

ORDINANCE NO. 2014 - 069

AN ORDINANCE OF POLK COUNTY, FLORIDA, PURSUANT TO FLORIDA STATUTE 163.387, PROVIDING FOR THE ESTABLISHMENT OF A COMMUNITY REDEVELOPMENT TRUST FUND FOR THE LAKE ALFRED COMMUNITY REDEVELOPMENT AREA REDEVELOPMENT PLAN (PLAN); 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; ESTABLISHING A TAX INCREMENT; 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, RECORDS; PROVIDING FOR MANAGEMENT OF THE FUND; PROVIDING FOR AN INDEPENDENT FINANCIAL AUDIT EACH YEAR; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Polk County, Florida has adopted Resolution Number 14-052 as amended, in which certain findings of fact were made relating to the existence of slum and blighted areas within the boundaries of the City of Lake Alfred, Polk County, Florida; and

WHEREAS, the City of Lake Alfred had adopted Ordinance 1336-14 and Ordinance 1335-14 which describe the areas in which there exists slum and blight within the City of Lake Alfred; and

WHEREAS, the Board of County Commissioners of Polk County together with the City of Lake Alfred 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, on this date, adopted Ordinance 14-_____ which approves the City of Lake Alfred 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 the City of Lake Alfred Community Redevelopment Trust Fund (“Fund”).

SECTION 2. Appropriation of Funds. The funds allocated to and deposited into the Fund are hereby appropriated to the City of Lake Alfred Redevelopment Agency (“Agency”) to finance projects within the City of Lake Alfred Redevelopment Area (“Area”), the legal description of which is described in the City of Lake Alfred Community Redevelopment Area Plan approved and adopted by the City of Lake Alfred City Council on August 18, 2014 and the Board of County Commissioners on this date, which 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, previously approved by Ordinance on this date, 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 those entities exempted by F.S.163.187(2)(c), 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 those entities exempted by F.S.163.187(2)(c), 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 this Ordinance and for each year thereafter.

SECTION 5. Annual Appropriation of Tax Increment.

- A. The tax increment shall be determined and appropriated annually. The tax increment shall be an amount equal to a percentage (established at Paragraph B of this Section) of the difference between:
 - 1. That amount of ad valorem taxes levied each year by all taxing authorities, except those entities exempted by F.S.163.187(2)(c), exclusive of any amount, from any debt service millage, on taxable real property contained within the geographical boundaries in the Area;
 - 2. 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 those entities exempted by F.S.163.187(2)(c), exclusive of any amount from any debt service millage, 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 this Ordinance.

- B. The percent of tax increment to be directed to the community redevelopment agency for purposes of the redevelopment plan is as follows:
 - 1. Years 2015 - 2024, an amount equal to 95% of the tax increment;
 - 2. Years 2025 - 2034, an amount equal to 95% of the tax increment;
 - 3. Years 2035 - 2044, an amount equal to 95% of the tax increment.

SECTION 6. Special District Exemption Process.

- A. The Board of County Commissioners hereby establishes the following procedures by which a special district not exempted pursuant to Florida Statutes Section 163.387 (2)(c) 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. 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 the property in the Area, as defined in the Plan, shall be the Tax Roll of 2014 of Polk County, Florida. All deposits into the Fund shall begin with incremental increases in ad valorem tax revenues received subsequent to January 1, 2015.

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 City of Lake Alfred Community Redevelopment Area for the year 2014 (as the base year), and in subsequent years, using the assessed value of property in the City of Lake Alfred 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 City of Lake Alfred Community Redevelopment Agency (“Agency”) shall maintain 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. Effective Date. This ordinance shall become effective upon filing a certified copy with the Secretary of State.

STATE OF FLORIDA)
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COUNTY OF POLK)

I Stacy M. Butterfield, County Clerk and Comptroller for Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No.14-069 adopted by the Board on November 18th, 2014.

WITNESS my hand and official seal on this 19th day of November, 2014.

STACY M. BUTTERFIELD, CLERK

By: Alison Prevatt
Alison Prevatt
Deputy Clerk





FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 21, 2014

Ms. Alison Prevatt
Deputy Clerk
Finance and Accounting
Post Office Box 988
Bartow, Florida 33831-0988

Dear Ms. Prevatt:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Polk County Ordinance No. 2014-069, which was filed in this office on November 21, 2014.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

