

**POLK COUNTY
REVIEW PROCEDURES FOR ESTABLISHING
COMMUNITY REDEVELOPMENT AREAS AND REDEVELOPMENT
PLANS AND/OR AMENDMENTS**

*Adopted by the Polk County Board of County Commissioners
in the regular meeting, July 18, 2000*

*Amended by the Polk County Board of County Commissioners
in the regular meeting, June 20, 2001*

*Adopted by the Polk County Board of County Commissioners
in the regular meeting, October 6, 2004*

This procedure outlines the review and comment process that Polk County staff should follow to assure that the creation of any Community Redevelopment Agency (CRA) or any CRA plan, and amendments thereto, comply with the provisions of the Community Redevelopment Act of 1969, Chapter 163.330, et. seq., Florida Statutes.

The review will pertain to the following departments:

- 1) County Manager's Office
- 2) County Attorney's Office
- 3) Budget and Management Services (BMS)
- 4) Planning Division
- 5) Housing and Neighborhood Development Division
- 6) Polk County Property Appraiser's Office (PAO)
- 7) Polk County Planning Commission - for information purposes

NOTICE REQUIREMENTS:

Public notices on proposed action, as outlined in Chapter 163.346, F.S., shall include:

- 1) Notices pursuant to sections 125.66(2) and 166.041(3), F.S.; and
- 2) At least 15 days prior to the specified proposed action, notices shall be mailed by registered mail to each taxing authority which levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area.

DELEGATION OF AUTHORITY AND POWER:

- 1). After fulfilling the requirements of section 163.355, F.S., where the municipality makes its Finding of Necessity, or after presenting a basis upon which the finding will rely, the municipality will declare, by resolution, the necessity to establish a community redevelopment area. The proposed area will be defined by an acceptable written legal description and include a list of parcels to be in the CRA to ensure consistency between the legal description and the list of parcels in the CRA boundaries. The legal description must be so complete that from it, without reference to any source other than a source recorded in the public record, the boundary can be determined. Quasi public records such as property appraiser parcel numbers may be used to enhance the description, but the description should not wholly rely on any reference not recorded in the public record. The municipality shall then request that the Board of County Commissioners (BoCC or Board) delegate specific community redevelopment authority and powers to the municipality, as is required at section

163.410, F.S. The municipal request should be in the form of a resolution including which year is to be the base year for the CRA.

- 2). Upon receipt by the BoCC, the County Manager's Office will forward the request to the Planning Division, who will coordinate the review process.
- 3). The Planning Division will forward copies of the request to the County Attorney for comment on the consistency with the Florida Statutes and with BoCC policy regarding redevelopment, and to the PAO, for assurance of a proper legal description and map of the proposed community redevelopment area. The Planning Division will review the request to determine the reasonableness of the area boundaries.
- 4). The Planning Division will send copies of the request to BMS, to the Housing and Neighborhood Development Division and to the Planning Commission.
- 5). After receiving comments from the other departments, the Planning Division will prepare its report/recommendation and the BoCC agenda request memorandum. In preparation for the BoCC meeting, the County Attorney's Office will coordinate preparation of the proposed resolution, which will delegate specific community redevelopment authority to the municipality within the specific area and define the terms of the delegation; and will present said resolution for Board consideration and approval. **Unless otherwise provided in the delegating resolution, Board delegation to a municipality will not include delegation for final approval of the community redevelopment plan (Redevelopment Plan), delegation to establish the accompanying trust fund, and/or delegation of authority for future amendments to the plan. These powers will remain with the County.**
- 6). The Board, in its discretion, may delegate to a municipality final approval authority for the Redevelopment Plan, final approval for the accompanying trust fund, and/or authority to approve future amendments to the plan. If such delegation is given it will be designated in the delegating resolution.

If there are problems or questions with the municipal efforts to comply with section 163.335 F.S. (The finding of necessity), with the proposed community redevelopment area boundaries, with the legal description/map, or with the slum and blighted designation, the Planning Division will contact the municipality to discuss and rectify the problem issues prior to BoCC consideration of the delegation resolution.

- 7). After the BoCC takes affirmative action on the resolution delegating specific community redevelopment authority and powers to the municipality, the Planning Division will transmit the certified resolution to said municipality. The time frame from receipt of request to BoCC action will be approximately eight weeks assuming there are not any major issues to be resolved.

- 8) Following completion of the Finding of Necessity, the governing body of the municipality shall declare by resolution the need for a Community Redevelopment Agency and will establish, by ordinance, a Board for the Agency, as per the BoCC delegating resolution, before any further community redevelopment activities can proceed. This Board shall be established pursuant to s. 163.356 or s. 163.357, F.S, unless otherwise provided in the delegating resolution. The development of a proposed Redevelopment Plan can then be pursued. The municipality must follow all adoption procedures and requirements for the Redevelopment Plan provided at section 163.360, F.S.
- 9) If a Community Redevelopment Agency seeks to establish a community redevelopment trust fund, pursuant to section 163.387, F.S., the Community Redevelopment Agency Board will submit a list of each parcel, by parcel identification number, that is within the community redevelopment area to the Planning Division, PAO, the County GIS, and the County Surveyor (a legal description is not sufficient). The County GIS and the PAO will verify the parcels within the area's legal description and prepare to code the parcels appropriately when a base year and a trust fund are established if not previously requested by the municipality. The base year is that year immediately prior to the effective date of the ordinance, as ordained by the BoCC or municipality, if so delegated, establishing the trust fund. If there are discrepancies between the legal description and the parcel list, the Planning Division will work to resolve the issues.
- 10). If and where required by the Board's delegating resolution, the proposed community Redevelopment Plan or any amendments thereto will receive approval or denial review from the BoCC. If the Community Redevelopment Agency desires the governing body to establish a trust fund, this action will be taken by the BoCC, unless otherwise delegated in the Resolution.

Note: Prior to initiating any amendments, if approval is required, it is advisable to first coordinate any proposed amendments to the community redevelopment area boundaries or Redevelopment Plans with the Polk County Planning Division at 863-534-6084.

AMENDMENTS TO A COMMUNITY REDEVELOPMENT AREA:

- 11). If and where required by the Board's delegating resolution, in the event that the municipality seeks to expand the boundaries of an existing community redevelopment area, the relevant procedures, above, shall be followed, including the establishment of a Community Redevelopment Agency Board for the expanded area, if necessary. (Though a municipality may have an existing Community Redevelopment Agency Board, if a new area is proposed, which does not include the existing community redevelopment area, or existing CRA boundaries are proposed to be expanded, the governing body of the municipality must fulfill the procedures above, before proceeding with other community redevelopment activity.)

Note: It is recommended that the Polk County staff be given an opportunity to review the proposed Redevelopment Plan before the city adopts the Redevelopment Plan. This early review can provide an opportunity to rectify any problem areas that may be in the plan.

WHERE REQUIRED, COUNTY APPROVAL OF THE REDEVELOPMENT PLAN AND AMENDMENTS AND THE ESTABLISHMENT OF A TRUST FUND :

- 12) After rendering municipal approval of a proposed plan, it is ready for BoCC consideration. The municipality shall submit five copies of their proposed Redevelopment Plan (or plan amendments) to the County Manager and request BoCC approval of the Plan. This submittal may also include the request that the BoCC, as governing body, establish a redevelopment trust fund. (The municipality should submit, if it hasn't done so already, to the PAO its list of parcel I.D., numbers for properties within the community redevelopment area.)
- 13). The Planning Division shall coordinate the review with BMS, the County Attorney's Office and Housing and Neighborhood Development. A courtesy copy of the Redevelopment Plan shall be transmitted to the Planning Commission. The review period shall be approximately eight weeks. The review shall consist of :
 - a). Whether the Plan conforms with section 163.362 F.S., regarding the prescribed contents of the Plan, including an equitable and reasonable relocation policy for displaced residents.
 - b). Whether the Plan is consistent with applicable comprehensive plans; and
 - c) Fiscal implications of projected tax increment financing and other revenues and proposed capital improvement projects.
- 14). Comments from BMS, the County Attorney's Office, and Housing and Neighborhood Development shall be submitted to the Planning Division, who will prepare a report/recommendation and the BoCC agenda request. The County Attorney's Office shall prepare the resolution to approve the Redevelopment Plan and the ordinance establishing the trust fund. All notices required under law (specifically s. 163.346, F.S.) will be facilitated by the County Attorney's Office.

If the Redevelopment Plan cannot be approved as submitted, the Planning Division shall contact the municipality to discuss and rectify the problem issues.
- 15). If and where required by the Board's delegating resolution, the BoCC will conduct a public hearing on the Redevelopment Plan and/or amendments to the plan and will approve the plan and/or amendments by resolution. The BoCC will conduct a public hearing to consider approval of the ordinance establishing the redevelopment trust fund. The approval of the Redevelopment Plan and establishment of the redevelopment trust fund can occur

concurrently or at different times. However, the Redevelopment Plan must be approved by the BoCC prior to BoCC action on the trust fund. Also, the PAO should have reviewed the list of parcel identification numbers prior to any required BoCC action on the trust fund. The Planning Division shall notify the municipality of the BoCC actions.

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