

Bond Case Briefs

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Andrews v. City of Jacksonville

District Court of Appeal of Florida, First District - June 18, 2018 - So.3d - 2018 WL 3015264 - 43 Fla. L. Weekly D1370 - 2018 Employee Benefits Cas. 214, 374

Citizens brought action against city council challenging referendum on whether to adopt a one-half-cent sales surtax to address underfunded pension liability.

After the surtax was approved in the election, the Circuit Court granted city's motion for summary judgment. Citizens appealed.

The District Court of Appeal held that:

- Ballot title and summary were not misleading and clearly articulated chief purpose of referendum, and
- Ordinance setting date of referendum was within city council's legal authority, such that referendum was not void ab initio.

Ballot title and summary were not misleading and clearly articulated chief purpose of referendum, which was to reduce or eliminate city's unfunded pension liability through the use of a sales surtax, though summary did not contain every detail or ramification of proposed surtax; summary declared what state law would require of city in order to levy surtax, summary allowed voters to comprehend the sweep of measure, and summary could not and was not required to contain every detail of proposed tax, as state statute limited length of summary to 75 words.

Ordinance setting date of referendum on surtax for purposes of reducing or eliminating unfunded pension liabilities was within city council's legal authority, such that the referendum was not void ab initio, though city council passed ordinance prior to effective date of statute authorizing counties to levy surtax; statute did not prescribe date that ordinances could be passed to set referendum, ordinance merely authorized vote on whether to adopt surtax and did not attempt to levy a premature surtax, several preconditions still had to be met before the surtax could go into effect, and the ordinance recognized the requirement to meet those preconditions by providing for future "separate legislative action" before actually levying the surtax.