



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Miscellaneous

J.2.

8/30/2022

Subject:

Letter to the Brevard Delegation Regarding an Amendment to Fla. Stat. Sec. 1011.73(1-2), District Millage Elections

Fiscal Impact:

N/A

Dept/Office:

District 3 Commission Office

Requested Action:

It is requested that the Board approve the attached letter to the Brevard Delegation regarding an amendment to Fla. Stat. Sec. 1011.73(1-2) regarding district millage elections.

Summary Explanation and Background:

On August 16, 2022, the Board resolved that there is ambiguous statutory language found in Fla. Stat. Sec. 1011.73(1-2) regarding district millage elections. Attached is a draft letter addressed to the Brevard Delegation requesting a statutory amendment.

Clerk to the Board Instructions:

Upon approval, send a signed copy of the letter along with the referenced statute attachment to each member of the Brevard Delegation:

Representative Thad Altman, Chair

Representative Randy Fine

Representative Tyler Sirois

Senator Debbie Mayfield

Senator Tom Wright



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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August 31, 2022

M E M O R A N D U M

TO: Commissioner John Tobia, District 3

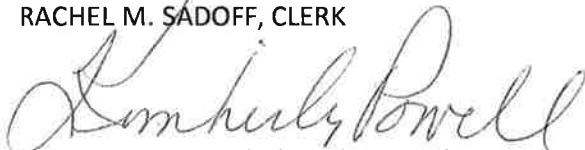
RE: Item J.2., Letter to the Brevard Delegation Regarding an Amendment to Florida Statute, Section 1011-73(1-2), District Millage Elections

The Board of County Commissioners in regular session on August 30, 2022, approved the Letter on behalf of the Board; and directed staff to send a copy to each member of the Brevard Delegation, along with the attached referenced Statute, regarding amendment to Florida Statute, Section 1011-73(1-2), district millage elections.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

cc: Each Commissioner
Representative Thad Altman, Chair
Representative Randy Fine
Representative Tyler Sirois
Senator Debbie Mayfield
Senator Tom Wright



BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

Kristine Zonka
Chair, District 5

Curt Smith
Vice-Chair, District 4

Rita Pritchett
Commissioner, District 1

John Tobia
Commissioner, District 3

August 30, 2022

The Honorable Thad Altman
Brevard Legislative Delegation, Chair
1895 South Patrick Drive,
Indian Harbour Beach, FL 32937

Chair Altman,

On August 16, 2022, the Brevard County Board of County Commissioners resolved that there is ambiguous statutory language found in Fla. Stat. Sec. 1011.73(1-2) regarding district millage elections. These sections state, "the district school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election..."

The Board respectfully requests the Brevard Delegation to remedy this ambiguity. If the intent of the current language is administrative in nature, it is requested that statute be amended, and the Brevard County Board of County Commissioners be removed from the process. If the intent of the current language was for the resolution to come before the Board for review and approval, then it is requested that statute be amended to allow the Board to have input and the option of rejecting the proposal.

On behalf of the Board, I thank you for your service to the citizens of Brevard County, and appreciate your willingness to consider our concerns.

Sincerely,

Kristine Zonka, Chair

As ratified by the Brevard County Board of County Commissioners

Select Year: 2022 ▼

The 2022 Florida Statutes

Title XLVIII

EARLY LEARNING-20 EDUCATION CODE

Chapter 1011

PLANNING AND BUDGETING

[View Entire Chapter](#)

1011.73 District millage elections.—

(1) **MILLAGE AUTHORIZED NOT TO EXCEED 2 YEARS.**—The district school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(2) **MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.**—The district school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 1011.71(9). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(3) **HOLDING ELECTIONS.**—All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter. A referendum under this part shall be held only at a general election, as defined in s. 97.021.

(4) FORM OF BALLOT.—

(a) The district school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.

(b) The district school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.

(5) **QUALIFICATION OF ELECTORS.**—All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.

(6) **RESULTS OF ELECTION.**—When the district school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.

(7) **EXPENSES OF ELECTION.**—The cost of the publication of the notice of the election and all expenses of the election in the school district shall be paid by the district school board.

History.—s. 666, ch. 2002-387; s. 5, ch. 2007-194; s. 12, ch. 2008-142; s. 130, ch. 2010-5; s. 31, ch. 2010-154; s. 8, ch. 2022-214.