

ORDINANCE NO. 07 – 011

AN ORDINANCE RECOGNIZING POLK COUNTY’S COMBAT DUTY MILITARY; CREATING THE POLK COUNTY ACTIVE MILITARY COMBAT DUTY GRANT PROGRAM; PROVIDING FOR THE CREATION AND ESTABLISHMENT OF THE PROGRAM; PROVIDING DEFINITIONS; PROVIDING FOR GRANT ENTITLEMENTS; ESTABLISHING ANNUAL APPLICATION REQUIREMENTS AND LIMITATIONS ON GRANT AMOUNTS; PROVIDING FOR PENALTIES FOR FALSE APPLICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the United States of America has over 150,000 military men and women currently serving in combat zones established by Executive Order; and

WHEREAS, Polk County men and women have put their lives on the line, sometimes sacrificing them, to preserve freedom for Americans, and others in the world; and

WHEREAS, the citizens of Polk County recognize the positive and important impact the military has on the county’s economy and way of life, and also the great personal sacrifices that these local military men and women have made to safeguard us all; and

WHEREAS, the men and women in the armed services, who are or have been on combat duty, spend a great deal of time away from their families and homes; and

WHEREAS, the residents of Polk County, in person and property, are safer because of the service of these courageous military men and women; and

WHEREAS, many active duty military personnel have invested in Polk County by purchasing property in Polk County and making it their homestead; and

WHEREAS, these men and women while absent from Polk County have continued to support the tax base and growth of Polk County by paying taxes on their homestead; and

WHEREAS, the citizens of Polk County are indebted to those fine men and women and would like to recognize their service pursuant to the two current Executive Orders through a grant program; and

WHEREAS, it is known that Manatee County, Hillsborough County, Jacksonville-Duval County, and Hernando County adopted similar grant programs and it is reasonably believed that other local governments are or will be providing similar grants; and

WHEREAS, the County has long standing policies for, and has found a public purpose in providing, grants for public assistance to worthy and needy citizens; and

WHEREAS, the Board of County Commissioners does hereby find that the award of the grants authorized in this ordinance serve a very deserving and proper public purpose.

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

SECTION I: Creation and Administration.

There is hereby created a program to be known as the Active Military Combat Duty Grant Program, which shall be administered under the direction of the County Manager, through such appropriate designated departments or offices of the County. The program shall award grants to military personnel serving in combat duty who have established a homestead in Polk County and to Qualified Surviving Spouses of such military personnel.

SECTION II: Definitions.

A. **Homestead exemption.** Homestead exemption means the property described in Section 6(a), Article VII of the State Constitution.

B. **Ad Valorem Taxes Paid.** Ad Valorem Taxes Paid are those property taxes of Polk County actually paid for any Ad Valorem Tax year included in this ordinance which shall

not include taxes levied by the Polk County School Board, the Southwest Florida Water Management District, or any other governmental entity separate and apart from the Board of County Commissioners; nor shall ad valorem taxes associated with a Municipal Services Taxing Unit be included.

C. Active Military Combat Duty. Active Military Combat Duty means military personnel serving in an active capacity including, but not limited to, Active Duty Personnel, Reservists, and National Guard Personnel in Currently Designated Combat Zones.

D. Currently Designated Combat Zones means those combat zones established pursuant to Presidential Executive Orders No. 13239 (Afghanistan and its airspace) and No. 12744 (the Persian Gulf, Red Sea, Gulf of Oman, part of the Arabian Sea that is north of 10 degrees N latitude and west of 68 degrees E longitude, Gulf of Aden, total land areas of Iraq, Kuwait, Saudi Arabia, Oman, Bahrain, Qatar, and the United Arab Emirates).

E. Qualified Military Personnel (QMP). Qualified Military Personnel (QMP) include all residents who (1) owned and had a valid homestead exemption upon property in Polk County on December 31st of any given year, (2) were serving in the military or received an honorable discharge from active duty; and (3) served in a Currently Designated Combat Zone during the 2003 Ad Valorem Tax year or any subsequent Ad Valorem Tax year.

F. Proof of Combat Service. Proof of Combat Service may include the following: a copy of DD Form 214 or equivalent document, copy of official orders specifying actual dates of service, copy of paid travel pay vouchers with attached orders, letter from the respective unit commander or personnel office stating the active duty period, or any similar documentation required by the rules established by the Division of Veteran's Affairs.

G. Qualified Surviving Spouse. Qualified Surviving Spouse means the unremarried surviving spouse of a deceased QMP who (1) has not remarried at either the time of application for the grant or at the time of grant award; (2) provides documentation sufficient to the County evidencing that he or she was married to the deceased QMP at the time of such QMP's death; and (3) provides documentation sufficient to the County evidencing that he or she remains unremarried at both the time of submittal of the Combat Duty Grant application and at the time of grant award.

SECTION III: Grant Entitlement.

The first year of the grant entitlement shall be for the 2003 Ad Valorem Tax year. Qualified Military Personnel (QMP) and Qualifying Surviving Spouses shall be entitled to grants, not to exceed the lesser of \$1,500 per calendar year or the actual ad valorem county tax contribution, to assist in the maintenance and support of their families and homes where said QMP has served in Active Military Combat Duty. All applications must be received no later than December 31st of the fourth Ad Valorem Tax year after the Ad Valorem Tax year for which the QMP served in combat duty and is seeking the benefit of this program. Grant award shall be in the full amount of the lesser of \$1,500 per calendar year or the QMP's Ad Valorem Taxes Paid, regardless of the number of days the QMP served in Active Military Combat Duty in any particular Ad Valorem Tax year. Grant entitlement applies only with respect to an Ad Valorem Tax year in which the QMP served in Active Military Combat Duty in a Currently Designated Combat Zone.

SECTION IV: Application and Award.

Qualified Military Personnel and Qualified Surviving Spouses may file with the County Manager or designated department or office an application, on a form approved by the County, for an Active Military Combat Duty Grant by providing the following:

1. A certified copy of combat duty orders and proof of combat service in any particular Ad Valorem Tax year or years covered by this ordinance;

2. The owner name and address with respect to the property in Polk County which qualifies the QMP for the grant, along with proof of homestead exemption and proof of payment of taxes with respect to such property for the calendar year or years of combat duty referenced in paragraph no. 1 above;

3. If the County Manager or his/her designee is satisfied that the QMP or Qualifying Surviving Spouse is fully qualified for a grant under this program, then such application shall be approved and the respective QMP or Qualifying Surviving Spouse shall be entitled to a grant in the amount of the maximum amount authorized hereunder for each qualifying Ad Valorem Tax year; and

4. The County Manager or his/her designee may adopt policies consistent herewith to implement the Active Military Combat Duty Grant program.

SECTION V: Limitation on the Amount of Grant.

The maximum amount of the grant per applicant for any Ad Valorem Tax year covered hereunder shall not exceed the lesser of \$1,500 or the contribution to the County's services and growth, as defined under Ad Valorem Tax Paid herein. Such grants are also subject to funds appropriated.

SECTION VI: Penalty for Violation.

If an applicant under this ordinance, who has been awarded a grant, is found to have made any willfully false and material statement in the application for the grant award, the applicant shall be permanently disqualified from receiving any such grant award in the future, and shall be prosecuted in the name of the State of Florida in a court having jurisdiction of misdemeanors and, upon conviction, shall

SECTION VII: Severability.

It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

SECTION VIII: Effective Date.

This ordinance shall take effect upon filing with the State of Florida, Department of State.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting,

the 4th day of April, 2007.

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.07-011 the Polk County Active Military Combat Duty Grant Program Ordinance, which was adopted by the said Board on April 4, 2007.

WITNESS my hand and official seal on this 11th day of April, 2007.



RICHARD M. WEISS,
Clerk and Auditor

By Marie E. Kessler

Marie E. Kessler
Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

April 16, 2007

Ms. Kathryn Courtney, Deputy Clerk
Richard M. Weiss, Clerk to the Board
Post Office Box 988
Bartow, Florida 33831-0988

Dear Ms. Courtney:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 11, 2007 and certified copies of Polk County Ordinance Nos. 07-008, 07-009, 07-010 and 07-011, which were filed in this office on April 13, 2007.

Sincerely,

Liz Cloud
Program Administrator

LC/lbh

RECEIVED

04-19-07

Clerk Of The Board

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