

**COUNTY OF GULF
STATE OF FLORIDA**

ORDINANCE NO. 2024- 10

AN ORDINANCE OF GULF COUNTY, FLORIDA; WHEREBY THE SCHOOL BOARD OF GULF COUNTY, FLORIDA IN A REGULAR SCHOOL BOARD MEETING DULY ASSEMBLED CALLED UPON AND DIRECTED THE BOARD OF COUNTY COMMISSIONERS FOR GULF COUNTY, FLORIDA TO INITIATE AND COMMENCE WITH PLACING A REFERENDUM ON THE UPCOMING NOVEMBER 5, 2024 GENERAL ELECTION, AT WHICH THE ELECTORS WITHIN THE SCHOOL DISTRICT MAY VOTE ON THE APPROVAL OF THE CONTINUATION UNDER SECTION 1011.71(9) and 1011.73, FLORIDA STATUTES IN CONFORMANCE WITH ARTICLE VII, SECTION 9 OF THE FLORIDA CONSTITUTION AND SECTIONS 101.161, 1011.71(9), AND 1011.73, FLORIDA STATUTES, THE SUBSTANCE OF THE MEASURE AND THE BALLOT TITLE AND SUMMARY SHALL BE CONTAINED HEREIN AND PROVIDING FOR REPEALER, SEVERABILITY, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 1011.71(9), *Florida Statutes*, has authorized the proportionate allocation of referendum funds to schools for proscribed use for school operational purposes based on the school district's total unweighted full-time equivalent student enrollment; and

WHEREAS, on March 2, 2021 the voters of Gulf County approved a millage referendum permitting the School Board of Gulf County, Florida (the "School Board") to levy an additional one mill of ad valorem taxes to be used for school operating expenses of the Gulf County School District; and

WHEREAS, the School Board has used the additional revenue generated by the increased millage to maintain and expand its school operations, including by recruiting and retaining quality teachers; implementing and preserving educational programs; and providing textbooks, technology, and other resources to the Gulf County School District; and

WHEREAS, in the absence of the continuation of additional operating revenue generated by the additional voted one mill, the School Board would face a revenue shortfall and charter schools could face similar revenue shortfalls that would result in significant budget cuts requiring the elimination of numerous academic programs and positions; and

WHEREAS, the Gulf County School Board voted on March 5, 2024 by authorizing resolution of its Board members to direct the Gulf County Board of County Commissioners to call for a referendum to be held at the upcoming November 5, 2024 general election, at which the electors of Gulf County within the School District may vote for four (4) years as authorized

under Section 1011.71(9) and 1011.73, Florida Statutes in conformance with Article VII, Section 9 of the Florida Constitution and Sections 101.161, 1011.71(9), Florida Statutes, the substance of the measure and the ballot title; and

WHEREAS, at the direction and request of the Gulf County School Board, the Board of County Commission has commenced with Public Notice to be advertised in The Star on May 16, 2024 for a first reading and offering the public an opportunity to participate at a public hearing before the Board of County Commissioners on May 28, 2024 at 9:00 a.m. for the proposed ordinance; and

WHEREAS, on June 6, 2024 a second Public Notice was advertised in The Star for a second reading and offering the public an opportunity to participate at a second public hearing before the Board of County Commissioners on June 18, 2024 at 9:00 a.m. for the adoption of this proposed ordinance; and

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Gulf County, Florida:

Section 1. Incorporation of Recitals. The above recitals are true and correct and are hereby incorporated by reference.

Section 2. Imposition of Additional One Mill of Ad Valorem Tax under Florida Statute 1011.71(9) and 1011.73.

Pursuant to Section 1011.71(9) and 1011.73, *Florida Statutes*, a School Board may call for the extension of the current existing one mill ad valorem tax for an additional four (4) year period by a majority vote of the Gulf County electorate through referendum on the November 5, 2024 general election ballot.

Section 3. Collection of Additional Tax. The additional one mill of ad valorem tax shall be collected for the period of July 1, 2025 through June 30, 2029 by the Gulf County Tax Collector, and this Ordinance to direct the Gulf County Supervisor of Elections to place the referendum for this extension of the one mill of ad valorem tax on the general election ballot on November 5, 2024.

Section 3. Use of Proceeds of Additional Tax. The proceeds of the additional one mill of ad valorem tax imposed by this Ordinance if approved by the electors of Gulf County shall be used in accordance with the recitals stated above and in accordance with Florida Statute.

Section 4. Referendum Election.

(a) The extension of the one mill of ad valorem tax defined and currently implemented in Gulf County shall not take effect unless and until approved by a majority of the electors of the County voting in a countywide precinct referendum election on the one mill ad valorem tax.

(b) The Gulf County Supervisor of Elections is hereby directed to hold such countywide precinct referendum election on November 5, 2024.

(c) The Gulf County Supervisor of Elections shall cause the following proposition to be placed on the ballot:

**BALLOT TITLE: CONTINUES FUNDING FOR
TEACHERS, WORKFORCE TRAINING, STUDENT
ACHIEVEMENT THROUGH RENEWAL OF AD
VALOREM MILLAGE REFERENDUM**

BALLOT SUMMARY: Shall the Gulf County School District continue the 1 mill per year ad valorem millage to retain and recruit quality teachers; provide workforce training; improve school safety and security; preserve the arts; upgrade technology and classroom resources; fund other education programs and school operational needs; beginning July 1, 2025 and ending on June 20, 2029?

_____ **Yes, for continuation**

_____ **No, against continuation**

Section 5. Advertisement. The Gulf County Clerk of Court shall insure that notice of this referendum shall be advertised in accordance with the provisions of Florida Statute. Proof of publication shall be provided to the Chairman of the Gulf County School Board, Chairman of the Board of Commissioners and County Administrator.

Section 6. Expiration date; Survival of Certain Restricted Uses.

(a) **Sunset.** In all events, this Ordinance shall be in effect only through June 30, 2029. It shall “sunset” and expire thereafter, without further action by the Board, at which time it shall be deemed repealed and of no further force and effect, and the 1 mill ad valorem tax levied hereunder through approving referendum shall terminate unless is properly extended by statutorily prescribed process on or before that sunset.

(b) **Survival of restrictions on use of 1 mill ad valorem tax proceeds.** Notwithstanding the provision of subsection (a) for the expiration and repeal of this Ordinance, so long as any tax proceeds shall remain unspent, the restrictions hereby imposed concerning the distribution and use of such tax proceeds as well as the proceeds of any borrowings payable from the tax proceeds, and all such interest and other investment earnings shall survive such expiration and repeal and shall remain fully enforceable.

Section 7. Severability. It is declared to be the intent of the Board of County Commissioners of Gulf County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

Section 8. Inclusion in the Codification. It is the intention of the Board of County Commissioners of Gulf County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Law and Ordinances of Gulf County, Florida, that the sections of this ordinance may be renumbered or re-lettered to accomplish such

intention and future codification, and that the word “ordinance” may be changed to section, “article”, or other appropriate designation.

Section 9. Repealer. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

Section 10. Modification. It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Board, filed by the Clerk to the Board and submitted to the Secretary of State in compliance with F.S. 125.66.

Section 11. Effective Date. This ordinance for the referendum to be placed on the general election ballot on November 5, 2024 in consideration of the continuation of the 1 mill ad valorem tax shall take effect in accordance with Section 125.66(2), Florida Statutes; more specifically, this Ordinance shall take effect immediately upon passage and placed on the ballot and thereafter with a majority vote shall maintain an effective date of the levy and imposition made hereby, and the collection of tax hereunder, shall be June 1, 2025 January through June 30, 2029.

Section 12. Filing with Department of State. A certified copy of this Ordinance as enacted shall be filed by the Clerk of the board with the office of the Secretary of State of the State of Florida within ten (10) days after adoption.

The foregoing Ordinance was offered by Commissioner HUSBAND, who moved its adoption. The motion was seconded by Commissioner FARRELL and, being put to vote, the vote as follows:

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| Commissioner Quinn | <u>YES</u> | Commissioner Farrell | <u>YES</u> |
| Commissioner McCroan | <u>YES</u> | Commissioner Rich | <u>YES</u> |
| Commissioner Husband | <u>YES</u> | | |

ADOPTED this 18th day of June, 2024.

BOARD OF COUNTY COMMISSIONERS
OF GULF COUNTY, FLORIDA

ATTEST:
REBECCA L. NORRIS, CLERK

By: Rebecca L. Norris
County Clerk / Deputy Clerk

By: Sandy Quinn
Sandy Quinn, Chairman

APPROVED AS TO FORM

By: Jeremy T.M. Novak
Jeremy T.M. Novak, Gulf County Attorney