

RESOLUTION 2022 - ____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, ACKNOWLEDGING RECEIPT OF A RESOLUTION OF THE SCHOOL BOARD OF FLAGLER COUNTY, FLORIDA, THAT CALLS FOR A REFERENDUM TO BE HELD ON NOVEMBER 8, 2022, FOR THE PURPOSE OF SUBMITTING TO THE DULY QUALIFIED ELECTORS OF FLAGLER COUNTY, FLORIDA A QUESTION REGARDING THE LEVY BY THE SCHOOL BOARD OF A DISCRETIONARY SALES SURTAX OF ONE-HALF CENT UNDER THE AUTHORITY OF SECTION 212.055(6), FLORIDA STATUTES; SAID RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS MAKING FINDINGS; CALLING FOR THE PLACEMENT OF THE SCHOOL BOARD'S SALES SURTAX REFERENDUM ON THE BALLOT OF THE GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2022; PROVIDING FOR THE FORM OF THE BALLOT TITLE AND QUESTION; REQUIRING THE SCHOOL BOARD TO PUBLISH NOTICE OF THE REFERENDUM; PROVIDING DIRECTIONS REGARDING THE DELIVERY OF COPIES OF THE RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 212.055(6)(a), Florida Statutes, provides that school boards are authorized to levy, pursuant to resolution, a discretionary sales surtax at a rate that may not exceed 0.5 percent, conditioned to take effect only upon approval by a majority vote of the electors of the county voting on the resolution; and

WHEREAS, the Flagler County School Board ("School Board") passed a resolution within the meaning of Section 212.055(6)(a), Florida Statutes, that provides for the continued levy of the discretionary sales surtax at the rate of the full 0.5 percent as authorized thereunder; the School Board resolution is attached hereto; and

WHEREAS, the School Board resolution includes a ballot title, summary statement and ballot question for the referendum that conforms to the requirements of Section 101.161(1), Florida Statutes; and

WHEREAS, as required under Section 212.055(6)(b), Florida Statutes, the School Board resolution includes a statement that the revenues collected must be shared with eligible charter schools based on their proportionate share of total school district enrollment, and that provides a brief and general description of the fixed capital expenditures or costs to be funded by the discretionary sales surtax levied by the School Board under the authority of Section 212.055(6)(a), Florida Statutes; and

WHEREAS, the enactment of HB 7071 in the last legislative session allows school districts to add expenditures related to school buses to a referendum measure which the School Board has done; and

WHEREAS, Section 212.055(6)(b), Florida Statutes, requires the Board of County Commissioners to place on the referendum ballot the ballot title, summary statement, and question prepared by the School Board on the ballot; and

WHEREAS, in Section 8 of the School Board's resolution, the School Board has specifically requested that the Board of County Commissioners place the referendum on the general election ballot scheduled for November 8, 2022; and

WHEREAS, the School Board has given notice of intent to place the referendum on the ballot on November 8, 2022, to the Flagler County Supervisor of Elections.

NOW THEREFORE, be it resolved by the Flagler County Board of County Commissioners, as follows:

Section 1. The above recitals are incorporated herein as findings of fact.

Section 2. Pursuant to its authority to place items on the ballot as authorized by law, the Board of County Commissioners recognizes the general election scheduled to be held on November 8, 2022.

Section 3. The referendum requested by the School Board as described herein shall be placed on the ballot of the general election called under Section 2 for submission to the electors of the County.

Section 4.

(a) The ballot title for the referendum shall read as follows:

SCHOOL BOARD REFERENDUM CONTINUING SALES SURTAX TO FUND TECHNOLOGY, SCHOOL SAFETY AND EDUCATIONAL FACILITIES IMPROVEMENTS.

(b) The ballot question for the referendum shall read as follows:

SHALL THE FLAGLER COUNTY SCHOOL BOARD CONTINUE TO LEVY A ONE-HALF CENT SALES SURTAX, BEGINNING JANUARY 1, 2023, FOR A PERIOD OF TEN YEARS, TO FINANCE ALL SCHOOL TECHNOLOGY UPGRADES, RETROFITTING,, EQUIPPING, AND IMPROVEMENTS (INCLUDING BUT NOT LIMITED TO SAFETY AND SECURITY); SCHOOL

AND FACILITY CONSTRUCTION, RENOVATION, AND REMODELING;
PROCURING AND MAINTAINING SCHOOL BUSES; LAND ACQUISITION
AND IMPROVEMENT; AND ALLOWABLE USES FOR ELIGIBLE
CHARTER SCHOOLS RECEIVING THEIR PROPORTIONATE SHARE OF
REVENUES BASED ON DISTRICT ENROLLMENT?

___ FOR THE CONTINUATION OF A ONE-HALF CENT TAX

___ AGAINST THE CONTINUATION OF A ONE-HALF CENT TAX

Section 5. The School Board shall be responsible for causing the notice set forth in Section 9 of the School Board resolution to be published in a newspaper of general circulation throughout Flagler County in accordance with the requirements of Section 100.342, Florida Statutes, and for causing proof of such publication to be provided to the Supervisor of Elections.

Section 6. Promptly following the adoption of this Resolution, the County Clerk of the Courts shall cause a certified copy of this Resolution to be delivered to the Supervisor of Elections and a certified copy of this Resolution to be delivered to the Superintendent of the School District.

Section 7. This Resolution shall be effective as of the date it is filed with the Clerk of the Courts.

DULY APPROVED AND ADOPTED this 20th day of June 2022, by the Board of County Commissioners of Flagler County, Florida.

FLAGLER COUNTY BOARD OF
COUNTY COMMISSIONERS

Joseph F. Mullins, Chair

ATTEST:

Tom Bexley, Clerk of the Circuit Court
and Comptroller

Approved as to form:

Sean S. Moylan Digitally signed by Sean S. Moylan
Date: 2022.06.14 14:47:01 -04'00'
Sean S. Moylan, Deputy County
Attorney

Resolution No.: 2021/22-10

**THE SCHOOL BOARD OF FLAGLER COUNTY, FLORIDA
RESOLUTION**

A RESOLUTION OF THE SCHOOL BOARD OF FLAGLER COUNTY, FLORIDA CALLING FOR A REFERENDUM TO BE HELD ON NOVEMBER 8, 2022 FOR THE PURPOSE OF SUBMITTING TO THE DULY QUALIFIED ELECTORS OF FLAGLER COUNTY, FLORIDA, A QUESTION REGARDING THE CONTINUATION OF THE DISCRETIONARY HALF-CENT SALES SURTAX CURRENTLY LEVIED BY THE SCHOOL BOARD WHICH THE SCHOOL BOARD MUST SHARE WITH ELIGIBLE CHARTER SCHOOLS BASED ON THEIR PROPORTIONATE SHARE OF TOTAL DISTRICT ENROLLMENT, TO BE USED TO FINANCE FUNDING OF FIXED CAPITAL EXPENDITURES OR FIXED CAPITAL COSTS ASSOCIATED WITH THE PURCHASING OF EQUIPMENT, INCLUDING COSTS OF IMPLEMENTING AND RETROFITTING SCHOOLS FOR TECHNOLOGY, INCLUDING HARDWARE AND SOFTWARE, FOR ALL DISTRICT SCHOOL SITES; FOR SAFETY AND SECURITY IMPROVEMENTS; FOR THE CONSTRUCTION, RECONSTRUCTION OR IMPROVEMENT OF SCHOOL FACILITIES AND CAMPUSES WHICH HAVE A USEFUL LIFE EXPECTANCY OF FIVE (5) OR MORE YEARS AND ANY LAND ACQUISITION, LAND IMPROVEMENT, DESIGN, AND ENGINEERING COSTS RELATED THERETO; ANY PURCHASE, LEASE-PURCHASE, LEASE, OR MAINTENANCE OF SCHOOL BUSES, AS DEFINED IN S. 1006.25, WHICH HAVE A LIFE EXPECTANCY OF 5 YEARS OR MORE; FOR SERVICING BOND INDEBTEDNESS TO FINANCE PROJECTS AUTHORIZED BY THIS RESOLUTION, IF ANY; AND BY CHARTER SCHOOLS FOR ALLOWABLE USES AS SET FORTH IN §1013.62(4) F.S.; PROVIDING FOR PROPER NOTICE OF THE REFERENDUM ELECTION; PROVIDING FOR PLACES OF VOTING, INSPECTORS AND CLERKS; PROVIDING FOR AN OFFICIAL BALLOT; PROVIDING FOR ABSENTEE VOTING; PROVIDING FOR EARLY VOTING; PROVIDING FOR PRINTING OF BALLOTS; PROVIDING FOR REFERENDUM RESULTS; PROVIDING FOR REFERENDUM ELECTION PROCEDURE; PROVIDING FOR SEVERABILITY; AUTHORIZING CERTAIN INCIDENTAL ACTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the revenue sources for the School District of Flagler County, Florida for funding the costs of technology implementation, including hardware and software, school safety, and of construction, reconstruction and improvement of new and existing public schools, have become more and more inadequate; and

WHEREAS, the critical need for technology, improve school safety, construction, renovation, replacement and maintenance has been established; and

WHEREAS, the lack of funding throughout the School District of Flagler County, Florida, for the costs of providing and retrofitting schools for technology implementation, including hardware and software, improved school safety, the construction, reconstruction and improvement of new and existing public school facilities, the purchase or lease-purchase and/or maintenance of school buses having a life expectancy of five (5) or more years, has become more and more acute; and

WHEREAS, the School Board of Flagler County is authorized by Subsection 212.055(6) of the Florida Statutes to levy a one-half cent sales surtax to fund capital outlay projects and technology implementation, improved school safety, the construction, reconstruction and improvement of new and existing public school facilities, the purchase or lease-purchase and/or maintenance of school buses having a life expectancy of five (5) or more years, and the payment of bond indebtedness and any interest accrued thereto, upon approval by a majority vote of the electors of Flagler County;

WHEREAS, the School Board desires to limit the financial impact of its capital outlay, school safety and technology implementation programs on local property owners by supplementing the use of ad valorem taxes to pay the costs of such improvements;

WHEREAS, the revenues collected will be shared with eligible charter schools based on their proportionate share of the total school district enrollment pursuant to the provisions of Subsection 212.055(6)(b).

WHEREAS, the School Board has adopted a plan for use of the proceeds of levy and collection of the surtax for capital outlay, improved school safety, and information and communication technology purchase and implementation, which plan may be modified from time to time as the School Board determines to be in the best interest of the citizens throughout Flagler County;

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

Section 1. Authority for Resolution. This Resolution is adopted pursuant to Section 212.055(6), Florida Statutes, and other applicable provisions of law.

Section 2. Findings. It is Hereby found and determined that:

- (A) Section 212.055(6), Florida Statutes, authorizes school boards, such as the School Board of Flagler County, Florida (the Board), to levy a discretionary sales surtax not to exceed one-half percent (0.5%) for school capital outlay projects. Such levy is subject to approval by a majority vote of the electors in the county in which the school board is located.
- (B) By Resolution, adopted May 22, 2012 and amended on June 5, 2012, this Board (1) adopted a plan of finance for the use of a discretionary Sales Surtax in the District; (2) authorized the renewal (continuation) of the levy of a Sales Surtax in an amount equal to one-half percent (0.5%) to take effect January 1, 2013 for a period of ten (10) years; (3) ordered a referendum election to be held on August 14, 2012 (“2012 Referendum”), to determine whether this Board might continue to levy the Sales Surtax; and (4) authorized and directed other required matters respecting the 2012 Referendum.
- (C) On June 8, 2012, the Board of County Commissioners for Flagler County, Florida, ratified the action taken by the School Board on June 5, 2012 and confirmed that the ballot question to voters in accordance with Sections 212.055(6) and 101.161, Florida Statutes shall read as follows: ___ For the continuation of a one-half (1/2) cent sales surtax or ___ Against the continuation of a one-half (1/2) cent sales surtax.
- (D) On August 14, 2012, the Board of County Canvassers for Flagler County, Florida, certified passage of the 2012 Referendum approving the Continuation of the Sales Surtax.
- (E) As provided by the 2012 Referendum, the Sales Surtax continuation became effective on January 1, 2013, for a period of 10 years; unless extended, the Sales Surtax will expire on December 31, 2022.
- (F) The Board hereby determines that it is in the best interest of the School District of Flagler County, Florida (the District) and its students to renew the existing sales surtax, and authorized by Section 212.055(6), Florida Statutes, in an amount equal to one-half percent.
- (G) The Board has determined that the funds collected from the sales surtax previously approved by the voters of Flagler County in 2012 are being spent as described in project plans, routinely audited, and have vastly improved facilities in schools.
- (H) The Board recognizes the need for continued repair, renovations, expansions, retrofitting and implementation of technology hardware and software for all sites within the District to maintain safe learning and working environments.

Section 3. Continuing Tax Levy. There is hereby levied and imposed within Flagler County a continuation of the discretionary sales surtax of 0.5 percent (one-half cent) pursuant to the provisions of Subsection 212.055(6) and Subsection 212.054, of the Florida Statutes.

Section 4. Term of Levy. The surtax levy shall commence January 1, 2023. The surtax levy shall remain in full force and effect for a period of ten (10) years from and after January 1,

2023 through December 31, 2032 unless repealed or reduced prior to that time by resolution of the School Board, which repeal or reduction may be effectuated without referendum.

Section 5. Administration. The surtax levied hereby shall be collected, administered and paid to the School Board by the Department of Revenue pursuant to the terms of Subsection 212.054(4)(a), of the Florida Statutes and such other laws as may be applicable.

Section 6. Use of Revenues. The proceeds of the levy and collection of the school capital outlay sales surtax, as authorized by Section 212.055(6), Florida Statutes, shall be used by the School Board for the purpose of funding of fixed capital expenditures or fixed capital costs associated with equipment including costs of purchasing, retrofitting and providing for technology implementation, including hardware and software, for all sites within the District; safety and security improvements; the construction, reconstruction or improvement of existing schools and school facilities and campuses which have a useful life expectancy of five (5) or more years and any land acquisition, land improvement, design and engineering costs related thereto; or any purchase, lease-purchase, lease, or maintenance of school buses, as defined in s. 1006.25, which have a life expectancy of 5 years or more; and servicing bond indebtedness to finance the above-referenced projects. A brief and general description of the initial capital outlay projects to be funded by the surtax is set forth in the plan attached hereto as Exhibit A. Such plan may be modified from time to time as circumstances change and needs arise. The revenues shared with eligible charter schools may be expended by the charter schools in a manner consistent with the allowable uses set forth in section 1013.62(4), Florida Statutes, which is more particularly described in Exhibit C, attached and incorporated herein.

Section 7. Levy of Sales Surtax. Subject to approval of the electors of the District, the Board hereby levies the Sales Surtax in an amount equal to one-half percent (0.5%). The Sales Surtax shall end on December 31, 2032. No proceeds of the Sales Surtax nor any interest accrued thereon shall be used for operational expenses. If the Sales Surtax shall be approved by referendum, the Board shall comply with Section 212.055(6)(c), Florida Statutes.

Section 8. Referendum Election Ordered. A referendum election is hereby ordered to be held in the District on November 8, 2022, to determine whether or not a sales surtax of 0.5 percent (one-half cent) shall continue to be levied within Flagler County to fund the critical need for the cost of fixed capital expenditures or fixed capital costs including retrofitting schools for technology implementation, hardware and software, school safety, and school construction, renovation, replacement and improvement. The Board of County Commissioners shall be asked to place such question on the ballot in accordance with Section 212.055(6)(b), Florida Statutes.

Section 9. Notice of Referendum Election. The Superintendent is hereby authorized and directed to publish a notice of the referendum in the manner and times as are required by Section 100.342, Florida Statute. The notice of referendum shall be substantially in the form, provided in the attached Exhibit B together with such additional information as the Supervisor of Elections of Flagler County shall require. This Resolution shall be published as a part of such notice. Such publication shall be made at least twice, once in the fifth week and once in the third week prior to the week of November 8, 2022.

Section 10. Places of Voting; Inspectors and Clerks. The polls will be open at the voting places on the date of such referendum election 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 election on the proposition provided herein. The places of voting and the inspectors and clerks of the referendum election shall be those designated by the Supervisor of Elections of Flagler County in accordance with law.

Section 11. Official Ballot. The official ballot to be used in the election to be held on November 8, 2022 shall be in full compliance with the laws of the State of Florida, shall contain a statement relating to the authority of the School Board of Flagler County, Florida to levy a half-cent capital outlay surtax for the period beginning January 1, 2023 to December 31, 2032, and shall be substantially in the following form:

OFFICIAL BALLOT

SCHOOL BOARD REFERENDUM CONTINUING
SALES SURTAX TO FUND TECHNOLOGY, SCHOOL SAFETY AND EDUCATIONAL
FACILITIES IMPROVEMENTS

SHALL THE FLAGLER COUNTY SCHOOL BOARD CONTINUE TO
LEVY A ONE-HALF CENT SALES SURTAX, BEGINNING
JANUARY 1, 2023, FOR A PERIOD OF TEN YEARS, TO FINANCE
ALL SCHOOL TECHNOLOGY UPGRADES, RETROFITTING,
EQUIPPING AND IMPROVEMENTS (INCLUDING BUT NOT
LIMITED TO SAFETY AND SECURITY); SCHOOL AND FACILITY
CONSTRUCTION, RENOVATION, AND REMODELING;
PROCURING AND MAINTAINING SCHOOL BUSES; LAND
ACQUISITION AND IMPROVEMENT; AND ALLOWABLE USES
FOR ELIGIBLE CHARTERS SCHOOLS RECEIVING THEIR
PROPORTIONATE SHARE OF REVENUES BASED ON DISTRICT
ENROLLMENT?

Instruction to Voters:

_____ FOR THE CONTINUATION OF A ONE-HALF CENT TAX

_____ AGAINST THE CONTINUATION OF A ONE-HALF CENT TAX

Section 12. Absentee And Early Voting. Adequate provision shall be made for absentee and early voters as permitted by general law.

Section 13. Election Procedure. The Supervisor of Elections shall hold, administer and conduct the referendum election in the manner prescribed by law for holding elections in the District. Returns shall show the number of qualified electors who voted at such referendum

election on the proposition and the number of votes cast respectively for and against approval of the proposition. The returns shall be canvassed in accordance with law.

Section 14. Severability. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of any other word, phrase, clause, sentence or paragraph hereof.

Section 15. 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 16. Effective Date. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED AND APPROVED This 8th day of June, 2022, by the School Board of Flagler County, Florida.

**SCHOOL BOARD OF FLAGLER COUNTY,
FLORIDA, ACTING AS THE GOVERNING
BODY OF THE FLAGLER COUNTY
SCHOOL DISTRICT**

(SEAL)

By: 
_____ Chairman

ATTEST:


_____ Superintendent

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


_____ School Board Attorney

EXHIBIT A

PLAN FOR USE OF SALES SURTAX PROCEEDS***

Pursuant to Section 212.055(6) Florida Statutes, capital improvements to be funded by proceeds of the Sales Surtax shall be for:

District Wide Technology	Retrofit and upgrades to infrastructure, software, hardware and wiring to maximize system performance	\$18,580,000
District Wide Instructional Technology	Technology upgrades to support a robust and seamless delivery of instruction	\$24,505,000
District Wide Safety & Security	Physical building hardening and upgrades to software and hardware for surveillance and security systems	\$ 8,365,000
District Wide Classroom Renovations	Smart classrooms, learning spaces and labs	\$20,150,000
District Wide Energy Efficiency Renovations	Upgrades to electrical and H-VAC systems	\$ 3,300,000
Bus Procurement and Maintenance	School bus purchase and/or maintenance	\$ 2,700,000

**This is not a complete list of projects to be completed using the half-cent sales surtax but is current and based upon the 5 year capital outlay plan as presented in 2022.

*Reduced by \$5,100,000 based on current charter school(s) proportionate share of total District enrollment, if eligible.

EXHIBIT B

**NOTICE OF REFERENDUM ELECTION IN THE SCHOOL DISTRICT OF
FLAGLER COUNTY, FLORIDA ON TUESDAY, NOVEMBER 8, 2022**

NOTICE IS HEREBY GIVEN THAT A REFERENDUM ELECTION will be held on Tuesday, November 8, 2022, in the School District of Flagler County, Florida (such School District comprising all of Flagler County, Florida), for the purpose of determining whether or not the electors in FLAGLER County, Florida approve the continuation of the levy by the FLAGLER School Board of one-half cent ($\frac{1}{2}$ ¢) per dollar sales surtax in Flagler County, Florida to finance technology implementation for all district sites, improve school safety, capital costs of construction, capital improvements to school facilities, more specifically described and provided in a resolution of the School Board of Flagler County, Florida adopted on February 8, 2022 published herewith below.

The polls will be open at the voting places on the date of the referendum election from 7:00 a.m. until 7:00 p.m., all as provided in such resolution published below. Absentee and early voting shall be permitted upon compliance with applicable provisions of general law.

All qualified electors residing within FLAGLER County shall be entitled, qualified and permitted to vote at such election.

A RESOLUTION OF THE SCHOOL BOARD OF FLAGLER COUNTY, FLORIDA CALLING FOR A REFERENDUM TO BE HELD ON NOVEMBER 8, 2022 FOR THE PURPOSE OF SUBMITTING TO THE DULY QUALIFIED ELECTORS OF FLAGLER COUNTY, FLORIDA, A QUESTION REGARDING THE CONTINUATION OF THE DISCRETIONARY HALF-CENT SALES SURTAX CURRENTLY LEVIED BY THE SCHOOL BOARD TO BE USED TO FINANCE FUNDING OF FIXED CAPITAL EXPENDITURES OR FIXED CAPITAL COSTS ASSOCIATED WITH THE COSTS OF RETROFITTING AND PROVIDING FOR TECHNOLOGY IMPLEMENTATION, INCLUDING HARDWARE AND SOFTWARE, FOR ALL DISTRICT SCHOOL SITES; FOR SAFETY AND SECURITY IMPROVEMENTS; FOR THE CONSTRUCTION, RECONSTRUCTION OR IMPROVEMENT OF SCHOOL FACILITIES AND CAMPUSES WHICH HAVE A USEFUL LIFE EXPECTANCY OF FIVE (5) OR MORE YEARS, AND ANY LAND ACQUISITION, LAND IMPROVEMENT, DESIGN, AND ENGINEERING COSTS RELATED THERETO; ANY PURCHASE, LEASE-PURCHASE, LEASE, OR MAINTENANCE OF SCHOOL BUSES, AS DEFINED IN S. 1006.25, WHICH HAVE A LIFE EXPECTANCY OF 5 YEARS OR MORE; FOR SERVICING BOND INDEBTEDNESS TO FINANCE PROJECTS AUTHORIZED BY THIS RESOLUTION, IF ANY. THE REVENUES COLLECTED MUST BE SHARED WITH ELIGIBLE CHARTER SCHOOLS BASED ON THEIR PROPORTIONATE SHARE OF TOTAL

DISTRICT ENROLLMENT, IN A MANNER CONSISTENT WITH THE ALLOWABLE USES AS SET FORTH IN §1013.62(4) F.S.

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

THE SCHOOL BOARD OF FLAGLER COUNTY, FLORIDA, SHALL BE AUTHORIZED TO LEVY THE TAX COVERED BY THE QUESTION STATED ABOVE IF THE QUESTION IS APPROVED BY VOTE OF A MAJORITY OF THE DULY QUALIFIED ELECTORS OF FLAGLER COUNTY, VOTING THEREON.

SCHOOL BOARD OF FLAGLER
COUNTY, FLORIDA

Chairman

OFFICIAL BALLOT

School District of Flagler County, Florida

SCHOOL BOARD REFERENDUM CONTINUING
SALES SURTAX TO FUND TECHNOLOGY, SCHOOL SAFETY AND EDUCATIONAL
FACILITIES IMPROVEMENTS

SHALL THE FLAGLER COUNTY SCHOOL BOARD CONTINUE TO LEVY A ONE-HALF CENT SALES SURTAX, BEGINNING JANUARY 1, 2023, FOR A PERIOD OF TEN YEARS, TO FINANCE ALL SCHOOL TECHNOLOGY UPGRADES, RETROFITTING, EQUIPPING AND IMPROVEMENTS (INCLUDING BUT NOT LIMITED TO SAFETY AND SECURITY); SCHOOL AND FACILITY CONSTRUCTION, RENOVATION, AND REMODELING; PROCURING AND MAINTAINING SCHOOL BUSES; LAND ACQUISITION AND IMPROVEMENT; AND ALLOWABLE USES FOR ELIGIBLE CHARTERS SCHOOLS RECEIVING THEIR PROPORTIONATE SHARE OF REVENUES BASED ON DISTRICT ENROLLMENT?

_____ FOR THE CONTINUATION OF A ONE-HALF CENT TAX

_____ AGAINST THE CONTINUATION OF A ONE-HALF CENT TAX

EXHIBIT C

ALLOWABLE USES FOR WHICH CHARTER SCHOOLS MAY EXPEND COLLECTED
REVENUES FROM HALF-CENT SALES SURTAX

A charter school's governing body may use charter school capital outlay funds for the following purposes:

- (a) Purchase of real property.
- (b) Construction of school facilities.
- (c) Purchase, lease-purchase, or lease of permanent or relocatable school facilities.
- (d) Purchase of vehicles to transport students to and from the charter school.
- (e) Renovation, repair, and maintenance of school facilities that the charter school owns or is purchasing through a lease-purchase or long-term lease of 5 years or longer.
- (f) Payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities.
- (g) Purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.
- (h) Purchase, lease-purchase, or lease of computer and device hardware and operating system software necessary for gaining access to or enhancing the use of electronic and digital instructional content and resources; and enterprise resource software applications that are classified as capital assets in accordance with definitions of the Governmental Accounting Standards Board, have a useful life of at least 5 years, and are used to support school-wide administration or state-mandated reporting requirements. Enterprise resource software may be acquired by annual license fees, maintenance fees, or lease agreement.
- (i) Payment of the cost of the opening day collection for the library media center of a new school.

Growth Management Department
 1769 E. Moody Blvd, Bldg. 2
 Bunnell, FL 32110



www.FlaglerCounty.gov

Phone: (386) 313-4009

Fax: (386) 313-4102

MEMORANDUM

DATE: June 20, 2022

TO: Board of County Commissioners

THRU: Heidi Petito, County Administrator
 Al Hadeed, County Attorney

FROM: Adam Mengel, Growth Management Director

SUBJECT: Application #3270 – Eagle Lakes PUD Rezoning and Amendment Public Hearing

Public notice was originally provided for the above-captioned request to be heard by the Board of County Commissioners at its regular meeting on Monday, March 21, 2022 at 5:30 p.m. or as soon thereafter as the matter may be heard. At the March 21, 2022 meeting, the Board continued the public hearing to its April 18, 2022 regular meeting at the request of the applicant. The April 18, 2022 public hearing was continued to the June 20, 2022 regular meeting. The applicant has asked that this request be again continued to the Board's July 11, 2022 regular meeting.

Staff has prepared this memo for the Board's consideration to continue the Eagle Lakes public hearing to its meeting on Monday, July 11, 2022 at 9:30 a.m. The Board may opt to hear and consider this request at its June 20, 2022 regular meeting; however, staff has not included any agenda backup related to this request in the June 20, 2022 agenda and backup, and the applicant will not be present at this meeting.

Staff recommends that the Board open and continue the public hearing for Eagle Lakes, continuing this hearing to the Board's July 11, 2022 regular meeting at 9:30 a.m. Staff has provided updated legal notice for the July 11, 2022 regular meeting.

If the only Board action on this item is to continue the hearing, public comment should generally be limited to the decision to continue the item, rather than the substance of the underlying application, since this would no longer be the decision meeting. However, the Board should still open the public hearing and hear from any public present who are unable to attend on the July 11, 2022 meeting date or who otherwise wish to provide comments.

Please contact me with any questions.

Andy Dance
 District 1

Greg Hansen
 District 2

David Sullivan
 District 3

Joe Mullins
 District 4

Donald O'Brien Jr.
 District 5

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9b**

SUBJECT: LEGISLATIVE – First Reading of an Ordinance Amending Home-Based Business Requirements of the Land Development Code to Conform to Florida Law.

DATE OF MEETING: June 20, 2022

OVERVIEW/SUMMARY: This request is legislative in nature and does not require disclosure of ex parte communication. This ordinance is being presented to the Board of County Commissioners for first reading, with second reading and adoption to follow on July 11, 2022 at 9:30 a.m. or as soon thereafter as this item may be heard.

Among the bills that were approved by the 2021 Legislature was a preemption of local authority regarding home-based businesses. The bill was summarized by Legislative staff as:

“The bill provides that local governments may not enact or enforce any ordinance, regulation, or policy, or take any action to license or otherwise regulate a home-based business in a manner that is different from other businesses in a local government’s jurisdiction.”

The bill summary continued:

“In order to be considered a home-based business, the bill requires that the:

- Business operates, in whole or in part, from a residential property;
- Employees of the business must reside in the residence, except for up to two employees or independent contractors who work at the residence and any number of remote employees;
- Parking related to business complies with local zoning requirements and may not be greater than would be expected at a residence where no business is conducted;
- Use and external modifications of the residential property are consistent with the uses, residential character, and architectural aesthetics of the neighborhood;
- Business complies with local regulations for signage, noise, vibration, heat, smoke, dust, glare, fumes, noxious odors, hazardous or flammable materials, vehicles, and trailers, provided that such regulations are not more stringent than those for a residence where no business is conducted;
- Business may not conduct retail transactions at a structure other than the residential dwelling, except incidental and short term business activities may be conducted at the residential property; and
- Activities of the home-based business are secondary to the use as a residential dwelling.”

The legislation eliminated local government approval of home-based businesses, limiting the authority of local governments to regulate home-based businesses to what is expressly provided for in the statute. Further, the bill included language regarding legal challenge against a local government related to their actions adverse to an existing or proposed home-based business, with the prevailing party eligible to recover reasonable attorney’s fees and costs.

The bill – CS/HB 403 – was enacted with a July 1, 2021 effective date as Chapter 2021-202, Laws of Florida, which specifically created Section 559.955, Florida Statutes. While the bill was for the most part a preemption bill, it stopped short of prescribing an enforcement mechanism. No State department or agency was identified as having enforcement authority over violations of the

statute, nor does the law prescribe rule making authority of any agency. This leaves local governments in an indefinite gray area: either do nothing, or adopt the statutory language so that the State's regulation becomes a local regulation enforceable through established means of localized code enforcement. Few local governments have taken the latter approach, and this ordinance adds Flagler County to the growing list of those who have done so. The attached ordinance closely mirrors the statute.

As this ordinance changes the actual list of permitted or permissible uses, the adoption of the ordinance requires two readings. If approved on first reading, the second reading and adoption will take place at the Board's July 11, 2022 regular meeting.

Public notice has been provided for this ordinance according to Section 125.66, Florida Statutes.

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

RECOMMENDATION: Staff recommends that the Board of County Commissioners approve the ordinance on first reading, with second reading and adoption to occur on July 11, 2022.

ATTACHMENTS:

1. Ordinance
2. Sec. 559.955, Florida Statutes (2021)
3. Legal Advertisement