

6/21/2018 5:31pm PH

ORDINANCE 2018- 23

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, DIRECTING THE SUPERVISOR OF ELECTIONS TO PLACE THE ESCAMBIA COUNTY SCHOOL DISTRICT REFERENDUM QUESTION ON THE NOVEMBER 6, 2018 GENERAL ELECTION BALLOT; PROVIDING BALLOT LANGUAGE; REQUIRING ADVERTISEMENT OF THE REFERENDUM ELECTION IN ACCORDANCE WITH LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Article IX, Section 5, Florida Constitution, provides that, when provided by resolution of a district school board and approved by vote of the electors, the district school superintendent in any school district shall be appointed as provided by general law; and


**WHEREAS**, Section 1001.461(1), Fla. Stat. (2017), provides that, to make the office of superintendent appointive, such proposition must be affirmed by a majority of the qualified electors voting in the election; and

**WHEREAS**, Section 1001.461(2), Fla. Stat. (2017), provides that the Board of County Commissioners, upon request from the School Board, shall cause the proposition to make the office of Superintendent appointive to be placed on the ballot at a general election or statewide primary or special election; and

**WHEREAS**, Section 101.161(1), Fla. Stat. (2017) provides the Board of County Commissioners may direct a referendum be placed on a ballot by enabling ordinance.

**NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA THAT:**

**Section 1. Recitals.** The aforementioned recitals are hereby incorporated into this ordinance as a statement of the legislative intent of the Board of County Commissioners in enacting this ordinance.

Date: 6/22/2018 Verified By: 

**Section 2. School District Resolution.** The School District of Escambia County has approved by Resolution a request pursuant to section 1001.461(2), Fla. Stat. (2017), that the Board of County Commissioners direct the Supervisor of Elections to place before the voters of Escambia County a proposition regarding whether the School District Superintendent should be an appointive position. A copy of this request is attached and incorporated with this Ordinance as Exhibit A.

**Section 3. Holding Election.** The Supervisor of Elections of Escambia County is hereby directed to hold a referendum election required by this Ordinance on November 6, 2018.

**Section 4. Ballot Question.** The Supervisor of Elections of Escambia County shall cause the following questions to be placed on the ballot of a special referendum election held as required by this Ordinance:

**ESCAMBIA COUNTY  
SCHOOL DISTRICT  
REFERENDUM**

**SHALL THE SUPERINTENDENT OF SCHOOLS OF ESCAMBIA COUNTY, FLORIDA, BE APPOINTED BY THE SCHOOL BOARD OF ESCAMBIA COUNTY, FLORIDA?**

\_\_\_\_\_ **YES**

\_\_\_\_\_ **NO**

**Section 5. Advertisement.** The Board of County Commissioners shall ensure that notice of the referendum required by this Ordinance shall be advertised in accordance with the provisions of section 100.342, Fla. Stat. (2017), or other applicable law.

**Section 10. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said

holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 11. Effective Date.** This ordinance shall become effective upon filing with the Department of State.

DONE AND ENACTED this 21st day of June, 2018.

Date Executed

6/21/2018

BOARD OF COUNTY COMMISSIONERS  
ESCAMBIA COUNTY, FLORIDA

BY: \_\_\_\_\_

*[Signature]*  
Jeff Bergosh, Chairman

ATTEST: PAM CHILDERS  
CLERK OF THE CIRCUIT COURT

*[Signature]*  
Debra Lane Allen-Bushbee  
Deputy Clerk

Approved as to form and legal  
sufficiency.

By/Title: \_\_\_\_\_

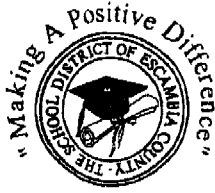
Date: 6/11/18

ENACTED: June 21, 2018

FILED WITH DEPARTMENT OF STATE: June 22, 2018

EFFECTIVE: June 22, 2018





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## THE SCHOOL DISTRICT OF ESCAMBIA COUNTY

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75 NORTH PACE BOULEVARD, PENSACOLA, FL 32505  
PHONE 850/432-6121, FAX 850/469-6379  
www.escambia.k12.fl.us  
MALCOLM THOMAS, SUPERINTENDENT

April 18, 2018

Mr. Jack Brown County Administrator  
Escambia County  
221 Palafox Place, Suite 420  
Pensacola, FL 32502

Dear Mr. Brown:

Please accept this letter as a request to place an item on the Board of County Commissioners' Regular meeting agenda. Please consider this a request to place before voters on the November 6, 2018 general election the attached referendum regarding the appointment of Superintendent of Schools of Escambia County.

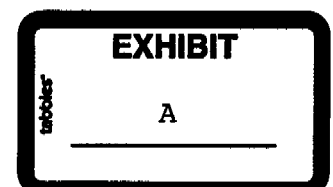
The School Board approved the attached Resolution at the April 17, 2018 Regular School Board meeting. Should you require additional information please do not hesitate to contact my office. Your assistance with this matter is greatly appreciated.

Sincerely,

Malcolm Thomas

MT/dh

c: Norm Ross, Deputy Superintendent  
School Board Members  
Donna Waters, General Counsel



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

**WHEREAS**, Article IX, Section 5, Florida Constitution, provides that, when provided by resolution of a district school board and approved by vote of the electors, the district school superintendent in any school district shall be employed as provided by general law; and

**WHEREAS**, Section 1001.461(1), Florida Statutes (2017), provides that, to make the office of superintendent appointive, such proposition must be affirmed by a majority of the qualified electors voting in the election; and

**WHEREAS**, Section 1001.461(2), Florida Statutes (2017), provides that the Board of County Commissioners, upon request from the School Board, must cause the proposition to make the office of Superintendent appointive to be placed on the ballot at a general election or statewide primary or special election;

**NOW, THEREFORE, BE IT RESOLVED BY THE SCHOOL BOARD OF ESCAMBIA COUNTY, FLORIDA, THAT:**

The Board of County Commissioners of Escambia County, Florida, is hereby requested to place on the ballot for the Florida general election, held in November, 2018. the following proposition:

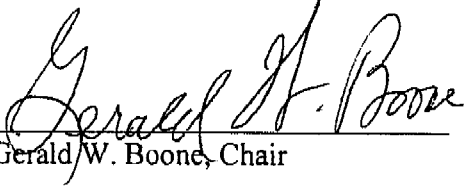
**ESCAMBIA COUNTY SCHOOL DISTRICT REFERENDUM**

Shall the Superintendent of Schools of Escambia County, Florida, be appointed by the School Board of Escambia County, Florida?

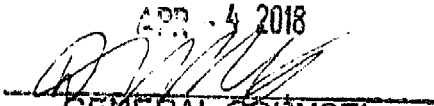
\_\_\_\_\_ Yes

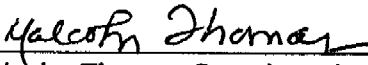
\_\_\_\_\_ No

**DULY PASSED AND APPROVED** by the School Board of Escambia County, Florida,  
in official session on this 17<sup>th</sup> day of April, 2018.

  
\_\_\_\_\_  
Gerald W. Boone, Chair

ATTEST:

**APPROVED FOR LEGAL CONTENT**  
FOR April 2018 AGENDA  
APR 14 2018  
  
\_\_\_\_\_  
**GENERAL COUNSEL**  
**ESCAMBIA COUNTY SCHOOL BOARD**

  
\_\_\_\_\_  
Malcolm Thomas, Superintendent

APPROVED  
ESCAMBIA COUNTY SCHOOL BOARD

**APR 17 2018**

MALCOLM THOMAS, SUPERINTENDENT  
VERIFIED BY RECORDING SECRETARY

**SCHOOL BOARD OF ESCAMBIA COUNTY, FLORIDA  
NOTICE OF REFERENDUM**

The School Board of Escambia County, Florida, has approved the following Referendum question to be placed on the ballot for the November 6, 2018 General Election:

**APPOINTMENT OF SUPERINTENDENT OF SCHOOLS**

Shall the Superintendent of Schools of Escambia County, Florida, be appointed by the School Board of Escambia County, Florida?

(VOTE FOR ONE)

YES

NO