

1 Introduced by the Council President at the request of the Mayor &
2 Co-Sponsored by Council Members Becton, Bowman, Boylan, Carlucci,
3 Cumber, DeFoor, Dennis, Diamond, Ferraro, Freeman, Gaffney,
4 Hazouri, Morgan, Newby, Pittman, Priestly Jackson, Salem, White and
5 Wilson and amended on the Floor of Council:
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ORDINANCE 2020-220-E

9 AN ORDINANCE AMENDING SECTION 120.309
10 (VESTING, TERMINATION, AND RE-EMPLOYMENT),
11 PART III (CORRECTIONS OFFICERS' RETIREMENT
12 PLAN), CHAPTER 120 (GENERAL EMPLOYEES AND
13 CORRECTIONS OFFICER PENSION PLANS AND ALL
14 EMPLOYEES DEFINED CONTRIBUTION RETIREMENT
15 PLANS), *ORDINANCE CODE*, TO ADD PROVISIONS FOR
16 TEMPORARY CORRECTIONS OFFICERS; PROVIDING FOR
17 CODIFICATION INSTRUCTIONS; WAIVING, PURSUANT
18 TO GOVERNOR DESANTIS' EXECUTIVE ORDER NUMBER
19 20-52, THE REQUIREMENT IN STATE LAW AND
20 CHAPTER 120 (GENERAL EMPLOYEES AND CORRECTION
21 OFFICERS PENSION PLANS AND ALL EMPLOYEES
22 DEFINED CONTRIBUTION RETIREMENT PLANS), PART
23 I (PROVISIONS APPLICABLE TO THE SYSTEM AS A
24 WHOLE), SECTION 120.102 (V) (ADMINISTRATION OF
25 THE RETIREMENT SYSTEM), *ORDINANCE CODE*;
26 REQUESTING EMERGENCY PASSAGE UPON
27 INTRODUCTION; PROVIDING AN EFFECTIVE DATE.
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29 **BE IT ORDAINED** by the Council of the City of Jacksonville:

30 **Section 1. Amending Section 120.309 (Vesting,**
31 **Termination, and Re-employment), *Ordinance Code*.** Section 120.309
32

(Vesting, Termination, and Re-employment), Part III (Corrections Officers' Retirement Plan), Chapter 120, (General Employees and Corrections Officer Pension Plans and All Employees Defined Contribution Retirement Plans), *Ordinance Code*, is hereby amended to read as follows:

CHAPTER 120. GENERAL EMPLOYEES AND CORRECTIONS OFFICER PENSION PLANS AND ALL EMPLOYEES DEFINED CONTRIBUTION RETIREMENT PLANS.

* * *

PART III. CORRECTIONS OFFICERS' RETIREMENT PLAN.

* * *

Sec. 120.309. - Vesting, Termination, and Re-employment.

* * *

(c) Except as set forth in subsection (d) and (e), if a retiree or separated vested member re-enters City service in a position covered by this Plan, benefit payments shall cease and the retiree or separated vested member shall again become an active member of the Plan. Upon subsequent retirement, the new pension benefit shall be computed with the original final monthly compensation and credit given for the additional service at the percentage accrual rate provided in Section 120.306(b). For periods of re-employment equal to or greater than four years, the final monthly compensation shall be computed based on the average monthly salary at the percentage rate provided in Section 120.306(b). In no instance shall total benefit exceed 80 percent of final monthly compensation.

* * *

(e) The provisions of subsection (a) through (c) shall not apply to the re-employment of any retiree of the Corrections Officers Retirement Plan as a temporary corrections officer if:

(1) the re-employment assists the emergency response associated with Emergency Executive Proclamation 2020-001

1 issued by the Mayor on March 13, 2020; and

2 (2) the Sheriff has determined that the Emergency has caused,
3 or is likely to cause, a significant reduction in the
4 number of full-time corrections officers available for
5 duty and temporary corrections officers are needed to
6 provide sufficient law enforcement and corrections
7 services to the City of Jacksonville.

8 The re-employment of such retirees shall be at the pleasure of the
9 Sheriff and may continue until sixty days after the expiration of
10 Emergency Executive Proclamation 2020-001, or any extension
11 thereof.

12
13 To be eligible for re-employment, retirees must have a current
14 Florida Department of Law Enforcement corrections officer
15 certification.

16
17 Being employed as a temporary corrections officer shall not prevent
18 a retiree of this plan from continuing to receive such retirement
19 benefits as would be available had the retiree not begun employment
20 as a temporary corrections officer. Being employed as a temporary
21 corrections officer shall not permit or require a retiree of this
22 plan to be a member of one of the pension plans created by Part II
23 or III of this Chapter 120 or a member of the pension plan created
24 pursuant to Chapter 121. Being employed as a temporary
25 corrections officer shall not permit a retiree to acquire, accrue
26 or exercise any of the rights or benefits provided to active and
27 employed members of the City of Jacksonville General Employees
28 Retirement Plan in any one of the pension plans created by Part II
29 or III of this Chapter or created pursuant to Chapter 121
30 including but not limited to accrual of time service benefits or
31 credits, the right to purchase time connections, disability

1 benefits, death benefits, children's benefits, participation in
2 BACKDROP, PLOP, etc.

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4 **Section 2. Codification Instructions.** The Codifier and
5 the Office of General Counsel are authorized to make all chapter
6 and division "tables of contents" consistent with the changes set
7 forth herein. Such editorial changes and any others necessary to
8 make the *Ordinance Code* consistent with the intent of this
9 legislation are approved and directed herein, and changes to the
10 *Ordinance Code* shall be made forthwith and when inconsistencies are
11 discovered.

12 **Section 3. Waiver, pursuant to Governor DeSantis'**
13 **Executive Order Number 20-52, of requirement contained in Section**
14 **112.63(3), *Florida Statutes*, Chapter 120 (General Employees and**
15 **Corrections Officers Pension Plans and all Employees Defined**
16 **Contribution Retirement Plans), Part I (Provisions Applicable to**
17 **System as a Whole), Section 120.102 (Administration of the**
18 **Retirement System), subsection (v), *Ordinance Code*, that requires**
19 **an actuarial report be filed with the State Division of Retirement**
20 **before final reading and adoption of legislation.** Pursuant to
21 Governor DeSantis' Executive Order Number 20-52, the City hereby
22 waives the requirement in Section 112.63(3), *Florida Statutes*,
23 Chapter 120 (General Employees and Corrections Officers Pension
24 Plans and all Employees Defined Contribution Retirement Plans),
25 Part 1 (Provisions Applicable to the System as a Whole), Section
26 120.102 (Administration of the retirement system), subsection (v),
27 *Ordinance Code*, that requires the filing of an actuarial report
28 with the State Division of Retirement prior to adoption of
29 legislation affecting the General Employees and Corrections
30 Officers Pension Plans and all Employees Defined Contribution
31 Retirement Plans. This waiver is necessary because, due to the

1 COVID-19 emergency, the City must have the immediate ability to
2 hire temporary corrections officers to ensure adequate corrections
3 services to the citizens of Jacksonville. However, the City will
4 file any actuarial report required by law concerning the General
5 Employees and Corrections Officers Pension Plans and all employees
6 Defined Contribution Retirement Plans as soon as practicable.

7 **Section 4. Requesting Emergency Passage upon Introduction**
8 **pursuant to Council Rule 4.901.** Emergency passage of this
9 legislation upon introduction is requested. The nature of the
10 emergency is that the immediate ability to hire temporary
11 corrections officers is needed for the City's COVID-19 emergency
12 response associated with Emergency Executive Proclamation 2020-001
13 issued by the Mayor on March 13, 2020.

14 **Section 5. Effective Date.** This ordinance shall become
15 effective upon signature by the Mayor or upon becoming effective
16 without the Mayor's signature.

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18 Form Approved:

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20 /s/ Margaret M. Sidman

21 Office of General Counsel

22 Legislation Prepared By: Sean B. Granat

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