

ORDINANCE NO. 00- 34

AN ORDINANCE OF POLK COUNTY, FLORIDA, PURSUANT TO FLORIDA STATUTE 163.387, PROVIDING FOR THE ESTABLISHMENT OF A COMMUNITY REDEVELOPMENT TRUST FUND FOR THE ELOISE REDEVELOPMENT AREA AS SET FORTH IN RESOLUTION 98-08 OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA; PROVIDING FOR APPROPRIATION OF FUNDS; PROVIDING FOR OBLIGATION OF TAXING AUTHORITIES TO APPROPRIATE FUNDS ANNUALLY; PROVIDING FOR PAYMENT OF INCREMENTAL INCREASE IN AD VALOREM TAXES INTO THE FUND; PROVIDING FOR ANNUAL APPROPRIATION OF TAX INCREMENT; EXEMPTING SPECIFIED TAXING AUTHORITIES; CREATING A SPECIAL DISTRICT EXEMPTION PROCESS; PROVIDING FOR THE RELEVANT TAX ROLL; PROVIDING FOR COMPUTATION OF INCREMENT BASED ON ASSESSED PROPERTY VALUE; PROVIDING FOR IMPLEMENTING THE FUND, CRITERIA, AND RECORDS; PROVIDING FOR MANAGEMENT OF THE FUND; PROVIDING FOR AN INDEPENDENT FINANCIAL AUDIT EACH YEAR; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCE 98-67; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Polk County, Florida has adopted Resolution Number 98-08, on which certain findings of fact were made relating to the existence of slum and blighted areas within the boundaries of Eloise, Florida; and

WHEREAS, said Resolution describes the areas in which there exists slum and blight; and

WHEREAS, the Board of County Commissioners of Polk County desires to provide for the elimination of such blighted areas and the redevelopment of such areas, pursuant to the Community Redevelopment Act, as contained in Part III, of Chapter 163, Florida Statutes; and

WHEREAS, the Board of County Commissioners of Polk County has approved a community redevelopment plan for said area.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA:

**SECTION 1. Establishment of Trust Fund:** In accordance with Section 163.387, Florida Statutes, the Board of County Commissioners of Polk County, Florida establishes an Eloise Community Redevelopment Trust Fund ("Fund").

**SECTION 2. Appropriation of Funds:** The funds allocated to and deposited into the Fund are hereby appropriated to the Eloise Community Redevelopment Agency ("Agency") to finance projects within the Eloise Community Redevelopment Area ("Area"), as described in Resolution 98-08, which has been adopted by the Board of County Commissioners and is incorporated into this Ordinance by reference. The Agency shall utilize funds and revenues paid into and earned by the Fund for any and every community redevelopment purpose delegated to it in the aforementioned Area, as contained in the previously approved Community Redevelopment Plan, approved at Ordinance 00-33 and as provided by law. The Fund shall exist for the duration of the Plan but is not to exceed 30 years.

**SECTION 3. Obligation of Taxing Authorities to Appropriate Funds Annually:** All taxing authorities, except the school district, Lake Region Lakes Management Area, and the Southwest Florida Water Management District (for itself and for the Peace River Basin), shall annually appropriate to the Fund the amount as specified in Section 5, below, at the beginning of the taxing authorities' fiscal year. The taxing authorities' obligation to annually appropriate to the Fund shall commence immediately upon the effective date of this Ordinance and continue until all projects, loans, advances, and debts, and interest thereon, undertaken or incurred by the Agency as a result of the plan, have been paid and only to the extent that such tax increment recited above accrues.

**SECTION 4. Payment of Incremental Increase in Ad Valorem Taxes into Fund:** All taxing authorities within the Community Redevelopment Area, except the school district, Lake Region

Lakes Management Area, and the Southwest Florida Water Management District (for itself and for the Peace River Basin), shall pay to the Fund the incremental increase in ad valorem taxes levied each year. The incremental increase in taxes levied each year is the increase in the amount of ad valorem taxes collected by the taxing authorities on taxable properties in the Area, as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority, prior to the effective date of the Ordinance approving the Eloise Community Redevelopment Plan and for each year thereafter.

**SECTION 5. Annual Appropriation of Tax Increment:** The tax increment shall be determined and appropriated annually. The tax increment shall be an amount equal to 95% of the difference between:

- a. That amount of ad valorem taxes levied each year by all taxing authorities, except the school district, Lake Region Lakes Management Area, and the Southwest Florida Water Management District (for itself and for the Peace River Basin), on taxable real property contained within the geographical boundaries in the Area;
- b. That amount of ad valorem taxes which would have been produced by the rate upon which the tax levied each year by or for all taxing authorities, except the school district, Lake Region Lakes Management Area, and the Southwest Florida Water Management District (for itself and for the Peace River Basin), upon the total of the assessed value of the taxable real property in the Area, as shown on the most recent assessment roll used in connection with the taxation of such real property by each taxing authority prior to the effective date of the Ordinance approving the Eloise Community Redevelopment Plan.

**SECTION 6. Special District Exemption Process:**

A. The Board of County Commissioners hereby establishes the following procedures by which a special district may submit a written request to be exempted from the annual appropriation requirement. The Board may grant the exemption either in its sole discretion or in response to the request of the special district. In deciding whether to deny or grant a special district's request for exemption the Board must consider the following factors:

1. Any additional revenue sources of the community redevelopment agency which could be used in lieu of the special district's tax increment.
2. The fiscal and operational impact on the community redevelopment agency.
3. The fiscal and operational impact on the special district.
4. The benefit to the specific purpose for which the special district was created. The benefit to the special district must be based on specific projects contained in the approved community redevelopment plan for the designated community redevelopment area.
5. The impact of the exemption on incurred debt and whether such exemption will impair any outstanding bonds that have pledged tax increment revenues to the repayment of the bonds.
6. The benefit of the activities of the special district to the approved community redevelopment plan.
7. The benefit of the activities of the special district to the area of operation of the local governing body that created the community redevelopment agency.

B. The Board must hold a public hearing on a special district's request for exemption after public notice of the hearing is published in a newspaper having a general circulation in the county or municipality that created the community redevelopment area. The notice must describe the time,

date, place, and purpose of the hearing and must identify generally the community redevelopment area covered by the plan and the impact of the plan on the special district that requested the exemption.

C. If the Board grants an exemption to a special district under this section, the Board and the special district must enter into an interlocal agreement that establishes the conditions of the exemption, including, but not limited to, the period of time for which the exemption is granted.

D. If the Board denies a request for exemption by a special district, the Board will provide the special district with a written analysis specifying the rationale for such denial. This written analysis will include, but is not limited to, the following information:

1. A separate, detailed examination of each consideration used in deciding whether to grant or deny the special district's request for exemption and
2. Specific examples of how the approved community redevelopment plan will benefit, and has already benefitted, the purpose for which the special district was created.

E. The decision to either deny or grant an exemption will be made by the Board within 120 days after the date the written request was submitted to the Board.

**SECTION 7. Relevant Tax Roll:** The most recent tax roll used in connection with the taxation of property shall be the Tax Roll of 1999 of Polk County, Florida. All deposits into the Fund shall begin with incremental increases in ad valorem tax revenues received subsequent to *November 1, 2000*.

**SECTION 8. Computing Tax Increment based on Assessed Property Value:** The tax increment shall be computed by using the assessed value of taxable property in the Eloise

Community Redevelopment Area for the year 1999 (as the base year), and in subsequent years, using the assessed value of property in the Eloise Community Redevelopment Area for that subsequent year as the second factor in determining the amount of the tax increment in that year.

**SECTION 9. Implementing the Fund, Criteria and Records:**

- A. The Agency shall establish and set up the Fund and develop and promulgate rules, regulations, and criteria whereby the Fund may be promptly and effectively administered. Funds will be spent in accordance with the law. The Agency shall establish and maintain books and records, and adopt procedures to enable the Agency to utilize the funds for their allocated statutory purpose without undue delay.
- B. On the last day of the fiscal year for the Agency, any money remaining in the Fund after payment of expenses shall be disposed of in accordance with the requirements of law and shall be either:
1. Returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the Fund by all taxing authorities within the redevelopment area for that year;
  2. Used to reduce the amount of any indebtedness to which increment revenues are pledged;
  3. Deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or
  4. Appropriated to a specific redevelopment project pursuant to the approved community redevelopment plan which project will be completed within 3 years from the date of such appropriation.

**SECTION 10. Management of the Fund:** The Agency shall be responsible for the receipt, custody, disbursement, accountability, management and proper application of all monies paid into

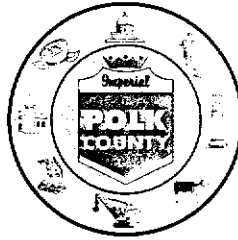
the Fund, subject to the relevant provisions of Florida law and of this Ordinance. The Agency shall provide for an independent financial audit of the Fund each fiscal year and a report of such audit. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the Fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The Agency shall provide a copy of the report to each taxing authority.

**SECTION 11. Severability:** If any provision of this Ordinance is for any reason held unconstitutional or invalid, the remainder of this ordinance shall not be affected.

**SECTION 12. Repeal:** Polk County Ordinance 98-67 is hereby repealed.

**SECTION 13. Effective Date:** This ordinance shall become effective upon filing a certified copy with the Secretary of State.

Finance and Accounting to the  
Board of County Commissioners  
330 West Church Street  
P. O. Box 988  
Bartow, FL 33831-0988



Richard M. Weiss  
Clerk of the Circuit Court and County Court

June 21, 2000

Mrs. Liz Cloud, Chief  
Bureau of Administrative Code  
Florida Department of State  
401 South Monroe Street  
Tallahassee, Florida 32399-0250

Dear Mrs. Cloud:

Enclosed are certified copies of the following ordinances that were adopted by the Polk County Board of County Commissioners in regular session on June 20, 2000:

Ordinance No. 00-32 - Ordinance amending Polk County Ordinance No. 99-16, as amended, Providing for a Public Service Tax, by amending Section 5 to authorize quarterly payments of the tax

Ordinance No. 00-33 - Ordinance of Polk County, Florida, Pursuant to Section 163.360, Florida Statutes, Approving a Community Redevelopment Plan for the Eloise Community Redevelopment Area, as set forth in Resolution No. 98-08

Ordinance No. 00-34 - Ordinance of Polk County, Florida, Pursuant to Florida Statute 163.387, Providing for the Establishment of a Community Redevelopment Trust Fund for the Eloise Redevelopment Area as set forth in Resolution 98-08

Please direct the official notification letter as follows, when the ordinance has been filed in your office:

Mrs. Martha H. Crews, Deputy Clerk  
Clerk to the Board  
P. O. Box 988  
Bartow, Florida 33831-0988

Your assistance in handling this matter is greatly appreciated.

Yours very truly,

RICHARD M. WEISS  
CLERK AND AUDITOR

By *Martha H. Crews*  
Martha H. Crews  
Deputy Clerk

mc

Enclosures

The Mission of the Office of the Clerk of the Circuit Court is to function as a team dedicated to our customers by preparing and maintaining accurate records, furnishing assistance in an understanding and compassionate manner, and providing services with competence, professionalism, and courtesy in compliance with laws, rules, and regulations.



DIVISIONS OF FLORIDA DEPARTMENT OF STATE  
Office of the Secretary  
Division of Administrative Services  
Division of Corporations  
Division of Cultural Affairs  
Division of Elections  
Division of Historical Resources  
Division of Library and Information Services  
Division of Licensing  
MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE  
Katherine Harris  
Secretary of State  
DIVISION OF ELECTIONS

HISTORIC PRESERVATION BOARDS  
Historic Florida Keys Preservation Board  
Historic Palm Beach County Preservation Board  
Historic Pensacola Preservation Board  
Historic St. Augustine Preservation Board  
Historic Tallahassee Preservation Board  
Historic Tampa/Hillsborough County  
Preservation Board  
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Clerk Of The Board

M. Crews

June 22, 2000

Mrs. Martha H. Crews  
Deputy Clerk  
Polk County  
Post Office Box 988  
Bartow, Florida 33831-0988

Dear Mrs. Crews:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 21, 2000 and certified copies of Polk County Ordinance Nos. 00-32 through 00-34, which were filed in this office on June 22, 2000.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mp

BUREAU OF ADMINISTRATIVE CODE

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