

**THIRD AMENDMENT  
TO THE  
MEMORIAL HEALTHCARE SYSTEM  
RSP GOLD PLAN**

WHEREAS, the South Broward Hospital District, DBA, Memorial Healthcare System (the "Employer"), established and maintains the Memorial Healthcare System RSP Gold Plan (the "Plan"), as last amended and restated effective January 1, 2020 and as subsequently amended by the First and Second Amendments thereto, for its eligible employees as set out in the Plan; and

WHEREAS, Section 11.8 of the Plan provides that the Employer, by action of its Board of Commissioners, or the Executive Committee acting on its behalf, may amend the Plan at any time; and

WHEREAS, the Employer wishes to conform the provisions of the Plan to the requirements of the Setting Every Community Up For Retirement Enhancement Act of 2019 (the "SECURE Act") and the Coronavirus Aid, Relief, and Economic Security Act of 2020 (the "CARES Act").

NOW, THEREFORE, pursuant to Section 11.8 of the Plan, the Plan is hereby further amended as follows:

1. By adding at the end of Section 7.5 the following:

"Notwithstanding the foregoing provisions of this Section 7.5, for required minimum distributions to be made after December 31, 2019, benefits for a Participant or Inactive Participant must begin no later than the Participant's or Inactive Participant's "required beginning date" which is the later of the first day of April of the calendar year following: (i) the calendar year in which the Participant or Inactive Participant attains age 70½ (if born before July 1, 1949), or (ii) the calendar year in which the Participant or Inactive Participant attains age 72 (if born after June 30, 1949).

Notwithstanding the foregoing provisions of this Section 7.5, for required minimum distributions to be made because of a Participant's or Inactive Participant's death after December 31, 2019, and regardless of whether before or after distribution has begun, a Participant's or Inactive Participant's entire interest will be distributed to the designated beneficiary (as described under Treasury Regulation § 1.401(a)(9)-4) no later than December 31 of the calendar year containing the tenth anniversary of the Participant's or Inactive Participant's death unless the designated beneficiary is an "eligible designated beneficiary." An "eligible designated beneficiary" may receive distributions over the life of such designated beneficiary, except that when an eligible designated beneficiary who is a child of a Participant or Inactive Participant reaches the age of majority (as defined for purposes of Code Section 401(a)(9)(F)), the child's entire interest in the Plan will be distributed no later than 10 years after that date. If there is no designated beneficiary as of September 30 of the year following the year of the Participant's or Inactive Participant's death, the Participant's or Inactive Participant's entire interest will be

distributed to the distributees by December 31 of the calendar year containing the fifth anniversary of the Participant's or Inactive Participant's death. An "eligible designated beneficiary" of a Participant or Inactive Participant is any designated beneficiary who is: (i) the surviving spouse of the Participant or Inactive Participant; (ii) a child of the Participant or Inactive Participant who has not reached the age of majority (as defined for purposes of Code Section 401(a)(9)(F)); (iii) disabled (as defined in Code Section 72(m)(7)); (iv) an individual who has been certified to be chronically ill (as defined in Code Section 7702B(c)(2)) for a reasonably lengthy period or indefinitely; or (v) an individual who is not more than 10 years younger than the Participant or Inactive Participant. Certain trusts also may be treated as "eligible designated beneficiaries" pursuant to Code Section 401(a)(9)(H)(iv) and (v). The determination of whether a designated beneficiary is an "eligible designated beneficiary" shall be made as of the date of death of the Participant or Inactive Participant. If an eligible designated beneficiary dies before the portion of the Participant's or Inactive Participant's interest is entirely distributed, the remainder of such portion shall be distributed within 10 years after the death of such eligible designated beneficiary.

Notwithstanding the foregoing provisions of this Section 7.5, a Participant, Inactive Participant, or Beneficiary who would have been required to receive required minimum distributions in 2020 (or paid in 2021 for the 2020 calendar year for a Participant or Inactive Participant with a required beginning date of April 1, 2021) but for the enactment of Code Section 401(a)(9)(I) ("2020 RMDs"), and who would have satisfied that requirement by receiving distributions that are either (i) equal to the 2020 RMDs, or (ii) one or more payments in a series of substantially equal periodic payments (that include the 2020 RMDs) made at least annually and expected to last for the life (or life expectancy) of the Participant or Inactive Participant, the joint lives (or joint life expectancies) of the Participant or Inactive Participant and his or her designated beneficiary, or for a period of at least 10 years ("Extended 2020 RMDs"), will not receive those distributions unless the Participant, Inactive Participant, or Beneficiary chooses to receive the distributions. A Participant, Inactive Participant, or Beneficiary will be given an opportunity to make an election as to whether or not to receive those distributions. In addition, and solely for purposes of applying the direct rollover provisions of the Plan, the 2020 RMDs and Extended 2020 RMDs will be treated as eligible rollover distributions in 2020."

2. By adding a new Article 14 to the Plan as follows:

**"ARTICLE 14  
CARES ACT AND SECURE ACT PROVISIONS**

**14.1. Definitions.**

Solely for purposes of this Article 14, the following terms shall have the following meanings:

- (a) "CARES Act" means the Coronavirus Aid, Relief and Economic Security Act of 2020, as now in effect or as hereafter amended.

- (b) “Coronavirus-Related Distribution” means a distribution made from the Plan to a Qualified Individual on or after January 1, 2020 and before December 31, 2020 or such other date provided for under the CARES Act or other applicable law. The total amount of Coronavirus-Related Distributions to a Qualified Individual pursuant to this Article 14 from all plans maintained by the Employer, or any Related Employer, shall not exceed \$100,000. The Coronavirus-Related Distributions from the Plan to a Qualified Individual will not exceed the amount of the individual’s vested account balance.
- (c) “Eligible Adoptee” means any individual who has not attained age 18 or is physically or mentally incapable of self-support; provided, however, an Eligible Adoptee does not include the child of the spouse of a Participant or an Inactive Participant. An individual is treated as physically or mentally incapable of self-support if he or she is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or to be of long-continued and indefinite duration. This provision shall be applied in a manner consistent with Part D of IRS Notice 2020-68. The Plan Administrator may rely on a Participant’s or Inactive Participant’s certification that the individual satisfies the conditions to be an Eligible Adoptee unless the Plan Administrator has actual knowledge to the contrary.
- (d) “Qualified Birth or Adoption Distribution” means a qualified birth or adoption distribution described in Code Section 72(t)(2)(H)(iii). Specifically, a Qualified Birth or Adoption Distribution is any distribution from an applicable eligible retirement plan (including this Plan) to an individual made during the 1-year period beginning on the date on which the child of the Participant or Inactive Participant is born or on which the legal adoption of an Eligible Adoptee is finalized. A distribution will not be treated as a Qualified Birth or Adoption Distribution with respect to any child or Eligible Adoptee unless the name, age, and the Taxpayer Identification Number (TIN) of the child or Eligible Adoptee is included on the Participant’s or Inactive Participant’s individual tax return for the taxable year in which the distribution is made.
- (e) “Qualified Individual” means a Participant or Inactive Participant who meets one or more of the criteria described in paragraphs (i), (ii), (iii), or (iv). The Plan Administrator may rely on a Participant’s or Inactive Participant’s certification that he or she satisfies the criteria to be a Qualified Individual unless the Plan Administrator has actual knowledge to the contrary. In applying the criteria, “COVID-19” means either the virus SARS-CoV-2 or coronavirus disease 2019; “an approved test” means a test approved by the Centers for Disease Control and Prevention (including a test authorized under the Federal Food, Drug, and Cosmetic Act); and a “member of the Participant’s or Inactive Participant’s household” means someone who shares the Participant’s or Inactive Participant’s principal residence. The criteria are as follows:

- (i) The Participant or Inactive Participant was diagnosed with COVID-19 by an approved test;
  - (ii) The Participant's or Inactive Participant's spouse or dependent (as defined in Code Section 152) was diagnosed with COVID-19 by an approved test;
  - (iii) The Participant or Inactive Participant has experienced adverse financial consequences because: (A) the Participant or Inactive Participant or his or her spouse, or a member of his or her household was quarantined, furloughed or laid off, or had work hours reduced due to COVID-19; (B) the Participant or Inactive Participant, his or her spouse, or a member of his or her household was unable to work due to lack of childcare due to COVID-19; (C) a business owned or operated by the Participant or Inactive Participant, his or her spouse, or a member of his or her household closed or reduced hours due to COVID-19; or (D) the Participant or Inactive Participant, his or her spouse, or a member of his or her household had a reduction in pay (or self-employment income) due to COVID-19 or had a job offer rescinded or start date for a job delayed due to COVID-19; or
  - (iv) The Participant or Inactive Participant satisfies any other criteria determined by the Treasury or the IRS.
- (f) "SECURE Act" means the Setting Every Community Up for Retirement Enhancement Act of 2019, as now in effect or as hereafter amended, and the applicable regulations and rulings thereunder.

**14.2. CARES Act Loan Provisions.**

- (a) Increased Loan Limit. Notwithstanding the loan limitation that otherwise would apply under Section 10.1, upon the request of a loan-eligible Participant or Inactive Participant who is a Qualified Individual, the Plan shall make a Plan loan to such Participant or Inactive Participant in accordance with the terms of this Section 14.2 and consistent with the CARES Act. Notwithstanding anything to the contrary in Section 10.1, the principal amount of such loan, for the period beginning March 27, 2020 and ending September 22, 2020, shall not exceed the lesser of: (i) \$100,000, reduced by the excess (if any) of (x) the Plan's highest outstanding loan balance during the one-year period ending on the day before the date on which the loan is made, over (y) the Plan's outstanding balance on the date on which the loan is made; or (ii) the vested interest in the Participant's or Inactive Participant's account balances determined at the time the loan is made.
- (b) Extension of Certain Loan Repayments. Notwithstanding anything to the contrary in the Plan, if a Participant or Inactive Participant who is a Qualified Individual has an outstanding loan from the Plan with a repayment date during the period beginning on March 27, 2020 and ending on December 31, 2020, then (i) each of the repayment dates shall be extended one year, (ii) the due date of the loan shall be extended by one year, (iii) the Plan Administrator will adjust any

subsequent repayments to reflect the extension of the repayment dates and any interest accrued during the 1-year extension period, and (iv) the Plan Administrator will disregard the 1-year extension period in determining the 5-year period and the loan term under Code Section 72(p)(2)(B) or (C). The provisions of this Section 14.2(b) will be applied in accordance with Section 5.B. of Notice 2020-50, or any subsequent guidance, and the adjustment described in clause (iii) above may reflect the “safe harbor” described therein.

#### **14.3. Coronavirus-Related Distributions.**

- (a) Coronavirus-Related Distributions. A Qualified Individual may take one or more Coronavirus-Related Distributions. The provisions of this Section 14.3(a) will apply notwithstanding any limitation in the Plan on partial distributions or any otherwise applicable plan or administrative limits on the number of allowable distributions.
- (b) Repayment of Distribution. A Participant or Inactive Participant who receives a Coronavirus-Related Distribution from this Plan at any time during the 3-year period beginning on the day after receipt of the distribution, may make one or more contributions to the Plan, as a rollover to be credited to the Participant’s Employee Rollover Contribution Account, in an aggregate amount not to exceed the amount of such distribution.

#### **14.4. Distribution for Qualified Birth or Adoption.**

- (a) Qualified Birth or Adoption Distribution. A Participant or Inactive Participant may request a distribution in an amount not to exceed \$5,000 (per child or Eligible Adoptee) as a Qualified Birth or Adoption Distribution. This \$5,000 limit shall be reduced by Qualified Birth or Adoption Distributions made with respect to the same child or Eligible Adoptee by other plans maintained by the Employer or a Related Employer. The Plan Administrator may rely on a Participant’s or Inactive Participant’s certification that the individual is eligible to receive a Qualified Birth or Adoption Distribution unless the Plan Administrator has actual knowledge to the contrary.
- (b) Special Status of Qualified Birth or Adoption Distribution. A Qualified Birth or Adoption Distribution is not an eligible rollover distribution for purposes of the obligation to permit a direct rollover under Section 7.6, the notice requirement of Code Section 402(f), or the mandatory withholding rules of Code Section 3405(c)(1).
- (c) Repayment of Distribution. A Participant or Inactive Participant who receives one or more Qualified Birth or Adoption Distributions from this Plan at any time after receipt of the distribution, may make one or more contributions to the Plan, as a rollover to be credited to the Participant’s or Inactive Participant’s Employee Rollover Contribution Account, in an aggregate amount not to exceed the amount of such distributions.

**14.5 Termination Distributions.**

In connection with distributions upon termination of the Plan, the Plan may treat the delivery of a Custodial Account as a distribution pursuant to IRS guidance required under Section 110 of the SECURE Act.

**14.6 Difficulty of Care Payments.**

Effective for Plan Years beginning on and after January 1, 2016, the amount of a Participant’s Compensation for purposes of determining the annual addition limit under Code Section 415(c)(1)(B) shall be increased by the amount of Difficulty of Care Payments the Employer makes to the Participant. “Difficulty of Care Payments” means a payment described in Code Section 131(c)(1) made in connection with qualified foster individuals.

**14.7 Construction, Interpretation, and Administration.**

All distributions and/or loans from the Plan and all rollover contributions made to the Plan under this Article 14 shall be determined and made in accordance with the requirements of the CARES Act and the SECURE Act and any guidance issued thereunder. The Plan Administrator may establish such rules or procedures necessary to implement the provisions of this Article 14 in accordance with the CARES Act, the SECURE Act, and such guidance.”

3. This Third Amendment shall be effective as of January 1, 2020, except that the provisions of this Third Amendment adding Sections 14.2 and 14.3 to the Plan and the last paragraph to Section 7.5 of the Plan (i.e., the paragraph waiving 2020 RMDs) shall be effective as of March 27, 2020.

4. All of the other terms, provisions, and conditions of the Plan not herein amended shall remain in full force and effect.

IN WITNESS WHEREOF, this Third Amendment has been adopted on this 26<sup>th</sup> day of January, 2022.

**SOUTH BROWARD HOSPITAL DISTRICT, DBA,  
MEMORIAL HEALTHCARE SYSTEM**

By: [Signature]

Its: President & CEO