

ORDINANCE NUMBER 2024 - \_\_\_\_\_

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA AMENDING AND REVISING SECTION 43-87(b)(3), *CODE OF ORDINANCES, CITY OF OCALA, FLORIDA*, TO PROVIDE THAT PARTICIPANTS IN THE CITY OF OCALA GENERAL EMPLOYEES' DEFERRED RETIREMENT OPTION PLAN (DROP) MAY PARTICIPATE IN SAID PLAN FOR A PERIOD NOT TO EXCEED 96 MONTHS; PROVIDING DIRECTION TO STAFF; PROVIDING DIRECTION TO THE CODIFIER; REPEALING INCONSISTENT AND/OR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY OF ORDINANCE PROVISIONS; PROVIDING FOR MODIFICATIONS ARISING FROM CONSIDERATION AT A PUBLIC HEARING; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, in or about 2009, the City of Ocala, Florida, like many other employers – both within the public and private sectors – faced a scenario in which their workforce was dominated by long-term, higher-earning employees; and

WHEREAS, like many other, similarly-situated employers, the City of Ocala determined that it was in its best interest to provide an incentive for said long-term employees to retire; and

WHEREAS, the City of Ocala, Florida developed a deferred retirement option plan (DROP) which provided that incentive by allowing employees who have worked for the City of Ocala for 30 years to elect to retire but to continue to work for an additional 60 months during which time the City of Ocala placed that employees' retirement benefit into a separate DROP account which will become available to the employee upon the conclusion of the DROP period; and

WHEREAS, from about 2009 to the present, the City of Ocala, Florida's deferred retirement option plan (DROP) has worked effectively to incentivize long-term employees to retire by providing the aforementioned benefit; and

WHEREAS, the City of Ocala, Florida – again, like many other employers – both within the public and private sectors – now faces an unprecedented employment concern with regard to recruiting and retaining qualified employees; and

WHEREAS, in order to maintain a robust and effective workforce, the City of Ocala, Florida has explored numerous options for recruiting and retaining qualified employees; and

WHEREAS, the City Council of the City of Ocala, Florida has determined that one beneficial mechanism for recruiting and maintaining qualified employees is extending the period of time that current employees who have elected to enter the deferred retirement option plan (DROP) can remain employed by the City of Ocala, Florida while receiving the benefits associated with that plan; and

WHEREAS, the City Council of the City of Ocala, Florida now desires to amend Section 43-87(b)(3), *Code of Ordinances, City of Ocala, Florida*, so as to extend the maximum participation period within the deferred retirement option plan (DROP) to 96 months; and

WHEREAS, the City Council of the City of Ocala, Florida finds and determines that this ordinance and the amendment to Section 43-87(b)(3), *Code of Ordinances, City of Ocala, Florida*, contained herein, is intended to and does protect the health, safety and welfare of the citizens of Ocala, Florida; and

WHEREAS, the City Council of the City of Ocala, Florida finds and determines that this ordinance and the amendment to Section 43-87(b)(3), *Code of Ordinances, City of Ocala, Florida*, contained herein is in the best interest of the City of Ocala, Florida and its citizens; and

NOW THEREFORE, be it ordained, by the City Council of the City of Ocala, Florida, in regular session, as follows:

Section 1.      Ratification, Adoption and Incorporation of Recitals.

The City Council of the City of Ocala, Florida ratifies the above-outlined recitals as true and correct; adopts and incorporates them herein as part and parcel of this ordinance.

Section 2.      Purpose and Authority for Ordinance.

This ordinance is adopted for the purpose of amending and revising Section 43-87(b)(3), *Code of Ordinances, City of Ocala, Florida*, so as to extend the maximum period of participation by participants in the City of Ocala General Employees' Deferred Retirement Option Plan and is adopted pursuant to the authority granted by Chapter 166, *Florida Statutes*; and other relevant provisions of Florida and federal law.

Section 3.      Amendment of Section 43-21, *Code of Ordinances, City of Ocala, Florida*.

Section 43-87(b)(3), *Code of Ordinances, City of Ocala, Florida*, is hereby amended by replacement in its entirety with the following:

*Period of participation.* A member who elects to participate in the DROP under subsection (b)(2), shall participate in the DROP for a period not to exceed 96 months beginning at the time they first become eligible to participate in the DROP. An election to participate in the DROP shall constitute an irrevocable election to resign from the service of the city not later than the date provided for in the previous sentence. A member may participate only once.

Section 4.      Direction to Staff.

The City Council of the City of Ocala, Florida directs staff to take any and all steps necessary to effectuate the adoption and implementation of this ordinance; and all other matters as provided for above and herein as well as to ensure the orderly and effective administration and implementation of the intent of this ordinance and the specific matters outlined herein.

Section 5.      Direction to the Codifier.

It is the intention of the City Council of the City of Ocala, Florida that (1) this ordinance shall become and be made a part of the *Code of Ordinances, City of Ocala, Florida*, (2) the sections and paragraphs of this ordinance may be renumbered or relettered in order to accomplish said intention; (3) terms or headings not affecting the intent of this ordinance may be changed to further accomplish said intention; and (4) any

scrivener's error(s) contained herein which do not affect the intent of this ordinance be corrected with the authorization of the City Manager or their designee and without the need for additional public hearings or consideration by the City Council.

Section 6. Repealing Inconsistent and/or Conflicting Provisions.

The City Council of the City of Ocala, Florida hereby specifically repeals, to the extent of any such conflict, any and all ordinances, resolutions, policies, procedures and/or other articles which are conflicting and/or inconsistent with this ordinance and the intent and direction provided by the City Council herein.

Section 7. Severability of Ordinance Provisions.

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, it is the intent of the City Council of the City of Ocala, Florida that (1) such portion shall be deemed a separate, distinct and independent provision; (2) such holding shall not affect the validity of the remaining portions hereof; and (3) this ordinance be adopted as though any such provision was not included herein.

Section 8. Modifications Arising from Consideration at a Public Hearing.

It is the intention of the City Council of the City of Ocala, Florida that (1) the provisions of this ordinance may be modified as a result of its consideration by the City Council of matters that may arise during the public hearing(s) at which this ordinance is considered; and (2) any such modifications shall be incorporated into the final version of this ordinance.

Section 9. Effective Date of Ordinance.

This ordinance shall become effective immediately upon approval by the Mayor or becoming law without such approval.

*The remainder of this page intentionally left blank.*

PASSED AND ADOPTED, in a regular session with a quorum present and voting, by the City Council of the City of Ocala, Florida this \_\_\_\_ day of December 2023.

CITY OF OCALA, FLORIDA

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By: BARRY MANSFIELD, as  
President of the City Council

ATTEST:

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By: ANGEL JACOBS, as  
City Clerk

APPROVED AS TO FORM AND LEGALITY:

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By: WILLIAM E. SEXTON, as  
City Attorney

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APPROVED / DENIED by me, as Mayor of the City of Ocala, Florida this \_\_\_\_ day of December 2023.

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By: BEN MARCIANO, as  
Mayor

ORDINANCE NUMBER: \_\_\_\_\_

INTRODUCED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

LEGAL AD NUMBER: \_\_\_\_\_