

1 Introduced by the Council President at the Request of the Office of
2 General Counsel:

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5 **RESOLUTION 2019-598**

6 A RESOLUTION REQUESTING AN ATTORNEY GENERAL
7 OPINION ON THE JACKSONVILLE CITY COUNCIL'S
8 PERMISSIBLE ACTIONS ON THE DUVAL COUNTY SCHOOL
9 BOARD'S REQUEST FOR A SCHOOL CAPITAL OUTLAY
10 SURTAX REFERENDUM, PURSUANT TO SECTION
11 212.055(6), FLORIDA STATUTES; PROVIDING FOR A
12 GENERAL COUNSEL OPINION; DIRECTING THE CHIEF
13 OF LEGISLATIVE SERVICES TO FORWARD A COPY OF
14 THE RESOLUTION TO THE FLORIDA ATTORNEY
15 GENERAL; REQUESTING EMERGENCY PASSAGE UPON
16 INTRODUCTION; PROVIDING AN EFFECTIVE DATE.

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18 **WHEREAS**, the Council acts as a collegial body, and therefore
19 an inquiry of the City Council of the City of Jacksonville is
20 required to obtain an opinion from the Attorney General; and

21 **WHEREAS**, this is a matter concerning Florida State Statute
22 212.055(6), School Capital Outlay Surtax; now therefore

23 **BE IT RESOLVED** by the Council of the City of Jacksonville:

24 **Section 1. Request for an Opinion from the Florida**
25 **Attorney General.** The City of Jacksonville hereby requests an
26 opinion from the Florida Attorney General specific to the following
27 inquiry:

28 I. Whether the School Board may call a special
29 election.

30 II. Whether the School Board may call a referendum
31 election.

1 III. Whether the City Council has the discretion to
2 select the date of the referendum election.

3 IV. Whether the City Council has the discretion to
4 reject a School Board request to call a special
5 election to place a School Capital Surtax on the
6 ballot.

7 V. Whether the City Council has the discretion to
8 refuse to place a School Capital Surtax on any
9 ballot.

10 VI. Whether a court has the power to order the Council
11 to call a special election to hold a referendum on a
12 School Capital Surtax.

13 VII. Whether a court has the power to order the Council
14 to place a School Capital Surtax on any ballot.

15 **Section 2. General Counsel Opinion.** The General Counsel
16 has reviewed and answered the above questions. A memorandum from
17 the General Counsel, substantially in the form attached hereto as
18 **Exhibit 1**, shall be attached to the request submitted to the
19 Attorney General.

20 **Section 3. Direction to forward the resolution to the**
21 **Florida Attorney General.** The City Council Legislative Services
22 Division is hereby directed to forward this request in the form of
23 the enacted resolution to Ashley Moody, Florida Attorney General.

24 **Section 4. Requesting emergency passage upon introduction**
25 **pursuant to Council Rule 4.901 Emergency.** Emergency passage upon
26 introduction of this legislation is requested. The nature of the
27 emergency is that legislation, Ordinance 2019-380, requesting
28 action on the Duval County School Board Resolution requesting a
29 referendum is pending before Council.

30 **Section 5. Effective Date.** This Resolution shall become
31 effective upon signature by the Mayor or upon becoming effective

1 without the Mayor's signature.

2 Form Approved:

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4 /s/ *Margaret M. Sidman*

5 Office of General Counsel

6 Legislation Prepared By: Margaret M. Sidman

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