MEMORANDUM

Date: December 20, 2013

TO: Town Commission

FROM: Dave Bullock, Town Manager

SUBJECT: Ordinance 2014-01, Providing for the Town of Longboat Key to Withdraw from Participation Under Florida Statutes, Chapter 185

At the November 4, 2013 Regular Meeting, the Town Commission ratified the Collective Bargaining Agreement (CBA) between the Town and the Southwest Florida Police Benevolent Association (PBA). The CBA provides for a freeze of the existing Police Officers' Defined Benefit Plan and the Town will establish a defined contribution plan for all current and future sworn police officers through ICMA-RC.

Florida Statutes (F.S.) Chapter 185 includes provisions which govern police officers' retirement systems. The Town currently participates in the revenue sharing process that is offered under Chapter 185. The revenue sharing process allows local governments to receive a portion of state excise tax on property insurance premiums for policies covering properties within the local governments' boundaries providing the local government uses the monies to help fund the police officers' pension plan and if the plan is in compliance with Chapter 185 requirements.

Under the terms of the CBA, the Town will be withdrawing the voluntary participation under F.S. Chapter 185. As a result of the withdrawal, the Town will no longer be eligible for participation in the revenue sharing proceeds.

Ordinance 2014-01, withdraws the Town from participation under F.S. Chapter 185 and from all previously adopted ordinances and resolutions imposing the premium tax authorized by F.S., Section 185.08. The Town Commission held first reading on Ordinance 2014-01 at the December 2, 2013, Regular Workshop and forwarded the item to the January 6, 2014 Regular Meeting for second reading and public hearing.

Please don't hesitate to contact me if you have any questions.

ORDINANCE 2014-01

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, AMENDING CHAPTER 34, EMPLOYMENT POLICIES, OF THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY, FLORIDA; RESCINDING AND REPEALING ALL PRIOR ORDINANCES OR RESOLUTIONS ASSESSING OR IMPOSING THE PREMIUM TAX AUTHORIZED BY SECTION 185.08, FLORIDA STATUTES; WITHDRAWING FROM PARTICIPATION UNDER CHAPTER 185; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 185.60 of the Florida Statutes provides that a municipality may voluntarily revoke its participation in the premium tax revenue sharing program established by Chapter 185, Florida Statutes; and

WHEREAS, the Town Commission of the Town of Longboat Key has determined that it is in the best interest of the Town, its residents, and employees to withdraw from participation in the premium tax revenue sharing program established by Chapter 185, Florida Statutes; and

THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA THAT:

SECTION 1. Any and all previously adopted ordinances and resolutions imposing the premium tax authorized by Section 185.08, Florida Statutes, or otherwise providing for participation under Chapter 185, Florida Statutes, are hereby rescinded and repealed.

SECTION 2. Notwithstanding any provision of the Town Code of Ordinances to the contrary, the Town of Longboat Key hereby withdraws from participation under Chapter 185, Florida Statutes, pursuant to Section 185.60, Florida Statutes.

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

SECTION 4. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrase under application shall not be affected thereby.

SECTION 5. This Ordinance shall take effect upon adoption.

PASSED on first reading the 2nd day of December, 2013.

ADOPTED on second reading and public hearing the ____ day of _____, 2014.

_____
James L. Brown, Mayor

ATTEST:

_____
Trish Granger, Town Clerk

End of Agenda Item