

**ORDINANCE NO. 98-67**

**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; 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 SEVERABILITY; 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.

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 authorized by 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 Resolution, as contained in the Community Redevelopment Plan and as provided by law. The Fund shall exist for the duration of the Plan.

**SECTION 3. Obligation of Taxing Authorities to Appropriate Funds Annually:** All taxing authorities, except the school district and the Southwest Florida Water Management District, 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 and the Southwest Florida Water Management district, shall pay 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 the difference between:

- a. That amount of ad valorem taxes levied each year by all taxing authorities except the school district and the Southwest Florida Water Management District 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 and the Southwest Florida Water Management District, last equalized prior to the effective date of the Ordinance approving the Eloise Community Redevelopment Plan.

**SECTION 6. Relevant Tax Roll:** The most recent tax roll used in connection with the taxation of such property shall be the Tax Roll of 1998 of Polk County, and all deposits into the fund shall begin with incremental increases in ad valorem tax revenues received subsequent to *November 1, 1998*.

**SECTION 7. 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 1998 as the base, and in subsequent years, using the assessed value of property in the Eloise Community Redevelopment Area for that year as the second factor in determining the amount of the tax increment in that year.

**SECTION 8. Implementing the Fund, Criteria and Records:** 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. 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.

**SECTION 9. 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 provisions of Section Two of this Ordinance.

**SECTION 10. 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 11. Effective Date:** This ordinance shall become effective upon filing a certified copy with the Secretary of State.

REPEALED BY ORD NO 2000-034

STATE OF FLORIDA,     )  
                              )  
COUNTY OF POLK.       )

I, Richard M. Weiss, Clerk of the Board of County Commissioners of Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No. 98-67, Ordinance of Polk County, Florida, Pursuant to Florida Statute 163.387, Providing for the Establishment of Eloise Community Redevelopment Trust Fund, which was adopted by the said Board in regular session on Tuesday, December 1, 1998.

WITNESS my hand and official seal on this 1st day of December, 19 98.

Richard M. Weiss  
Clerk

(SEAL)

By: Martha H. Crews  
Deputy Clerk

REPEALED BY ORD NO 2000-034

Clerk and Auditor  
Board of County Commissioners  
P. O. Box 988  
Bartow, Florida 33831



Richard M. Weiss  
CLERK OF THE CIRCUIT COURT AND COUNTY COURT

December 3, 1998

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

Dear Mrs. Cloud:

Enclosed is (are) certified copy(ies) of the following ordinance(s)  
adopted by the Polk County Board of County Commissioners in regular session  
on December 1, 1998

SEE ATTACHED LIST

Please give the Clerk official notification when the ordinance(s)  
has (have) been filed in your office.

With kind regards, we are

Yours very truly,

Richard M. Weiss  
Clerk and Auditor

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

mc  
Enclosure

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.

Ordinance No. 98-64 - Ordinance amending Ordinance 90-05, an Ordinance Providing for the Imposition and Collection of an Additional Cost in Misdemeanor Cases Involving the Unlawful Use of Drugs and Alcohol

Ordinance No. 98-65 - Ordinance amending Ordinance 85-23, as Amended, the Polk County Property Maintenance and Disposal Yard Ordinance; Amending Section 3.3, Relating to the Determination of a Nuisance Resulting from an Overgrown Lot

Ordinance No. 98-66 - Ordinance of Polk County, Florida, Pursuant to Florida Statute 193.306, Approving the Eloise Community Redevelopment Plan

Ordinance No. 98-67 - Ordinance of Polk County, Florida, Pursuant to Florida Statute 163.387, Providing for the Establishment of Eloise Community Redevelopment Trust Fund

Ordinance No. 98-68 - Ordinance Establishing the Requirement for and Amount of Surety Bonds to be Maintained by County Officials

REPEALED BY ORD NO 2000-034

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  
**Sandra B. Mortham**  
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  
RINGLING MUSEUM OF ART

December 7, 1998

Honorable Richard M. Weiss  
Clerk to Board of County Commissioners  
Polk County  
Post Office Box 988  
Bartow, Florida 33831

Dear Mr. Weiss:

Pursuant to the provisions of Section 125.06, Florida Statutes, this will acknowledge your letter dated December 3, 1998, and certified copy each of Polk County Ordinance Nos. 98-64, 98-65, 98-66, 98-67, and 98-68, which were filed in this office on December 7, 1998.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mw

**RECEIVED**

DEC 10 1998

CLERK OF COURTS  
ADMINISTRATION

*M. Crews* Deputy Clerk  
Clerk Of The Board

BUREAU OF ADMINISTRATIVE CODE

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