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Dear Members:

A three-hour hearing was held on Friday, December 29th at the Miami Dade County Courthouse before Circuit Judge Reemberto Diaz. The case arose when the City of Miami sued the Board of Trustees of FIPO on December 23rd to prevent the issuance of adjusted retirement payments to 131 retired police officers and firefighters. The City asked for a preliminary injunction on an emergency basis. The hearing was to determine if the injunction should be granted or denied.

At its November 2, 2017 meeting, the FIPO Board determined that the 2010 ordinance which reduced pension benefits had been rendered invalid based on the March decision of the Florida Supreme Court in the Headley case and an October 18, 2017 order from the Public Employees Relations Commission (PERC). The PERC order held that the City should return the employees to the level of wages and benefits as they existed on September 29, 2010, the day before the City imposed cuts under the financial urgency law, but that the amount of back wages still needed to be determined.

The City argued that the Board acted prematurely in adjusting benefits. FIPO argued that the members who have been paid at the lower level since 2010 were entitled to have the pension formula reinstated in light of the Supreme Court and PERC rulings.

The Judge promised a ruling by the morning of January 8th. If the City's motion is denied, the benefit formula adjustments will be issued on January 15th as part of the regular pension payroll. If the City's motion is granted, the formula adjustments will be delayed. The City indicated that if it loses, it will appeal to the Third District Court of Appeal.

The planned pension payments do not include any amounts related to back wages. A hearing to determine the amount of back wages is scheduled for February 26th in Miami before a PERC Administrative Law Judge.