

Introduced by the Council President at the request of the Mayor:

ORDINANCE 2022-

AN ORDINANCE RELATING TO VACANCIES IN TERMS OF THE MAYOR, CITY COUNCIL, SHERIFF, SUPERVISOR OF ELECTIONS, PROPERTY APPRAISER, TAX COLLECTOR, CLERK OF COURT AND DUVAL COUNTY SCHOOL BOARD; SETTING A PUBLIC STRAW BALLOT REFERENDUM TO DETERMINE WHETHER THE CHARTER OF THE CITY OF JACKSONVILLE, CHAPTER 92-341, LAWS OF FLORIDA, SHOULD BE AMENDED TO CREATE AN IMMEDIATE VACANCY IN OFFICE UPON A FILING FOR QUALIFICATION BY A SITTING MAYOR, CITY COUNCIL MEMBER, SHERIFF, SUPERVISOR OF ELECTIONS, PROPERTY APPRAISER, TAX COLLECTOR, CLERK OF THE COURT AND DUVAL COUNTY SCHOOL BOARD MEMBER TO RUN FOR ANY OTHER OF THESE ENUMERATED OFFICES AND FILLING SUCH VACANCY IN THE MANNER PRESCRIBED IN THE CHARTER; PROPOSING AMENDMENTS TO SECTIONS 5.06 (THE COUNCIL - VACANCIES; TEMPORARY APPOINTMENTS), 6.06 (MAYOR- VACANCY IN THE OFFICE OF MAYOR); 8.03 (SHERIFF - VACANCY), 9.03 (SUPERVISOR OF ELECTIONS - VACANCY), 10.03 (PROPERTY APPRAISER - VACANCY), 11.03 (TAX COLLECTOR - VACANCY), 12.11 (CLERK OF COURT - TWO TERM LIMIT) AND 13.05 (DUVAL COUNTY SCHOOL BOARD - VACANCIES), OF THE CHARTER OF THE CITY OF JACKSONVILLE; PROVIDING NOTICE TO THE ELECTORATE; PROVIDING OFFICIAL BALLOT AND TITLE LANGUAGE; DIRECTING THE SUPERVISOR OF ELECTIONS TO PLACE THE REFERENDUM

1 QUESTION ON THE 2023 FIRST CONSOLIDATED CITY OF
2 JACKSONVILLE ELECTION BALLOT FOR THE ELECTION
3 HELD ON MARCH 21, 2023; PROVIDING AN EFFECTIVE
4 DATE.

5
6 **WHEREAS**, it is in the best interest of the City that elected or
7 appointed officers of the Consolidated government should be required
8 to resign immediately from their current positions in order to focus
9 on their campaigns when they have made the decision to seek another
10 local office; and

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

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

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

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

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

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

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

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

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

10 **CHARTER AND RELATED LAWS**

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

12 * * *

13 **ARTICLE 5. - THE COUNCIL**

14 * * *

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

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

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

21 * * *

22 **ARTICLE 6- THE MAYOR**

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

24 If the mayor should die, resign, qualify as a candidate for City
25 Council, Sheriff, Supervisor of Elections, Property Appraiser, Tax
26 Collector, Clerk of the Court, or Duval County School Board, or remove
27 his residence from Duval County during his term of office, or be
28 removed from office, the office of mayor shall become immediately
29 vacant. A vacancy in the office of mayor shall be filled in the
30 following manner:

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Sec. 8.03. - Vacancy.

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Sec. 9.03. - Vacancy.

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Sec. 10.03. - Vacancy.

- 5 -

appraiser shall be filled in the following manner:

* * *

ARTICLE 11. - TAX COLLECTOR

* * *

Sec. 11.03. - Vacancy.

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

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ARTICLE 12. - JUDICIARY

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Sec. 12.11. - Two term limit and vacancy.

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

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ARTICLE 13. - DUVAL COUNTY SCHOOL BOARD

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Sec. 13.05. - Vacancies.

A school board member shall forfeit his office and create an

1 immediate vacancy if at any time during his term of office he lacks
2 any qualification for the office prescribed by this charter or if
3 he should qualify as a candidate for City Council, Mayor, Sheriff,
4 Property Appraiser, Supervisor of Elections, Tax Collector, or Clerk
5 of the Court. In the event that a vacancy in the school board occurs,
6 the vacancy shall be filled for the remainder of the unexpired term
7 by election of a school board member at a special election to be
8 called pursuant to resolution of the city council and held on a date
9 no sooner than 1 month and no later than 6 months after the vacancy
10 occurs. This special election shall, if possible, be held in
11 conjunction with any other election scheduled to be held within the
12 county. Any resignation by a school board member shall be submitted
13 in writing to the supervisor of elections, with a copy to the
14 secretary of the city council, shall specify the date on which it
15 is effective, and shall be irrevocable. If any school board member
16 submits a resignation which is effective at a date later than that
17 on which it is submitted, the city council may, by resolution, call
18 a special election for the election of a successor, this special
19 election to be held on a date not less than 1 month after the date
20 the resignation is submitted nor more than 6 months prior to the
21 date the resignation is effective; and such special election shall,
22 if possible, be held in conjunction with any other election scheduled
23 to be held within the county. In the event that this special election
24 cannot be held within the 1 to 6-month period prior to the qualifying
25 period for the next general statewide election at which such office
26 would be filled for a full term, then no special election shall be
27 held and the office shall remain vacant until filled at the next
28 general statewide election for the full term. Should it be possible
29 to hold the special election to fill a vacancy in the school board
30 at the same time that another election is being held in the county,
31 then this special election shall take place on the date of the first

1 primary of the other election and if a runoff election is required,
2 it shall be held on the date that the other election is held whether
3 it be another special election, a general statewide election or a
4 consolidated general government election. A vacancy in the school
5 board shall not be temporarily filled in any manner and shall
6 continue until filled in the manner provided in this section.

7 * * *

8 **Section 3. Straw Ballot Referendum.**

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

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

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

29 (d) The Supervisor of Elections is authorized and directed,
30 when printing the ballots for use in the straw ballot referendum
31 election called in Subsection 3(a) hereinabove, to print the ballot

1 title and referendum question set forth in Sections 5 and 6 hereof
2 on said ballots at the appropriate place therefor. Immediately
3 after said question shall be provided a space for the voter to
4 indicate whether the vote is "yes" or "no" on the question.

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

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

16 "A STRAW BALLOT REFERENDUM REGARDING AMENDING
17 CHARTER TO CREATE IMMEDIATE VACANCIES FOR CITY
18 OFFICERS AND SCHOOL BOARD MEMBERS WHO RESIGN TO
19 RUN FOR OTHER OFFICES"

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

25 "Should the Jacksonville Charter Sections 5.06
26 (City Council), 6.06 (Mayor), 8.03 (Sheriff);
27 9.03 (Supervisor of Elections), 10.03 (Property
28 Appraiser), 11.03 (Tax Collector); 12.11 (Clerk
29 of Court), and 13.05 (School Board) be changed
30 so that if any of those identified officials
31 resign to run and qualify 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 8. 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 9. 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 10. Effective Date. This ordinance shall become
effective upon signature by the Mayor or upon becoming effective
without the Mayor's signature.

Form Approved:

/s/ Trisha D. Bowles

Office of General Counsel

Legislation Prepared By: Trisha D. Bowles

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