

**AGENDA SPECIAL MEETING TOWN OF GOLDEN BEACH EMPLOYEES' PENSION PLAN
100 OCEAN BLVD. GOLDEN BEACH, FL 33160
3RD FLOOR CHAMBERS
March 24th, 2025 2:00p.m.**

Topic: Town of Golden Beach Employees' Pension Fund Meeting

Time: Mar 24, 2025 02:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/89770220982?pwd=fY2Ac3Dugk3dUTV2xc11q2d5YiF0bH.1>

Meeting ID: 897 7022 0982

Passcode: 057532

CALL TO ORDER:

I. ROLL CALL: Chairperson Eric Fishman, Trustee Maria Camacho, Trustee David Block, Trustee Marie Talley, Trustee Gio Diaz and Trustee Isaac Mendal

II. NEW BUSINESS:

a. Informal Disability Hearing for Joseph Bautista

III. OLD BUSINESS:

a. Discussion with Foster & Foster

IV. REPORTS

a. Attorney

V. PUBLIC COMMENTS

VI. NEXT MEETING DATE: TBT

VII. ADJOURN:

Notice is hereby given that two or more members of the Town Council or other Town committees or boards may be in attendance at this meeting, which shall be open to the public at all times. If any person decides to appeal any decision made by the Board with respect to any matter considered at such a meeting, we will need a proceeding of that meeting. And that, for such purpose, he may need to insure a verbatim record of the proceedings, the record is to include the testimony and evidence upon which that appeal is to be based. F.S.S.286.0105. Any individual who believes he or she has a disability which requires a reasonable accommodation in order to participate fully and effectively in a meeting of the Pension Board must so notify the Town Clerk at (305) 932-0744 at least 24 hours prior to the date of the meeting.

Lauri Patterson

From: jess@sugarmansusskind.com (Jessica De la Torre Vila) <jess@sugarmansusskind.com>
Sent: Monday, March 17, 2025 11:23 AM
To: Lauri Patterson
Subject: RE: Golden Beach ZOOM Information

Sugarman Susskind Braswell & Herrera, P.A. is inviting you to a scheduled Zoom meeting.

Topic: Town of Golden Beach Employees' Pension Fund Meeting

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One tap mobile

+13052241968,,89770220982#,,,,*057532# US

+16465588656,,89770220982#,,,,*057532# US (New York)

Dial by your location

- +1 305 224 1968 US
- +1 646 558 8656 US (New York)
- +1 646 931 3860 US
- +1 301 715 8592 US (Washington DC)
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US

- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 9128 US (San Jose)

Meeting ID: 897 7022 0982

Passcode: 057532

Find your local number: <https://us02web.zoom.us/j/89770220982>

From: Lauri Patterson <lauri@benefits-usa.org>
Sent: Monday, March 17, 2025 11:13 AM
To: Jessica De la Torre Vila <jess@sugarmansusskind.com>
Subject: Golden Beach ZOOM Information

Good morning my friend,

Can you please send the ZOOM information for the meeting 3/24/2024 @ 2:00 p.m. I believe you mentioned Pedro will not be able to attend in person?

Kind regards,

Lauri K. Patterson
Benefits USA, INC.
3810 Inverrary Blvd. Suite 303
Lauderhill, FL 33319
Phone: 954-730-2068 Ext 213
Fax: 954-730-0738
Email: Lauri@benefits-usa.org

Lauri Patterson

From: jess@sugarmansusskind.com (Jessica De la Torre Vila) <jess@sugarmansusskind.com>
Sent: Friday, March 14, 2025 4:49 PM
To: Lauri Patterson (Lauri@benefits-usa.org)
Cc: Pedro Herrera
Subject: Town of Golden Beach Employees' Pension Fund // Disability Benefit Application of Joseph Bautista

Good afternoon Lauri,

Happy Friday. We will be sending you via AdobeSend the electronic disability record on disability applicant Joseph Bautista. The E-Record should be distributed to the Board and Mr. Bautista in advance of the informal hearing scheduled for March 24th.

The disability binder may be duplicated, distributed via tablet(s), placed on flash drives (which is most recommended), or provided via secure server to the Board of Trustees and to Mr. Bautista for their review in advance and for their reference during the informal hearing.

The file is password protected and the password is case sensitive. Please use the following password to access it "[REDACTED]". Please note that the password must be typed in, do not cut and paste it. Should the Trustees and/or Mr. Bautista use a computer or tablet to access the electronic binder, we have added bookmarks for ease of reference that correspond to each tab in the record including sub-bookmarks for the medical records section that will take you to the respective provider. Additionally, each page has been bates numbered starting at the Table of Contents.

Kindly be sure to provide Mr. Bautista with a copy of the agenda for the informal hearing and confirm with him whether or not a full board will be in attendance. Please note that if a full board is not available, he should be informed and if he wishes to proceed without a full board he should provide that waiver in writing.

Once the informal hearing is concluded all hard copies and/or flash drives/discs that contain the disability E-record should be gathered, one should be retained for the Plan's records and all the other copies destroyed (shredded) or files on tablets erased. Mr. Bautista is entitled to retain his copy.

Thank you in advance and please do not hesitate to reach out to us should you require any additional information or need assistance accessing the record.

Best Regards,

Jessica A. De la Torre Vila

Paralegal/Legal Assistant

SUGARMAN SUSSKIND

BRASWELL & HERRERA, P.A.

150 Alhambra Circle

Suite 725

Coral Gables, FL 33134

Telephone: (305) 529-2801

Facsimile: (305) 447-8115

Email: jess@sugarmansusskind.com

Website: www.sugarmansusskind.com

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Tab 1
**Applicable Code Provisions
and Issues before Trustees**

Sec. 24-33. Benefit amounts and eligibility.

[...]

(c) *Disability Retirement Provisions.*

- (1) *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 performing the duties normally associated with his position with the Town. A total and permanent disability arising directly from the performance of service to the Town by a Member as an Employee 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. A Member shall not be entitled to receive a disability retirement benefit from the Plan if the disability is a result of:
- a. Excessive and habitual use of drugs, intoxicants and narcotics;
 - b. Injury or disease sustained by the Member while willfully and illegally participating in fights, riots, civil insurrections or while committing a crime;
 - c. Injury or disease sustained by the Member while serving in any of the armed forces;
 - d. Injury or disease sustained by the Member after his employment with the Town has been terminated.

A Member shall not receive a Service Incurred Disability benefit for injury or disease sustained by the Member while working (either as an employee or through some other contractual arrangement) for anyone other than the Town and arising out of such other employment or contractual arrangement. In addition, a Member shall not be entitled to receive a disability retirement benefit from the Plan on the basis of any condition evidenced during the Member's preemployment physical.

- (2) *Application for Benefits.* In order for the Board to consider a Member's request for disability retirement benefits, the Member must apply in writing to the Board. This application must be made as soon as is practicable following the date when the disability condition arose. Unless extenuating circumstances can be proven to the satisfaction of the Board, an application dated more than six months following the date when the disability condition arose or first became evident shall be grounds for the denial of the application by the Board. Upon receipt of proper application by the Board, the Board shall arrange for a physical examination of the applicant by the medical board. A further condition for receipt of disability retirement benefits from the Plan is that the applicant must apply for disability benefits from Workers' Compensation. Written proof of such application must be submitted to the Board. Failure of the applicant to qualify as being disabled under Workers' Compensation may be considered by the Board in its review or reconsideration of such Member's disability retirement.
- (3) *Medical Board.* When a Member submits proper application for a disability retirement benefit, the Board shall designate a medical board to be composed of at least one but not more than three physicians. The choice of physicians shall be made in accordance with the condition or conditions upon which the Member is applying for disability retirement. The medical board shall arrange for and pass upon all medical examinations required under the provisions of this Plan, shall investigate all essential statements or certificates made by or on behalf of a Member in connection with an application for disability retirement and shall report in writing to the Board its conclusions and recommendations upon all matters referred to the payment for such services shall be determined by the Board of Trustees.
- (4) *Determination of Disability.* All questions relating to eligibility for initial payment or continuance of disability benefits shall be determined by the Board, taking into consideration the recommendations of the medical board and such other evidence of which the Board may avail itself. The general steps

which the Board shall follow in its determination shall be as listed below, provided however, that the Board may in its discretion alter or modify these steps:

- a. Determine whether the Member's application is proper and timely.
- b. If application is for a Non-Service Incurred Disability, determine whether the five years of Credited Service requirement has been met.
- c. Based on all evidence submitted to the Board, determine whether the applicant satisfies the definition of disability, including the listed exclusions.
- d. Determine whether the disability is to be considered a Service Incurred Disability or a Non-Service Incurred Disability, taking into consideration F.S. Ch. 185.34 for Police Officers.
- e. *Establish a date of disability.* This date may be the date of injury causing the disability, the date when the Member could no longer perform his regular and continuous duties, the date when his sick pay and vacation pay are exhausted or such other date as determined by the Board. Provided that for Police Officer Members or the Town Manager Member the date of disability for services incurred disability benefits shall be the date of the injury or illness occurred.
- f. Prior to Board action, determine whether the Member has reached maximum medical improvement under Workers' Compensation criteria.

(5) *Disability Retirement Benefits.*

- a. *Eligibility.* All Members are eligible for Service Incurred Disability Benefits, regardless of their length of Credited Service. Each Member who completes five years of Credited Service prior to becoming disabled shall be eligible for Non-Service Incurred Disability Benefits.
- b. *Amount of Services Incurred Disability Benefit.* For General Employee Members, 42 percent of the Member's monthly Earnings in effect on the date of disability provided, however, that such benefits shall be no less than the Accrued Benefit and, subject in any event to the offsets listed below. For Police Officer Members and Town Manager Member 70 percent of the Member's monthly Earnings in effect on the date of disability, provided that such benefits shall be no less than the Accrued Benefit and, subject in any event to the offsets listed below.
- c. *Amount of Non-Service Incurred Disability Benefit.* Twenty-five percent of the Member's monthly Earnings in effect on the date of disability provided, however, that such benefits shall be no less than the accrued benefit.
- d. *Terms of Payments.* Disability benefits shall commence on or as of the first-day of the month coincident with or next following the date of disability, as established by the Board, and shall continue to be paid on the first day of each subsequent month until the death or recovery of the disability retiree.
- e. *Benefit Offsets.* Disability retirement benefits described above shall be reduced by any disability benefits paid by Workers' Compensation. Any cost of living adjustments in the disability retiree's Workers' Compensation benefits shall not serve to reduce further the disability benefit payable from the Plan. In the case of a lump sum settlement paid by Workers' Compensation, the disability retirement benefit payable from the Plan shall be suspended for a certain number of months. The number of months of suspension shall be obtained by dividing the amount of the lump sum settlement by the amount the disability benefit would be if there were no Workers' Compensation offset. Once the number of months of suspension has been completed, the disability retirement benefit from the Plan shall be resumed.

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- f. *Eligibility for Other Benefits.* In the event that a Member applying for disability benefits is also eligible for Normal Retirement, the greater of the normal retirement benefit or the appropriate minimum stated in subsection b. or c. above shall be payable.
- (6) *Disability Affidavit.* No Member otherwise eligible to receive disability benefits shall be paid such benefits unless and until such Member files a Disability Affidavit with the Board on a form furnished by the Board. By such Disability Affidavit the prospective retiree shall affirm that he is acquainted and familiar with the terms and conditions of his disability retirement. In particular, he shall acknowledge the authority of the Board to require him to undergo periodic future physical examinations in order to determine whether he is still disabled.
- (7) *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.
- (8) *Recovery from Disability.* In the event a Member who has been retired on a disability benefit regains his health and is able to perform the duties associated with the position he held prior to becoming disabled, the Board shall discontinue the pension. If such Member shall resume his employment with the Town, then he shall retain his Credited Service for the period prior to his disability retirement. Should a Member who recovers from disability not return to employment with the Town, he shall be eligible to receive any benefits he would otherwise have received had he terminated employment on his date of disability less the sum of the disability benefits he had received.

[...]

Issues before Trustees

1. Did the applicant suffer an **injury, illness, disease or disability**?

2. If the applicant suffered an injury, illness, disease, or disability, was the injury, illness, disease, or disability **suffered in the line of duty**?

3. Does the injury, illness, disease or disability cause the applicant a **disability**?

4. If the applicant is suffering from a disability, is that disability **total and permanent**?

5. Is the applicant **permanently and wholly disabled from rendering useful and efficient service to the Town as a Police Officer**?