

1 **DRAFT ORDINANCE 2019-23**  
2 **TOWN OF LADY LAKE, FLORIDA**

3 Note: proposed changes within this document are displayed as follows:

4 **[begin add] new, added text [end add]**

5 ~~[begin delete] deleted text [end delete]~~

6 **AN ORDINANCE OF THE TOWN OF LADY LAKE, LAKE COUNTY, FLORIDA, AMENDING**  
7 **CHAPTER 10.5, PENSIONS AND RETIREMENT, ARTICLE III, POLICE OFFICERS’**  
8 **RETIREMENT TRUST FUND, OF THE CODE OF ORDINANCES OF THE TOWN OF LADY**  
9 **LAKE; AMENDING SECTION 10.5-58, REEMPLOYMENT AFTER RETIREMENT;**  
10 **PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS;**  
11 **REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE**  
12 **DATE.**

13 **WHEREAS**, the Town of Lady Lake police officers are presently provided pension benefits  
14 pursuant to Chapter 185, Florida Statutes, and Ordinances of the Town of Lady Lake; and

15 **WHEREAS**, the following proposed changes have been approved and recommended by the  
16 Board of Trustees of the plan.

17 **NOW, THEREFORE, BE IT ORDAINED** by the Town Commission of the Town of Lady Lake, Lake  
18 County, Florida, as follows:

19 **SECTION 1:**

20 Chapter 10.5, Pensions and Retirement, Article III, Police Officers’ Retirement Trust Fund, of  
21 the Code of Ordinances of the Town of Lady Lake, is hereby amended by amending Section  
22 10.5-58, Reemployment after retirement, to read as follows:

23 **Sec. 10.5-58.- Reemployment after retirement.**

24 1. Any retiree who is retired under this system, ~~[begin delete]except for disability retirement~~  
25 ~~as previously provided for,~~ [end delete] may be reemployed by any public or private  
26 employer; ~~[begin delete]except the town,~~ [end delete] and may receive compensation from  
27 that employment without limiting or restricting in any way the retirement benefits payable  
28 under this system. ~~[begin delete]Reemployment~~ [end delete] **[begin add]Notwithstanding the**  
29 **previous sentence, reemployment** [end add] by the town shall be subject to the limitations  
30 set forth in this section.

- 1 2. After normal retirement. Any retiree who is retired under normal retirement pursuant to  
2 this system and who is reemployed as a police officer after that retirement and, by virtue of  
3 that reemployment, is eligible to participate in this system, shall upon being reemployed  
4 discontinue receipt of benefits. Upon reemployment, the retiree shall be deemed to be fully  
5 vested and the additional credited service accrued during the subsequent employment  
6 period shall be used in computing a second benefit amount attributable to the subsequent  
7 employment period, which benefit amount shall be added to the benefit determined upon  
8 the initial retirement to determine the total benefit payable upon final retirement.  
9 Calculations of benefits upon retirement shall be based upon the benefit accrual rate,  
10 average final compensation, and credited service as of that date and the retirement benefit  
11 amount for any subsequent employment period shall be based upon the benefit accrual rate,  
12 average final compensation (based only on the subsequent employment period), and  
13 credited service as of the date of subsequent retirement. The amount of any death or  
14 disability benefit received as a result of a subsequent period of employment shall be reduced  
15 by the amount of accrued benefit eligible to be paid for a prior period of employment. The  
16 optional form of benefit and any joint pensioner selected upon initial retirement shall not be  
17 subject to change upon subsequent retirement except as otherwise provided herein, but the  
18 member may select a different optional form and joint pensioner applicable to the  
19 subsequent retirement benefit.
- 20 3. Any retiree who is retired under normal retirement pursuant to this system and who is  
21 reemployed by the town after that retirement and, by virtue of that reemployment is  
22 ineligible to participate in this system, shall, during the period of such reemployment,  
23 discontinue receipt of benefits during any [begin delete]subsequent[end delete] [begin  
24 add]full-time [end add] employment period ] [begin add]but continue receipt of benefits  
25 during any part-time employment period. The Town's designation of employment as full-time  
26 or part-time according to its lawful and generally applicable policies shall govern for the  
27 purposes of this paragraph. [end add]
- 28 4. After early retirement. Any retiree who is retired under early retirement pursuant to this  
29 system and who subsequently becomes an employee of the town in any capacity shall  
30 discontinue receipt of benefits from the system. If by virtue of that reemployment, the retiree  
31 is eligible to participate in this system, the retiree shall be deemed to be fully vested and the  
32 additional credited service accrued during the subsequent employment period shall be used  
33 in computing a second benefit amount attributable to the subsequent employment period,  
34 which benefit amount shall be added to the benefit determined upon the initial retirement to  
35 determine the total benefit payable upon final retirement. Calculations of benefits upon

1 retirement shall be based upon the benefit accrual rate, average final compensation, credited  
2 service and early retirement reduction factor as of that date and the retirement benefit  
3 amount for any subsequent employment period shall be based upon the benefit accrual rate,  
4 average final compensation (based only on the subsequent employment period), and  
5 credited service as of the date of subsequent retirement. The amount of any death or  
6 disability benefit received as a result of a subsequent period of employment shall be reduced  
7 by the amount of accrued benefit eligible to be paid for a prior period of employment. The  
8 optional form of benefit and any joint pensioner selected upon initial retirement shall not be  
9 subject to change upon subsequent retirement except as otherwise provided herein, but the  
10 member may select a different optional form and joint pensioner applicable to the  
11 subsequent retirement benefit. Retirement pursuant to an early retirement incentive  
12 program shall be deemed early retirement for purposes of this section if the member was  
13 permitted to retire prior to the customary retirement date provided for in the system at the  
14 time of retirement. ] [begin add]

15 **5. After disability retirement.**

16 1) Subject to paragraph 2 below, any retiree who is retired under Section 10.5-38  
17 Disability (“disability retiree”), may, subject to subsection (5), physical examination  
18 requirement, of that section, be reemployed by any public or private employer, and  
19 may receive compensation from that employment without limiting or restricting in any  
20 way, the retirement benefits payable under this system.

21 2) Any disability retiree who subsequently becomes an employee of the town in any  
22 capacity, except as a police officer, shall discontinue receipt of disability benefits from  
23 the system for the period of such employment.

24 3) If a disability retiree is reemployed as a police officer, his disability benefit shall cease,  
25 and Section 10.5-38 shall apply. [end add]

26 6. Reemployment of terminated vested persons. Reemployed terminated vested persons  
27 shall not be subject to the provisions of this section until such time as they begin to actually  
28 receive benefits. Upon receipt of benefits, terminated vested persons shall be treated as  
29 normal or early retirees for purposes of applying the provisions of this section and their status  
30 as an early or normal retiree shall be determined by the date they elect to begin to receive  
31 their benefit.

32 **SECTION 2:**

33 Specific authority is hereby granted to codify and incorporate this Ordinance in the existing  
34 Code of Ordinances of the Town of Lady Lake, Florida.

1 **SECTION 3:**

2 All ordinances or parts of Ordinances in conflict herewith be and the same are hereby  
3 repealed.

4 **SECTION 4:**

5 If any section, subsection, sentence, clause, phrase of this ordinance, or the particular  
6 application thereof shall be held invalid by any court, administrative agency, or other body  
7 with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or  
8 phrases under application shall not be affected thereby.

9 **SECTION 5:**

10 This ordinance shall become effective immediately upon final passage by the Town  
11 Commission.

12 **PASSED AND ADOPTED** this 3<sup>rd</sup> day of **February, 2020**, in the regular session of the Town  
13 Commission of the Town of Lady Lake, Lake County, Florida, upon the second and final  
14 reading.

15 Town of Lady Lake, Florida

16 \_\_\_\_\_  
17 Jim Richards, Mayor

18 Attest:

19 \_\_\_\_\_  
20 Kristen Kollgaard, Town Clerk

21 Approved as to form:

22 \_\_\_\_\_  
23 Derek Schroth, Town Attorney