

House Bill No. 971

An act relating to the City of Jacksonville, Duval County; amending chapter 92-341, Laws of Florida, as amended, being the Charter of the City of Jacksonville, to allow certain city employees to become employed by the First Coast Metropolitan Planning Organization and to retain their city pension membership; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 16.04 of Article 16 of section 1 of chapter 92-341, Laws of Florida, as amended, is amended to read:

Section 16.04. Election of membership by certain employees and membership of handicapped employees.—Notwithstanding the provisions of section 16.01:

(a) Any employee of the City of Jacksonville who is not in the civil service system of the city nor any elected or appointed officer of the city shall be required to become a member of the retirement and pension system of the City of Jacksonville, but any noncivil service employee or elected or appointed officer may elect to become a member of the retirement and pension system of the City of Jacksonville by filing a written notice of election with the trustees of the pension funds of the city retirement and pension system. Upon the filing of the notice of election, the membership of the officer or employee in any other public pension fund of which he may be a member shall terminate.

(b) Any person employed by the City of Jacksonville in the health and welfare department on or after October 1, 1968, who was or shall be a member of the State and County Officers and Employees Retirement System provided for in chapter 122, Florida Statutes, at the time of such employment, shall not be required to become a member of the retirement and pension system of the City of Jacksonville, but may elect to discontinue membership in the State and County Officers and Employees Retirement System and to become a member of the retirement system and pension system of the City of Jacksonville by filing a written notice of election with the trustees of the pension funds of the retirement and pension systems concerned.

(c) Excluding those employed in fire & rescue and law enforcement, any person previously employed by the Jacksonville Port Authority and employed by the Jacksonville Seaport Authority or Jacksonville Airport Authority on October 1, 2001, who was a member of the State and County Officers and Employees Retirement System provided for in Chapter 122, Florida Statutes, at the time of such employment, shall not be required to become a member of the general employees retirement and pension system of the City of Jacksonville, but, on a one-time basis, may elect to discontinue membership in the State and County Officers and Employees Retirement

System and to become a member of the general employees retirement system and pension system of the City of Jacksonville by filing (no later than November 1, 2001) a written notice of such election with the trustees of said pension fund. Likewise, any person employed by the Jacksonville Seaport Authority or Jacksonville Airport Authority (and not previously employed, as of September 30, 2001, by the Jacksonville Port Authority) on or after October 1, 2001, who otherwise meets eligibility requirements, shall be required to become a member of the retirement and pension system of the City of Jacksonville, subject to the limitations contained in the next sentence. Provided, however, any person who became employed by either the Jacksonville Seaport Authority or the Jacksonville Airport Authority on or after April 1, 2002, or who hereafter becomes so employed, shall be ineligible to become a member of the 1937 General Employees Pension Plan, and instead must join the Florida Retirement System; and provided further, anything above in this subsection to the contrary notwithstanding, that any person who became employed by either the Seaport Authority or the Airport Authority between October 1, 2001 and March 31, 2002 and joined the fund as required under Ordinance 2001-838-E, shall have a one-time option, as described further in Section 120.105(e) of the Jacksonville Municipal Code, to elect within a 60-day period to cease being a member of the fund and to join the FRS. Credited service under the general employees retirement and pension system of the City of Jacksonville shall commence for all Jacksonville Seaport Authority or Jacksonville Airport Authority employees on October 1, 2001 or their date of employment (whichever is later), for those employees who elected to join that plan prior to November 1, 2001 or who became employed prior to April 1, 2002, and no employment service prior to October 1, 2001 with the Jacksonville Port Authority may be credited or otherwise eligible for service purchase under the general employees retirement and pension system of the City of Jacksonville.

(d) Any member of a retirement and pension system of the city of a former government who subsequent to being made a member of said system is employed to fill a position which is not in the civil service system of the city may elect in writing to terminate his membership in said retirement and pension system to be effective no earlier than the date such written election is filed with the trustees of said retirement and pension system and thereupon being entitled to receive the applicable refund, if any. However, any employee electing to withdraw from said retirement or pension system shall not be granted any credit for prior periods of service for the purpose of pension benefits in the system from which he has withdrawn his membership.

(e) A handicapped person shall be eligible to participate in any retirement and pension plans described in this article. However, said handicapped person, who shall be defined as having any disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, or illness, including epilepsy, shall be examined by a panel of two or more medical physicians, who are specialists in the handicapped applicant's particular disability. The examination shall be conducted through the Division of Vocational Rehabilitation of the Department of Health and Rehabilitative Services and paid for by same. The panel shall determine the applicant's ability to perform the duties required pertaining to the applied position for

a period of time not less than that required to obtain minimum time service benefits with the City of Jacksonville. The handicapped applicant shall be considered on the same basis as any other applicant without discrimination or prejudice. If the handicapped applicant, in the opinion of the medical panel aforementioned, could not logically be expected to carry out the requirements of the applied for position for a period of time not less than that required to obtain minimum time service benefits, he may be employed under the old age and survivors insurance provisions, and shall not be required to be a member of said retirement and pension system of the City of Jacksonville.

(f) No handicapped applicant shall be entitled to benefits under the retirement and pension system due to a disability arising out of the handicapped applicant's existing condition either directly or indirectly, which condition existed at the time the handicapped applicant became a member of the retirement and pension system. However, any contributions paid by the handicapped employee into the retirement and pension fund shall be refunded to said employee if the employee becomes disabled.

(g) Any employee of the City of Jacksonville on or before June 30, 2004, who is a member of the general employees retirement and pension system of the City of Jacksonville and becomes employed by the First Coast Metropolitan Planning Organization on or before July 1, 2004, may elect to remain a member of the general employees retirement and pension system of the City of Jacksonville by filing a written notice of election with the trustees of the general employees retirement and pension system of the City of Jacksonville not later than July 1, 2004. The First Coast Metropolitan Planning Organization shall make all appropriate employer contributions.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 17, 2004.

Filed in Office Secretary of State June 17, 2004.