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ORDINANCE NO. 140571

An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article VII, Division 8 (Consolidated Police Officers and Firefighters Retirement Plan) of the Code of Ordinances of the City of Gainesville; amending Section 2-600(k), Deferred Retirement Option Program, to increase the time period for DROP eligibility for members with vested service in the City of Gainesville Employees Pension Plan; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, at least 10 days notice has been given of the public hearing once by

14 publication in a newspaper of general circulation notifying the public of this proposed ordinance
15 and of a public hearing in the City Commission meeting room, first floor, City Hall in the City of
16 Gainesville; and

17 **WHEREAS**, the public hearings were held pursuant to the published notice described at
18 which hearings the parties in interest and all others had an opportunity to be and were, in fact,
19 heard.

20 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
21 **CITY OF GAINESVILLE, FLORIDA:**

22 **Section 1.** Section 2-600(k), Deferred Retirement Option Program, of the Code of
23 Ordinances of the City of Gainesville, is amended as follows (except as amended herein, the
24 remainder of Section 2-600(k) remains in full force and effect):

25 **Sec. 2-600. – Retirement dates and benefits.**

26 *(k) Deferred retirement option program.*

27 (2) A member who is an eligible employee is eligible for participation in the
28 DROP on the first day of the month coincident with or next following the
29 completion of 25 years of limited participant service, or meeting the rule of 70
30 including limited participant service, and continuing up to 30 years of service as a

1 regular employee, except as provided in subsections (7) and (17) below. In the
2 case of a reverse DROP, such requirement must be met as of the effective date of
3 commencement of participation in the DROP, including if applicable the lesser of
4 the sick leave balances described below. Except as otherwise expressly provided
5 for herein, upon entering into a regular DROP, members may elect to apply
6 unused sick leave hours to attain the requisite years of credited service for
7 eligibility to enter and for determining their accrued benefit, or retain some or all
8 of their unused sick leave for use during their employment while participating in
9 the regular DROP. For service earned by members who are police officers on or
10 after July 1, 2013, upon entering regular or reverse DROP, no additional months
11 of service shall be credited for unused sick leave earned on or after July 1, 2013.
12 In calculating service earned by members who are police officers on or after July
13 1, 2013, the lesser number of months between the additional months of service
14 credited for unused sick leave earned on or before June 30, 2013 and months of
15 unused sick leave available to a member at the time of his or her entry into DROP
16 shall be used. For service earned by members who are firefighters on or after
17 January 1, 2014, upon entering regular or reverse DROP, no additional months of
18 service shall be credited for unused sick leave earned on or after January 1, 2014.
19 In calculating service earned by members who are firefighters on or after January
20 1, 2014, the lesser number of months between the additional months of service
21 credited for unused sick leave earned on or before December 31, 2013 and months
22 of unused sick leave available to a member at the time of his or her entry into
23 DROP shall be used. Sick leave hours used in computing cash outs of sick leave

1 balances upon retirement are considered already "used" and may not be converted
2 to credited service, or used as sick leave during participation in the regular DROP.
3 Sick leave balances retained upon entry into the regular DROP and accrued while
4 participating in the regular DROP shall not count as days or months of credited
5 service when determining the maximum period of participation in the DROP, in
6 accordance with subsections (6) and (7) below. Any unused sick leave remaining
7 at the expiration of the regular DROP participation or period will be forfeited.
8 Except as otherwise expressly provided for herein, in the case of a reverse DROP,
9 members may utilize the lesser of the vacation and sick leave balances in
10 existence on the effective date of commencement of participation or the balances
11 in existence 90 days after declaration of intention to enter the reverse DROP. Any
12 cash outs shall be included in the FAE calculations for the month prior to the
13 effective date of commencement of participation in the reverse DROP, at the
14 member's base pay rate on that date.

- 15 (6) The maximum period of participation in the DROP is 60 months from date of
16 entry, or in the case of a reverse DROP 60 months from the effective date of
17 commencement of participation. Except as provided in subsections (7) and (17),
18 participation in the DROP must cease at the conclusion of a total of 30 years of
19 regular employment with the City of Gainesville and, if applicable, a successor
20 employer under F.S. § 112.0515 (1997). In the case of a reverse DROP, the end of
21 the DROP period, and termination of employment, must occur at no later than a
22 total of 30 years of regular employment with the City of Gainesville and, if
23 applicable, a successor employer under F.S. § 112.0515 (1997).

1 (17) Effective March 1, 2015, members whose limited participant service includes
2 vested service in the City of Gainesville Employees Pension Plan (or “limited
3 participant vested service”) are eligible for participation in the DROP on the first
4 day of the month coincident with or next following the completion of 25 years of
5 limited participant vested service and continuing up to 35 years of service as a
6 regular employee, subject to the following limitations. Members entering DROP
7 based on their limited participant vested service must do so prior to completing 25
8 years of service in the consolidated plan and are not eligible for a reverse DROP.
9 In addition, the maximum period of participation in the DROP is 60 months from
10 date of entry or must cease at the conclusion of a total of 35 years of limited
11 participant vested service, whichever first occurs. Except for the limitations
12 provided in this paragraph, members making an election to enter into the DROP
13 based on limited participant vested service shall be governed by the requirements
14 described herein.

15 **Section 2.** It is the intention of the City Commission that the provision of Section 1
16 of this ordinance shall become and be made a part of the Code of Ordinances of the City of
17 Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be renumbered
18 or relettered in order to accomplish such intentions.

19 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this
20 ordinance or the application hereof to any person or circumstance is held invalid or
21 unconstitutional, such finding shall not affect the other provisions or applications of the
22 ordinance which can be given effect without the invalid or unconstitutional provisions or
23 application, and to this end the provisions of this ordinance are declared severable.

