

1 Introduced by the Council President at the request of the Duval
2 County School Board:

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5 **ORDINANCE 2019-380-W**

6 AN ORDINANCE CALLING A SPECIAL ELECTION TO
7 HOLD A REFERENDUM OF THE QUALIFIED ELECTORS
8 RESIDING IN DUVAL COUNTY TO BE HELD ON
9 NOVEMBER 5, 2019, ON THE QUESTION OF APPROVING
10 A HALF-CENT SCHOOL CAPITAL OUTLAY SALES SURTAX
11 AS LEVIED BY THE DUVAL COUNTY SCHOOL BOARD
12 PURSUANT TO SECTION 212.055(6), FLORIDA
13 STATUTES; DIRECTING THE COUNCIL SECRETARY TO
14 PROVIDE NOTICES TO STATE GOVERNMENT; PROVIDING
15 AN EFFECTIVE DATE.
16

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

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

26 **WHEREAS**, the School Board has complied with all requirements
27 set forth in Section 212.055(6), Florida Statutes, including
28 adopting the resolution, attached hereto as **Exhibit 1**; and

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

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

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

3 The above recitals are true and correct and incorporated
4 herein by reference.

5 In particular, the Council finds that the School Board,
6 pursuant to its authority under Section 212.055(6), Florida
7 Statutes, has adopted a resolution levying a half-cent School
8 Capital Outlay Sales Surtax, subject to approval by the voters in a
9 referendum. The School Board resolution is attached hereto as
10 **Exhibit 1** and incorporated by this reference.

11 **Section 2. Adoption of School Capital Outlay Sales**
12 **Surtax.**

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

19 (b) The School Board's half-cent School Capital Outlay Sales
20 Surtax shall take effect on January 1 of the year immediately
21 following the referendum.

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

24 (d) The proceeds of the School Board's half-cent School
25 Capital Outlay Sales Surtax shall be remitted to the School Board
26 pursuant to Section 212.055(6), Florida Statutes, and shall be
27 implemented in accordance with the requirements of Sections
28 212.055(6) and 212.054, Florida Statutes, as directed by the Duval
29 County School Board, as required by state law.

30 **Section 3. Referendum.**

31 (a) At the request of the Duval County School Board, a special

1 election of the qualified electors residing in Duval County,
2 Florida is hereby called to be held on November 5, 2019, in order
3 to hold a referendum to determine whether or not to approve the
4 half-cent School Capital Outlay Sales Surtax as described herein.

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

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

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

15 **Section 4. Notice of Referendum.** Notice of the referendum
16 shall be given according to law in substantially the form set forth
17 in Exhibit B to the attached **Exhibit 1** and in the manner provided
18 in Section 100.342, Florida Statutes.

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

22 OFFICIAL BALLOT

23
24 School District of Duval County, Florida

25 Special Election - November 5, 2019

26
27 School Capital Outlay Sales Surtax to Improve
28 Safety and the Learning Environment

29
30 To upgrade aging schools through repairs and
31 modernization, to keep schools safe and to continue to

1 promote a conducive learning environment, to improve
2 technology, and to replace existing or build new schools,
3 shall the Duval County School Board be authorized to levy
4 a 15-year half-cent sales surtax, with expenditures based
5 upon the Surtax Capital Outlay Plan, and monitored by an
6 independent citizens committee?

7 _____ For the Half-Cent Tax

8
9 _____ Against the Half-Cent Tax

10 **Section 6. Referendum Results.** If a majority of the votes
11 cast in the referendum shall be for the half-cent School Capital
12 Outlay Sales Surtax, the half-cent School Capital Outlay Sales
13 Surtax shall be adopted and shall take effect as provided in the
14 School Board's resolution attached hereto as **Exhibit 1**. If less
15 than a majority of the votes cast at the referendum shall be for
16 the half-cent School Capital Outlay Sales Surtax, the half-cent
17 School Capital Outlay Sales Surtax shall be defeated and shall not
18 take effect.

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

23 **Section 8. Separate Board Action.** If a majority of the
24 votes cast in the referendum shall be for the half-cent School
25 Capital Outlay Sales Surtax, the Duval County School Board, by
26 separate action, shall, consistent with law and the plan adopted as
27 part of School Board Resolution attached as **Exhibit 1**, implement
28 and specify how the proceeds of the half-cent School Capital Outlay
29 Sales Surtax shall be used.

30 **Section 9. Effective Date.** This Ordinance shall become
31 effective upon signature by the Mayor or upon becoming effective

1 without his signature.

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3 Form Approved:

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5 /s/ Margaret M. Sidman

6 Office of General Counsel

7 Legislation Prepared By: Stephen Durden

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