

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA**

FAMILY LAW DIVISION
CASE NUMBER: 20-1867 FD

IN RE: The Former Marriage of:

FREDDIE HOWARD,
Petitioner/Husband,

AMENDED

and

Court Order Acceptable for Processing
Under the Federal Employees
Retirement System (FERS)

VICKIE HOWARD,
Respondent/Wife.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. **Effect of This Order as a Court Order Acceptable for Processing:** This Order creates and recognizes the existence of the Former Spouse's right to receive a portion of the Employee's benefits payable under the Federal Employees Retirement System ("FERS"). Such benefits may represent a portion of the Employee Annuity, a Refund of Employee Contributions or may award a Former Spouse Survivor Annuity to the Former Spouse. It is intended to constitute a Court Order Acceptable for Processing (COAP) under final regulations issued by the Office of Personnel Management (OPM).

The Court has considered the requirement and standard terminology provided in Part 838 of Title 5, Code of Federal Regulations. The terminology used in the provisions of this Order that concern benefits under the Federal Employees Retirement System are governed by the standard conventions established in that part.

2. **Employee Information:** The name and last-known mailing address of the Employee are:
Name: Freddie Howard
Address: 123 Highway A1A #123
Satellite Beach, FL 32937

Due to Florida Privacy Laws, the Employee's Date of Birth and Social Security Number will be provided in a cover letter upon submission of this document to the Plan Administrator.

3. **Former Spouse Information:** The name and last-known mailing address of the Former Spouse are:
Name: Vickie Howard
Address: 19111 Vista Bay Drive, #207
Indian Shores, FL 33707

Due to Florida Privacy Laws, the Former Spouse's Date of Birth and Social Security Number will be provided in a cover letter to this document.

Vickie Howard, as the Former Spouse, shall have the duty to notify the OPM in writing of any changes in her mailing address subsequent to the entry of this Order.

4. **Identification of Retirement System:** The Employee, Freddie Howard, will be eligible for retirement benefits under the Federal Employees Retirement System based on employment with the United States Government.
5. **For Provision of Marital Property Rights:** This Order relates to the provision of marital property rights for the Former Spouse as a result of the Order of Divorce between the Employee and the Former Spouse issued on July 18, 2021.
6. **Providing for Payments to the Former Spouse:** The Former Spouse is entitled to a portion of the Employee's Self-Only, unreduced Monthly Annuity under the Federal Employees Retirement System as set forth below. The United States Office of Personnel Management is hereby directed to pay the Former Spouse's share directly to the Former Spouse.
7. **Amount of the Former Spouse's Benefit:** This Order assigns to the Former Spouse an amount equal to 50% of the marital portion of the Employee's Self-Only, unreduced Monthly Annuity determined as of December 1, 2019, (including any benefits attributable to service outside Civil Service, such as military service, which is incorporated into the calculation of the employee's annuity). For purposes of calculating Former Spouse's share of Employee's benefit, the marital portion shall be determined by multiplying the Employee's Self-Only, unreduced Monthly Annuity by a fraction, the numerator of which is the total number of months of creditable service earned by the Employee during the marriage November 30, 1985, through the date of Valuation December 1, 2019, and the denominator of which is the total number of months of the Employee's creditable service accrued under the Federal Employees Retirement System through the Valuation Date December 1, 2019. The formula is:

$$50\% \times \frac{\text{\# months of marriage while employed through Valuation Date 12/01/2019}}{\text{\# months creditable service through 12/1/2019}}$$

In addition to the above, when cost-of-living adjustments (COLA's) are applied to the Employee's retirement benefits, the same COLA shall apply to the Former Spouse's share.

Any Federal Employees Retirement System Supplement that may be received by the Employee is waived by the Former Spouse and not included in the spouse's benefit.

Notwithstanding anything contained herein to the contrary, the Former Spouse's assigned share of the Employee Annuity, as calculated above, shall be reduced in accordance with the terms set forth in Section 10 regarding the Former Spouse's entitlement to a Former Spouse Survivor Annuity.

8. **Benefit Commencement Date:** The Former Spouse shall commence her benefits as soon as administratively feasible following the date this Order is approved as a COAP, or on the date the Employee commences his benefits, if later. Payments shall continue to the Former Spouse for the remainder of the Employee's lifetime. However, should the Former Spouse predecease the Employee, then such benefits shall be immediately and fully restored to the Employee following the Former Spouse's death.

The Employee agrees to arrange or to execute all forms necessary for the OPM to commence payments to the Former Spouse in accordance with the terms of the Order.

9. **Refund of Employee Contributions:** If the Employee leaves federal service before retirement and applies for a refund of employee contributions under the FERS, the OPM is directed not to pay the Employee a refund of such employee contributions.
10. **Former Spouse Survivor Annuity:** Pursuant to Section 834 (h)(1) of Title 5, United States Code, the Former Spouse shall be awarded the Former Spouse Survivor Annuity under FERS equal to a full survivor benefit. Further, the costs associated with providing this Former Spouse survivor annuity coverage shall be shared equally.
11. **Transfer from CSRS:** In the event that the Employee previously made a one-time irrevocable election to transfer into the Federal Employees Retirement System from the Civil Service Retirement System ("CSRS"), the Former Spouse's share of the benefits as set forth above shall include any appropriate portion of any benefits accrued under CSRS that may have been transferred to the FERS, if any (including transfer of any service credits earned under the CSRS).
12. **Savings Clause:** This Order is not intended, and shall not be construed in such manner as to require the OPM:
 - (a) To pay a former spouse a portion of an employee annuity before the employee annuity begins to accrue, or
 - (b) To pay a former spouse any amounts that are in excess of an employee's net annuity.
 - (c) To pay a former spouse survivor annuity in excess of the maximum permitted amounts under FERS.
13. **Constructive Receipt:** In the event that FERS inadvertently pays to the Employee any benefits that are assigned to the Former Spouse pursuant to the terms of this Order, the Employee shall immediately reimburse the Former Spouse to the extent that he has received such benefit payments and shall forthwith pay such amounts so received directly to the Former Spouse within ten (10) days of receipt.
14. **Actions by Employee:** If the Employee takes any action that prevents, decreases, or limits the collection by the Former Spouse of the sums to be paid hereunder, he shall make payments to the Former Spouse directly in an amount sufficient to neutralize, as to the Former Spouse, the effects of the actions taken by the Employee.
15. **Continued Jurisdiction:** The Court shall retain jurisdiction to establish and/or maintain the status of this Order as a Court Order Acceptable for Processing, and to effectuate the original intent of the parties as stipulated herein. The Court shall also retain jurisdiction to enter such further orders that are just, equitable and necessary to enforce, secure and sustain the benefits awarded to the Former Spouse in the event that the Employee and/or OPM fail to comply with any or all of the provisions contained herein. Such further orders may also include, but not be limited to, nunc pro tunc orders or orders that recharacterize the benefits awarded under the Plan to apply to benefits earned by the Employee under another plan, as applicable, or orders

that award spousal or child support, to the extent necessary to carry out the intentions and provisions of this Order.

16. **Notice of Pending Retirement:** The Employee shall be required to notify the Former Spouse, in writing, within thirty (30) days prior to his actual date of retirement. Such notice shall indicate his intentions to retire and his elected benefit commencement date. The notice shall be sent via regular, first class mail. For this purpose, the Former Spouse shall notify the Employee of any changes in her mailing address.

DONE AND ORDERED, in Chambers, this _____ day of _____, 2022, Pinellas County, Florida.

Electronically Conformed 4/27/2022
Evan G. Frayman
HONORABLE _____
Circuit Court Judge

cc: US Office of Personnel Management
Office of Retirement Programs - Court Order Benefits Section
PO Box 17
Washington, DC 20044-0017

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