

**ORDINANCE NO. 2013- 022**

**AN ORDINANCE CREATING THE POLK COUNTY MUNICIPAL SERVICE TAXING UNIT (MSTU) TO FUND A COMPREHENSIVE STORMWATER MANAGEMENT PROGRAM; DESCRIBING THE BOUNDARIES OF THE UNIT; AUTHORIZING THE ANNUAL LEVY OF AD VALOREM TAXES WITHIN SUCH UNIT TO PROVIDE FOR A COMPREHENSIVE STORMWATER MANAGEMENT PROGRAM; AND PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1. FINDINGS.** It is hereby ascertained, determined and declared that:

(A) Pursuant to Article VIII, section I of the Florida Constitution, and sections 125.01 and 126.66, Florida Statutes, the Board of County Commissioners (the "Board") of Polk County, Florida (the "County"), has all powers of local self-government to perform county and municipal functions and to render services in a manner not inconsistent with general law and such power may be exercised by the enactment of county ordinances and resolutions.

(B) Section 125.01(1)(q), Florida Statutes, provides specific legislative authorization for counties to establish a municipal service taxing unit (MSTU) for any part or all of the unincorporated areas within its boundaries, or within the municipal boundaries of an incorporated area upon consent of the governing body of such municipality, within which the County may levy ad valorem taxes to provide essential facilities and services including, but not limited to, stormwater management.

(C) The County maintains a system of stormwater and surface water management facilities, including but not limited to inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, and other components as well as natural waterways.

(D) The Florida Legislature has mandated that local governments in the State of Florida, including the County, have the responsibility for developing mutually compatible stormwater management programs consistent with the rules and regulations of the Florida Department of Environmental Protection and the water management districts and the stormwater management programs established and maintained by other local governments.

(E) Through the National Pollutant Discharge Elimination System Stormwater permitting program (NPDES), the U. S. Environmental Protection Agency, as implemented by the Florida Department of Environmental Protection, has mandated the County to implement and fund a comprehensive stormwater management program to reduce the contamination of stormwater runoff and prohibit illicit discharges.

(F) New and dedicated funding sources for the Stormwater management program of the County are needed to maintain compliance with state and federal requirements including the County's NPDES permit, and the levy of an ad valorem tax to provide for this essential service is the most efficient method of providing this funding.

(G) The purpose of this Ordinance is to create the Polk County Municipal Service Taxing Unit For Stormwater Services, Facilities, and Programs (the "Stormwater

MSTU") to fund the cost of operating and maintaining the stormwater management system and complying with the mandates of the NPDES permit.

(H) Stormwater services, facilities and programs constitute municipal services within the meaning of Section 125.01 (1) (q), Florida Statutes.

(I) The County has determined that certain costs associated with stormwater management services, stormwater operations, and certain capital components of the county's drainage system can be properly attributed to the unincorporated area based upon the location of the services, operations, and capital facilities provided.

(J) Pursuant to Section 200.065(5), Florida Statutes, the maximum millage rate the County can adopt, including any millage levied within a municipal service taxing unit, absent a minimum supermajority vote is the rolled-back rate based upon the amount of taxes which would have been levied in the prior year if the maximum millage rate had been adopted, as adjusted for change in the per capita Florida personal income.

**SECTION 2. CREATION.** The Polk County Stormwater MSTU is hereby created as a new taxing unit which shall be coterminous with the unincorporated area of Polk County, Florida, existing on January 1, 2013 and the first day of January each year thereafter, as more particularly described in Section 7.53, Florida Statutes, less the incorporated areas of Auburndale, Bartow, Davenport, Dundee, Eagle Lake, Fort Meade, Frostproof, Haines City, Highland Park, Hillcrest Heights, Lake Alfred, Lake Hamilton, Lake Wales, Lakeland, Mulberry, Polk City, and Winter Haven.

**SECTION 3. INCLUSION OF MUNICIPALITIES.** Any incorporated municipality within the County may be included within the boundaries of the Stormwater MSTU upon the consent of the City Council to such inclusion by ordinance. Such consent shall be given annually or for a term of years.

**SECTION 4. AUTHORIZATION OF AD VALOREM TAXES.** The Board is hereby authorized to levy annual ad valorem taxes upon taxable real and personal property within the Stormwater MSTU, beginning with the County budget for the fiscal year beginning October 1, 2013. The budget and millage rate for the Stormwater MSTU shall be approved and levied in the manner provided by general law for the levy of County ad valorem taxes.

**SECTION 5. AUTHORIZATION OF EXPENDITURES.** Revenues derived from ad valorem taxes levied within the Stormwater MSTU shall be used to fund services, facilities, operations, maintenance and programs required to implement and maintain the County's system of Stormwater and surface water management facilities within, or discharging to, the Stormwater MSTU boundaries; to comply with the mandates of the NPDES permit within the Stormwater MSTU boundaries; and to create, maintain and operate a comprehensive stormwater management program to reduce the contamination of stormwater runoff and prohibit illicit discharges within the boundaries of the Stormwater MSTU.

**SECTION 6. EFFECTIVE DATE.** The Clerk shall file a certified copy of this Ordinance with the Department of State within 10 days of its adoption. The Ordinance shall take effect immediately upon its filing with the Department of State.

STATE OF FLORIDA     )  
                                  )  
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.13-022 adopted by the Board on June 18, 2013.

WITNESS my hand and official seal on this 19<sup>th</sup> day of June 2013.

STACY M. BUTTERFIELD, CLERK

By:

*Alison Prevatt*

Alison Prevatt  
Deputy Clerk





***Stacy M. Butterfield***

*Clerk of the Circuit Court & County Comptroller  
Polk County, Florida*

330 West Church Street  
Post Office Box 988  
Bartow, FL 33831-0988

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CLERK AND COMPTROLLER TO THE BOARD

June 20, 2013

Ms. Liz Cloud, Program Administrator  
Administrative Code  
Florida Department of State  
R.A. Gray Building  
500 South Bronough Street, Room 101  
Tallahassee, Florida 32399-0250

Dear Ms. Cloud,

Enclosed are copies of certified Polk County Ordinances that were adopted by the Polk County Board of County Commissioners in regular session, June 18, 2013:

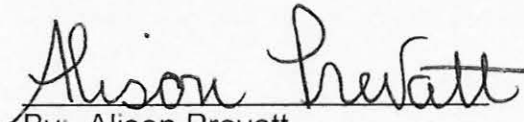
<b>Ordinance No. 13-021</b>	<b>Ordinance No. 13-022</b>
<b>Ordinance No. 13-023</b>	<b>Ordinance No. 13-024</b>
<b>Ordinance No. 13-025</b>	<b>Ordinance No. 13-026</b>

Please direct the official filing notification letter to:

Alison Prevatt, Deputy Clerk  
Finance and Accounting  
PO Box 988  
Bartow, Florida 33831-0988

Thank you for your assistance.

Stacey M. Butterfield  
Clerk of Courts

  
By: Alison Prevatt,  
Deputy Clerk

*The Mission of the Office of 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.*



## FLORIDA DEPARTMENT of STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

June 25, 2013

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 letter dated June 20, 2013 and certified copies of Polk County Ordinance Nos. 2013-021, 2013-022, 13-023, 13-024, 13-025, 13-026, which were filed in this office on June 25, 2013.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/elr

RECEIVED

A handwritten signature in cursive script that reads "Alison Prevatt".  
7-2-13  
Clerk Of The Board