

1 Introduced by the Council President at the request of the Mayor and  
2 amended by the Neighborhoods, Community Services, Public Health and  
3 Safety Committee:  
4  
5

6 **ORDINANCE 2022-872-D**

7 AN ORDINANCE RELATING TO VACANCIES IN TERMS OF  
8 THE MAYOR, CITY COUNCIL, SHERIFF, SUPERVISOR OF  
9 ELECTIONS, PROPERTY APPRAISER, TAX COLLECTOR,  
10 CLERK OF COURT AND DUVAL COUNTY SCHOOL BOARD;  
11 SETTING A PUBLIC STRAW BALLOT REFERENDUM TO  
12 DETERMINE WHETHER THE CHARTER OF THE CITY OF  
13 JACKSONVILLE, CHAPTER 92-341, LAWS OF FLORIDA,  
14 SHOULD BE AMENDED TO CREATE AN IMMEDIATE VACANCY  
15 IN OFFICE UPON A FILING FOR QUALIFICATION BY A  
16 SITTING MAYOR, CITY COUNCIL MEMBER, SHERIFF,  
17 SUPERVISOR OF ELECTIONS, PROPERTY APPRAISER, TAX  
18 COLLECTOR, CLERK OF THE COURT AND DUVAL COUNTY  
19 SCHOOL BOARD MEMBER TO RUN FOR ANY OTHER OF THESE  
20 ENUMERATED OFFICES AND FILLING SUCH VACANCY IN  
21 THE MANNER PRESCRIBED IN THE CHARTER; PROPOSING  
22 AMENDMENTS TO SECTIONS 5.06 (THE COUNCIL -  
23 VACANCIES; TEMPORARY APPOINTMENTS), 6.06  
24 (MAYOR- VACANCY IN THE OFFICE OF MAYOR); 8.03  
25 (SHERIFF - VACANCY), 9.03 (SUPERVISOR OF  
26 ELECTIONS - VACANCY), 10.03 (PROPERTY APPRAISER  
27 - VACANCY), 11.03 (TAX COLLECTOR - VACANCY),  
28 12.11 (CLERK OF COURT - TWO TERM LIMIT) AND 13.05  
29 (DUVAL COUNTY SCHOOL BOARD - VACANCIES), OF THE  
30 CHARTER OF THE CITY OF JACKSONVILLE; PROVIDING  
31 NOTICE TO THE ELECTORATE; PROVIDING OFFICIAL

1 BALLOT AND TITLE LANGUAGE; DIRECTING THE  
2 SUPERVISOR OF ELECTIONS TO PLACE THE STRAW  
3 BALLOT REFERENDUM QUESTION ON THE 2023 FIRST  
4 CONSOLIDATED CITY OF JACKSONVILLE ELECTION  
5 BALLOT FOR THE ELECTION HELD ON MARCH 21, 2023;  
6 PROVIDING AN EFFECTIVE DATE.

7  
8 **WHEREAS**, it is in the best interest of the City that elected or  
9 appointed officers of the Consolidated government should be required  
10 to resign immediately from their current positions in order to focus  
11 on their campaigns when they have made the decision to seek another  
12 local office; and

13 **WHEREAS**, to qualify to run for a different office when the term  
14 of such office runs concurrent with the existing office, each elected  
15 or appointed officer is required by section 99.012, *Florida Statutes*  
16 to tender a resignation prior to qualifying as a candidate for another  
17 office; however, the resignation does not have to immediately take  
18 effect, such that candidates can remain in office, as a paid employee  
19 of the City, while his or her attention is not entirely focused on  
20 the office; and

21 **WHEREAS**, officers who seek a different office whose term does  
22 not commence until the current term ends must still qualify and  
23 administer and participate in his or her campaign while currently  
24 employed by the City and being expected to fully uphold the duties  
25 and responsibilities of the office; and

26 **WHEREAS**, amendments to the Charter of the City of Jacksonville  
27 are required to implement such changes; and

28 **WHEREAS** the Council believes that the issue should be offered  
29 to the voters through a public straw ballot referendum to be held  
30 during the First Consolidated City of Jacksonville Election held on  
31 March 21, 2023; now therefore

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

**Section 1. Applicability; Straw Ballot Referendum.** A

straw ballot referendum of the qualified electors residing in Duval County, Florida is hereby called to be held on the ballot of the First Consolidated City of Jacksonville Election for the election held on March 21, 2023, to afford Jacksonville's citizenry the opportunity to speak out on the issue as described in the provisions of Section 2 below.

**Section 2. Straw Ballot to advise on amending the Charter.**

The Charter of the City of Jacksonville is proposed to be amended to read as follows:

**CHARTER AND RELATED LAWS**

**PART A - CHARTER LAWS CHARTER OF THE CITY OF JACKSONVILLE, FLORIDA**

\* \* \*

**ARTICLE 5. - THE COUNCIL**

\* \* \*

**Sec. 5.06. - Vacancies, temporary appointments.**

The office of a council member shall become immediately vacant upon his or her death, resignation, qualification as a candidate for Mayor, Sheriff, Supervisor of Elections, Property Appraiser, Tax Collector, Clerk of the Court, or Duval County School Board, failure to reside continuously in the district or residence area from which he or she was elected, except in the event redistricting should occur during his or her term of office pursuant to section 5.02, or removal from office in any manner authorized by law. A vacancy in the council shall be filled for the remainder of the unexpired term by election of a council member at a special election to be called pursuant to resolution of the city council and held on a date no sooner than 1 month and no later than 6 months after the vacancy occurs, which special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. Any resignation

1 by a council member shall be submitted in writing to the supervisor  
2 of elections (with a copy to the secretary of the city council),  
3 shall specify the date on which it is effective, and shall be  
4 irrevocable. If any council member submits a resignation which is  
5 effective at a date later than that on which it is submitted, the  
6 city council may, by resolution, call a special election for the  
7 election of a successor, said special election to be held on a date  
8 not less than 1 month after the date the resignation is submitted nor  
9 more than 6 months prior to the date the resignation is effective;  
10 and such special elections shall, if possible, be held in conjunction  
11 with any other election scheduled to be held within the county. In  
12 those situations in which a vacancy exists in a council district or  
13 at-large resident area and such vacancy is filled in the first  
14 consolidated government election or in the general consolidated  
15 government election, the council member-elect, who has been duly  
16 elected in the first consolidated government election, or in the  
17 general consolidated government election to represent said vacant  
18 district or at-large residence area, shall take office and assume and  
19 exercise all duties of office immediately after certification of said  
20 election returns, as of the date of said certification, in order to  
21 reduce the time the council district or at-large residence area is  
22 vacant and without representation.

23 \* \* \*

24 **ARTICLE 6- THE MAYOR**

25 \* \* \*

26 **Sec. 6.06- Vacancy in the office of mayor.**

27 If the mayor should die, resign, qualify as a candidate for City  
28 Council, Sheriff, Supervisor of Elections, Property Appraiser, Tax  
29 Collector, Clerk of the Court, or Duval County School Board, or remove  
30 his residence from Duval County during his term of office, or be  
31 removed from office, the office of mayor shall become immediately

1 vacant. A vacancy in the office of mayor shall be filled in the  
2 following manner:

3 \* \* \*

4 **ARTICLE 8. - SHERIFF**

5 \* \* \*

6 **Sec. 8.03. - Vacancy.**

7 If the sheriff should die, resign, qualify as a candidate for  
8 City Council, Mayor, Supervisor of Elections, Property Appraiser, Tax  
9 Collector, Clerk of the Court, or Duval County School Board, or remove  
10 his residence from Duval County during his term of office, or be  
11 removed from office, the office of sheriff shall become immediately  
12 vacant. A vacancy in the office of sheriff shall be filled in the  
13 following manner:

14 \* \* \*

15 **ARTICLE 9. - SUPERVISOR OF ELECTIONS**

16 \* \* \*

17 **Sec. 9.03. - Vacancy.**

18 If the supervisor of elections should die, resign, qualify as  
19 a candidate for City Council, Mayor, Sheriff, Property Appraiser,  
20 Tax Collector, Clerk of the Court, or Duval County School Board, or  
21 remove his residence from Duval County during his term of, or be  
22 removed from office, the office of supervisor of elections shall  
23 become immediately vacant. A vacancy in the office of supervisor of  
24 elections shall be filled in the following manner:

25 \* \* \*

26 **ARTICLE 10. - PROPERTY APPRAISER**

27 \* \* \*

28 **Sec. 10.03. - Vacancy.**

29 If the property appraiser should die, resign, qualify as a  
30 candidate for City Council, Mayor, Sheriff, Supervisor of Elections,  
31 Tax Collector, Clerk of the Court, or Duval County School Board, or

1 remove his residence from Duval County during his term of office,  
2 or be removed from office, the office of property appraiser shall  
3 become immediately vacant. A vacancy in the office of property  
4 appraiser shall be filled in the following manner:

5 \* \* \*

6 **ARTICLE 11. - TAX COLLECTOR**

7 \* \* \*

8 **Sec. 11.03. - Vacancy.**

9 If the tax collector should die, resign, qualify as a candidate  
10 for City Council, Mayor, Sheriff, Property Appraiser, Supervisor of  
11 Elections, Clerk of the Court, or Duval County School Board, or  
12 remove his residence from Duval County during his term of office,  
13 or be removed from office, the office of tax collector shall become  
14 immediately vacant. A vacancy in the office of tax collector shall  
15 be filled in the following manner:

16 \* \* \*

17 **ARTICLE 12. - JUDICIARY**

18 \* \* \*

19 **Sec. 12.11. - Two term limit and vacancy.**

20 No person elected and qualified for two consecutive full terms  
21 as Clerk of the Court shall be eligible for election as Clerk of the  
22 Court for the next succeeding term. The two-term limitation shall  
23 apply to any full term which began in 1992 or thereafter. If the  
24 Clerk of the Court should qualify as a candidate for City Council,  
25 Mayor, Sheriff, Property Appraiser, Tax Collector, Supervisor of  
26 Elections, or Duval County School Board, the office of Clerk of the  
27 Court shall become immediately vacant. A vacancy in the office of  
28 Clerk of the Court shall be filled as provided in general law  
29 applicable thereto.

30 \* \* \*

31 **ARTICLE 13. - DUVAL COUNTY SCHOOL BOARD**

\* \* \*

**Sec. 13.05. - Vacancies.**

A school board member shall forfeit his office and create an immediate vacancy if at any time during his term of office he lacks any qualification for the office prescribed by this charter or if he should qualify as a candidate for City Council, Mayor, Sheriff, Property Appraiser, Supervisor of Elections, Tax Collector, or Clerk of the Court. In the event that a vacancy in the school board occurs, the vacancy shall be filled for the remainder of the unexpired term by election of a school board member at a special election to be called pursuant to resolution of the city council and held on a date no sooner than 1 month and no later than 6 months after the vacancy occurs. This special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. Any resignation by a school board member shall be submitted in writing to the supervisor of elections, with a copy to the secretary of the city council, shall specify the date on which it is effective, and shall be irrevocable. If any school board member submits a resignation which is effective at a date later than that on which it is submitted, the city council may, by resolution, call a special election for the election of a successor, this special election to be held on a date not less than 1 month after the date the resignation is submitted nor more than 6 months prior to the date the resignation is effective; and such special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. In the event that this special election cannot be held within the 1 to 6-month period prior to the qualifying period for the next general statewide election at which such office would be filled for a full term, then no special election shall be held and the office shall remain vacant until filled at the next general statewide election for the full term. Should it be possible

1 to hold the special election to fill a vacancy in the school board  
2 at the same time that another election is being held in the county,  
3 then this special election shall take place on the date of the first  
4 primary of the other election and if a runoff election is required,  
5 it shall be held on the date that the other election is held whether  
6 it be another special election, a general statewide election or a  
7 consolidated general government election. A vacancy in the school  
8 board shall not be temporarily filled in any manner and shall  
9 continue until filled in the manner provided in this section.

10 \* \* \*

11 **Section 3. Straw Ballot Referendum.**

12 (a) A straw ballot referendum of the qualified electors  
13 residing in Duval County, Florida is hereby called to be held on  
14 March 21, 2023, the 2023 First Consolidated City of Jacksonville  
15 Election, to advise on whether the Charter amendment which provides  
16 for an immediate vacancy in office upon a qualification by a sitting  
17 Mayor, City Council member, Sheriff, Supervisor of Elections,  
18 Property Appraiser, Tax Collector, Clerk of the Court or Duval County  
19 School Board member to run for any other elected office established  
20 in the Charter and filling such vacancy in the manner prescribed in  
21 the Charter, as set forth in Section 2 of this ordinance, should be  
22 recommended.

23 (b) The straw ballot referendum shall be held and conducted in  
24 the manner prescribed by law for holding elections under a referendum  
25 provision.

26 (c) All qualified electors in Duval County shall be entitled  
27 and permitted to vote in the referendum. The places and times of  
28 voting shall be those polling places and times established for voting  
29 by law. The inspectors and clerks for the referendum shall be  
30 designated by the Supervisor of Elections in accordance with  
31 applicable State law.



1 (d) The Supervisor of Elections is authorized and directed,  
2 when printing the ballots for use in the straw ballot referendum  
3 election called in Subsection 3(a) hereinabove, to print the ballot  
4 title and referendum question set forth in Sections 5 and 6 hereof  
5 on said ballots at the appropriate place therefor. Immediately  
6 after said question shall be provided a space for the voter to  
7 indicate whether the vote is "yes" or "no" on the question.

8 **Section 4. Notice of Straw Ballot Referendum.** The  
9 Supervisor of Elections is directed to ensure at least thirty (30)  
10 days notice of the straw ballot referendum by publishing at least  
11 twice in a daily newspaper of general circulation in Duval County,  
12 once in the fifth week and once in the third week prior to the week  
13 in which the referendum is to be held, in the manner provided in  
14 Section 18.05 of the City Charter and Section 100.342, Florida  
15 Statutes.

16 **Section 5. Straw Ballot Title.** The Council hereby directs  
17 that the ballot title for the straw ballot referendum question be in  
18 substantially the following form:

19 "STRAW BALLOT REGARDING RESIGNING TO RUN BY  
20 QUALIFYING FOR NEW CITY OFFICE CREATES IMMEDIATE  
21 VACANCY"

22 **Section 6. Official Straw Ballot.** The Council hereby  
23 directs that the following straw ballot referendum question, in  
24 substantially the form set forth below, be placed on the ballot at  
25 the election to be held on March 21, 2023, the 2023 First Consolidated  
26 City of Jacksonville Election:

27 "Should the Jacksonville Charter Sections 5.06  
28 (City Council), 6.06 (Mayor), 8.03 (Sheriff);  
29 9.03 (Supervisor of Elections), 10.03 (Property  
30 Appraiser), 11.03 (Tax Collector); 12.11 (Clerk  
31 of Court), and 13.05 (School Board) be changed

so that if any of those identified officials resign to run by qualifying for election for any other of those offices, an immediate vacancy in his or her current office is created and the vacancy shall be filled as provided by law?"

(\_\_\_\_) YES.

(\_\_\_\_) NO.

**Section 7. Straw Ballot Referendum Results.** The Supervisor of Elections for Duval County, Florida shall certify the results of the straw ballot referendum to the Florida Department of State in accordance with law.

**Section 8. Exercise of County Powers.** This ordinance is enacted by the Council exercising its power as the governing body of Duval County, Florida, under Section 3.01, of the Charter of the City of Jacksonville. All duly qualified electors of the county shall be entitled to vote thereon.

**Section 9. Effective Date.** This ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

          /s/ Mary E. Staffopoulos          

Office of General Counsel

Legislation Prepared By: Trisha D. Bowles

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