

**AMENDMENT TO THE
MEMORIAL HEALTHCARE SYSTEM 457(b) PLAN
TO IMPLEMENT SECURE ACT, SECURE 2.0, AND OTHER CHANGES**

**ARTICLE 1
PREAMBLE**

- 1.1 **Adoption and effective date of Amendment.** The South Broward Hospital District, DBA Memorial Healthcare System (the “**Employer**”) hereby adopts this Amendment to the Memorial Healthcare System 457(b) Plan (the “**Plan**”). Where articles specify effective dates, their provisions begin on that date or shortly thereafter as administratively practicable.
- 1.2 **Superseding of inconsistent provisions.** This Amendment supersedes the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this Amendment. Except as otherwise provided in this Amendment, terms defined in the Plan will have the same meaning in this Amendment. Many Articles include definitions which are specific to that Article.
- 1.3 **Numbering.** Except as otherwise provided in this Amendment, any “Section” reference in this Amendment refers only to this Amendment and is not a reference to the Plan. The Article and Section numbering in this Amendment is solely for purposes of this Amendment, and does not relate to the Plan article, section, or other numbering designations.
- 1.4 **Intention; Construction.** The purpose of this Amendment is to amend the Plan in accordance with pension-related provisions of the Further Consolidated Appropriations Act of 2019 (“**FCAA**”) in general, and Division O of that Act, the Setting Every Community Up for Retirement Enhancement Act of 2019 (“**SECURE Act**”), specifically. It also adds an age 59½ in-service withdrawal right that complies with applicable law, including a provision of the Bipartisan American Miners Act (“**BAMA**”), which is also part of FCAA. In addition, this Amendment amends the Plan to conform to the provisions of the SECURE 2.0 Act of 2022 (“**SECURE 2.0**”), enacted by Congress as Division T of the Consolidated Appropriations Act of 2023, and the provisions of Treasury Regulations released in 2024 interpreting Code §401(a)(9), and shall be interpreted and applied accordingly. The provisions of this Amendment, and any policies and procedures issued or modified pursuant to this Amendment, shall be interpreted and applied to be consistent with FCAA, CARES (as defined below), SECURE 2.0 and IRS and DOL guidance issued in connection therewith, whether such guidance is issued before or after the date of this Amendment. The Administrator of the Plan may, but is not required to, reduce such policies or procedures to writing.

ARTICLE 2
REQUIRED MINIMUM DISTRIBUTIONS – SECURE Act §114; SECURE 2.0 §§107, 201, 202, 204

- 2.1 **Application.** This Article 2 is effective with regard to RMDs required to be made after December 31, 2019. For calendar years beginning after 2024, the Plan will make RMDs as required by Treas. Reg. §1.401(a)(9)-1 through -9, and, to the extent they are consistent with such regulations, the provisions of the Plan as amended by this Article.
- 2.2 **Delay of Required Beginning Date.** An Affected Participant's RBD shall not be earlier than April 1 of the calendar year following the year the Affected Participant attains RMD Age. For purposes of determining an Affected Participant's RBD, an Affected Participant will be treated as a more than 5% owner if the Participant was a 5-percent owner (as defined in Code §416(i)(1)(B)) as to the Plan Year ending in the calendar year the Participant attains RMD Age.
- 2.3 **Spousal Distributions.** If an Affected Participant dies prior to the Participant's RBD and the Participant's sole Designated Beneficiary is the Participant's surviving spouse, then the RMDs to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died, or by December 31 of the calendar year in which the Participant would have attained RMD Age, if later. However, this Section will apply only if the Plan, prior to this Amendment, permitted a surviving spouse to delay RMD distributions to December 31 of the calendar year in which the Participant would have attained age 70½.
- 2.4 **Spousal election.** This Section 2.4 is effective January 1, 2024. It is limited to situations in which a Participant dies and his or her surviving spouse is the sole designated beneficiary.
- (a) If the Participant dies before the RBD, then life expectancy RMDs to the spouse shall be determined under the ULT if the Participant would have attained RMD Age after 2023.
- (b) If the Participant dies on or after the RBD, then, unless the surviving spouse elects otherwise, life expectancy distributions to the spouse shall be determined under the ULT, as described more fully in Prop. Treas. Reg. §1.401(a)(9)-5(g)(3)(ii)(C), if the Participant died after 2022.
- 2.5 **Roth accounts.** In determining the amount of an RMD to be paid to a Participant for a DCY beginning after December 31, 2023, the Plan shall disregard amounts in designated Roth accounts (as defined in Code §402A(b)(2)). This provision will not apply to DCYs beginning after the Participant's death.
- 2.6 **Commercial Annuities.** The Administrator of the Plan may adopt and implement nondiscriminatory policies relating to the purchase and use of commercial annuities in connection with RMDs. Such policies shall comply with Code §401(a)(9), and with IRS guidance as modified by SECURE Act §§201, 202, and 204.

2.7 **Definitions.** The following definitions apply for this Article 2:

(a) A Participant is an “**Affected Participant**” if the Participant was born after June 30, 1949.

(b) An “**RMD**” is a Required Minimum Distribution as described in Code §401(a)(9).

(c) A Participant’s “**RBD**” is the Participant’s Required Beginning Date as described in Code §401(a)(9)(C), as amplified by Section 2.2.

(d) A Participant’s “**RMD Age**” is age 70½ if the Participant was born before July 1, 1949, age 72 if the Participant was born between July 1, 1949 and December 31, 1950, age 73 if the Participant was born between January 1, 1951 and December 31, 1959, and otherwise age 75.

(e) A “**DCY**” is a Distribution Calendar Year as defined in Treas. Reg. §1.401(a)(9)-5.

(f) “**Life Expectancy RMDs**” means distributions under Code §401(a)(9)(B)(iii) or under Treas. Reg. §1.401(a)(9)-6, as further set forth in the Plan.

(g) The “**ULT**” is the Uniform Lifetime Table in Treas. Reg. §1.401(a)(9)-9(c).

ARTICLE 3 IN-SERVICE DISTRIBUTION – CODE §457(d)(1)(A)(i)

3.1 **Application.** This Article 3 is effective for distributions made after December 31, 2024.

3.2 **Distribution at 59½.** The Administrator of the Plan, at the election of a Participant who has attained at least age 59½ and has not severed employment with the Employer, shall direct the distribution of up to the entire vested amount then credited to the Accounts maintained on behalf of such Participant. For purposes of this Section 3.2, a Participant shall include an Employee who has an Account balance in the Plan. In the event that the Administrator makes such a distribution, the Participant shall continue to be eligible to participate in the Plan on the same basis as any other Employee. The Plan may, however, make a partial distribution pursuant to this Section regardless of whether partial distributions are otherwise permitted pursuant to the provisions of the Plan. Furthermore, the Administrator may determine any ordering of a Participant's in-service distribution from his or her Accounts. The Administrator may adopt a policy imposing frequency limitations or other reasonable administrative conditions on in-service distributions made pursuant to this Section.

ARTICLE 4
EMERGENCY PERSONAL EXPENSE DISTRIBUTIONS – SECURE 2.0 §115

- 4.1 **Application.** This Article 4 is effective after December 31, 2023.
- 4.2 **Distribution Authorized.** A Participant may request a distribution of up to the Maximum Amount as an EPED. The Participant may request the distribution whether or not the Participant has severed employment. The Administrator of the Plan may adopt a policy imposing reasonable administrative conditions for EPEDs.
- 4.3 **Definitions.** The following definitions apply for this Article 4:
- (a) An “**EPED**” is an Emergency Personal Expense Distribution described in Code §72(t)(2)(I)(iv) and Notice 2024-55, §A for the purposes of meeting unforeseeable or immediate financial needs relating to necessary personal or family emergency expenses.
- (b) The “**Maximum Amount**” with regard to any Participant is the lesser of (i) \$1,000 or (ii) the excess of the Participant’s vested interest in his or her Accounts in the Plan over \$1,000. The Maximum Amount shall be reduced by EPEDs to the Participant from any plan maintained by the Related Employer Group.
- (c) A plan maintained by the “**Related Employer Group**” includes any plan maintained by the Employer or by any related employer described in Code §414(b), (c), (m), or (o).
- 4.4 **Rollover.** A Participant who received one or more EPEDs from this Plan may, if the Plan then permits the Participant to make rollover contributions, make one or more contributions in an aggregate amount not to exceed the amount of such EPEDs. Such contributions may be made at any time during the 3-year period beginning on the day after the date on which such distribution was received. The Plan will treat such a contribution as a rollover contribution made by a direct trustee-to-trustee transfer within 60 days of distribution.
- 4.5 **Reliance.** The Administrator of the Plan may rely on an individual’s written or electronic representation that the individual is eligible to receive an EPED.
- 4.6 **Timing.** In no event shall a Participant receive more than one EPED in a calendar year from any plan maintained by the Related Employer Group. If a Participant receives an EPED during a calendar year, the Participant shall not be eligible to receive another EPED during the following three calendar years if the Participant has not “repaid” the distribution. The Participant will be treated as having repaid the distribution if the sum of the Participant’s elective deferrals and contributions made under Section 4.4 made after receiving the EPED are at least equal to the amount of the EPED.

ARTICLE 5
DOMESTIC ABUSE VICTIM DISTRIBUTION (DAVD) – SECURE 2.0 §314

- 5.1 **Application.** This Article 5 is effective after December 31, 2023.
- 5.2 **Distribution Authorized.** A Participant may request a distribution of up to the Maximum Amount as a DAVD. The Participant may request the distribution whether or not the Participant has severed employment. The Administrator of the Plan may adopt a policy imposing reasonable administrative conditions for DAVDs.
- 5.3 **Definitions.** The following definitions apply for this Article 5:
- (a) A “**DAVD**” is an “eligible distribution to a domestic abuse victim” described in Code §72(t)(2)(K)(iii) and Notice 2020-54, §B. A distribution is a DAVD only if it is made to an individual during the one-year period beginning on any date on which the individual is a victim of Domestic Abuse by a spouse or domestic partner.
- (b) “**Domestic Abuse**” means physical, psychological, sexual, emotional, or economic abuse, including efforts to control, isolate, humiliate, or intimidate the victim, or to undermine the victim’s ability to reason independently, including by means of abuse of the victim’s child or another family member living in the household.
- (c) The “**Maximum Amount**” with regard to any Participant is the lesser of (i) \$10,000 (adjusted for changes in the cost-of-living under Code §72(t)(2)(K)(vii)) or (ii) 50% of the Participant’s vested interest in his or her Accounts in the Plan. The Maximum Amount shall be reduced by DAVDs to the Participant any plan maintained by the Employer or by any related employer described in Code §414(b), (c), (m), or (o).
- 5.4 **Rollover.** A Participant who received one or more DAVDs from this Plan may, if the Plan then permits the Participant to make rollover contributions, make one or more contributions in an aggregate amount not to exceed the amount of such DAVDs. Such contributions may be made at any time during the 3-year period beginning on the day after the date on which such distribution was received. The Plan will treat such a contribution as a rollover contribution made by a direct trustee-to-trustee transfer within 60 days of distribution.
- 5.5 **Reliance.** The Administrator of the Plan may rely on an individual’s written or electronic representation that (1) the individual is eligible for a domestic abuse victim distribution and (2) the distribution is made during the 1-year period beginning on any date on which the individual is a victim of domestic abuse.

ARTICLE 6
INCREASE IN CATCH-UP CONTRIBUTIONS – SECURE 2.0 §109

- 6.1 **Application.** This Article 6 will apply for the 2025 and later calendar years.
- 6.2 **Increased Limits.** If a Participant turns 60, 61, 62 or 63 during a calendar year, the limit on catch-up contributions, as defined in Code §414(v), is the adjusted dollar amount described in Code §414(v)(2)(E), which is generally 150% of the limit which would otherwise apply.

ARTICLE 7
DISASTER RELIEF – SECURE 2.0 §331

- 7.1 **Application; Effective Date.** This Article 7 is effective January 1, 2020, but see Section 7.7.
- 7.2 **Disaster Relief Policy.** The Plan may make Qualified Disaster Recovery Distributions (QDRDs). The Administrator of the Plan shall adopt a uniform, nondiscriminatory disaster relief policy to authorize Qualified Individuals to receive the disaster relief described in this Article as authorized in the policy. The disaster relief policy may (1) specify the Qualified Disasters for which relief applies, (2) limit the amount available with respect to a Qualified Disaster Distribution to an amount less the Maximum Amount, (3) provide lower loan limits than those described in Section 7.5, (4) impose (within the limitations described in this Section) different conditions or different relief for different Qualified Disasters, or (5) impose other reasonable nondiscriminatory limitations. Relief shall be available on a consistent basis for all Participants impacted by a covered disaster. With regard to disasters declared after the adoption of this Amendment, the Plan will inform impacted Participants of the relief available under this Article. The requirement that policies and relief under this Article not be discriminatory is automatically satisfied with regard to this Plan.
- 7.3 **QDRD Availability; Limitation.** A Qualified Individual may take one or more QDRDs as authorized in the Plan's disaster relief policy. The total amount of QDRDs to a Qualified Individual pursuant to this Amendment from all plans maintained by the Employer, or any related employer, will not exceed the Maximum Amount per Qualified Disaster, or such lesser amount as prescribed in the policy. The Qualified Disaster Distributions from the Plan to a Qualified Individual will not exceed the amount of the individual's vested account balance.
- 7.4 **Repayment of QDRDs.** If the Plan permits rollover contributions, then, in accordance with the Plan's disaster relief policy, an individual who receives a Qualified Disaster Distribution (from this Plan or another eligible retirement plan as defined in Code §402(c)(8)(B)), 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 rollover contributions, in an aggregate amount not to exceed the amount of such distribution.

- 7.5 **Increased Loan Limit.** Notwithstanding the loan limitation that otherwise would apply under the Plan's loan policy, in accordance with the Plan's disaster relief policy, the Plan will determine the loan limit under Code §72(p)(2)(A) for a loan to a Qualified Individual, made during the Loan Relief Period, by substituting "\$100,000" for "\$50,000," and by substituting "the present value of the nonforfeitable accrued benefit of the employee under the Plan (or loan program or policy)" for "one-half of the present value of the nonforfeitable accrued benefit of the employee under the Plan."
- 7.6 **Suspension and Extension of Repayments.** If a Qualified Individual has an outstanding loan from the Plan on or after the first day of the Loan Suspension Period, then, to the extent provided in the Plan's disaster relief policy: (1) if the date for any repayment of such loan occurs during the Loan Relief Period, the due date is extended for the Extension Period; (2) the Plan will adjust any subsequent repayments to reflect the extension of the due date under (1) above and any interest accrued during the extension; and (3) the Plan will disregard the period of extension described in (1) above in determining the 5-year period and the loan term under Code §72(p)(2)(B) or (C). The disaster relief policy may specify whether the suspension and extension described herein will apply automatically or will be available upon the Qualified Individual's request.
- 7.7 **Construction; Effective Date.** This Article will be interpreted and applied in accordance with the provisions of the Disaster Laws and IRS Guidance related thereto. The effective date of this Article with regard to any Qualified Disaster is the date the disaster was declared, or such later date specified in the Plan's disaster relief policy. If the Plan has previously been amended to provide for the disaster relief described in this Section, such amendment shall be treated as part of the Plan's disaster relief policy and amended to the extent necessary to conform to this Article.
- 7.8 **Definitions.** This Section is intended to provide relief authorized in the Disaster Laws specified in this Subsection 7.8(d), as provided in the Plan's disaster relief policy. There are definitions which vary with regard to the Disaster Laws, which are described in this Section.
- (a) The “**Maximum Amount**” with regard to any Qualified Disaster is \$100,000 (\$22,000 for the Qualified Disasters described in SECURE 2.0 §331), or a lesser amount specified in the Disaster Law or the Plan's disaster relief policy.
- (b) A “**Major Disaster**” is a disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.
- (c) “**Qualified Individuals.**” Participants, alternate payees and beneficiaries of deceased participants can be treated as Qualified Individuals, as defined in the relevant Disaster Law. The Administrator of the Plan may rely on an individual's certification that the individual satisfies a condition to be a Qualified Individual unless the Administrator has actual knowledge to the contrary.

(d) **“Disaster Laws.”** This Article 7 provides for the relief outlined in the disaster relief laws (the **“Disaster Laws”**). In general, each Disaster Law defines the **Major Disasters** to be treated as **Qualified Disasters**, the persons who can be treated as **Qualified Individuals**, the distributions which can be **Qualified Disaster Distributions**, the **Loan Relief Period**, the **Loan Suspension Period**, the **Extension Period**, and the **Hardship Distribution Period**. Different laws use different terms to describe these concepts, but the underlying concepts are the same. The Disaster Laws include: (1) The Taxpayer Certainty and Disaster Tax Relief Act of 2020, §301 et seq.; (2) the Coronavirus Aid, Relief, and Economic Security Act (**CARES**), §2201 et seq. and IRS Notice 2020-50; and (3) the SECURE 2.0, §331, which relates to Major Disasters declared by the President after December 27, 2020. The Maximum Amount with regard to SECURE 2.0 shall not exceed \$22,000.

ARTICLE 8 HARDSHIP DOCUMENTATION POLICY – SECURE 2.0 §312

- 8.1 **Application.** This Article 8 is effective for Plan Years beginning after December 29, 2022
- 8.2 **Policy.** The Administrator of the Plan may adopt and modify from time to time a uniform policy regarding the documentation required in connection with a Hardship Distribution. Such a policy may, but is not required to, provide for reliance upon an employee’s written certification as described in Code § 457(d)(4) in the absence of the Administrator’s actual knowledge to the contrary.
- 8.3 **Definition.** The following definition applies for this Article 8:
- (a) A **“Hardship Distribution”** is a distribution from the Plan which is on account of an unforeseeable emergency described in Treas. Reg. §1.457-6(c)(2)(i).

ARTICLE 9 BIRTH/ADOPTION DISTRIBUTIONS – SECURE Act §113; SECURE 2.0 §311

- 9.1 **Application.** This Article 9 permits Qualified Birth and Adoption Distributions (**“QBADs”**) as defined below, and it is effective as of December 29, 2022.
- 9.2 **Distribution Authorized.** A Participant may request a distribution of up to \$5,000 (per child or Eligible Adoptee) as a QBAD. QBADs may only be made from accounts in which the Participant is fully vested. The Participant may request the distribution if he or she has not severed employment. This \$5,000 limit shall be reduced by QBADs to the Participant made with respect to the same child or Eligible Adoptee by other plans maintained by the Employer or a related employer described in Code §414(b), (c), (m), or (o). The Administrator of the Plan may adopt a policy imposing frequency limitations or other reasonable administrative conditions for QBADs.

9.3 **Definitions.** The following definitions apply for this Article 9:

(a) A “**QBAD**” is a Qualified Birth or Adoption Distribution described in Code §72(t)(2)(H)(iii). A QBAD must be made during the 1-year period beginning on the date on which a child of the Participant is born or on which the legal adoption of an Eligible Adoptee by the Participant is finalized.

(b) An “**Eligible Adoptee**” is an individual, other than a child of the Participant’s spouse, who has not attained age 18 or is physically or mentally incapable of self-support. An individual is considered physically or mentally incapable of self-support if that individual 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.

9.2 **Rollover; Deadline.** A Participant who received one or more QBADs from this Plan may, if the Plan then permits the Participant to make rollover contributions, make one or more contributions in an aggregate amount not to exceed the amount of such QBADs. Such contributions may be made at any time during the 3-year period beginning on the day after the date on which such distribution was received. The Plan will treat such a contribution as a rollover contribution made by a direct trustee-to-trustee transfer within 60 days of distribution. However, any such contribution must be received by the Plan no later than December 31, 2025, or prior to Plan termination (if earlier than December 31, 2025).

9.5 **Reliance.** The Administrator of the Plan may rely on an individual’s reasonable representation that the individual is eligible to receive a QBAD unless the Administrator of the Plan has actual knowledge to the contrary.

9.6 **Status.** A QBAD is not an eligible rollover distribution for purpose of the obligation to permit a direct rollover under Code §401(a)(31), the notice requirement of Code §402(f), or the mandatory withholding rules of Code §3405(c)(1).

ARTICLE 10

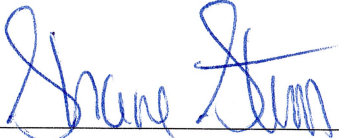
457(b) DEFERRAL ELECTIONS – SECURE 2.0 §306

10.1 **Application.** This Article 10 is effective January 1, 2023.

10.2 **Policy.** The Administrator of the Plan may adopt or change a salary reduction agreement policy addressing contributions pursuant to salary reduction agreements of Participants. The policy may provide that a Participant’s salary reduction agreement may take effect at any time prior to the date the compensation is currently available to the Participant.

IN WITNESS WHEREOF, the Employer has caused this Amendment to the Memorial Healthcare System 457(b) Plan to Implement SECURE Act, SECURE 2.0, and Other Changes to be executed on this 16th day of June, 2025.

**South Broward Hospital District, DBA
Memorial Healthcare System**

By: 

Its: Interim CEO
(Title)