

Introduced by: Council Member Sandy Golding
1st Reading: December 14, 2020
2nd Reading: December 28, 2020

ORDINANCE NO. 2020-8159

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, TO AMEND CHAPTER 2, ARTICLE V, DIVISION 6, "POLICE OFFICERS' RETIREMENT SYSTEM" TO CORRECT AN OMISSION IN SECTION 2-163.30(b), AND TO ADD A NEW SECTION 2-163.4(d), FOR PURCHASE OF CREDITED SERVICE FOR PRIOR MILITARY OR POLICE SERVICE; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Jacksonville Beach ("City") has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; and Chapters 166, and 185 Florida Statutes; and

WHEREAS, the City's Code of Ordinances Chapter 2, Article V, Division 6 - Police Officers' Retirement System contains Sec. 2-163.30. - *Reserve for pension payments*, which was adopted through Ordinance No. 2019-8127; and

WHEREAS, Ordinance No. 2019-8127, as adopted by City Council, contains a scrivener's omission of the effective date of October 1, 2017 in the last sentence of Sec. 2-163.30 (b), which will be corrected through adoption of this Ordinance; and

WHEREAS, the new 2020 Collective Bargaining Agreement between the Florida State Lodge Fraternal Order of Police, Inc. ("FOP") and the City, contains provision 29.12 - *Purchase of Credited Service for Prior Military or Police Service*, which needs to be accounted for and added in City's Code of Ordinances Chapter 2, Article V, Division 6; this Ordinance will amend the Code with a new corresponding Sec. 2-163.4(d), accordingly; and

WHEREAS, the City Council has reviewed, approved and ratified the 2020 Collective Bargaining Agreement between the FOP and the City, and hereby adopts this Ordinance to make the necessary amendments to Chapter 2, Article V, Division 6 of the City Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. RECITALS AND LEGISLATIVE FINDINGS. The above recitals and legislative findings are ratified, correct, and made a part of this Ordinance.

SECTION 2. SECTION 2-163.30 (b) OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS¹:

Sec. 2-163.30 (b). A majority of the City's Police Officers having approved the placement of the income from Chapter 185, Florida Statutes, premium tax into the Retirement System for payments received by the City from the State of Florida pursuant to Chapter 185, Florida Statutes, such income shall therefore be paid to the Retirement System and credited to the reserve for Pension payments. All moneys received pursuant to such chapters shall be used exclusively to finance the benefits of Members who are Police Officers as provided by such chapter. However, local law plans in effect on October 1, 1998, shall be required to comply with the minimum benefits of Chapter 185, Florida Statutes, only to the extent that additional premium tax revenues become available to incrementally fund the cost of such compliance. Notwithstanding the foregoing, effective June 23, 2014, the City and Fraternal Order of Police have agreed, and a majority of the City's Police Officers have approved the agreement, that all accumulated additional premium tax revenues as reflected in the October 1, 2012, actuarial valuation, shall be used to reduce the unfunded actuarial accrued liability of the Retirement System. Effective, October 1, 2017, the City and Fraternal Order of Police have agreed, and a majority of the City's Police Officers have approved the agreement, that all annual premium tax revenues received pursuant to Chapter 185, Florida Statutes, will be used to offset the City's pension contribution, and that all accumulated excess premium tax revenues as of October 1, 2016 will be used to offset the City's pension contribution.

SECTION 3. THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED BY ADDING A SECTION, TO BE NUMBERED SEC. 2-163.4 (d), WHICH SAID SECTION SHALL READ AS FOLLOWS:

Sec. 2-163.4 (d) Purchase of Credited Service for Prior Military or Police Service

The Plan shall be amended effective October 1, 2020 to allow Police Officers to purchase a combined total of up to 3 years of credited service under the Plan for prior service as a Police Officer or prior active duty service in the U.S. Armed Forces, as provided herein. Credited service may be purchased only for service as a Police Officer for another employer or active duty service in the U.S. Armed Forces, and shall not include any other type of service. Such purchase of credited service shall be allowed only if the Police Officer is not entitled to receive a benefit for the prior service from any other retirement plan. Credited Service purchased pursuant to this section may be used for purposes of benefit calculations and eligibility, but not for meeting the vesting requirements of the Plan. For the purpose of determining eligibility to purchase credited service for prior service as a Police Officer, service as a Florida Police Officer as defined in §185.02(16), Fla. Stat. shall be allowed, as well as service for federal, other state, or county agencies as long as such service is recognized as service of a law enforcement officer by the Criminal Justice Standards and Training Commission within the Florida Department of Law Enforcement as provided in Chapter 943, Fla. Stat., or the Police Officer provides proof to the Board of Trustees that such service is equivalent to the service required to meet the definition of a Police Officer. An eligible Police Officer who desires to purchase credited service under the Plan for prior service as a Police Officer or prior active duty service in the U.S. Armed Forces must pay the full actuarial

¹ Underlined text denotes additional text; there is no strikethrough text because no deletions are made.

cost for such service, and must file an application with the board within six months following date of hire or the effective date of the ordinance containing this provision, whichever is later. The board may establish a time payment program of up to five years for payment of the full cost of the credited service purchase, with interest at the rate of three percent per annum. If a Police Officer terminates employment before full payment is made, or otherwise fails to pay the full cost of the credited service by the end of the five year time payment period, all payments and interest shall be refunded and the member shall receive no credited service for the prior service.

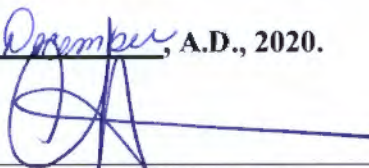
SECTION 4. CONFLICTING ORDINANCES AND ACTS. All ordinances and resolutions or parts thereof previously adopted or entered into by the City or any of its officials and that are in conflict with this ordinance are repealed to the extent inconsistent herewith.

SECTION 5. SEVERABILITY. If any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

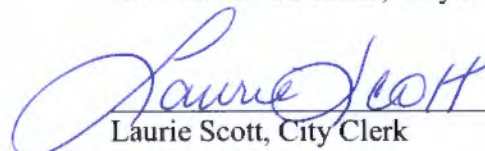
SECTION 6. CODIFICATION. The City Council intends that this Ordinance will be made a part of and codified in the City of Jacksonville Beach Code of Ordinances.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect upon final reading and approval by the City Council for the City of Jacksonville Beach.

AUTHENTICATED THIS 28th DAY OF December, A.D., 2020.



Christine H. Hoffman, Mayor



Laurie Scott, City Clerk