROP account \$382,426.92 will be paid to him over the next 35 years.

IV. OLD BUSINESS

1. HOLTSMAN, Frank R.

Deferred Application for Vested Retirement – Update

V. COUNSEL REPORTS

Lawsikia Hodges & Bob Sugarman

1. Ordinance 2017-564 – Staggering Terms

2. Participation of DROP Members in the Share Plan

3. Internal Revenue Code Compliance of Share Distributions to DROP Members

4. Benefit Correction Policy

5. Bailiff Time Service Connections Opinion

VI. EXECUTIVE DIRECTOR'S REPORT

Timothy Johnson

VII. NEW BUSINESS

VIII. NEXT MEETING

Wednesday, October 11, 2017 at 9:00AM

IX. ADJOURNMENT

NOTES:

Any person requiring a special accommodation to participate in the meeting because of disability shall contact Steve Lundy, Assistant Plan Administrator, at (904) 255-7373, at least five business days in advance of the meeting to make appropriate arrangements.

The public meeting may be continued to a date, time, and place to be specified on the record at the meeting. If any person decides to appeal any decision made with respect to any matter considered at this public meeting such person will need to a record of proceedings, and for such purpose such person may need to ensure that a verbatim record of the proceedings is made at their own expense and that such record includes the testimony and evidence on which the appeal is based.

Additional items may be added / changed prior to meeting.

SL

**POLICE AND FIRE PENSION FUND
ADVISORY COMMITTEE
MEETING SUMMARY – AUGUST 9, 2017 – 9:00AM**

PRESENT

James Holderfield, Chair
Battalion Chief Sean Hatchett, V. Chair
Lt. Michael Lynch, Fire Representative
Lt. Michael Shell, Police Representative
Rick Townsend, Retired Police Representative

STAFF

Timothy H. Johnson, Executive Director – Plan Administrator
Chuck Hayes, Pension Benefits Manager
Debbie Manning, Executive Assistant
Lawsikia Hodges, Office of General Counsel
Bob Sugarman, Fund Counsel – via webex

EXCUSED

Lt. Ellis Burns, Police Representative
Lt. Christopher Stover, Fire Representative
Steve Lundy, Assistant Plan Administrator

GUESTS

I. CALL TO ORDER

Chairman James Holderfield called the meeting to order at 9:01AM.

II. PUBLIC SPEAKING PERIOD

There were no requests for Public Speaking. Public Speaking Period was closed.

III. CONSENT AGENDA (ITEMS 1-11)

1. MEETING SUMMARY TO BE APPROVED

1. **Summary of the meeting held July 12, 2017**
Copy held in the meeting file.

A motion was made by Michael Lynch to approve the meeting summary for July 12, 2017, seconded by Rick Townsend. The vote was unanimous.

2. APPLICATION FOR MEMBERSHIP

A motion was made by Michael Shell to approve the Applications for Membership, seconded by Sean Hatchett. The vote was unanimous.

3. APPLICATION FOR SURVIVOR BENEFITS

A motion was made by Michael Shell to approve the Applications for Survivor Benefits, seconded by Sean Hatchett. The vote was unanimous.

4. APPLICATION FOR VESTED RETIREMENT

1. **HERRINGTON, Tina J.**
Date of Vesting March 24, 2017, to be placed on pension
April 28, 2028, monthly pension base amount of \$1,107.24.
Police Officer.

A motion was made by Michael Shell to approve the HERRINGTON, Tina J.'s Application for Vested Retirement, seconded by Michael Lynch. The vote was unanimous.

2. **HOLTSMAN, Frank R.**
Date of Vesting June 16, 2017, to be placed on pension
December 2, 2017, monthly pension base amount of \$2,992.42.
Police Officer.

The Advisory Committee deferred the Application for Vested Retirement made by HOLTSMAN, Frank R. until the next month's meeting, in order for the Fund Counsel to review because the Member's pension may be subject to forfeiture.

5. **APPLICATION FOR TIME SERVICE CONNECTIONS**

A motion was made by Rick Townsend to approve the Applications for Time Service Connections, seconded by Michael Lynch. The vote was unanimous.

6. **RESCISSION OF DROP PARTICIPATION**

A motion was made by Sean Hatchett to approve the Rescission of DROP Participation, seconded by Michael Shell. The vote was unanimous.

7. **REFUND OF PENSION CONTRIBUTIONS**

The Refund of Pension Contributions were verified with supporting documentation and received as information by the Advisory Committee.

8. **SHARE PLAN DISTRIBUTIONS**

The Share Plan Distributions were verified with supporting documentation and received as information by the Advisory Committee.

Bob Sugarman informed the Advisory Committee that if the pension of HOLTSMAN, Frank R. is forfeited due to a conviction, then the Fund would recover the Share Plan Distribution amount that was made to him.

9. **DROP PARTICIPANT TERMINATION OF EMPLOYMENT**

The DROP Participant Termination of Employment were verified with supporting documentation and received as information by the Advisory Committee.

10. **DROP DISTRIBUTIONS**

The DROP Distributions were verified with supporting documentation and received as information by the Advisory Committee.

11. **DROP DISTRIBUTIONS FOR SURVIVORS**

The DROP Distributions for Survivors were verified with supporting documentation and received as information by the Advisory Committee.

IV. **OLD BUSINESS**

1. **2017-07-04CA – APPLICATION FOR MEMBERSHIP**

1. **GARDNER, Zachary K.**

Previously approved under Trustee Rule 13.3 – amended to cleared

A motion was made by Sean Hatchett to amend the Application for Membership of GARDNER, Zachary K. to cleared, seconded by Michael Shell. The vote was unanimous.

2. **Share Plan Distribution Question re: HEATON, James R.**
Chuck Hayes

Chuck Hayes clarified Sean Hatchett's question last month about the dollar amount of HEATON, James R.'s Share Plan Distribution.

V. **COUNSEL REPORTS**

Lawsikia Hodges & Bob Sugarman

1. **Ordinance to Stagger Terms**

Lawsikia Hodges discussed the draft ordinance which would stagger the terms of the Advisory Committee, and the FIAC. She told the Advisory Committee that the Board of Trustees voted to direct the ordinance to be drafted at their last meeting.

The Advisory Committee discussed how the staggered terms would be assigned to each candidate after the election, and indicated that they would like the term lengths to be distributed by vote count. Lawsikia Hodges said that the policy should ultimately be approved by the Board.

2. Participation of DROP Members in the Share Plan

Bob Sugarman briefly described the draft opinion, and in summary, the PFPF has been administering the Share Plan correctly.

3. Internal Revenue Code Compliance of Share Distributions to DROP Members

Bob Sugarman briefly described the draft opinion on IRS compliance which concludes the PFPF has been administering the Share Plan distributions to DROP Members correctly. He clarified a question by Michael Lynch related to 'in-service distributions'.

Sean Hatchett asked for clarification as to whether any changes would be made to the Share Plan administration.

Timothy Johnson and the Advisory Committee discussed the 2017 Pension Reform, and that as part of the reform, the PFPF would no longer be administering the Share Plan after October 1, 2017.

4. Benefit Correction Policy

Lawsikia Hodges said that her office is coordinating with Bob Sugarman to finalize the proposed policy, and it will be presented to the Advisory Committee once completed.

5. Bailiff Time Service Connections

James Holderfield asked Lawsikia Hodges how eligibility for Bailiffs to purchase Time Service Connections would be certified, and which department would make the certification.

Lawsikia Hodges asked for examples of how TSCs are verified currently. She discussed with the Advisory Committee that more meetings would be needed to draft a proposed policy.

Timothy Johnson said that the PFPF could put a line in the newsletter that more time is needed to work out the details of the Bailiff Time Service Connection process.

VI. EXECUTIVE DIRECTOR'S REPORT

Timothy Johnson

Timothy Johnson said that Chuck Hayes had done a good job coordinating with JFRD and JSO to include language in employees' separation paperwork that informs the employees that they must contact the PFPF within 30 days of separation to set up their benefit. Per the ordinance, after 30 days, a refund is cut automatically. The language would help prevent these employees potentially missing that deadline.

1. Affidavits

Chuck Hayes notified the Advisory Committee that the annual affidavits have been sent out to all pensioners.

Timothy Johnson said that the reemployment affidavit is on schedule to be sent in January, and that the letter would revert back to the original, simpler draft created by PFPF staff.

Lawsikia Hodges informed the Advisory Committee that the word 'City' in the Ordinance Code does not refer to the independent agencies, regarding the reemployment of pensioners.

2. Direct Deposit Statement Update

Timothy Johnson informed the Advisory Committee that in order to minimize costs, the PFPF will discontinue sending bi-weekly direct deposits to all pensioners by default. Members may opt-in if they wish to continue receiving the statements.

Timothy Johnson also thanked Chuck Hayes for his initiative to begin the development of an online portal with ITD for pensioners to use to check their pension information.

VII. NEW BUSINESS

VIII. NEXT MEETING

Wednesday, September 13, 2017 at 9:00AM

IX. ADJOURNMENT

Chairman James Holderfield adjourned the meeting at 10:05AM.

NOTES:

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Additional items may be added / changed prior to meeting.

SL

James Holderfield, Chairman

To be approved at the Advisory Committee Meeting on September 13, 2017

*Jax*Pension

ESTIMATED PENSION BENEFIT

Name	:	AGLE, LAWRENCE E
SSN	:	
EIN	:	66823
Age	:	49
Year Service	:	9
Date of Employment	:	06/02/2008
Adjusted Date of Employment	:	
Pension Date	:	06/02/2008
Adjusted Pension Date	:	
Estimated Retirement Date	:	06/02/2028
Benefits Estimated on	:	08/23/2017
Estimated Biweekly Gross	:	576.98
Average Monthly Salary	:	4,630.06
% of Pension Benefit	:	27.00 %
Estimated Monthly Pension Benefit	:	1,250.11

Summary Details Balance Info Ded. History

TSC Details

Status:	Pending	<input type="checkbox"/> Pension Date Adjusted
TSC Type:	Other Govt	<input type="checkbox"/> TSC Forced Completion
Last Month Salary:	2968.55	Type Of Purchase:
Available Time:	24 Mos 14 Days	Calculation Date:
Purchase Time:	24 Mos 14 Days	07/31/2017
Deduction Amount:		Available Amount:
Start Date:		14526.10
		Period Start Date:
		09/24/2014
		Period End Date:
		10/08/2016
		Max Ded. Amount:
		14526.10
		Expected End Date:
		Actual End Date:

Comments

Click here to add new comments

Add Comment to History >

Save

Setup Deduction...

Setup Lump Sum...

Adj Pension Dates...

Force Completion...

Delete

Add New TSC...

Cancel

TSC Details

Status:	Pending		<input type="checkbox"/> Pension Date Adjusted	
TSC Type:	Military Time		<input type="checkbox"/> TSC Forced Completion	
Last Month Salary:	3299.01		Time	
Available Time:	8 Mos	14 Days	Available Amount:	5586.32
Purchase Time:	8 Mos	14 Days	Purchase Amount:	5586.32
Deduction Amount:			Max Ded. Amount:	5586.32
Start Date:			Expected End Date:	
			Actual End Date:	
			Period Start Date:	09/25/2015
			Period End Date:	06/08/2016

Comments

Click here to add new comments.

Add Comment to History >

Save

Setup Deduction...

Setup Lump Sum...

Adj Pension Dates...

Force Completion...

Delete

Add New TSC...

Cancel

TSC Details

Status:	Pending	<input type="checkbox"/> Pension Date Adjusted
TSC Type:	Military Time	<input type="checkbox"/> TSC Forced Completion
Last Month Salary:	5117.02	Calculation Date: 07/31/2017
Available Time:	24 Mos 0 Days	Available Amount: 24561.70
Purchase Time:	24 Mos 0 Days	Purchase Amount: 24561.70
Deduction Amount:		Max Ded. Amount: 24561.70
Start Date:		Expected End Date:
		Actual End Date:
		Period Start Date: 02/19/1999
		Period End Date: 12/27/2001

Comments

Click here to add new comments

Add Comment to History >

Save	Setup Deduction...	Setup Lump Sum...	Adj Pension Dates...	Force Completion...	Delete
Add New TSC...					
Cancel					

Summary Details Balance Info Ded. History

TSC Details

Status:	Pending	<input type="checkbox"/> Pension Date Adjusted
TSC Type:	Military Time	<input type="checkbox"/> TSC Forced Completion
Last Month Salary:	4824.00	Time
Available Time:	42 Mos 10 Days	Calculation Date: 07/31/2017
Purchase Time:	24 Mos 0 Days	Period Start Date: 02/07/1990
Deduction Amount:		Available Amount: 40843.20
Start Date:		Purchase Amount: 23155.20
		Max Ded. Amount: 23155.20
		Period End Date: 08/17/1993
		Expected End Date:
		Actual End Date:

Comments

Click here to add new comments.

Add Comment to History >

Save

Setup Deduction...

Setup Lump Sum...

Adj Pension Dates...

Force Completion...

Delete

Add New TSC...

Cancel

Summary Details Balance Info Ded. History

TSC Details

Status:	Pending	<input type="checkbox"/> Pension Date Adjusted
TSC Type:	Military Time	<input type="checkbox"/> TSC Forced Completion
Last Month Salary:	5227.00	Time
Available Time:	24 Mos 0 Days	Calculation Date: 07/31/2017
Purchase Time:	24 Mos 0 Days	Period Start Date: 06/23/1997
Deduction Amount:		Period End Date: 07/22/2001
Start Date:		Max Ded. Amount: 25089.60
		Expected End Date:
		Actual End Date:

Comments

Click here to add new comments

Add Comment to History >

Save

Setup Deduction...

Setup Lump Sum...

Adj Pension Dates...

Force Completion...

Delete

Add New TSC...

Cancel



ESTIMATED PENSION BENEFIT

Name	:	BARKER, WILLIAM V
SSN	:	██████████
EIN	:	7592
Age	:	56
Year Service	:	21
Date of Employment	:	09/17/1997
Adjusted Date of Employment	:	
Pension Date	:	09/17/1997
Adjusted Pension Date	:	
Estimated Retirement Date	:	10/06/2018
Benefits Estimated on	:	07/28/2017
Estimated Biweekly Gross	:	1,511.28
Average Monthly Salary	:	5,281.37
% of Pension Benefit	:	62.00 %
Estimated Monthly Pension Benefit	:	3,274.45



ESTIMATED PENSION BENEFIT

Name	:	BATROUS, DAVID J
SSN	:	██████████
EIN	:	5615
Age	:	43
Year Service	:	21
Date of Employment	:	09/19/1996
Adjusted Date of Employment	:	10/10/1996
Pension Date	:	09/19/1996
Adjusted Pension Date	:	
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	07/28/2017
Estimated Biweekly Gross	:	1,873.01
Average Monthly Salary	:	6,545.47
% of Pension Benefit	:	62.00 %
Estimated Monthly Pension Benefit	:	4,058.19



ESTIMATED PENSION BENEFIT

Name	:	BENTON, LISA M
SSN	:	██████████
EIN	:	7593
Age	:	45
Year Service	:	20
Date of Employment	:	09/17/1997
Adjusted Date of Employment	:	
Pension Date	:	09/17/1997
Adjusted Pension Date	:	
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	08/10/2017
Estimated Biweekly Gross	:	1,510.80
Average Monthly Salary	:	5,455.66
% of Pension Benefit	:	60.00 %
Estimated Monthly Pension Benefit	:	3,273.39



ESTIMATED PENSION BENEFIT

Name	:	BUXTON, JONETTE M
SSN	:	██████████
EIN	:	7569
Age	:	47
Year Service	:	20
Date of Employment	:	09/02/1997
Adjusted Date of Employment	:	
Pension Date	:	09/02/1997
Adjusted Pension Date	:	
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	08/04/2017
Estimated Biweekly Gross	:	1,461.26
Average Monthly Salary	:	5,276.79
% of Pension Benefit	:	60.00 %
Estimated Monthly Pension Benefit	:	3,166.07



ESTIMATED PENSION BENEFIT

Name	:	CHU, JACK
SSN	:	██████████
EIN	:	7520
Age	:	43
Year Service	:	21
Date of Employment	:	01/15/1997
Adjusted Date of Employment	:	
Pension Date	:	01/15/1997
Adjusted Pension Date	:	09/25/1996
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	07/28/2017
Estimated Biweekly Gross	:	1,557.02
Average Monthly Salary	:	5,441.21
% of Pension Benefit	:	62.00 %
Estimated Monthly Pension Benefit	:	3,373.55



ESTIMATED PENSION BENEFIT

Name	:	CROTTY, JOSEPH T
SSN	:	██████████
EIN	:	5547
Age	:	53
Year Service	:	21
Date of Employment	:	03/20/1996
Adjusted Date of Employment	:	
Pension Date	:	03/20/1996
Adjusted Pension Date	:	
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	08/11/2017
Estimated Biweekly Gross	:	1,545.29
Average Monthly Salary	:	5,400.22
% of Pension Benefit	:	62.00 %
Estimated Monthly Pension Benefit	:	3,348.13



ESTIMATED PENSION BENEFIT

Name	:	GOODY, PETER C
SSN	:	██████████
EIN	:	7602
Age	:	52
Year Service	:	20
Date of Employment	:	09/17/1997
Adjusted Date of Employment	:	
Pension Date	:	09/17/1997
Adjusted Pension Date	:	
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	08/04/2017
Estimated Biweekly Gross	:	1,490.77
Average Monthly Salary	:	5,383.35
% of Pension Benefit	:	60.00 %
Estimated Monthly Pension Benefit	:	3,230.01



ESTIMATED PENSION BENEFIT

Name	:	HARRIS, IVEY D
SSN	:	██████████
EIN	:	7604
Age	:	44
Year Service	:	20
Date of Employment	:	09/17/1997
Adjusted Date of Employment	:	
Pension Date	:	09/17/1997
Adjusted Pension Date	:	
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	08/11/2017
Estimated Biweekly Gross	:	1,504.70
Average Monthly Salary	:	5,433.63
% of Pension Benefit	:	60.00 %
Estimated Monthly Pension Benefit	:	3,260.17



ESTIMATED PENSION BENEFIT

Name	:	HUDSON, ERICA L
SSN	:	██████████
EIN	:	7577
Age	:	44
Year Service	:	20
Date of Employment	:	09/02/1997
Adjusted Date of Employment	:	
Pension Date	:	09/02/1997
Adjusted Pension Date	:	
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	08/08/2017
Estimated Biweekly Gross	:	1,490.29
Average Monthly Salary	:	5,381.61
% of Pension Benefit	:	60.00 %
Estimated Monthly Pension Benefit	:	3,228.96



ESTIMATED PENSION BENEFIT

Name	:	IVEY, PATRICK L
SSN	:	██████████
EIN	:	5423
Age	:	47
Year Service	:	23
Date of Employment	:	03/21/1994
Adjusted Date of Employment	:	
Pension Date	:	03/21/1994
Adjusted Pension Date	:	
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	08/01/2017
Estimated Biweekly Gross	:	3,773.47
Average Monthly Salary	:	12,387.68
% of Pension Benefit	:	66.00 %
Estimated Monthly Pension Benefit	:	8,175.86



ESTIMATED PENSION BENEFIT

Name	:	JOHN, CAROLINE S
SSN	:	██████████
EIN	:	7613
Age	:	51
Year Service	:	21
Date of Employment	:	09/17/1997
Adjusted Date of Employment	:	
Pension Date	:	09/17/1997
Adjusted Pension Date	:	
Estimated Retirement Date	:	10/06/2018
Benefits Estimated on	:	08/24/2017
Estimated Biweekly Gross	:	1,609.31
Average Monthly Salary	:	5,623.95
% of Pension Benefit	:	62.00 %
Estimated Monthly Pension Benefit	:	3,486.85



ESTIMATED PENSION BENEFIT

Name	:	JOHNSON, ANTHONY E
SSN	:	██████████
EIN	:	6314
Age	:	51
Year Service	:	21
Date of Employment	:	11/01/1999
Adjusted Date of Employment	:	
Pension Date	:	11/01/1999
Adjusted Pension Date	:	09/07/1996
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	08/29/2017
Estimated Biweekly Gross	:	1,499.56
Average Monthly Salary	:	5,240.39
% of Pension Benefit	:	62.00 %
Estimated Monthly Pension Benefit	:	3,249.04



ESTIMATED PENSION BENEFIT

Name	:	KNUDSEN, JOHN B
SSN	:	██████████
EIN	:	7621
Age	:	56
Year Service	:	20
Date of Employment	:	09/17/1997
Adjusted Date of Employment	:	09/19/1997
Pension Date	:	09/17/1997
Adjusted Pension Date	:	
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	08/02/2017
Estimated Biweekly Gross	:	1,517.48
Average Monthly Salary	:	5,479.79
% of Pension Benefit	:	60.00 %
Estimated Monthly Pension Benefit	:	3,287.87



ESTIMATED PENSION BENEFIT

Name	:	KOBYLARZ, SEAN P
SSN	:	██████████
EIN	:	6258
Age	:	45
Year Service	:	21
Date of Employment	:	09/19/1996
Adjusted Date of Employment	:	
Pension Date	:	09/19/1996
Adjusted Pension Date	:	
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	04/28/2017
Estimated Biweekly Gross	:	1,576.18
Average Monthly Salary	:	5,508.17
% of Pension Benefit	:	62.00 %
Estimated Monthly Pension Benefit	:	3,415.06



ESTIMATED PENSION BENEFIT

Name	:	MCCOY JR, ROBERT L
SSN	:	██████████
EIN	:	5626
Age	:	56
Year Service	:	20
Date of Employment	:	04/19/1999
Adjusted Date of Employment	:	
Pension Date	:	04/19/1999
Adjusted Pension Date	:	06/19/1997
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	08/07/2017
Estimated Biweekly Gross	:	1,547.66
Average Monthly Salary	:	5,588.77
% of Pension Benefit	:	60.00 %
Estimated Monthly Pension Benefit	:	3,353.26



ESTIMATED PENSION BENEFIT

Name	:	MOON, JENNIFER L
SSN	:	██████████
EIN	:	7611
Age	:	44
Year Service	:	20
Date of Employment	:	09/17/1997
Adjusted Date of Employment	:	
Pension Date	:	09/17/1997
Adjusted Pension Date	:	
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	08/10/2017
Estimated Biweekly Gross	:	1,528.82
Average Monthly Salary	:	5,520.76
% of Pension Benefit	:	60.00 %
Estimated Monthly Pension Benefit	:	3,312.45



ESTIMATED PENSION BENEFIT

Name	:	MOON, MICHAEL W
SSN	:	██████████
EIN	:	7541
Age	:	47
Year Service	:	20
Date of Employment	:	04/19/1999
Adjusted Date of Employment	:	
Pension Date	:	12/16/1998
Adjusted Pension Date	:	12/16/1996
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	08/10/2017
Estimated Biweekly Gross	:	1,848.38
Average Monthly Salary	:	6,674.71
% of Pension Benefit	:	60.00 %
Estimated Monthly Pension Benefit	:	4,004.82



ESTIMATED PENSION BENEFIT

Name	:	MURPHY, LESIA M
SSN	:	██████████
EIN	:	7619
Age	:	50
Year Service	:	20
Date of Employment	:	09/17/1997
Adjusted Date of Employment	:	
Pension Date	:	09/17/1997
Adjusted Pension Date	:	
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	08/04/2017
Estimated Biweekly Gross	:	1,518.23
Average Monthly Salary	:	5,482.50
% of Pension Benefit	:	60.00 %
Estimated Monthly Pension Benefit	:	3,289.50



ESTIMATED PENSION BENEFIT

Name	:	NAVARRO, KIMBERLY A
SSN	:	██████████
EIN	:	7130
Age	:	55
Year Service	:	20
Date of Employment	:	11/01/1999
Adjusted Date of Employment	:	
Pension Date	:	11/01/1999
Adjusted Pension Date	:	09/22/1997
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	08/11/2017
Estimated Biweekly Gross	:	1,491.70
Average Monthly Salary	:	5,386.71
% of Pension Benefit	:	60.00 %
Estimated Monthly Pension Benefit	:	3,232.02



ESTIMATED PENSION BENEFIT

Name	:	RUSSELL, MATTHEW M
SSN	:	██████████
EIN	:	5620
Age	:	46
Year Service	:	21
Date of Employment	:	03/20/1996
Adjusted Date of Employment	:	
Pension Date	:	03/20/1996
Adjusted Pension Date	:	
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	08/04/2017
Estimated Biweekly Gross	:	1,888.73
Average Monthly Salary	:	6,600.41
% of Pension Benefit	:	62.00 %
Estimated Monthly Pension Benefit	:	4,092.25



ESTIMATED PENSION BENEFIT

Name	:	THOMPSON V, LUCIUS E
SSN	:	██████████
EIN	:	7616
Age	:	57
Year Service	:	20
Date of Employment	:	09/17/1997
Adjusted Date of Employment	:	
Pension Date	:	09/17/1997
Adjusted Pension Date	:	
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	08/11/2017
Estimated Biweekly Gross	:	1,462.43
Average Monthly Salary	:	5,280.99
% of Pension Benefit	:	60.00 %
Estimated Monthly Pension Benefit	:	3,168.59



ESTIMATED PENSION BENEFIT

Name	:	WHITE, CHARLES M
SSN	:	██████████
EIN	:	7696
Age	:	59
Year Service	:	20
Date of Employment	:	06/28/2002
Adjusted Date of Employment	:	
Pension Date	:	06/28/2002
Adjusted Pension Date	:	09/03/1997
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	08/04/2017
Estimated Biweekly Gross	:	1,418.05
Average Monthly Salary	:	5,120.74
% of Pension Benefit	:	60.00 %
Estimated Monthly Pension Benefit	:	3,072.44



ESTIMATED PENSION BENEFIT

Name	:	GAINEY, ROBIN R
SSN	:	██████████
EIN	:	11117
Age	:	60
Year Service	:	29
Date of Employment	:	06/20/1988
Adjusted Date of Employment	:	
Pension Date	:	06/23/1988
Adjusted Pension Date	:	
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	07/28/2017
Estimated Biweekly Gross	:	2,928.77
Average Monthly Salary	:	8,135.48
% of Pension Benefit	:	78.00 %
Estimated Monthly Pension Benefit	:	6,345.67



ESTIMATED PENSION BENEFIT

Name	:	IRONSIDE, WILLIAM P
SSN	:	██████████
EIN	:	11383
Age	:	52
Year Service	:	26
Date of Employment	:	11/23/1994
Adjusted Date of Employment	:	
Pension Date	:	11/23/1994
Adjusted Pension Date	:	09/23/1991
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	08/08/2017
Estimated Biweekly Gross	:	2,637.67
Average Monthly Salary	:	7,937.45
% of Pension Benefit	:	72.00 %
Estimated Monthly Pension Benefit	:	5,714.96



ESTIMATED PENSION BENEFIT

Name	:	JOHNSTON, DAVID B
SSN	:	██████████
EIN	:	11435
Age	:	56
Year Service	:	21
Date of Employment	:	07/15/1996
Adjusted Date of Employment	:	
Pension Date	:	07/15/1996
Adjusted Pension Date	:	
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	08/23/2017
Estimated Biweekly Gross	:	1,475.22
Average Monthly Salary	:	5,155.33
% of Pension Benefit	:	62.00 %
Estimated Monthly Pension Benefit	:	3,196.30



ESTIMATED PENSION BENEFIT

Name	:	RUTKOWSKI, DAVID T
SSN	:	██████████
EIN	:	11528
Age	:	57
Year Service	:	20
Date of Employment	:	03/10/1997
Adjusted Date of Employment	:	
Pension Date	:	03/10/1997
Adjusted Pension Date	:	
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	08/30/2017
Estimated Biweekly Gross	:	1,978.59
Average Monthly Salary	:	7,144.91
% of Pension Benefit	:	60.00 %
Estimated Monthly Pension Benefit	:	4,286.94



ESTIMATED PENSION BENEFIT

Name	:	WILLIAMS, MATTHEW R
SSN	:	██████████
EIN	:	11454
Age	:	49
Year Service	:	21
Date of Employment	:	07/15/1996
Adjusted Date of Employment	:	
Pension Date	:	07/15/1996
Adjusted Pension Date	:	
Estimated Retirement Date	:	10/07/2017
Benefits Estimated on	:	08/24/2017
Estimated Biweekly Gross	:	2,054.15
Average Monthly Salary	:	7,178.48
% of Pension Benefit	:	62.00 %
Estimated Monthly Pension Benefit	:	4,450.65

Summary Lump Sum Rollover Detail

Check Information

First Name: TERICA MI: D Last Name: FULLWOOD
SSN: Payment Type: L Distribution Code: 1
Check Date: 08/25/2017 Check #: Temp200979

Address

Country: United States City: Delivery Point:
Street 1: State: Check Digit:
Street 2: Zip: Lot:
Street 3: Carrier Route: Country Code:

Amount Details

Gross Amount: 38663.09
Tax: Aml. 11598.93 30.00 %
Net: 27064.16

Check Message

REFUND OF PENSION CONTRIBUTIONS
38663.09 GROSS
11598.93 30% TAX
27064.16 NET

Save Process Payment Delete

Check Information

First Name: ERIC

MI: T

Last Name: GOODBRED

SSN: [REDACTED]

Payment Type: L

Check Date: 08/25/2017

Check #: [REDACTED]

Distribution Code: 1

Address

Country: United States

City: [REDACTED]

Delivery Point: [REDACTED]

Street 1: [REDACTED]

State: [REDACTED]

Check Digit: [REDACTED]

Street 2: [REDACTED]

Zip: [REDACTED]

Lot: [REDACTED]

Street 3: [REDACTED]

Carrier Route: [REDACTED]

Country Code: [REDACTED]

Amount Details

Gross Amount: 69.69

Tax: 20.91

Net: 48.78

Check Message

REFUND OF PENSION CONTRIBUTIONS
69.69 GROSS
20.91 30% TAX
48.78 NET

Summary Lump Sum Rollover Detail

Check Information

First Name: THOMAS MI: D Last Name: GRIGSBY
SSN: Payment Type: L Distribution Code: 1
Check Date: 08/25/2017 Check #: Temp200972

Address

Country: United States City: Delivery Point:
Street 1: State: Check Digit:
Street 2: Zip: Lot:
Street 3: Carrier Route: Country Code:

Amount Details

Gross Amount: 3144.71
Tax: ☐ Amt. 943.41 30.00 %
☒ %
Net: 2201.30

Check Message

REFUND OF PENSION CONTRIBUTIONS
3144.71 GROSS
943.41 30% TAX
2201.30 NET

Save Process Payment Delete

Check Information

First Name: TERRANCE MI: Last Name: LAWTON
SSN: Payment Type: L Distribution Code: 1
Check Date: 08/25/2017 Check #: Temp200976

Address

Country: United States City: Delivery Point:
Street 1: State: Check Digit:
Street 2: Zip: Lot:
Street 3: Carrier Route: Country Code:

Amount Details

Gross Amount: 83.63
Tax: Amt. 25.09 30.00 %
Net: 58.54

Check Message

REFUND OF PENSION CONTRIBUTIONS
83.63 GROSS
25.09 30% TAX
58.54 NET

Save Process Payment Delete

Check Information

First Name: MI: Last Name:

SSN: Payment Type:

Check Date: Check #: Distribution Code:

Address

Country: City:

Street 1: State:

Street 2: Zip: Lot:

Street 3: Carrier Route: Country Code:

Amount Details

Gross Amount:

Tax: ☐ Amt. ☐ % %

Net:

Check Message

REFUND OF PENSION CONTRIBUTIONS
10064.54 GROSS
3025.36 30% TAX
7059.18 NET

Summary Lump Sum Rollover Detail

Check #	Payment Type	Check Date	Ava. Gross Amt	Net Amount	Dist. Code	Trustee	Account #	Acc. Type
Temp200974 R		08/25/2017	31236.06	31162.49	G	USAA INVESTM		I

Amount Details

Available Rollover Amt.:	31236.06	Net Rollover Amount:	31162.49
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Check Message

Personal Information

First Name:	BRIAN	MI:	L	Last Name:	RONE
SSN:		Payment Type:	R		

Address

Country:	United States	City:		Delivery Point:	
Street 1:		State:		Check Digit:	
Street 2:		Zip:	9825	Lot:	
Street 3:		Carrier Route:		Country Code:	

Bank Information

Trustee:		Account #:		Account Type:	IRA
Check #:	Temp200974	Check Date:	08/25/2017	Distribution Code:	G

Save

New

Process Payment

Delete

Check Information

First Name: STEPHEN MI: J Last Name: SCOTT

SSN: Payment Type: L

Check Date: 09/08/2017 Check #: Distribution Code: 1

Address

Country: United States City: Delivery Point:

Street 1: State: Check Digit:

Street 2: Zip: Lot:

Street 3: Carrier Route: Country Code:

Amount Details

Gross Amount: 178.41

Tax: ☐ Amt. 53.52 ☒ % 30.00 %

Net: 124.89

Check Message

REFUND OF PENSION CONTRIBUTIONS
178.41 GROSS
53.52 30% TAX
124.89 NET

Save Process Payment Delete

Check Information

First Name: CHRISTOPHER

MI: A

Last Name: STANLEY

SSN: [REDACTED]

Payment Type: L

Check Date: 03/25/2017

Check #: [REDACTED]

Distribution Code: 1

Address

Country: United States

City: [REDACTED]

Delivery Point: [REDACTED]

Street 1: [REDACTED]

State: [REDACTED]

Check Digit: [REDACTED]

Street 2: [REDACTED]

Zip: [REDACTED]

Lot: [REDACTED]

Street 3: [REDACTED]

Carrier Route: [REDACTED]

Country Code: [REDACTED]

Amount Details

Gross Amount: 5653.28

Tax: Amt. 1695.98 30.00 %

Net: 3957.30

Check Message

REFUND OF PENSION CONTRIBUTIONS

5653.28 GROSS

1695.98 30% TAX

3957.30 NET

Check Information

First Name: KYAN

MI: M

Last Name: WARE

SSN:

Payment Type: L

Check Date: 09/08/2017

Check #: Temp200988

Distribution Code: 1

Address

Country: United States

City:

Delivery Point:

Street 1:

State:

Check Digit:

Street 2:

Zip:

Lot:

Street 3:

Carrier Route:

Country Code:

Amount Details

Gross Amount: 69.69

Tax: ☐ Amt. 20.91 ☒ % 30.00 %

Net: 48.78

Check Message

REFUND OF PENSION CONTRIBUTIONS
69.69 GROSS
20.91 30% TAX
48.78 NET

Share Plan Details



Summary Lump Sum Rollover Detail

Check Information

First Name: JIMMIE MI: R Last Name: DUPLY

SSN: Payment Type: L Distribution Code: 2

Check Date: 09/08/2017 Check #: Temp200880

Address

Country: United States City: JACKSONVILLE Delivery Point:

Street 1: State: Check Digit:

Street 2: Zip: Lot:

Street 3: Carrier Route: Country Code:

Amount Details

Gross Amount: 3167.76

Tax: Amt. 633.55 20.00 %

Net: 2534.21

Check Message

SHARE PLAN REFUND
3167.76 GROSS
633.55 20% TAX
2534.21 NET

Save Process Payment Delete

Share Plan Details

Summary Lump Sum Rollover Detail

RefundPaym	RefundId	CheckId	CheckNumb	CheckType	PaymentTyp	CheckDate	NetAmount	TaxAmount	GrossAmount	Di
▶ 12993	12760	2573661	Temp20098	79	R	09/08/2017	3167.76	3167.76	3167.76	G

Amount Details

Available Rollover Amt.: 3167.76 Net Rollover Amount: 3167.76

Check Message

SHARE PLAN ROLLOVER

Personal Information

First Name: JON-KIPP MI: Last Name: HORSTMANSHOF

SSN: Payment Type: R

Address

Country: United States City: Delivery Point:
Street 1 State: Check Digit:
Street 2: Zip: 6043 Lot:
Street 3: Carrier Route: Country Code:

Bank Information

Trustee: Account #: Account Type: IRA
Check #: Check Date: 09/08/2017 Distribution Code: G

Save

New

Process Payment

Delete

Share Plan Details

Summary Lump Sum Rollover Detail

Check Information

First Name: MI: Last Name:
 SSN: Payment Type:
 Check Date: Check #: Distribution Code:

Address

Country: City: Delivery Point:
 Street 1: State: Check Digit:
 Street 2: Zip: Lot:
 Street 3: Carrier Route: Country Code:

Amount Details

Gross Amount:
 Tax: ☒ Amt. %
 Net:

Check Message

SHARE PLAN REFUND
 3167.76 GROSS
 950.33 30% TAX
 2217.43 NET

Plan

Pension Plan: 63 Police/Fire Pension Fund Pen. Type: Employee
Pension Class: DROP Bi-Weekly Payout
Pension Index: PFPF62163PTS Length of Service: 29 Yrs 0 MOS

Pay Status

Frequency: Bi-Weekly Days to be Paid: 14
Pay Status: Y Daily Base Rate: 191.338009
Adjustment: Create Adjustment ...

Pay Components

	Bi-Weekly	Monthly
Pension Base:	2678.73	5803.92
Supplement:	66.92	145.00
COLA Base:	3014.93	6532.35
COLA Amount:	336.20	728.43
S/R Adjustment:		
DROP:	1304.84	2827.15
Bonus:		
Total Earnings:	4386.69	9504.50

Tax

☐ No Tax ☐ Tax Marital Status: Single Exemption: 0
Fixed Withholding: Additional Withholding: 50.00 Tax Percentage:
Tax Free Amount/PR: Post Tax Begin Contribution: Post Tax Rem. Contribution:

Dates

Proj. Vested Ret. Date: Retire/DROP Date: 04/13/2013 Spouse Effective Date:
COLA Start Date: 01/01/2014 Annual Cert. Date: Annual Cert. Flag:
Retire Termination Date: Termination Reason:

Save

Cancel

Details Ledger

Ledger Details

Transaction Type	Debit Amount	Credit Amount	Date	Phase	Remarks	Rate
DROP Phase 2 Periodic Payment		1304.84	08/25/2017	2		
DROP Phase 1 Bi-Weekly Deposit	3014.93		08/25/2017	1		
DROP Phase 2 Principal Adjustme		3014.93	08/23/2017	2	EXTRA DEPOSIT NOT ENTITL	
DROP Phase 2 Conversion In	385441.85		08/23/2017	2		
DROP Phase 1 Conversion Out		385441.85	08/23/2017	1		
DROP Phase 1 Interest Adjustme	954.03		08/23/2017	1		
DROP Phase 1 Bi-Weekly Deposit	3014.93		08/11/2017	1		
DROP Phase 1 Interest	2542.96		07/31/2017	1		8.4%
DROP Phase 1 Bi-Weekly Deposit	3014.93		07/28/2017	1		
DROP Phase 1 Bi-Weekly Deposit	3014.93		07/14/2017	1		
DROP Phase 1 Interest	2463.84		06/30/2017	1		8.4%
DROP Phase 1 Bi-Weekly Deposit	3014.93		06/30/2017	1		
DROP Phase 1 Bi-Weekly Deposit	3014.93		06/16/2017	1		
DROP Phase 1 Bi-Weekly Deposit	3014.93		06/02/2017	1		
DROP Phase 1 Interest	2405.84		05/31/2017	1		8.4%
DROP Phase 1 Bi-Weekly Deposit	3014.93		05/19/2017	1		
DROP Phase 1 Bi-Weekly Deposit	3014.93		05/05/2017	1		
DROP Phase 1 Interest	2348.24		04/30/2017	1		8.4%
DROP Phase 1 Bi-Weekly Deposit	3014.93		04/21/2017	1		
DROP Phase 1 Bi-Weekly Deposit	3014.93		04/07/2017	1		
DROP Phase 1 Interest	2291.04		03/31/2017	1		8.4%
DROP Phase 1 Bi-Weekly Deposit	3014.93		03/24/2017	1		

Refresh

Save

Phase 1 Balance

Drop Transfer

Adjustment...

Cancel

Summary Lump Sum Rollover Detail

Check Information

First Name: MI: Last Name:
SSN: Payment Type:
Check Date: Check #: Distribution Code:

Address

Country: City: Delivery Point:
Street 1: State: Check Digit:
Street 2: Zip: Lot:
Street 3: Carrier Route: Country Code:

Amount Details

Gross Amount:
Tax: ☒ Amt. ☐ % %
Net:

Check Message

REFUND OF DROP ACCOUNT
\$175,546.59 GROSS
\$35,109.32 20% TAX
\$140,437.27 NET

Save Process Payment Delete

FOURTH JUDICIAL CIRCUIT OF FLORIDA
FELONY PRETRIAL INTERVENTION PROGRAM
DEFERRED PROSECUTION AGREEMENT

NAME: FRANK R. HOLTSMAN
ADDRESS:
PHONE:

S.A. CASE NO.: 17CF030232AD
CLERK NO.: 162017CF005312AXXXMA
DOC NO.:
JAIL: NO

DEFENSE ATTORNEY:

40TH DAY: July 12, 2017
SPEEDY TRIAL DATE: November 24, 2017

CHARGE(S): ORGANIZED FRAUD
STATUTE NO(S): 817.034(4)(a)3

It being alleged that you have committed the above-listed offense(s) against the State of Florida on or about , and it further appearing after an investigation of the offense and into your background, that at this time the interest of the State of Florida, and your interest, will be best served by the following procedures:

THEREFORE, on the authority of Melissa W. Nelson, State Attorney in and for the Fourth Judicial Circuit, prosecution will be deferred for a period of thirty six (36) months from this date, provided you abide by the following conditions:

1. You will refrain from violation of any law. If you are arrested for any reason, you will inform your Probation Officer immediately.
2. You will work regularly at a lawful and suitable occupation, and allow the Probation Officer to visit you at your employment site and maintain contact with your employer.
3. You will not change your residence or employment without notification to your probation officer. You will not travel out of the country and/or county of your residence while you participate in this program unless for medical emergencies and/or family loss and you will need to seek approval through the State Attorney's Office along with documentation.
4. You will not use intoxicants to excess; nor will you visit places where intoxicants, drugs or other dangerous substances are unlawfully, sold, dispensed or used.
5. You will not possess, carry, or own any firearm. You will not possess, carry, or own any weapons without first procuring the consent of your probation officer.
6. You will promptly and truthfully answer all inquiries directed to you by the Probation Officer, and allow the officer to visit in your home, at your employment site or elsewhere, and you will comply with all instructions he/she may give you.
7. You will report to the Probation Office once a month and submit a written monthly report as directed by your probation officer.
8. You will pay the following monetary obligations (plus a 4% surcharge) to the Department of Corrections, as directed by your Probation Officer by and through the Departments of Corrections:

Restitution in the amount of \$77.10 to Property Management & Partners Association on a re-payment schedule to be determined by your probation officer.

RESTITUTION ADDRESS / PHONE: Drayton Place Owners Association
PO Box 600033
Jacksonville, FL 32260

Restitution in the amount of \$128.11 to Lennar Homes on a re-payment schedule to be determined by your probation officer.

Contact: / PHONE: Danielle Mayoras
Danielle.Mayoros@lennar.com
Phone: (904) 380-0779

Restitution in the amount of \$55.20 to River City management on a re-payment schedule to be determined by your probation officer.

RESTITUTION ADDRESS / PHONE: Sharleen Thompson-Messinese, CAM
Location: 1639 Beach Blvd.
Jacksonville Beach, FL 32250

Mailing Address: P. O. Box 50886
Jacksonville Beach, FL 32240
Phone: (904) 930-4669
Fax: (904) 483-2130

Restitution in the amount of \$225.30 to Kingdom Management on a re-payment schedule to be determined by your probation officer.

RESTITUTION ADDRESS / PHONE: Kingdom Management
Paul Jarnutowski, Owner
Phone: (904) 646-2626
Paul@KindomManagement.com

Repay \$1157.76 costs of investigation to the Jacksonville Sheriff's Office on a re-payment schedule to be determined by your probation officer.

Crimes Compensation Trust Fund (Section 938.03, Florida Statutes) in the amount of \$500.00.

Crime Stoppers Trust Fund (Section 938.06, Florida Statutes) in the amount of \$20.00.

Cost of Supervision at a rate of \$40.00 for each month of supervision for a total amount of \$1440.00.

You will pay to the Department of Corrections a \$2 per month surcharge for each month you are under supervision pursuant to Section 948.09(1)(2), Florida Statutes.

The total amount due for all monetary obligations, plus a 4% surcharge, shall be paid in accordance with the priority schedule established by Administrative Order 94-22, issued by the Chief Judge of the Fourth Judicial Circuit.

9. You will attend an orientation session and any other self-improvement session, or drug testing as instructed by your Probation Officer.
10. You will perform 25 hours of community service work within the time frame and at a location stipulated by your probation officer.
11. All conditions must be completed thirty (30) days prior to the scheduled termination date, unless otherwise stipulated by the Department of Corrections.

SPECIAL CONDITIONS:

You will pay a one (1) time Program Administrative Fee of \$150.00. This fee will be paid to and collected by the Department of Corrections.

Early termination of defendant if probation and conditions of contract are completed.

Agree not to work or attempt to work as a sworn law enforcement officer in the Fourth Judicial Circuit for a period of 3 years. While it is expected that the Defendant will complete PTI prior within a 3 year time period, the State reserves the right to file charges in the matter should the Defendant attempt to work as a sworn law enforcement officer in the Fourth Judicial Circuit within 3 years from the date of the Defendant's acceptance into the PTI Program.

The State Attorney may, during the period of deferred prosecution, revoke and/or modify the conditions of your deferred prosecution by:

1. Changing the period of deferred prosecution with the advice and consent of your attorney.
2. Prosecuting you for this offense if you violate any of these conditions.
3. Voiding this agreement should it be determined that you have a prior record of adult criminal conviction.

Upon completion of this Pretrial Intervention Program, the State Attorney shall make the final determination as to further disposition of this charge.

Waiver of Speedy Trial

By signing this deferred prosecution agreement, the defendant, FRANK R. HOLTSMAN, withdraws and/or waives his right to a speedy trial under the Constitution of Florida and of the United States of America, and under the Florida Rules of

Criminal Procedure in the cause for which prosecution is being deferred.

In addition, the defendant withdraws and/or waives rights provided for under the Statute of limitation under the United States Constitution, the Florida Constitution, or the Florida Rules of Criminal Procedure, in the course for which prosecution is being deferred. This waiver is given freely and voluntarily.

MELISSA W. NELSON, STATE ATTORNEY
FOURTH JUDICIAL CIRCUIT

By:

PROGRAM DIRECTOR

DATE

I hereby state that the above has been explained to me. I understand the conditions of my deferred prosecution agreement, and I will comply with them. I fully understand the charges against me.

FRANK R. HOLTSMAN, DEFENDANT

DATE

COUNSEL FOR DEFENDANT

DATE

CORRECTIONAL PROBATION OFFICER

DATE

1 Introduced by the Council President at the request of the
2 Jacksonville Police and Fire Pension Board of Trustees:

3
4
5 **ORDINANCE 2017-564**

6 AN ORDINANCE AMENDING CHAPTER 121 (POLICE AND
7 FIREFIGHTERS PENSION PLAN), PART 1 (POLICE AND
8 FIRE PENSION FUND ADMINISTRATION), SECTION
9 121.103 (ADVISORY COMMITTEE), ORDINANCE CODE,
10 TO CREATE STAGGERED TERMS; AMENDING CHAPTER
11 121 (POLICE AND FIREFIGHTERS PENSION PLAN),
12 PART 5 (FINANCIAL INVESTMENT AND ADVISORY
13 COMMITTEE), SECTION 121.503 (FINANCIAL
14 INVESTMENT AND ADVISORY COMMITTEE; MEMBERSHIP,
15 APPOINTMENT AND TERMS), ORDINANCE CODE, TO
16 CREATE STAGGERED TERMS; PROVIDING AN EFFECTIVE
17 DATE.

18
19 **BE IT ORDAINED** by the Council of the City of Jacksonville:

20 **WHEREAS**, the Jacksonville Police and Fire Pension Board of
21 Trustees (the "Board") is an independent agency of the consolidated
22 City of Jacksonville, is governed by Chapter 121, *Ordinance Code*, and
23 is responsible for administering the Jacksonville Police and Fire
24 Pension Fund ("Pension Fund"); and

25 **WHEREAS**, the Advisory Committee created under Section 121.103,
26 *Ordinance Code*, and the Financial Investment and Advisory Committee
27 ("FIAC") created under Section 121.503, *Ordinance Code*, were
28 established to assist the Board with the administration of the Pension
29 Fund; and

30 **WHEREAS**, the Advisory Committee consists of seven members: three
31 police officers elected by police officers, three firefighters elected

1 by firefighters, and one retired member elected by the retired members
2 as a group, and the terms of all seven members are set to expire on
3 December 31, 2017; and

4 **WHEREAS**, the FIAC consists of five members and the terms of a
5 majority of the membership are set to expire on March 1, 2019; and

6 **WHEREAS**, the Board at its regular meeting on July 21, 2017,
7 recommended that the Advisory Committee and FIAC board members be
8 staggered in such a way as to create the least disruption in board
9 membership and provide better continuity in board membership as set
10 forth in the meeting minutes excerpt attached hereto as **Exhibit 1**; now
11 therefore

12 **Section 1. Chapter 121 (Police and Firefighters Pension**
13 **Plan), Part 1 (Police and Fire Pension Fund Administration),**
14 **Section 121.103 (Advisory Committee), Ordinance Code, amended.**

15 Chapter 121 (Police and Firefighters Pension Plan), Part 1 (Police
16 and Fire Pension Fund Administration), Section 121.103 (Advisory
17 Committee), *Ordinance Code*, is hereby amended to create staggered
18 member terms in the 2017 election, as illustrated on **Exhibit 2**
19 attached hereto, and as amended shall read as follows:

20 **Chapter 121. POLICE AND FIREFIGHTERS PENSION PLAN**

21 **PART 1. POLICE AND FIRE PENSION FUND ADMINISTRATION**

22 * * *

23 **Sec. 121.103. - Advisory Committee.**

24 There shall be an advisory committee composed of three police
25 officers and three firefighters who are Members or Qualified
26 Members of the fund and one person who has retired from the fund.
27 The Trustees shall establish the rules and regulations for the
28 election. Advisory Committee members shall be elected for a four-
29 year term, with the election in November of odd-numbered years,
30 with those elected to take office on the first Monday of the
31 following January. Of the seven persons elected to serve on the

1 committee in the November 2017 elections, one police member and one
2 firefighter member shall serve an initial term of two years, and
3 one police member and one firefighter member shall serve an initial
4 term of three years. All subsequent terms after the stagger is
5 established shall be for four year terms. The police officers shall
6 be elected by police officers, the firefighters shall be elected by
7 firefighters, who are Members or Qualified Members of the fund. The
8 retired member shall be elected by a vote of the retired members as
9 a group.

10 * * *

11 **Section 2. Chapter 121 (Police and Firefighters Pension**
12 **Plan), Part 5 (Financial Investment and Advisory Committee),**
13 **Section 121.503 (Financial Investment and Advisory Committee;**
14 **Membership, Appointment and Terms), Ordinance Code, amended.**
15 Chapter 121 (Police and Firefighters Pension Plan), Part 5
16 (Financial Investment and Advisory Committee), Section 121.503
17 (Financial Investment and Advisory Committee; Membership,
18 Appointment and Terms), *Ordinance Code*, is hereby amended to read
19 as follows:

20 **Chapter 121. POLICE AND FIREFIGHTERS PENSION PLAN**

21 **PART 5. FINANCIAL INVESTMENT AND ADVISORY COMMITTEE**

22 * * *

23 **Sec. 121.503. - Financial Investment and Advisory Committee;**
24 **Membership, Appointment and Terms.**

25 * * *

26 (c) The term of office shall be three years. No person shall
27 serve more than three consecutive terms. Of the five persons
28 selected to serve on the initial Committee two members shall serve
29 an initial term of one year and two members shall serve initial
30 terms of two years. All subsequent terms after the stagger is
31 established shall be for four year terms. In its confirmation of

1 the Committee Member nominee, the City Council shall designate
2 whether the initial term is for two or for three years.

3 * * *

4 **Section 3. Effective Date.** This ordinance shall become
5 effective upon signature by the Mayor or upon becoming effective
6 without the Mayor's signature.

7
8 Form Approved:

9
10 /s/ Lawsikia J. Hodges_____

11 Office of General Counsel

12 Legislation prepared by: Lawsikia J. Hodges

13 GC-#1145009-v3-PFPF_Advisory_and_FIAC_Legislation_-_Staggered_Terms.doc

**JACKSONVILLE POLICE AND FIRE PENSION FUND
BOARD OF TRUSTEES
MEETING SUMMARY – JULY 21, 2017 – 9:00AM
RICHARD “DICK” COHEE BOARD ROOM**

PRESENT

Lt. Richard Tuten III, Board Chair
Richard Patsy, Board Secretary
Lt. Chris Brown, Trustee
Willard Payne, Trustee – via webex
William Scheu, Trustee – via webex

STAFF

Timothy H. Johnson, Executive Director – Plan Administrator
Steve Lundy, Assistant Plan Administrator
Pedro Herrera, Sugarman & Susskind, Fund Counsel
Lawsikia Hodges, Office of General Counsel
Dan Holmes, Summit Strategies
Pete Strong, Fund Actuary
Denice Taylor, AAA Reporters

GUESTS

Greg Anderson, City Council Liaison
Anna Brosche, City Council President
K. Dobson, Jacksonville Association of Firefighters
Joey Greive, Fund Treasurer
Mark Muchowicz, JSO
Randy Wyse, President, Jacksonville Association of Firefighters

I. CALL TO ORDER

Chairman Richard Tuten called the meeting to order at 9:06AM.

II. PLEDGE OF ALLEGIANCE

III. A MOMENT OF SILENCE WAS OBSERVED FOR THE FOLLOWING DECEASED MEMBERS:

2. External Auditor's Engagement Letter (Carr, Riggs & Ingram)

Timothy Johnson said that the PFPF's external auditor, KBLD is retiring. He said he reached out to the City to find out about their external auditor. He said he was recommended to use the City's auditor, CRI. CRI would match KBLD's price. He said the timing is perfect, as the PFPF would be entering the contract with CRI at the same time as the City. He said the contract was for one year, and the price was \$30,000.

A motion was made by Chris Brown to enter into a contract with CRI, seconded by Rick Patsy. The vote passed unanimously.

3. 2017 Election Timeline Update

Timothy Johnson said that the Board of Trustees and the Advisory Committee have seats coming up for election. Two Trustee seats and all seven Advisory Committee seats expire on December 31st, and the election will be held in the Fall.

Richard Tuten said that he will not run for reelection, and that 14 years is long enough. He asked Timothy Johnson if he has received any indication from the Advisory Committee members on their intentions to run for reelection.

Timothy Johnson said that all seven members could run for reelection; however they could change their mind. He said that he has received no indication that any of the Advisory Committee members would not seek reelection.

Rick Patsy said that potentially, all of the Advisory Committee seats turning over at the same time is a bad thing.

Lawsikia Hodges said that the Board could recommend to the City Council changes to the ordinance to stagger the terms.

Greg Anderson recommended that the Board create a subcommittee to draft possible changes to the ordinance, and that he would not be in favor of an emergency Council vote on ordinance language change in order to change the ordinance before the election.

POLICE AND FIRE PENSION FUND
BOARD OF TRUSTEES
MEETING AGENDA – JULY 21, 2017 – 9:00AM
Page 8

Chris Brown asked if the Board could direct OGC to draft new language for an ordinance change.

Lawsikia Hodges said she would come back to the August Board of Trustees' meeting with draft language prepared.

Chris Brown recommended that the Advisory Committee's seats be staggered in the following manner:

1. The three JFRD seats would have terms of 2, 3, and 4 years.
2. The three JSO seat would have terms of 2, 3, and 4 years.
3. The retired seat would have a term of 4 years.
4. All seats would have equal term lengths after.

A motion was made by Chris Brown to direct OGC to make a proposed ordinance change to stagger the seats of the Advisory Committee, seconded by Rick Patsy. Discussion:

Richard Tuten said that he would make an amendment to the motion for Timothy Johnson to work along with OGC to clear this up.

Lawsikia Hodges said that she can draft language to stagger the Board, FIAC, and Advisory Committee seats.

The vote passed unanimously.

Greg Anderson said that he recommends that he file the proposed language with the City Council, and the Board can make any amendments if they desire.

A motion was made by Bill Scheu to accept Greg Anderson's recommendation to file, seconded by Chris Brown. The vote passed unanimously.

4. FIAC Meeting Attendance Update

Timothy Johnson said that at the request of Richard Tuten, analysis was made of the meeting attendance of the FIAC. He said that he met with the FIAC

chair, and discussed attendance at the last FIAC meeting. He said that the FIAC committed to better attendance, and will inform the PFPF if they are unable to attend ahead of the meeting. He said a large factor affecting FIAC quorums was that the FIAC only had four members up until the last few months. He said that a new member orientation is also in the works.

Richard Tuten said that he wasn't sure if the FIAC members knew what they were getting themselves into, and if they were aware of the gravity of the commitment, and that there are millions of dollars on the line.

Timothy Johnson informed the Board of the working group that was held Thursday. He said a robust discussion was had concerning how to administer the recent pension reform. He said he will prepare notes to present to the Board in their August meeting.

Rick Patsy said that it was a good and constructive meeting.

A motion was made by Rick Patsy to direct Summit Strategies and GRS to start the asset-liabilities study, seconded by Chris Brown. Discussion:

Pete Strong said that he could have a draft ready by November, and a final version by mid-December or January.

The vote passed unanimously.

VIII. COUNSEL REPORTS

There were no new counsel reports.

IX. INVESTMENT CONSULTANT REPORTS

Dan Holmes

1. Economic & Capital Market Update – June 30, 2017

Dan Holmes said that continued economic growth has been driving strong returns. Job growth, wage growth, and GDP growth have been contributing factors to the recent great returns.

Exhibit 2

Board Member	Current Term End	Initial Term Length	Stagger Term End	Subsequent Term End
Active Police Officer	December 31, 2017	2 years	December 31, 2019	December 31, 2023
Active Firefighter	December 31, 2017	2 years	December 31, 2019	December 31, 2023
Active Police Officer	December 31, 2017	3 years	December 31, 2020	December 31, 2024
Active Firefighter	December 31, 2017	3 years	December 31, 2020	December 31, 2024
Active Police Officer	December 31, 2017	4 years	December 31, 2021	December 31, 2025
Active Firefighter	December 31, 2017	4 years	December 31, 2021	December 31, 2025
Retiree	December 31, 2017	4 years	December 31, 2021	December 31, 2025

SUGARMAN & SUSSKIND

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♦ Board Certified Labor
& Employment Lawyer

September 1, 2017

Board of Trustees
City of Jacksonville Police & Fire Pension Fund Advisory Committee
c/o Tim Johnson, Executive Director
1 West Adams Street, Suite 100
Jacksonville, FL 32202

Re: Participation of DROP members in the Share Plan

Dear Trustees:

You have requested our opinion as to whether Chapters 175 and 185, Florida Statutes, require the City of Jacksonville Police and Fire Pension Plan to permit DROP members to participate in the Supplemental Share plan. For the reasons and based upon our understanding of the facts as set forth below, it is our opinion that the plan is not required to permit DROP members to participate in the Share.

Our opinion is based upon our understanding of the facts as follows. The City of Jacksonville Police and Fire Pension Plan was created by Chapter 18615, Special Acts of Florida, during the 1937 legislative session. The plan contains a DROP and a Supplemental Share plan, set forth respectively in Sections 121.209 and 121.115 of the City's Code of Ordinances.

With regard to the DROP, Section 121.209 of the Code of Ordinances provides, "[a]dditional service beyond the date of entry into the DROP shall no longer accrue any additional benefits under the Pension Fund."

Section 121.115(e) relating to the Supplemental Share plan states in relevant part:

Distribution of share accounts. A Participant with ten or more years of credited service with the City, upon termination of creditable service employment, shall be eligible to receive a distribution of 100 percent of the balance in his or her Share Account, together with all earnings and losses and interest credited to the Share Account through the date of termination of employment... (emphasis added)

Those sections exclude DROP members from continued participation in the Share. First, under Section 121.209 of the Code of Ordinances as cited above, no additional benefits accrue under the plan upon entry into the DROP. Share benefits cease thus to accrue upon entry into the DROP. Furthermore, since DROP members no longer accrue any additional benefits, their creditable service employment effectively ceases upon entry into the DROP. Under Section 121.115 of the Code of Ordinances, the termination of creditable service employment entitles DROP members to the distribution of their Share accounts, which is consistent with the cessation of the accrual of Share credits. Accordingly, it is our opinion that the plan does not permit DROP members to continue participation in the Share.

The exclusion of DROP members from the Share is permitted under Chapters 175 and 185, Florida Statutes. Since the City of Jacksonville Police and Fire Plan was created by special act prior to May 27, 1939, the Plan is effectively exempt from the provisions of Chapters 175 and 185 that would otherwise prohibit the exclusion of DROP members from continued participation in the Share.

Generally, local law plans are required to permit DROP members to continue to participate in a supplemental share plan. Sections 175.032(7) and 185.02(8), Florida Statutes, provide:

175.032...

(7) “Deferred Retirement Option Plan” or “DROP” means a local law plan retirement option in which a firefighter may elect to participate. A firefighter may retire for all purposes of the plan and defer receipt of retirement benefits into a DROP account while continuing employment with his or her employer. However, a firefighter who enters the DROP and who is otherwise eligible to participate may not be precluded from participation or continued participation in a supplemental plan in existence on, or created after, March 12, 1999. (emphasis added)

185.02...

(8) “Deferred Retirement Option Plan” or “DROP” means a local law plan retirement option in which a police officer may elect to participate. A police officer may retire for all purposes of the plan and defer receipt of retirement benefits into a DROP account while continuing employment with his or her employer. However, a police officer who enters the DROP and who is otherwise eligible to participate may not be precluded from participation or continued participation in a supplemental plan in existence on, or created after, March 12, 1999. (emphasis added)

Those Sections, however, do not apply to local law plans that were created by special act on or before May 27, 1939. Sections 175.351(2) and 185.35(2), Florida Statutes, provide:

175.351...

(2) The premium tax provided by this chapter must be used in its entirety to provide retirement benefits to firefighters, or to firefighters and police officers if both are included. Local law plans created by special act before May 27, 1939, are deemed to comply with this chapter. (emphasis added)

185.35...

(2) The premium tax provided by this chapter must be used in its entirety to provide retirement benefits to police officers, or to police officers and firefighters if both are included. Local law plans created by special act before May 27, 1939, shall be deemed to comply with this chapter. (emphasis added)

“Deemed to comply” means that the plan is effectively exempt from actual compliance. By the use of the word “chapter,” the legislature gave broad effect to the exemption.

The broad exemption is confirmed by Sections 175.061(8)(b) and 185.05(8)(b), Florida Statutes, which specify certain provisions of Chapters 175 and 185 with which local law plans created by special act before May 27, 1939 are required to comply despite the exemption contained in Sections 175.351 and 185.31:

175.061(8) ...

(b) Notwithstanding s. 175.351(2) and (3), a local law plan created by special act before May 27, 1939, must comply with the provisions of this subsection.

185.05(8) ...

(b) Notwithstanding s. 185.35(2) and (3), a local law plan created by special act before May 27, 1939, must comply with the provisions of this subsection.

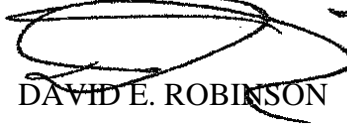
The legislature did not make similar exceptions for Subsections 175.032(7) and 185.02(8) (requiring local law plans to allow DROP members to participate in the DROP). Thus, by rule of interpretation, the legislature did not intend to require compliance with those Subsections. Accordingly, we conclude that Subsections 175.032(7) and 185.02(8) do not apply to this plan.

For the foregoing reasons, it is our opinion that Sections 175.351(2) and 185.35(2) exempt local law plans that were created by special act before May 27, 1939, such as City of Jacksonville Police and Fire Pension Plan, from compliance with Sections 175.032(7) and 185.02(8), Florida Statutes, which would otherwise prohibit the exclusion of DROP members from the Share. Therefore, the plan is not required to permit DROP members to participate in the Share.

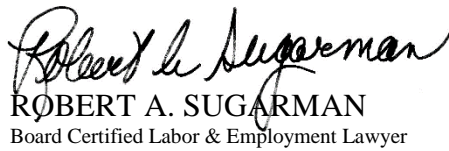
Board of Trustees
City of Jacksonville Police & Fire Pension Fund – Advisory Committee
September 1, 2017
Page | 4

We look forward to discussing this matter further with you.

Yours truly,



DAVID E. ROBINSON



ROBERT A. SUGARMAN
Board Certified Labor & Employment Lawyer

RAS/jd

cc: Lawsikia Hodges

SUGARMAN & SUSSKIND

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& Employment Lawyer

September 1, 2017

Board of Trustees
City of Jacksonville Police & Fire Pension Fund
c/o Tim Johnson, Executive Director
1 West Adams Street, Suite 100
Jacksonville, FL 32202

Re: Internal Revenue Code Compliance of Share Distributions to DROP members.

Dear Trustees:

You have requested our opinion as to whether the distribution of a member's Share account to the member when he/she enters the DROP is a permitted in-service distribution under the Internal Revenue Code (hereinafter "the Code"). For the reasons and based upon our understanding of the facts as set forth below, it is our opinion that the distribution of a member's Share account to the member when he/she enters the DROP is a permitted in-service distribution under the Code.

Our opinion is based upon our understanding of the facts as follows. The City of Jacksonville Police and Fire Pension Plan contains a DROP and a Supplemental Share plan, set forth respectively in Sections 121.209 and 121.115 of the City's Code of Ordinances.

With regard to the DROP, Section 121.209 of the Code of Ordinances states, "Additional service beyond the date of entry into the DROP shall no longer accrue any additional benefits under the Pension Fund."

Section 121.115(e) relating to the Supplemental Share plan states in relevant part:

Distribution of share accounts. A Participant with ten or more years of credited service with the City, upon termination of creditable service employment, shall be eligible to receive a distribution of 100 percent of the balance in his or her Share

Account, together with all earnings and losses and interest credited to the Share Account through the date of termination of employment... (emphasis added)

Those sections mean that a member who enters the DROP is no longer engaged in creditable service employment and is therefore eligible to receive the distribution of 100% of his or her Share benefit. The distribution of Share benefits to a DROP member is thus permitted under the plan.

The distribution is also permitted under the Internal Revenue Code. Under Section 1.401(a)-(1)(b)(1) of the Department of Treasury regulations, a qualified plan generally may not permit the distribution of a participant's benefits under the plan to commence prior to the participant's retirement—which generally requires that the participant separate from service for the employer. There are exceptions to that rule. Under Section 401(a)(36) of the Code, a qualified plan may make distributions to a member who has not separated from service if the member has attained age 62. Furthermore, in recent proposed regulations promulgated on January 27, 2016 in Volume 81, No.17, Page 4599 of the Federal Register, the IRS permits governmental plans to make in-service distributions to members who have attained normal retirement age under the plan, if the plan's normal retirement age is not lower than the age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed.¹ The proposed regulations set forth certain "safe harbor" normal retirement ages that are deemed not to be earlier than the typical retirement age for workers in governmental plans. As long as a plan's normal retirement age is not below the applicable safe harbor age, the plan may make in-service distributions to participants who have reached normal retirement age.

Since members of the DROP continue in the employment of the City during the DROP period, the distribution of Share benefits to DROP members is an in-service distribution. In order for the distribution to be permissible, therefore, it must occur upon or after the attainment of a normal retirement age that is consistent with the proposed regulations.

At Page 4600 the proposed regulations define normal retirement age as:

the lowest age specified in the plan at which the employee has the right to retire without the consent of the employer and receive retirement benefits based on the amount of the employee's service to the date of retirement at the full rate set forth in the plan (that is, without actuarial or similar reduction because of retirement before some later specified age). (emphasis added)

¹ Though the proposed regulations are not final, governmental plans are permitted to rely on the regulations as proposed. At page 4604, the IRS provides, "Governmental plan sponsors may rely on these proposed regulations for periods preceding the effective date, pending the issuance of final regulations. If and to the extent the final regulations are more restrictive than the rules in these proposed regulations, those provisions of the final regulations will be applied without retroactive effect."

In other words, normal retirement age is generally that age at which one becomes entitled to unreduced retirement benefits under the plan.

Section 121.209(a)(1) of the Code of Ordinances provides:

(a) *Eligibility of Member to participate in the DROP. All Members who are eligible to, may elect participation in the DROP, provided Members comply administratively with the rules and regulations established by the board for the administration of the DROP.*

(1) *A Member who is eligible to receive normal retirement benefits under Section 121.201(a) may participate in the DROP providing the Member elects to participate within the time limits contained in Section 121.209(b)(1).* (emphasis added)

Section 121.209(a)(1) clearly conditions entry into the DROP upon the attainment of eligibility for normal retirement benefits (i.e. Normal Retirement Age as defined by the regulations). The distribution of Share benefits to a DROP member is therefore permissible, if the Plan's normal retirement age is consistent with the proposed regulations.

Section 121.201(a) of the plan provides that a Member may receive an unreduced normal retirement age upon completion of 20 years of credited service. Thus, the Plan's normal retirement age, as that term is defined in the proposed regulation, is 20 years of credited service.

That normal retirement age is consistent with the proposed regulations. With regard to "Qualified Public Safety Employees," Section 1.401(a)-1(b)(2)(v)(H) of the proposed regulations provides:

(H) *Service-based safe harbor for qualified public safety employees. A normal retirement age under a governmental plan that is the age at which the participant has been credited with at least 20 years of service under the plan is deemed to be not earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed if the participants to which this normal retirement age applies are qualified public safety employees (within the meaning of section 72(t)).*

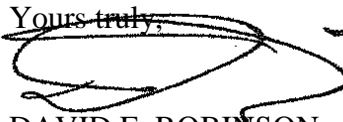
Section 72(t)(10)(B)(i) of the Code defines qualified public safety employee as:

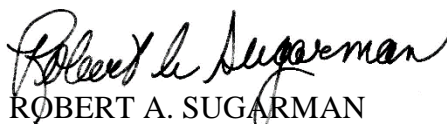
- (i) *any employee of a State or political subdivision of a State who provides police protection, firefighting services, or emergency medical services for any area within the jurisdiction of such State or political subdivision, ...*

Since the participants of the City of Jacksonville Police and Fire Pension Plan provide police and firefighting services within the meaning of Section 72(t)(10)(B)(i) of the Code, the plan's normal retirement age of 20 years of service is consistent with the safe harbor provided under Section 1.401(a)-1(b)(2)(v)(H) of the proposed regulations.

Since a member must reach normal retirement age under the plan in order to enter the DROP, and since the plan's normal retirement age is consistent with the proposed regulations of the department of treasury, it is our opinion that the distribution of a member's Share account to the member upon his/her entry into the DROP is permitted under the Internal Revenue Code.

We look forward to discussing this matter further with you.

Yours truly,

DAVID E. ROBINSON


ROBERT A. SUGARMAN
Board Certified Labor & Employment Lawyer

RAS/jd

cc: Lawsikia Hodges