

## PROPOSED

### RESOLUTION NO. 2018-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PROVIDING FOR A REFERENDUM ELECTION TO BE HELD ON AUGUST 28, 2018, TO DETERMINE WHETHER THE ELECTORS OF THE SCHOOL DISTRICT OF BROWARD COUNTY, FLORIDA, WILL AUTHORIZE THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, TO LEVY AN AD VALOREM TAX OF ONE-HALF ( $\frac{1}{2}$ ) MILL FOR FOUR (4) YEARS TO FUND SECURITY AND ESSENTIAL INSTRUCTION-RELATED EXPENSES, AND PROVIDING FOR NOTICE OF A REFERENDUM ELECTION; PROVIDING FOR CANVASSING BOARD CERTIFICATION OF RESULTS; PROVIDING FOR THE DELIVERY OF A CERTIFIED COPY OF THIS RESOLUTION TO THE SUPERVISOR OF ELECTIONS BY JUNE 18, 2018; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on May 8, 2018, the School Board of Broward County, Florida ("School Board"), adopted Resolution 18-107 ("School Board Resolution"), directing the Broward County Board of County Commissioners ("Board"), to call a referendum election pursuant to Sections 1011.71(9) and 1011.73, Florida Statutes (2017), to determine if the electors of Broward County will authorize the School Board to levy an additional ad valorem tax of one-half ( $\frac{1}{2}$ ) mill for four (4) years to enhance funding for school resource officers, including at individual charter schools with more than 900 students, to hire security staff, to fund bonuses and benefits to recruit and retain teachers, and to fund other essential instruction-related expenses in order to preserve important programs in public schools; and

WHEREAS, a copy of the School Board Resolution is attached hereto as Exhibit A,  
NOW, THEREFORE,

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

3  
4 Section 1. The foregoing recitals are true and correct and are incorporated  
5 herein by reference.

6 Section 2. A referendum election is hereby called and ordered to be held during  
7 the August 28, 2018, primary election, pursuant to Section 1011.73(2), Florida Statutes,  
8 on the question set forth in Section 5 below, and the Broward County Supervisor of  
9 Elections is hereby directed to place such question on the ballot. The County  
10 Administrator shall furnish a certified copy of this adopted Resolution to the Supervisor of  
11 Elections on or before June 18, 2018. The County Administrator is authorized to perform  
12 all other tasks as may be necessary to comply with the requirements of laws relating to  
13 the referendum election.

14 Section 3. The referendum election is called and ordered to be held in  
15 conjunction with the primary election on August 28, 2018, and at such other times as  
16 provided for early voting by Section 101.657, Florida Statutes, at the same polling places  
17 established in Broward County for the primary election. Mail-in ballots for the referendum  
18 election shall be prepared and made available as provided by law. All registered and  
19 qualified electors in Broward County shall be eligible to vote in this referendum election.

20 Section 4. Pursuant to Section 100.342, Florida Statutes, notice of said election  
21 shall be given by publication in a newspaper of general circulation throughout Broward  
22 County. Publication shall be made at least twice, once in the fifth week and once in the  
23 third week prior to the week of August 28, 2018. The first publication shall not be less  
24 than thirty (30) days prior to the date of the referendum.

1 Section 5. The title and wording of the referendum question are as follows:

2  
3 **Funding Security and Essential Instruction Related**  
4 **Expenses of Schools through 1/2 Mill Property Tax Levy**

5 Shall The School Board of Broward County levy an  
6 ad-valorem operating millage of 1/2 mills annually for fiscal  
7 years July 1, 2019 through June 30, 2023, to (i) enhance  
8 funding for school resource officers, including individual  
9 charter schools with more than 900 students, (ii) hire district  
10 school security staff, (iii) increase compensation to recruit and  
11 retain highly qualified district teachers and (iv) fund other  
12 essential instruction related expenses preserving important  
13 programs in district schools?

14 \_\_\_\_\_ Yes

15 \_\_\_\_\_ No

16 Section 6. This Resolution shall be in force and take effect immediately upon its  
17 adoption by the Board.

18 Section 7. SEVERABILITY.

19 If any portion of this Resolution is determined by any court to be invalid, the invalid  
20 portion shall be stricken, and such striking shall not affect the validity of the remainder of  
21 this Resolution. If any court determines that this Resolution, or any portion hereof, cannot  
22 be legally applied to any individual(s), group(s), entity(ies), property(ies), or  
23 circumstance(s), such determination shall not affect the applicability hereof to any other  
24 individual, group, entity, property, or circumstance.

Section 8. EFFECTIVE DATE.

This Resolution shall become effective upon adoption.

ADOPTED this            day of            , 2018.

**PROPOSED**

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

By /s/ Mark A. Journey            05/25/18  
Mark A. Journey            (date)  
Senior Assistant County Attorney

By /s/ René D. Harrod            05/25/18  
René D. Harrod            (date)  
Deputy County Attorney

MAJ/mm  
05/25/18  
School Board Reso  
#30018

## Exhibit A

### THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

#### RESOLUTION 18-107

**A RESOLUTION OF THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, CALLING FOR A REFERENDUM TO BE HELD ON AUGUST 28, 2018 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 OPERATING EXPENSES TO ENHANCE FUNDING FOR SCHOOL RESOURCE OFFICERS, HIRE DISTRICT SCHOOL SECURITY STAFF, INCREASE COMPENSATION TO RECRUIT AND RETAIN HIGHLY QUALIFIED DISTRICT TEACHERS, AND FUND OTHER ESSENTIAL INSTRUCTION RELATED EXPENSES PRESERVING IMPORTANT PROGRAMS IN DISTRICT 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 2017-18 school year, the District will experience an even more significant decrease in State funding for operating expenses; 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 highly qualified teachers and pre-kindergarten through adult instructional personnel, paraprofessionals, food service employees, and bus drivers and assistants; and

WHEREAS, the State's funding formula does not permit the use of capital funds for operating expenses except as provided by Section 1011.71(9) and Section 1011.73, Florida Statutes (2017) and for limited purposes pursuant to Section 1011.71(5), Florida Statutes (2017); and

WHEREAS, Section 1011.71(9) and Section 1011.73, Florida Statutes (2017), authorize the imposition by school boards of a levy of ad valorem taxes for up to four (4) years for operating expenses, subject to approval by the electors of the county voting in a referendum; and

WHEREAS, if such ad-valorem tax levy is approved, the School Board 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 (2017), there is hereby levied and imposed one half (1/2) mills of ad-valorem taxes for operating expenses to enhance funding for school resource officers, including individual charter schools with more than 900 students; hire district school security staff; increase compensation to recruit and retain highly qualified district teachers; and fund other essential instruction related expenses preserving important programs in district schools.

Section 2. Term of Levy. The one half (1/2) mill levy of ad valorem taxes for operating expenses shall commence July 1, 2019 and shall remain in full force and effect for up to four (4) years ending June 30, 2023, 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 requests a referendum to be held throughout Broward County, Florida, on the fourth Tuesday in August, which is August 28, 2018, for the purpose of submitting to the duly qualified electors of Broward County the question set forth herein. The School Board hereby requests 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 28, 2018, 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 28<sup>th</sup> DAY OF AUGUST, 2018, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY QUALIFIED ELECTORS OF SAID DISTRICT THE FOLLOWING QUESTION:

**Funding Security and Essential Instruction Related Expenses  
of Schools through 1/2 Mill Property Tax Levy**

Shall The School Board of Broward County levy an ad-valorem operating millage of 1/2 mills annually for fiscal years July 1, 2019 through June 30, 2023, to (i) enhance funding for school

resource officers, including individual charter schools with more than 900 students, (ii) hire district school security staff, (iii) increase compensation to recruit and retain highly qualified district teachers and (iv) fund other essential instruction related expenses preserving important programs in district 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 HALF (1/2) MILLS TO ENHANCE FUNDING FOR SCHOOL RESOURCE OFFICERS, INCLUDING INDIVIDUAL CHARTER SCHOOLS WITH MORE THAN 900 STUDENTS; HIRE DISTRICT SCHOOL SECURITY STAFF; INCREASE COMPENSATION TO RECRUIT AND RETAIN HIGHLY QUALIFIED TEACHERS; AND FUND OTHER ESSENTIAL INSTRUCTION RELATED EXPENSES PRESERVING IMPORTANT PROGRAMS IN DISTRICT SCHOOLS FOR A PERIOD OF FOUR (4) YEARS.

Section 5. Official Ballot. The official ballot to be used in the election to be held on August 28, 2018, shall be in full compliance with the laws of the State of Florida and shall be substantially in the following form:

OFFICIAL BALLOT

**Funding Security and Essential Instruction Related Expenses  
of Schools through 1/2 Mill Property Tax Levy**

Shall The School Board of Broward County levy an ad-valorem operating millage of 1/2 mills annually for fiscal years July 1, 2019 through June 30, 2023, to (i) enhance funding for school resource officers, including individual charter schools with more than 900 students, (ii) hire district school security staff, (iii) increase compensation to recruit and retain highly qualified district teachers and (iv) fund other essential instruction related expenses preserving important programs in district 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 half (1/2) mills to enhance funding for school resource officers, including individual charter schools with more than 900 students; hire district school security staff; increase compensation to recruit and retain highly qualified district teachers; and fund other essential instruction related expenses preserving important programs in district schools for a period of four (4) years.

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 8th day of May, 2018.

[SEAL]

A handwritten signature in cursive script that reads "Nora Rupert". The signature is written in black ink and is positioned above the printed name and title.

Nora Rupert

Chair

The School Board of Broward County, Florida

Attest:

A handwritten signature in cursive script that reads "Robert W. Runcie". The signature is written in black ink and is positioned above the printed name and title.

Robert W. Runcie

Secretary

The School Board of Broward County, Florida