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1 A bill to be entitled
 2 An act relating to the City of Jacksonville, Duval County;
 3 amending chapter 92-341, Laws of Florida, as amended,
 4 being the Charter of the City of Jacksonville, to allow
 5 certain city employees to become employed by the First
 6 Coast Metropolitan Planning Organization and to retain
 7 their city pension membership; providing an effective
 8 date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Section 16.04 of Article 16 of section 1 of
 13 chapter 92-341, Laws of Florida, as amended, is amended to read:

14 Section 16.04. Election of membership by certain employees
 15 and membership of handicapped employees.--Notwithstanding the
 16 provisions of section 16.01:

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

29 (b) Any person employed by the City of Jacksonville in the

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30 health and welfare department on or after October 1, 1968, who
31 was or shall be a member of the State and County Officers and
32 Employees Retirement System provided for in chapter 122, Florida
33 Statutes, at the time of such employment, shall not be required
34 to become a member of the retirement and pension system of the
35 City of Jacksonville, but may elect to discontinue membership in
36 the State and County Officers and Employees Retirement System
37 and to become a member of the retirement system and pension
38 system of the City of Jacksonville by filing a written notice of
39 election with the trustees of the pension funds of the
40 retirement and pension systems concerned.

41 (c) Excluding those employed in fire & rescue and law
42 enforcement, any person previously employed by the Jacksonville
43 Port Authority and employed by the Jacksonville Seaport
44 Authority or Jacksonville Airport Authority on October 1, 2001,
45 who was a member of the State and County Officers and Employees
46 Retirement System provided for in Chapter 122, Florida Statutes,
47 at the time of such employment, shall not be required to become
48 a member of the general employees retirement and pension system
49 of the City of Jacksonville, but, on a one-time basis, may elect
50 to discontinue membership in the State and County Officers and
51 Employees Retirement System and to become a member of the
52 general employees retirement system and pension system of the
53 City of Jacksonville by filing (no later than November 1, 2001)
54 a written notice of such election with the trustees of said
55 pension fund. Likewise, any person employed by the Jacksonville
56 Seaport Authority or Jacksonville Airport Authority (and not
57 previously employed, as of September 30, 2001, by the
58 Jacksonville Port Authority) on or after October 1, 2001, who

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59 otherwise meets eligibility requirements, shall be required to
 60 become a member of the retirement and pension system of the City
 61 of Jacksonville, subject to the limitations contained in the
 62 next sentence. Provided, however, any person who became employed
 63 by either the Jacksonville Seaport Authority or the Jacksonville
 64 Airport Authority on or after April 1, 2002, or who hereafter
 65 becomes so employed, shall be ineligible to become a member of
 66 the 1937 General Employees Pension Plan, and instead must join
 67 the Florida Retirement System; and provided further, anything
 68 above in this subsection to the contrary notwithstanding, that
 69 any person who became employed by either the Seaport Authority
 70 or the Airport Authority between October 1, 2001 and March 31,
 71 2002 and joined the fund as required under Ordinance 2001-838-E,
 72 shall have a one-time option, as described further in Section
 73 120.105(e) of the Jacksonville Municipal Code, to elect within a
 74 60-day period to cease being a member of the fund and to join
 75 the FRS. Credited service under the general employees retirement
 76 and pension system of the City of Jacksonville shall commence
 77 for all Jacksonville Seaport Authority or Jacksonville Airport
 78 Authority employees on October 1, 2001 or their date of
 79 employment (whichever is later), for those employees who elected
 80 to join that plan prior to November 1, 2001 or who became
 81 employed prior to April 1, 2002, and no employment service prior
 82 to October 1, 2001 with the Jacksonville Port Authority may be
 83 credited or otherwise eligible for service purchase under the
 84 general employees retirement and pension system of the City of
 85 Jacksonville.

86 (d) Any member of a retirement and pension system of the
 87 city of a former government who subsequent to being made a

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88 member of said system is employed to fill a position which is
89 not in the civil service system of the city may elect in writing
90 to terminate his membership in said retirement and pension
91 system to be effective no earlier than the date such written
92 election is filed with the trustees of said retirement and
93 pension system and thereupon being entitled to receive the
94 applicable refund, if any. However, any employee electing to
95 withdraw from said retirement or pension system shall not be
96 granted any credit for prior periods of service for the purpose
97 of pension benefits in the system from which he has withdrawn
98 his membership.

99 (e) A handicapped person shall be eligible to participate
100 in any retirement and pension plans described in this article.
101 However, said handicapped person, who shall be defined as having
102 any disability, infirmity, malformation, or disfigurement which
103 is caused by bodily injury, birth defect, or illness, including
104 epilepsy, shall be examined by a panel of two or more medical
105 physicians, who are specialists in the handicapped applicant's
106 particular disability. The examination shall be conducted
107 through the Division of Vocational Rehabilitation of the
108 Department of Health and Rehabilitative Services and paid for by
109 same. The panel shall determine the applicant's ability to
110 perform the duties required pertaining to the applied position
111 for a period of time not less than that required to obtain
112 minimum time service benefits with the City of Jacksonville. The
113 handicapped applicant shall be considered on the same basis as
114 any other applicant without discrimination or prejudice. If the
115 handicapped applicant, in the opinion of the medical panel
116 aforementioned, could not logically be expected to carry out the

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117 requirements of the applied for position for a period of time
118 not less than that required to obtain minimum time service
119 benefits, he may be employed under the old age and survivors
120 insurance provisions, and shall not be required to be a member
121 of said retirement and pension system of the City of
122 Jacksonville.

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

131 (g) Any employee of the City of Jacksonville on or before
132 June 30, 2004, who is a member of the general employees
133 retirement and pension system of the City of Jacksonville and
134 becomes employed by the First Coast Metropolitan Planning
135 Organization on or before July 1, 2004, may elect to remain a
136 member of the general employees retirement and pension system of
137 the City of Jacksonville by filing a written notice of election
138 with the trustees of the general employees retirement and
139 pension system of the City of Jacksonville not later than July
140 1, 2004. The First Coast Metropolitan Planning Organization
141 shall make all appropriate employer contributions.

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