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November 4, 2019

Jason R. Gabriel
General Counsel
City Hall, St. James Building
117 West Duval Street, Suite 480
Jacksonville, Florida 32202

Dear Mr. Gabriel:

Thank you for your August 14, 2019 letter on behalf of the Consolidated City of Jacksonville requesting an Attorney General Opinion regarding several questions arising under section 16.01(3), Florida Statutes. You ask for a formal opinion addressing the City Council's authority to act with respect to the Duval County School Board's request for a sales tax referendum, as set forth in section 212.055(6), Florida Statutes. Attorney General Moody has asked me to respond to your letter.

The Office of the Attorney General is aware of pending litigation regarding this matter. For that reason, this does not appear to be a matter upon which the office will comment.

Specifically, it appears that a number of parents have filed an emergency petition for writs of quo warranto and mandamus in the Fourth Judicial Circuit "challenging the authority of the Consolidated City of Jacksonville...to withdraw Bill 2019-0380, which called for a special election to hold a referendum for the approval of a half-cent school capital outlay sales tax...and mandating that Defendant take action to place the referendum on the ballot for its consideration by voters in the Consolidated City of Jacksonville."¹ Additionally, an Emergency Complaint for Declaratory Judgment, a Writ of Quo Warranto, and Ancillary Injunctive Relief related to the same matter has been filed by the School Board of Duval County, Florida, and Duval Teachers United.²

Our Statement of Policy provides, in part: "In order not to intrude upon the constitutional prerogative of the judicial branch, opinions generally are not rendered on questions pending

¹ See *Barnum v. Consolidated City of Jacksonville*, Case No: 2019-CA-005658, Fourth Judicial Circuit Court, Duval County (Sept. 16, 2019).

² See *School Board of Duval County, Florida, and Duval Teachers United v. City of Jacksonville*, Case No: 16-2019-CA-006561, Fourth Judicial Circuit Court, Duval County (Sept. 17, 2019).

before the courts[.]”³ Under these circumstances, this office will not comment on the issues you have raised. I therefore regret that this office could not be of more direct assistance to you in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Mussetto", with a long horizontal flourish extending to the right.

Teresa L. Mussetto
Senior Assistant Attorney General

TM/tkp

³ See Frequently Asked Questions About Attorney General Opinions, IV. When Opinions Will Not Be Issued (<http://myfloridalegal.com/pages.nsf/Main/dd177569f8fb0f1a85256cc6007b70ad>).