

1 Introduced by the Council President at the request of the Office of
2 General Counsel & Co-Sponsored by Council Members Carlucci,
3 Gaffney, Morgan, Pittman, Dennis, Newby, Hazouri, and Priestly
4 Jackson and amended by the Neighborhoods, Community Services,
5 Public Health & Safety Committee:
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7

8 **ORDINANCE 2020-161-E**

9 AN ORDINANCE CALLING A GENERAL ELECTION TO
10 HOLD A REFERENDUM OF THE QUALIFIED ELECTORS
11 RESIDING IN DUVAL COUNTY TO BE HELD ON
12 NOVEMBER 3, 2020, ON THE QUESTION OF APPROVING
13 A HALF-CENT SCHOOL CAPITAL OUTLAY SALES SURTAX
14 AS LEVIED BY THE DUVAL COUNTY SCHOOL BOARD
15 PURSUANT TO SECTION 212.055(6), FLORIDA
16 STATUTES; DIRECTING THE COUNCIL SECRETARY TO
17 PROVIDE NOTICES TO STATE GOVERNMENT; PROVIDING
18 AN EFFECTIVE DATE.
19

20 **WHEREAS**, the Duval County School Board ("School Board") has
21 requested that the City Council call a referendum for approving the
22 School Board's levy of a half-cent School Capital Outlay Sales
23 Surtax; and

24 **WHEREAS**, Section 212.055(6), Florida Statutes, authorizes the
25 school board of a county to levy a half-cent School Capital Outlay
26 Sales Surtax for the purposes set forth in that section to take
27 effect only upon approval of a majority of the electors of the
28 county voting in a referendum; and

29 **WHEREAS**, the School Board has complied with all requirements
30 set forth in Section 212.055(6), Florida Statutes, including

1 adopting the resolution, attached hereto as **Revised Exhibit 1**,
2 labeled as "Revised Exhibit 1, Revised Reso, April 6, 2020 -
3 NCSPHS"; and

4 **WHEREAS**, pursuant to Section 212.055(6), Florida Statutes,
5 only the City Council has the authority to place the referendum on
6 the ballot; now therefore

7 **BE IT ORDAINED** by the Council of the City of Jacksonville:

8 **Section 1. Findings.** The Council finds as follows:

9 The above recitals are true and correct and incorporated
10 herein by reference.

11 In particular, the Council finds that the School Board,
12 pursuant to its authority under Section 212.055(6), Florida
13 Statutes, has adopted a resolution levying a half-cent School
14 Capital Outlay Sales Surtax, subject to approval by the voters in a
15 referendum. The School Board resolution is attached hereto as
16 **Revised Exhibit 1**, labeled as "Revised Exhibit 1, Revised Reso,
17 April 6, 2020 - NCSPHS" and incorporated by this reference.

18 **Section 2. Adoption of School Capital Outlay Sales**
19 **Surtax.**

20 (a) Upon approval by a majority vote of the electors of Duval
21 County and the satisfaction of all applicable state laws, the
22 School Board's half-cent surtax is levied at the rate of 0.5
23 percent per dollar on all transactions within Duval County subject
24 to the State sales and use tax imposed by Chapter 212, Florida
25 Statutes.

26 (b) The School Board's half-cent School Capital Outlay Sales
27 Surtax shall take effect on January 1, 2021.

28 (c) The School Capital Outlay Sales Surtax shall be collected
29 and administered as set forth in Section 212.054, Florida Statutes.

30 (d) The proceeds of the School Board's half-cent School
31 Capital Outlay Sales Surtax shall be remitted to the School Board

1 pursuant to Section 212.055(6), Florida Statutes, and shall be
2 implemented in accordance with the requirements of Sections
3 212.055(6) and 212.054, Florida Statutes, as directed by the Duval
4 County School Board, as required by state law.

5 **Section 3. Referendum.**

6 (a) At the request of the Duval County School Board, the
7 surtax referendum shall be placed on the ballot for the general
8 election to be held in November of 2020.

9 (b) The referendum election shall be held and conducted in
10 the manner prescribed by law for holding referenda elections.

11 (c) All qualified electors in Duval County shall be entitled
12 and permitted to vote in the referendum election.

13 (d) The Supervisor of Elections is authorized and directed,
14 when printing the mail-in ballots and ballot strips for use in the
15 voting machines for the referendum called for in this Section 3, to
16 print the referendum question set forth in Section 5 hereof on said
17 mail-in ballots and ballot strips at the appropriate place
18 therefor.

19 **Section 4. Notice of Referendum.** Notice of the referendum
20 shall be given according to law and in the manner provided in
21 Section 100.342, Florida Statutes.

22 **Section 5. Referendum Question.** The form of the title
23 and question for the School Capital Outlay Sales Surtax referendum
24 shall be substantially as follows:

25 OFFICIAL BALLOT

26
27 School District of Duval County, Florida

28 General Election - November 3, 2020

29
30 School Capital Outlay Sales Surtax to Improve
31 Safety and the Learning Environment

To upgrade aging schools through repairs and modernization, to keep schools safe and to continue to promote a conducive learning environment, to improve technology, and to replace existing or build new schools, and share with charter schools for their allowable uses, shall the Duval County School Board be authorized to levy a 15-year half-cent sales surtax, with expenditures based upon the Surtax Capital Outlay Plan, and monitored by an independent citizens committee?

_____ For the Half-Cent Tax

_____ Against the Half-Cent Tax

Section 6. Referendum Results. If a majority of the votes cast in the referendum shall be for the half-cent School Capital Outlay Sales Surtax, the half-cent School Capital Outlay Sales Surtax shall be adopted and shall take effect as provided in the School Board's resolution attached hereto as **Revised Exhibit 1**, labeled as "Revised Exhibit 1, Revised Reso, April 6, 2020 - NCSPHS." If less than a majority of the votes cast at the referendum shall be for the half-cent School Capital Outlay Sales Surtax, the half-cent School Capital Outlay Sales Surtax shall be defeated and shall not take effect.

Section 7. Notices to State. The Council Secretary or her authorized representative shall provide, on behalf of the Council, the notices to the Florida Department of Revenue required in Section 212.054(7) (a) and (b), Florida Statutes.

Section 8. Separate Board Action. If a majority of the votes cast in the referendum shall be for the half-cent School Capital Outlay Sales Surtax, the Duval County School Board, by separate action, shall, consistent with law and the plan adopted as

1 part of School Board Resolution attached as **Revised Exhibit 1**,
2 labeled as "Revised Exhibit 1, Revised Reso, April 6, 2020 -
3 NCSPHS," implement and specify how the proceeds of the half-cent
4 School Capital Outlay Sales Surtax shall be used.

5 **Section 9. Effective Date.** This Ordinance shall become
6 effective upon signature by the Mayor or upon becoming effective
7 without his signature.

8 Form Approved:

9
10 /s/ Stephen Durden

11 Office of General Counsel

12 Legislation Prepared By: Stephen Durden

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