

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

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5 **ORDINANCE 2020-161**

6 AN ORDINANCE CALLING A GENERAL ELECTION TO  
7 HOLD A REFERENDUM OF THE QUALIFIED ELECTORS  
8 RESIDING IN DUVAL COUNTY TO BE HELD ON  
9 NOVEMBER 3, 2020, 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, 2021.

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

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

29           **Section 3. Referendum.**

30           (a) At the request of the Duval County School Board, the  
31 surtax referendum shall be placed on the ballot for the general

1 election to be held in November of 2020.

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

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

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

12 **Section 4. Notice of Referendum.** Notice of the referendum  
13 shall be given according to law and in the manner provided in  
14 Section 100.342, Florida Statutes.

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

18 OFFICIAL BALLOT

19  
20 School District of Duval County, Florida  
21 General Election - November 3, 2020

22  
23 School Capital Outlay Sales Surtax to Improve  
24 Safety and the Learning Environment

25  
26 To upgrade aging schools through repairs and  
27 modernization, to keep schools safe and to continue to  
28 promote a conducive learning environment, to improve  
29 technology, and to replace existing or build new schools,  
30 shall the Duval County School Board be authorized to levy  
31 a 15-year half-cent sales surtax, with expenditures based

1 upon the Surtax Capital Outlay Plan and as required by  
2 any applicable state law, and monitored by an independent  
3 citizens committee?

4 \_\_\_\_\_ For the Half-Cent Tax

5  
6 \_\_\_\_\_ Against the Half-Cent Tax

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

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

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

27 **Section 9. Effective Date.** This Ordinance shall become  
28 effective upon signature by the Mayor or upon becoming effective  
29 without his signature.

1 Form Approved:

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3  /s/ *Margaret M. Sidman*

4 Office of General Counsel

5 Legislation Prepared By: Stephen Durden

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