

PROPOSED

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PROVIDING FOR A REFERENDUM ELECTION TO BE HELD DURING THE 2022 PRIMARY ELECTION TO DETERMINE WHETHER THE SCHOOL BOARD OF BROWARD COUNTY MAY LEVY AN ADDITIONAL AD VALOREM TAX OF ONE MILL; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on April 26, 2022, pursuant to Sections 1011.71(9) and 1011.73, Florida Statutes, The School Board of Broward County (“The School Board”) adopted Resolution No. 22-114, attached hereto as Exhibit A, directing the Broward County Board of County Commissioners (“the Board”) to call a referendum election during the 2022 Primary Election to determine whether the electors will authorize an additional ad valorem tax of one mill for four years to fund various purposes as set forth in Resolution No. 22-114; and

WHEREAS, pursuant to Section 1011.73(2), Florida Statutes, the Board has a ministerial duty to call a referendum election at The School Board’s direction, NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. A referendum election is called for the Primary Election on August 23, 2022, and at such other times as permitted for voting under Chapter 101, Florida Statutes, to determine whether to approve The School Board’s levy of an additional one mill ad valorem tax.

1 Section 2. Said referendum election shall be held between the hours of
2 7:00 a.m. and 7:00 p.m. on August 23, 2022, and at such other days and times as
3 provided under applicable law, including for early voting as provided by Section 101.657,
4 Florida Statutes, at the polling places established in Broward County. All registered and
5 qualified electors in Broward County shall be eligible to vote in the referendum election.
6 Vote-by-mail ballots and early voting access for the referendum shall be made available
7 as provided by law.

8 Section 3. The election boards, consisting of the clerks and inspectors
9 appointed to serve for the August 23, 2022, Primary Election, are hereby appointed to
10 serve in the referendum election in the manner provided by law.

11 Section 4. The Broward County Canvassing Board shall canvass the returns in
12 said election and shall certify the results of the referendum election as provided by law.

13 Section 5. The County Administrator shall furnish a certified copy of this
14 adopted Resolution to the Supervisor of Elections for Broward County and to The School
15 Board upon adoption by the Board.

16 Section 6. The title and summary of the referendum question to appear on the
17 August 23, 2022, Primary Election, as embodied in this Resolution, shall be as set forth
18 in Section 5 of Resolution No. 22-114, attached hereto as Exhibit A.

19 Section 7. Severability.

20 If any portion of this Resolution is determined by any court to be invalid, the invalid
21 portion will be stricken, and such striking will not affect the validity of the remainder of this
22 Resolution. If any court determines that this Resolution, in whole or in part, cannot be
23 legally applied to any individual, group, entity, property, or circumstance, such
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1 determination will not affect the applicability of this Resolution to any other individual,
2 group, entity, property, or circumstance.

3 Section 8. Effective Date.

4 This Resolution shall be in force and take effect immediately upon its adoption by
5 the Broward County Board of County Commissioners.

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7 ADOPTED this day of , 2022. **PROPOSED**

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9 Approved as to form and legal sufficiency:
10 Andrew J. Meyers, County Attorney

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By /s/ Joseph K. Jarone 04/27/2022
Joseph K. Jarone (date)
Assistant County Attorney

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14 By /s/ René D. Harrod 04/27/2022
René D. Harrod (date)
Chief Deputy County Attorney

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JKJ/jl
School Board Tax
04/26/2022

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THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**RESOLUTION 22-114**

A RESOLUTION OF THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, CALLING FOR A REFERENDUM TO BE HELD ON AUGUST 23, 2022 FOR THE PURPOSE OF SUBMITTING TO THE DULY QUALIFIED ELECTORS OF THE SCHOOL DISTRICT OF BROWARD COUNTY, FLORIDA A QUESTION REGARDING A LEVY OF AD-VALOREM TAXES FOR TRADITIONAL PUBLIC AND CHARTER SCHOOL OPERATING PURPOSES; TO PROVIDE FUNDING FOR SCHOOL RESOURCE OFFICERS, SCHOOL SAFETY STAFF AND MENTAL HEALTH PROFESSIONALS; TO INCREASE COMPENSATION TO RECRUIT AND RETAIN TEACHERS; AND TO FUND OTHER ESSENTIAL INSTRUCTION RELATED EXPENDITURES TO PRESERVE IMPORTANT PROGRAMS FOR THE BENEFIT OF ALL PUBLIC SCHOOLS; PROVIDING FOR PROPER NOTICE OF SUCH REFERENDUM; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the School District of Broward County, Florida (the "District") has experienced a severe shortfall in the funding provided by the Florida Legislature for the District's normal operating expenses during the current and prior fiscal years; and

WHEREAS, under the State of Florida budget approved for the 2021-22 school year, the District will experience an even more significant decrease in State funding for operating expenses; and

WHEREAS, the District currently levies a voter-approved ad valorem tax of one-half (1/2) mill for operating expenses, which tax levy will expire at the end of the 2022-2023 school year; and

WHEREAS, The School Board of Broward County, Florida (the "School Board") anticipates further decreases in State funding for operating expenses; and

WHEREAS, the District has experienced shortfalls in funding to recruit and retain teachers and pre-kindergarten through adult instructional personnel, paraprofessionals, food service employees, and bus drivers and assistants, even with the current ad valorem tax; and

WHEREAS, the District has increased needs to provide safety, security and mental health professionals at schools throughout the District, for which existing funding, including the current voter approved ad valorem tax, is inadequate; and

WHEREAS, in general the State's funding formula does not permit the use of capital funds for operating expenses; provided, however, Section 1011.71(9) and Section 1011.73, Florida Statutes (2021), authorize the imposition by school boards of a levy of ad valorem taxes for up to four (4) years for "school operational purposes", including charter schools sponsored by a school district, subject to approval by the electors of the county voting in a referendum; and

WHEREAS, if such ad-valorem tax levy is approved to commence upon expiration of the current one-half mill ad valorem tax levy, the School Board will provide funding for the purposes described above to traditional public and charter schools throughout the District, will require monthly reports on all receipts and expenditures in connection with such levy, and will promptly post such reports on the School Board's website for public inspection;

NOW, THEREFORE, BE IT RESOLVED BY THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA:

Section 1. Levy of Ad Valorem Taxes for Operating Expenses. Pursuant to the provisions of Section 1011.71(9), Florida Statutes (2021), there is hereby levied and imposed a one (1) mill ad-valorem tax for operating expenses to enhance funding for school resource officers, school safety staff and mental health professionals, to provide funding to recruit and retain teachers and staff, and to fund other essential instruction related expenses to preserve important programs for the benefit of traditional public and charter schools.

Section 2. Term of Levy. The one (1) mill levy of ad valorem taxes for operating expenses shall commence July 1, 2023 and shall remain in full force and effect for up to four (4) years ending June 30, 2027, unless repealed or reduced prior to that time by resolution of the School Board, which repeal or reduction may be effectuated without referendum.

Section 3. Referendum. The School Board hereby determines that a referendum shall be held throughout Broward County, Florida, on the fourth Tuesday in August, which is August 23, 2022, for the purpose of submitting to the duly qualified electors of Broward County the question set forth herein. The School Board hereby directs the Broward County Board of County Commissioners (i) to approve the date for the referendum and (ii) to direct the Broward County Supervisor of Elections to place on the ballot the statement contained in the "Notice of Election" set forth in Section 4, below, and to conduct said election pursuant to the provisions of the election laws of the State of Florida. The vote at said referendum shall be by the voting devices provided by the Supervisor of Elections for the primary election, as approved by the Florida Department of State pursuant to Chapter 101, Florida Statutes, and in each polling place there shall be at least one such device.

Section 4. Notice of Election. Notice of said election shall be given by publication in a newspaper of general circulation throughout Broward County, Florida. Such publication shall be made at least twice, once in the fifth week and once in the third week prior to the week of August 23, 2022, the first publication to be not less than 30 days prior to the date of the referendum. Such notice shall be substantially in the following form together with such additional information as the Supervisor of Elections of Broward County, Florida shall require:

**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
NOTICE OF ELECTION**

NOTICE IS HEREBY GIVEN THAT AN ELECTION HAS BEEN CALLED BY THE SCHOOL DISTRICT OF BROWARD COUNTY, FLORIDA FROM 7:00 A.M. UNTIL 7:00 P.M. ON TUESDAY, THE 23RD DAY OF AUGUST, 2022, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY QUALIFIED ELECTORS OF SAID DISTRICT THE FOLLOWING QUESTION:

**Funding School Safety and Essential Educational Related
Expenditures through a One Mill Property Tax Levy**

Shall The School Board of Broward County levy an ad valorem property tax of one mill annually for fiscal years July 1, 2023 through June 30, 2027, to provide funding for (i) school resource officers, school safety staff and mental health professionals, (ii) increasing compensation to recruit and retain teachers and staff and (iii) essential instruction related expenditures to preserve important programs, for the benefit of all traditional public and charter schools?

_____ **Yes**

_____ **No**

IN ACCORDANCE WITH THE CONSTITUTION AND THE ELECTION LAWS OF THE STATE OF FLORIDA, ALL DULY QUALIFIED ELECTORS OF BROWARD COUNTY, FLORIDA SHALL BE ENTITLED TO VOTE IN THE ELECTION TO WHICH THIS NOTICE PERTAINS.

IF THE QUESTION SHALL BE APPROVED BY VOTE OF A MAJORITY OF THE DULY QUALIFIED ELECTORS OF BROWARD COUNTY, FLORIDA VOTING THEREON, THE SCHOOL BOARD SHALL LEVY ONE MILL TO PROVIDE FUNDING FOR: (i) SCHOOL RESOURCE OFFICERS, SCHOOL SAFETY STAFF AND MENTAL HEALTH PROFESSIONALS, (ii) INCREASING COMPENSATION TO RECRUIT AND RETAIN TEACHERS AND STAFF, AND (iii) ESSENTIAL INSTRUCTION RELATED EXPENDITURES TO PRESERVE IMPORTANT PROGRAMS, FOR THE BENEFIT OF ALL TRADITIONAL PUBLIC AND CHARTER SCHOOLS FOR A PERIOD OF FOUR YEARS. FUNDS WILL BE DISTRIBUTED PROPORTIONATELY BASED ON STUDENT ENROLLMENT.

Section 5. Official Ballot. The official ballot to be used in the election to be held on August 23, 2022, shall be in full compliance with the laws of the State of Florida and shall be substantially in the following form:

OFFICIAL BALLOT

Funding School Safety and Essential Educational Related Expenditures through a One Mill Property Tax Levy

Shall The School Board of Broward County levy an ad valorem property tax of one mill annually for fiscal years July 1, 2023 through June 30, 2027, to provide funding for (i) school resource officers, school safety staff and mental health professionals, (ii) increasing compensation to recruit and retain teachers and staff and (iii) essential instruction related expenditures to preserve important programs, for the benefit of all traditional public and charter schools?

_____ Yes

_____ No

If the question shall be approved by vote of a majority of the duly qualified electors of Broward County, Florida, voting thereon, the School Board shall levy one mill to provide funding for (i) school resource officers, school safety staff and mental health professionals, (ii) increasing compensation to recruit and retain teachers and staff and (iii) essential instruction related expenses to preserve important programs, for the benefit of all traditional public and charter schools for a period of four (4) years. Funds will be distributed proportionately based on student enrollment.

Section 6. Time and Place of Referendum. The polls will be open at the voting places on the date of such referendum from 7:00 A.M. until 7:00 P.M. All qualified electors residing within the District shall be entitled and permitted to vote at such referendum on the proposition provided below. The referendum shall be held at the polling places provided for primary and general elections in Broward County, Florida and the inspectors and clerks shall be those appointed and qualified for primary and general elections in Broward County, Florida by the Supervisor of Elections. The inspectors and clerks at each polling place and the Supervisor of Elections shall canvass the vote and make due returns of same without delay to the Board. Such returns shall show, separately, the number of qualified electors who voted at such election on such question and the number of votes cast respectively for and against approval of such question. The returns of the inspectors and clerks shall, as soon as practicable after the close of the polls, be canvassed by the Supervisor of Elections, who shall declare and certify the results of such referendum.

Section 7. Absentee Voting. Absentee electors participating in said referendum shall be entitled to cast their ballots in accordance with the provisions of the laws of the State of Florida with respect to absentee voting, which shall have printed thereon the question hereinabove set forth, with proper place for voting either "Yes" or "No" following the statement of the question aforesaid.

Section 8. Voter Registration Books. The Supervisor of Elections is hereby authorized and requested to furnish to the inspectors and clerks at each place where the votes are to be cast in such referendum, applicable portions of the registration books or certified copies thereof showing the names of the qualified electors residing in the District.

Section 9. Statutory References. All statutory references herein shall be to said statutes as they exist on the date of adoption of this Resolution and as they may be from time to time amended or renumbered, except to the extent contractual commitments would preclude application of a subsequent statutory revision or repeal.


Section 10. Severability. It is declared to be the intent of the School Board that, if any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 11. Conflict. Any resolution or part thereof in conflict with this Resolution or any part hereof is hereby repealed to the extent of the conflict.

Section 12. Effective Date. Sections 1 through 2 of this Resolution shall be effective upon approval by a majority of votes cast by qualified electors in the referendum provided for herein and the remaining sections of this Resolution shall be effective immediately upon its adoption.

Approved by The School Board of Broward County, Florida this 26th day of April, 2022.

[SEAL]



Laurie Rich Levinson

Laurie Rich Levinson

Chair

The School Board of Broward County, Florida

Attest:

Vickie L. Cartwright

Dr. Vickie L. Cartwright

Secretary

The School Board of Broward County, Florida