

**AMENDED RESOLUTION**

**RESOLUTION CALLING FOR AND PROVIDING FOR THE HOLDING OF A REFERENDUM ELECTION TO BE HELD IN CLAY COUNTY, FLORIDA, AT THE GENERAL ELECTION ON NOVEMBER 3, 2020, TO DETERMINE IF THE ELECTORS IN THE SCHOOL DISTRICT OF CLAY COUNTY, FLORIDA, APPROVE THE LEVY BY THE SCHOOL BOARD OF CLAY COUNTY, FLORIDA, OF A ONE-HALF CENT PER DOLLAR SALES SURTAX 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 CONSTRUCTION, RECONSTRUCTION OR IMPROVE-MENT 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, TO PURCHASE EQUIPMENT, INCLUDING COSTS OF PURCHASING, RETROFITTING AND PROVIDING FOR TECHNOLOGY IMPLEMENTATION, INCLUDING HARDWARE AND SOFTWARE, FOR THE VARIOUS SITES WITHIN THE SCHOOL DISTRICT, FOR SAFETY AND SECURITY IMPROVEMENTS, FOR SERVICING BOND INDEBTEDNESS TO FINANCE PROJECTS AUTHORIZED BY THIS RESOLUTION AND BY CHARTER SCHOOLS FOR ALLOWABLE USES AS SET FORTH IN S. 1013.62(4) F.S.; PROVIDING FOR 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; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT RESOLVED**, by the School Board of Clay County, Florida (“the Board”), acting as the governing body of the School District of Clay County, Florida (“the District”), as follows:

**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. The School Board of Clay County, Florida ("the Board"), through the District, has developed a long range capital outlay needs assessment establishing those needs on the basis of growth projected in Clay County, Florida.

B. The School Board has determined that it has insufficient existing capital outlay funding to meet its established capital outlay needs of site acquisition, new construction, reconstruction and renovation of school facilities and technology and security acquisition, retrofitting and upgrades for school facilities, which needs are being driven by growth in Clay County, Florida.

C. The Board has experienced substantial funding reductions in recent years related to capital expenditures and fixed capital costs associated with new construction, reconstruction and improvement of school facilities, including safety and security improvements and technology upgrades.

D. Section 212.055(6), *Florida Statutes*, authorizes school boards, such as The School Board of Clay County, Florida (the “Board”), to levy a discretionary capital outlay sales surtax not to exceed one-half cent per dollar on all taxable transactions for the purpose of funding of fixed capital expenditures or fixed capital costs associated with 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 land acquisition, land improvement, design and engineering costs related thereto, equipment, including costs of purchasing, retrofitting and providing for technology implementation, including hardware and software for the various sites within the school district, safety and security improvements and servicing bond indebtedness to finance the above referenced projects, upon approval by a majority vote of the electors of Clay County, Florida.

E. The levy of a one-half cent school capital outlay sales surtax as authorized by Section 212.055(6), *Florida Statutes*, for a period of thirty (30) years, commencing on January 1, 2021, and terminating on December 31, 2050, is necessary for the Board to provide sufficient funds to sustain its facilities and to fund new facilities needed to accommodate growing enrollment. **The revenues collected must be shared with eligible charter schools based upon their proportionate share of total school district enrollment and may be expended by the charter schools in a manner consistent with the allowable uses set forth in s.1013.62(4), Florida Statutes.** The sales surtax proceeds shall be used for the purpose of funding of fixed capital expenditures or fixed capital costs associated with 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 land acquisition, land improvement, design and engineering costs related thereto, equipment, including costs of purchasing, retrofitting and providing for technology implementation, including hardware and software for the various sites within the school district, safety and security improvements and servicing bond indebtedness to finance the above-referenced projects, upon approval by a majority vote of the electors of Clay County, Florida. The plan for the use of the surtax proceeds is set forth in composite Exhibit A, which is attached hereto and incorporated herein. **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 s.1013.62(4), Florida Statutes, which is more particularly described in Exhibit C, attached hereto and incorporated herein.**

F. Neither the proceeds of the one-half cent school capital outlay sales surtax nor any interest accrued thereto shall be used for operational expenses

G. The levy of a one-half cent school capital outlay sales surtax is subject to the approval by the electors of Clay County at a referendum held as provided by Section 212.055(6), *Florida Statutes*, and if approved is hereby levied and shall be collected as authorized in the manner required by law.

H. A citizen advisory committee consisting of Clay County citizens, the purpose of which is to monitor and advise the Board and District staff on the expenditure of funds, shall be established and appointed pursuant to procedures established by School Board policy.

**SECTION 3 – PLAN FOR USE OF SALES SURTAX PROCEEDS:** The proceeds of the school capital outlay sales surtax, as authorized by Section 212.055(6), *Florida Statutes*, shall be used for the purpose of funding of fixed capital expenditures or fixed capital costs associated with 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 land acquisition, land improvement, design and engineering costs related thereto, equipment, including costs of purchasing, retrofitting and providing for technology implementation, including hardware and software for the various sites within the school district, safety and security improvements and servicing bond indebtedness to finance the above-referenced projects. The plan for use of the surtax proceeds is set forth in composite Exhibit A which is attached hereto and incorporated herein. **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 s.1013.62(4), Florida Statutes, which is more particularly described in Exhibit C, attached hereto and incorporated herein.**

**SECTION 4 - LEVY OF SALES SURTAX:** Subject to approval of the electors of the District at a referendum held as provided in Section 212.055(6), *Florida Statutes*, a one-half cent school capital outlay surtax shall be levied by the Board and District and the same is hereby levied for a period commencing January 1, 2021, and shall remain in effect for a period of thirty (30) years, ending on December 31, 2050, and shall be collected as authorized and in the manner required by law.

**SECTION 5 - ELECTION ORDERED:** A referendum election is hereby directed to be held in Clay County to determine whether or not the Board may levy the Sales Surtax. The Board hereby requests the Clay County Board of County Commissioners to direct the Supervisor of Elections of Clay County to place the required referendum election on the ballot for the General Election on November 3, 2020, and to include the statement(s) contained in the “Notice of Election” attached hereto as Exhibit B, and to conduct said election pursuant to the provisions of the election laws of the State of Florida on the date designated in this resolution.

**SECTION 6 - NOTICE OF ELECTION -** Not less than thirty (30) days prior to said referendum election, notice of said election shall be given by publication in a newspaper of general circulation throughout the District. 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 3, 2020, which notice shall be substantially in the form attached hereto as Exhibit B together with such additional information as the Supervisor of Elections of Clay County shall require. Any costs associated with the publication of the Notice of Election shall be paid by the Board.

**SECTION 7 - 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 Clay County 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 Clay County in accordance with law.

**SECTION 8 - OFFICIAL BALLOT:** The ballots to be used in the referendum election shall be in full compliance with the laws of the State of Florida, and shall be in substantially the following form:

OFFICIAL BALLOT

LEVY ONE-HALF CENT SALES SURTAX  
FOR DISTRICT SCHOOL AND CHARTER  
SCHOOL AUTHORIZED USES

SHALL A ONE-HALF CENT SALES SURTAX BE LEVIED IN CLAY COUNTY BY THE SCHOOL BOARD FOR THIRTY YEARS, BEGINNING JANUARY 1, 2021, TO FINANCE **DISTRICT SCHOOL** CONSTRUCTION, RECONSTRUCTION, RENOVATION, AND REMODELING OF FACILITIES; SAFETY, SECURITY, TECHNOLOGY UPGRADES; LAND ACQUISITION AND IMPROVEMENT; **AND ALLOWABLE STATUTORY USES FOR CHARTER SCHOOLS.** A CITIZENS ADVISORY COMMITTEE **WILL MONITOR EXPENDITURES. REVENUES COLLECTED MUST BE SHARED WITH ELIGIBLE CHARTER SCHOOLS BASED ON THEIR PROPORTIONATE SHARE OF TOTAL SCHOOL DISTRICT ENROLLMENT.**

Instructions to Voters:

\_\_\_\_\_ YES, FOR THE 1/2% (0.5 cents) TAX

\_\_\_\_\_ NO, AGAINST THE 1/2% (0.5 CENTS) TAX

**SECTION 9 - 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. The form of ballots to be used in such referendum election for absentee voters shall be the same as used at the polling places for such election.

**SECTION 10 – EARLY VOTING:** Adequate provision shall be made for early voting on dates and at times and locations designated and determined by the Supervisor of Elections. The form of ballots to be used in the referendum for early voting shall be the same as used in the polling places for the election.

**SECTION 11 - PRINTING OF BALLOTS:** The Supervisor of Elections of Clay County is authorized and directed to have printed a sufficient number of the aforesaid ballots for use of absentee electors entitled to cast such ballots in such referendum election and shall also have printed sample ballots and deliver them to the inspectors and clerks on or before the date and time for the opening of the polls for such referendum election for the voting places; and, further, is authorized and directed to make appropriate arrangements for the conduct of the election at the polling places specified.

**SECTION 12 - 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 Clay County. 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. Provision will be made for early voting as required by Section 101.657, *Florida Statutes*.

**SECTION 13 - REFERENDUM RESULTS:** If a majority of the ballots cast at such election shall be “FOR THE ONE-HALF CENT SURTAX,” the levy of such surtax shall be approved and said surtax shall be levied as provided by law.

**SECTION 14 - SEVERABILITY:** In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, phrase, sentence or paragraph hereof.

**SECTION 15 - REPEALING CLAUSE:** All resolutions in conflict or inconsistent herewith are repealed insofar as there is conflict or inconsistency.

**SECTION 16 - EFFECTIVE DATE:** This amended resolution shall take effect immediately upon its adoption. However, the surtax authorized hereunder shall only be effective upon approval by a majority vote of the qualified electors of Clay County.

DULY ADOPTED AND APPROVED this \_\_\_\_\_ day of **June 2020**, by the School Board of Clay County, Florida.

THE SCHOOL BOARD OF CLAY  
COUNTY, FLORIDA

By \_\_\_\_\_  
**CAROL STUDDARD**, Chairman

ATTEST:

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**DAVID S. BROSKE**, Superintendent