

## ORDINANCE NO. 2022-06

**AN ORDINANCE RELATING TO COMMUNITY REDEVELOPMENT; AMENDING CHAPTER 30, ARTICLE II, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF BARTOW, FLORIDA; CREATING SECTION 30-25 OF THE CODE OF ORDINANCES OF THE CITY OF BARTOW, FLORIDA AND ADDING THE SAME TO CHAPTER 30, ARTICLE II, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF BARTOW, FLORIDA; DEFINING THE TERM COMMUNITY REDEVELOPMENT PLAN FOR REDEVELOPMENT TRUST FUND PURPOSES; RE-CODIFYING ORDINANCE 1548-A OF THE CITY OF BARTOW, FLORIDA, AS AMENDED BY ORDINANCE 1921-A OF THE CITY OF BARTOW, FLORIDA, WITHOUT FURTHER AMENDMENTS OR MODIFICATIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, on June 4, 1990, the City Commission of the City of Bartow, Florida created the Community Redevelopment Agency of the City of Bartow, Florida ("Bartow Community Redevelopment Agency" or "Bartow CRA") by adopting Ordinance 1547-A; and

**WHEREAS**, on June 18, 1990, the City Commission of the City of Bartow, Florida created the redevelopment trust fund for the Bartow Community Redevelopment Agency by adopting Ordinance 1548-A; and

**WHEREAS**, on May 3, 1999, the City Commission of the City of Bartow expanded the boundaries of the Bartow Community Redevelopment Area by making a supplemental finding of necessity and adopting Resolution 3238-R; and

**WHEREAS**, on June 29, 1999, the City Commission of the City of Bartow amended the Bartow Community Redevelopment Agency's redevelopment trust fund ordinance by adopting Ordinance 1921-A to change the "base year" for purposes of calculating tax increment deposits from 1989 to 1999, making no other changes or modifications; and

**WHEREAS**, on September 6, 2005 and February 19, 2007, respectively, the City Commission of the City of Bartow expanded the boundaries of the Bartow Community Redevelopment Area by making supplemental findings of necessity and adopting Resolutions 05-3554-R and 07-3630-R; and

**WHEREAS**, the Community Redevelopment Plan for the Bartow Community Redevelopment Agency was adopted in 1990 and amended in 2000, 2006 and 2014; and

**WHEREAS**, pursuant to the *Community Redevelopment Act of 1969*, as amended, on June 6, 2022, the City Commission adopted the "Community Redevelopment Plan

Update, City of Bartow, FL, March 2021, Revised July 2021” as the governing plan for the Bartow Community Redevelopment Agency, which plan expressly extends the time certain for agency redevelopment activity to the end of fiscal year 2049-2050; and

**WHEREAS**, the City Commission finds that annual appropriations of tax increments from taxing authorities through fiscal year 2049-2050 are permitted to be required by Section 163.387(2)(a), Florida Statutes (2021); and

**WHEREAS**, the City Commission of the City of Bartow desires to define the term “community redevelopment plan” as used in the redevelopment trust fund ordinance to ensure that the Bartow Community Redevelopment Agency receives appropriations to its redevelopment trust fund for the full period of time permitted by the *Community Redevelopment Act of 1969*, as amended; and

**WHEREAS**, the City Commission of the City of Bartow has reviewed the texts of Ordinances 1548-A and 1921-A, as well as the codified versions of the same found in Sections 30-36, *et seq.* of the *Code of Ordinances of the City of Bartow, Florida*; and

**WHEREAS**, the City Commission desires to re-codify Ordinance 1548-A, as amended by Ordinance 1921-A, to more closely align the text of the *Code of Ordinances of the City of Bartow, Florida* to the text of Ordinance 1548-A, as amended, without making any further amendments or modifications other than defining the term “community redevelopment plan” as provided for herein; **NOW, THEREFORE:**

Be it enacted by the people of the City of Bartow:

**Section 1. Incorporation of Recitals.** The foregoing recitals are incorporated herein and found by the City Commission to be true and correct statements of fact.

**Section 2. Addition of Section 30-35 to the Code of Ordinances of the City of Bartow, Florida and Reorganization of Chapter 30, Article II, Division II of the Code of Ordinances of the City of Bartow, Florida.** New section 30-35 of the *Code of Ordinances of the City of Bartow, Florida* is adopted to read as shown in Exhibit “A”, a copy of which is attached hereto and incorporated herein. In addition, Chapter 30, Article II, Division II of the *Code of Ordinances of the City of Bartow, Florida* is reorganized to include therein Section 30-35 of the *Code of Ordinances of the City of Bartow, Florida*.

**Section 3. Re-codification of Ordinance 1548-A, as Amended by Ordinance 1921-A.** Ordinance 1548-A, adopted June 18, 1990, as amended by Ordinance 1921-A, adopted June 29, 1999, copies of which are on file with the City Clerk and incorporated herein by reference only, shall be recodified in the *Code of Ordinances of the City of Bartow*, without any further amendment or modification. Sections 30-36, *et seq.* of the *Code of Ordinances of the City of Bartow* shall be modified to read as shown in Exhibit “B”, a copy of which is attached hereto and incorporated herein.

**Section 4. Severability.** If any part or provision of this ordinance shall be

declared void or illegal by any court or administrative agency having jurisdiction, it is the intent of the City Commission of the City of Bartow, Florida that the entire ordinance shall not be void, but that the remaining parts or provisions shall continue in effect as if adopted separately from the void or illegal part or provision. To this extent, the parts and provisions of this ordinance are each declared to be independently severable.

**Section 5. Conflicts.** All existing ordinances and resolutions and parts of ordinances and resolutions of the City of Bartow in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect.

**Section 6. Codification and the Administrative Correction of Scrivener's Errors.** It is the intention of the City Commission of the City of Bartow, Florida that the provisions of Exhibits "A" and "B" to this ordinance shall become and be made a part of the code of ordinances of the city; and that sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter," "section," "article," or such other appropriate word or phrase in order to accomplish such intentions. Further, it is the intent of the City Commission of the City of Bartow that the implementing and instructional sections of this ordinance, Sections 1 through 7, shall not be codified. The code codifier is granted liberal authority to codify the provisions of Exhibits "A" and "B" to this ordinance, including the authority to modify cross-references as he or she may see fit to capture the intent of this ordinance. Regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered and the correction of typographical or scrivener's errors which do not affect the intent may be authorized by the city manager or designee, without need of public hearing, by filing a corrected or recodified copy of the same with the city clerk.

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**Section 6. Effective Date.** This ordinance shall take effect immediately upon its adoption.

**INTRODUCED AND PASSED** on first reading at the Regular meeting of the City Commission of the City of Bartow, Florida held this 16<sup>th</sup> day of May, 2022.

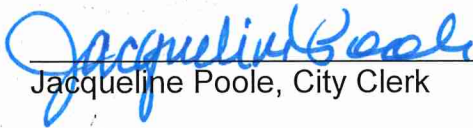
**PASSED AND ADOPTED** on second reading at the Regular meeting of the City Commission of the City of Bartow, Florida held this 6<sup>th</sup> day of June, 2022.

CITY OF BARTOW, FLORIDA



Vice Mayor Leo E. Longworth

Attest:



Jacqueline Poole, City Clerk

(seal)

Approved as to form:



Sean R. Parker, City Attorney

Approved as to Substance:



George A. Long, City Manager

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**EXHIBIT "A"**

Chapter 30, Article II, Division 2, Section 30-35 of the *Code of Ordinances of the City of Bartow, Florida* is hereby created to read as follows:

**Sec. 30-35. - Community redevelopment plan.**

For purposes of this article, the phrase "community redevelopment plan" means the plan established by the city commission under Part III of F.S. ch. 163, as the plan exists from time to time, and as the plan may be amended from time to time, for the community redevelopment area.

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EXHIBIT "B"

Chapter 30, Article II, Division 2, Sections 30-36 through 30-42 of the *Code of Ordinances of the City of Bartow, Florida* are hereby amended to read as follows (additions are in underlined text and deletions are in ~~striketrough~~ text):

**Sec. 30-36. - ~~Established~~ Community redevelopment trust fund established.**

- (a) There is hereby established and created, in accordance with ~~the provisions of F.S. § 163.387~~ Florida law, a community redevelopment trust fund ~~hereinafter referred to as the fund, (the "fund")~~ for the community redevelopment area, which fund shall be utilized and expended for the purposes of and in accordance with the community redevelopment plan, including any amendments or modifications thereto approved by the city commission.
- (b) The fund shall be established and maintained as a separate trust fund by the community redevelopment agency pursuant to ~~F.S. § 163.387~~ F.S. ch. 163 and this code, and other directives of the board of commissioners of the agency as the trustees of the fund as may from time to time be adopted, whereby the fund may be promptly and effectively administered and utilized by the agency expeditiously and without undue delay for its statutory purpose pursuant to the community redevelopment plan.

~~(Code 1955, §§ 20A-1, 20A-7)~~ (Ord. 1548-A, §§ 1, 7, 6-18-90);

State law reference— Redevelopment trust fund, F.S. § 163.387(1)(a)

**Sec. 30-37. - Trustees.**

The board of commissioners of the community redevelopment agency shall be the trustees of the fund and shall be responsible for the receipt, custody, disbursement, accountability, management, investments, and proper application of all moneys paid into the fund.

~~(Code 1955, § 20A-18)~~ (Ord. 1548-A, § 8, 6-18-90)

*Cross reference— Boards, committees, commissions, § 2-61 et seq.; fees and funds, § 2-321 et seq.*

\* \* \* \* \*

### **Sec. 30-38. - Utilization.**

The moneys to be allocated to and deposited into the fund shall be used to finance community redevelopment within the community redevelopment area, which shall be appropriated by resolution of the community redevelopment agency. The community redevelopment agency shall utilize the funds and revenues paid into and earned by the fund for community redevelopment purposes as provided in the community redevelopment plan ~~adopted pursuant to F.S. § 163.360 and F.S. § 163.387~~ and as provided by law. The fund shall exist for the duration of the community redevelopment undertaken by the community redevelopment agency pursuant to the community redevelopment plan and to the extent permitted by F.S. ch. 163.

~~(Code 1955, § 20A-2)~~ (Ord. 1548-A, § 2, 6-18-90)

### **Sec. 30-39. - Levying of ad valorem taxes.**

There shall be paid into the ~~community redevelopment~~ fund each year by each of the taxing authorities, as that term is defined in F.S. § 163.340, levying ad valorem taxes within the community redevelopment area a sum equal to 95 percent of the incremental increase in ad valorem taxes levied each year by that taxing authority, as calculated in accordance with section 30-41 and F.S. ch. 163, based on base tax year established in section 30-40, such annual sum being referred to in this article as the "tax increment."

~~(Code 1955, § 20A-3)~~ (Ord. 1548-A, § 3, 6-18-90)

### **Sec. 30-40. - Base year values.**

The most recently approved tax roll prior to ~~June 18, 1990~~ June 29, 2000, used in connection with the taxation of real property in the community redevelopment area shall be the interim ad valorem tax roll of the county, reflecting valuation of real property for purposes of ad valorem taxation as of ~~January 1, 1989~~ January 1, 1999 (the base year value), and all deposits into the fund shall be in the amount of tax increment calculated as provided in section 30-41 based upon increases in valuation of taxable real property from the base year value.

~~(Code 1955, § 20A-4)~~ (Ord. 1548-A, § 4, 6-18-90; Ord. 1921-A, 6-29-00)

*Editor's note—* This section was amended by Ordinance 1921-A on June 29, 2000 to establish a new base year for the purpose of calculating tax increment deposits due to the redevelopment trust fund from taxing authorities in the community redevelopment area. Prior to June 29, 2000, this section stated "The most recently approved tax roll prior to June 18, 1990, used in connection with the taxation of real property in the community redevelopment area shall be the interim ad valorem tax roll of the county, reflecting valuation of real property for purposes of ad valorem taxation as of January 1, 1989 (the base year value), and all deposits into the fund shall be in the

amount of tax increment calculated as provided in section 30-41 based upon increases in valuation of taxable real property from the base year value."

**Sec. 30-41. - Tax increment.**

The tax increment shall be determined and appropriated annually by each taxing authority, and shall be an amount equal to 95 percent of the difference between:

- (1) That amount of ad valorem taxes levied each year by all taxing authorities on taxable real property located within the geographic boundaries of the community redevelopment area; and
- (2) That amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for all taxing authorities, upon the total of the assessed value of the taxable real property in the community redevelopment area as shown upon the most recent assessment roll used in conjunction with the taxation of such property by each taxing authority prior to the effective date of the ordinance from which this section derived.

~~(Code 1955, § 20A-5)~~ (Ord. 1548-A, § 5, 6-18-90)

**Sec. 30-42. - Appropriations to the fund.**

All taxing authorities will annually appropriate to and cause to be deposited in the fund the tax increment determined pursuant to F.S. ch. 163 and section 30-41 at the beginning of each fiscal year thereof as provided in F.S. ch. 163. The obligation of each taxing authority to annually appropriate the tax increment for deposit in the fund shall commence on June 18, 1990, and continue until all loans, advances and indebtedness, if any, and interest thereof, incurred by the community redevelopment agency as a result of community redevelopment in the community redevelopment area have been paid to the extent permitted by F.S. ch. 163.

~~(Code 1955, § 20A-6)~~ (Ord. 1548-A, § 6, 6-18-90)