

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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8 **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.
28

29 **BE IT ORDAINED** by the Council of the City of Jacksonville:

30 **Section 1. Amending Section 120.309 (Vesting,**

1 **Termination, and Re-employment), Ordinance Code.** Section 120.309
2 (Vesting, Termination, and Re-employment), Part III (Corrections
3 Officers' Retirement Plan), Chapter 120, (General Employees and
4 Corrections Officer Pension Plans and All Employees Defined
5 Contribution Retirement Plans), *Ordinance Code*, is hereby amended
6 to read as follows:

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

9 * * *

10 **PART III. CORRECTIONS OFFICERS' RETIREMENT PLAN.**

11 * * *

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

13 * * *

14 (c) Except as set forth in subsection (d) and (e), if a retiree
15 or separated vested member re-enters City service in a position
16 covered by this Plan, benefit payments shall cease and the
17 retiree or separated vested member shall again become an active
18 member of the Plan. Upon subsequent retirement, the new pension
19 benefit shall be computed with the original final monthly
20 compensation and credit given for the additional service at the
21 percentage accrual rate provided in Section 120.306(b). For
22 periods of re-employment equal to or greater than four years, the
23 final monthly compensation shall be computed based on the average
24 monthly salary at the percentage rate provided in Section
25 120.306(b). In no instance shall total benefit exceed 80 percent
26 of final monthly compensation.

27 * * *

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

31 (1) the re-employment assists the emergency response

1 associated with Emergency Executive Proclamation 2020-001
2 issued by the Mayor on March 13, 2020; and

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

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

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

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

1 credits, the right to purchase time connections, disability
2 benefits, death benefits, children's benefits, participation in
3 BACKDROP, PLOP, etc.

4 * * *

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

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

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

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

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

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19 Form Approved:

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21 /s/ Margaret M. Sidman

22 Office of General Counsel

23 Legislation Prepared By: Sean B. Granat

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