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3 **ORDINANCE NO. 210066**

4 **An ordinance of the City of Gainesville, Florida, amending the**
5 **definition of Earnings in Section 2-596 of Chapter 2, Article VII,**
6 **Division 8 (Consolidated Police Officers and Firefighters**
7 **Retirement Plan) of the Code of Ordinances of the City of**
8 **Gainesville; providing directions to the codifier; providing a**
9 **severability clause; providing a repealing clause; and providing**
10 **an effective date.**

11 **WHEREAS,** the City of Gainesville maintains a retirement plan for firefighters governed

12 by Chapter 185, Florida Statutes; and

13 **WHEREAS,** the plan includes a definition of earnings for members who are firefighters;

14 and

15 **WHEREAS,** the City and the collective bargaining units who represent the firefighter

16 members of the Consolidated Police Officers and Firefighters Retirement Plan faithfully

17 bargained an amendment to the earnings definition for the Plan; and

18 **WHEREAS,** at least 10 days' notice has been given once by publication in a newspaper

19 of general circulation notifying the public of this proposed ordinance and of public hearings to be

20 held in the City Commission meeting room on the first floor of City Hall in the City of

21 Gainesville; and

22 **WHEREAS,** the public hearings were held pursuant to the published notice described at

23 which hearings the parties in interest and all others had an opportunity to be and were, in fact,

24 heard.

25 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**

26 **CITY OF GAINESVILLE, FLORIDA:**

1 **Section 1.** The definition of Earnings in Sec. 2-596 titled "Definitions" is amended as
2 follows. Except as amended herein, the remainder of Sec. 2-596 remains in full force and effect.

3 **Sec. 2-596. Definitions.**

4 *Earnings* shall mean only base pay (which shall include all paid leaves), all overtime pay
5 (which shall include time paid at time-and-a-half, double-time, and double-time-and-a-half),
6 working out of classification pay, longevity pay, State of Florida city firefighters supplemental
7 education incentive payments, State of Florida police officer educational salary incentive
8 payments, police security ("billable" overtime), special assignment pay, special duty assignment
9 pay, paramedic certification pay, stand-by pay, call-back pay, acting out of classification pay,
10 and termination vacation pay or for members entering a DROP any lump sum payment of some
11 or all such member's vacation balance upon entering the DROP, except as may be otherwise
12 expressly provided for herein or in collective bargaining agreements. To calculate earnings for
13 service earned on or after July 1, 2013 by members who are police officers, no more than 300
14 hours of overtime pay (including "billable" overtime) per year earned on or after July 1, 2013
15 shall be included, nor shall termination vacation pay or any lump sum payment of a member's
16 vacation balance upon entering DROP earned on or after July 1, 2013 be included. To calculate
17 earnings for service earned on or after July 1, 2013 but before January 1, 2021 by members who
18 are firefighters, no more than 300 hours of overtime pay (including "billable" overtime) per year
19 earned on or after July 1, 2013 but before January 1, 2021 shall be included, nor shall
20 termination vacation pay or any lump sum payment of a member's vacation balance upon
21 entering DROP earned on or after July 1, 2013 be included. To calculate earnings for service
22 earned on or after January 1, 2021 by members who are firefighters, no more than 300 hours of
23 overtime pay (including "billable" overtime, but excluding overtime paid for hours worked as

1 part of the normal schedule) per year earned on or after January 1, 2021 shall be included, nor
2 shall termination vacation pay or any lump sum payment of a member's vacation balance upon
3 entering DROP earned on or after January 1, 2014 be included. For any person who first
4 becomes a member in any plan year beginning on or after January 1, 1996, compensation for any
5 plan year shall not include any amounts in excess of the Internal Revenue Code § 401(a)(17)
6 limitation (as amended by the Omnibus Budget Reconciliation Act of 1993), which limitation of
7 \$150,000.00 shall be adjusted as required by federal law for qualified government plans and shall
8 be further adjusted for changes in the cost of living in the manner provided by Internal Revenue
9 Code § 401(a)(17)(b). For any person who first became a member prior to the first plan year
10 beginning on or after January 1, 1996, the limitation on compensation shall be not less than the
11 maximum compensation amount that was allowed to be taken into account under the plan as in
12 effect on July 1, 1993, which limitation shall be adjusted for changes in the cost of living since
13 1989 in the manner provided by Internal Revenue Code § 401(a)(17)(1991).

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

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

1 **Section 4.** All ordinances or parts of ordinances, in conflict herewith are to the extent
2 of such conflict hereby repealed.

3 **Section 5.** This ordinance shall become retroactively effective to January 1, 2021 upon
4 final adoption.

5 PASSED AND ADOPTED this 5th day of August, 2021.



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8 _____
9 LAUREN POE
10 MAYOR

11 ATTEST:

Approved as to form and legality



12
13 _____
14 OMICHELE D. GAINERY
15 CITY CLERK



16
17 _____
18 NICOLLE M. SHALLEY
 CITY ATTORNEY

17 This ordinance passed on first reading this 19th day of July, 2021.

18 This ordinance passed on second reading this 5th day of August, 2021.