

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

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8 **ORDINANCE 2020-219**

9 AN ORDINANCE AMENDING SECTION 121.105
10 (PENSIONER'S RIGHTS UPON REEMPLOYMENT BY
11 CITY), PART 1 (POLICE AND FIRE PENSION FUND
12 ADMINISTRATION), CHAPTER 121 (POLICE AND
13 FIREFIGHTERS PENSION PLAN), *ORDINANCE CODE*, TO
14 ADD PROVISIONS FOR TEMPORARY POLICE OFFICERS
15 AND FIRE FIGHTERS; PROVIDING FOR CODIFICATION
16 INSTRUCTIONS; WAIVING, PURSUANT TO GOVERNOR
17 DESANTIS' EXECUTIVE ORDER NUMBER 20-52, THE
18 REQUIREMENT IN STATE LAW AND CHAPTER 121
19 (POLICE AND FIREFIGHTERS PENSION PLAN), PART
20 1 (POLICE AND FIRE PENSION FUND
21 ADMINISTRATION), SECTION 121.104 (REVIEW OF
22 PROPOSED LEGISLATION), *ORDINANCE CODE*;
23 REQUESTING EMERGENCY PASSAGE UPON
24 INTRODUCTION; PROVIDING AN EFFECTIVE DATE.

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

27 **Section 1. Amending Section 121.105 (Pensioner's rights**
28 **upon reemployment by City), *Ordinance Code*.** Section 121.105
29 (Pensioner's rights upon reemployment by City), Part 1 (Police and
30 Fire Pension Fund Administration), Chapter 121, (Police and
31 Firefighters Pension Plan), *Ordinance Code*, is hereby amended to

1 read as follows:

2 **Chapter 121. POLICE AND FIREFIGHTERS PENSION PLAN.**

3 * * *

4 **PART 1. POLICE AND FIRE PENSION FUND ADMINISTRATION.**

5 * * *

6 **Sec. 121.105. - Pensioner's rights upon reemployment by City.**

7 * * *

8 (e) The provisions of subsection (a) through (c) shall not apply to
9 the re-employment of any pensioner retiree of the Jacksonville
10 Police and Fire Pension Fund as a temporary police officer or
11 temporary fire fighter if:

12 (1) the re-employment assists the emergency response
13 associated with Emergency Executive Proclamation 2020-001
14 issued by the Mayor on March 13, 2020; and

15 (2) in the case of temporary police officers, the Sheriff has
16 determined that the Emergency has caused, or is likely to
17 cause, a significant reduction in the number of full-time
18 police officers available for duty and temporary police
19 officers are needed to provide sufficient law enforcement
20 and police services to the City of Jacksonville; or

21 (3) in the case of temporary fire fighters, the Director/Fire
22 Chief has determined that the Emergency has caused, or is
23 likely to cause, a significant reduction in the number of
24 full-time fire fighters available for duty and temporary
25 fire fighters needed to provide adequate Fire and Rescue
26 services to the City of Jacksonville.

27 The re-employment of such pensioner retirees shall be at the
28 pleasure of the Sheriff for temporary police officers and the
29 Director/Fire Chief for temporary fire fighters, and may continue
30 until sixty days after the expiration of Emergency Executive
31 Proclamation 2020-001, or any extension thereof.

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2 To be eligible for re-employment as a temporary police officer, a
3 pensioner retiree must have a current Florida Department of Law
4 Enforcement law enforcement officer certification. To be eligible
5 for re-employment as a temporary fire fighter, a pensioner retiree
6 must have a current Florida fire fighter and emergency medical
7 technician certification.

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9 Being employed as a temporary police officer or temporary fire
10 fighter shall not prevent a pensioner retiree of this pension plan
11 from continuing to receive such retirement benefits as would be
12 available pursuant to the pension plan had the retiree not been re-
13 employed as a temporary police officer or temporary fire fighter.

14 Being employed as a temporary police officer or temporary fire
15 fighter pursuant to this subsection (e) shall not permit or require
16 a pensioner retiree of this plan to be a member of the pension plan
17 created pursuant to this Chapter 121 or a member of one of the
18 pension plans created by Part II or III of Chapter 120. Being
19 employed as a temporary police officer or temporary fire fighter
20 pursuant to this subsection (e) shall not permit a pensioner
21 retiree to acquire or accrue any rights or benefits provided to
22 active and employed Members of this pension plan created pursuant
23 to Chapter 121 or any one of the pension plans created by pursuant
24 to Part II or Part III of Chapter 120, including but not limited
25 to, rights or benefits regarding time-service credits and benefits,
26 disability, death, DROP, etc.

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28 **Section 2. Codification Instructions.** The Codifier and
29 the Office of General Counsel are authorized to make all chapter
30 and division "tables of contents" consistent with the changes set
31 forth herein. Such editorial changes and any others necessary to

1 make the *Ordinance Code* consistent with the intent of this
2 legislation are approved and directed herein, and changes to the
3 *Ordinance Code* shall be made forthwith and when inconsistencies are
4 discovered.

5 **Section 3. Waiver, Pursuant to Governor DeSantis'**
6 **Executive Order Number 20-52, of requirement contained in Section**
7 **112.63(3), Florida Statutes, Chapter 121 (Police and Firefighters**
8 **Pension Plan), Part 1 (Police and Fire Pension Fund**
9 **Administration), Section 121.104 (Review of proposed legislation),**
10 **Ordinance Code.** Pursuant to Governor DeSantis' Executive Order
11 Number 20-52, the City hereby waives the requirement in Section
12 112.63(3), *Florida Statutes*, Chapter 121 (Police and Firefighters
13 Pension Plan), Part 1 (Police and Fire Pension Fund
14 Administration), Section 121.104 (Review of proposed legislation),
15 *Ordinance Code*, that requires an actuarial report accompany
16 proposed legislation concerning the Police and Fire Pension Fund
17 together with recommendations and comments from the State Division
18 of Retirement. This waiver is necessary because, due to the COVID-
19 19 emergency, the City must have the immediate ability to hire
20 temporary police officers and temporary fire fighters to ensure
21 adequate police and fire and rescue services to the citizens of
22 Jacksonville. However, the City will file any actuarial report
23 required by law concerning the Police and Fire Pension Fund as soon
24 as practicable.

25 **Section 4. Requesting Emergency Passage upon Introduction**
26 **pursuant to Council Rule 4.901.** Emergency passage of this
27 legislation upon introduction is requested. The nature of the
28 emergency is that the immediate ability to hire temporary police
29 officers and temporary fire fighters is needed for the City's
30 COVID-19 emergency response associated with Emergency Executive
31 Proclamation 2020-001 issued by the Mayor on March 13, 2020.

1 **Section 5. Effective Date.** This ordinance shall become
2 effective upon signature by the Mayor or upon becoming effective
3 without the Mayor's signature.
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9 Form Approved:
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11 /s/ Margaret M. Sidman

12 Office of General Counsel

13 Legislation Prepared By: Sean B. Granat

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