

ORDINANCE NO. 2023-____

SEMINOLE COUNTY, FLORIDA

2 AN ORDINANCE ESTABLISHING THE SEMINOLE FOREVER LAND
 4 ACQUISITION PROGRAM; AMENDING CHAPTER 190 BY ADDING
 6 PART 6, NOW RELATING TO THE ACQUISITION OF LANDS IN
 8 SEMINOLE COUNTY; TASKING AN ADVISORY BOARD TO AIDE IN
 10 THE ACQUISITION OF NATURAL AND OTHER IMPORTANT
 12 RECREATIONAL LANDS; PROVIDING THE LEISURE SERVICES
 14 DEPARTMENT TO ACT AS A LIAISON; PROVIDING THE DUTIES OF
 16 BOTH THE ADVISORY BOARD AND THE LEISURE SERVICES
 18 DEPARTMENT; PROVIDING DEDICATED FUNDING FOR
 ACQUISITION PROJECTS AND THEIR CAPITAL IMPROVEMENTS;
 MANDATING THE CREATION OF A FIVE-YEAR ACQUISITION PLAN;
 REQUIRING INCREASED PRIORITY FOR THE ACQUISITION OF
 CERTAIN LANDS; ADOPTING THE PROCEDURE FOR LAND
 SELECTION; REQUIRING THAT ANY FUTURE CHANGES TO THIS
 ORDINANCE BE BY A SUPERMAJORITY VOTE; PROVIDING FOR
 CODIFICATION IN THE SEMINOLE COUNTY CODE; PROVIDING
 FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Seminole County (“County”) has many natural and scenic lands of great
 20 ecological, educational, and recreational significance to its citizens, and the greater central Florida
 population and visitors; and

22 WHEREAS, the Seminole County Board of County Commissioners (“Board”) has
 endeavored to maintain the County’s natural character and scenic attributes; and

24 WHEREAS, Seminole County can protect and conserve its lands by identifying,
 acquiring, and preserving environmentally sensitive lands, water resources, forests and outdoor
 26 recreation lands; and

WHEREAS, Seminole County aims to create a process that allows for voluntary
 28 acquisitions and help the County in its preservation and conservation efforts; and

WHEREAS, Seminole County wishes to fund its own acquisition program in order to
 30 protect, conserve, and provide recreational opportunities for future generations.

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

Section 1. Incorporation of Recitals. The above recitals represent the legislative findings
34 of the Seminole County Board of County Commissioners supporting the need for this Ordinance.

Section 2. Chapter 190, Part 6 “Seminole Forever Land Acquisition Program”, Seminole
36 County Code is hereby created to read as follows:

CHAPTER 190 – PARKS AND RECREATION

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PART 6. – SEMINOLE FOREVER LAND ACQUISTION PROGRAM

Sec. 190.201. Legislative intent/use of Acquired Lands by the public.

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The purpose of this Part is to establish regulations relating to the acquisition of properties,
acquired through Seminole Forever. The County commits to the acquisition and management of
44 public lands provided for ecological protection, preservation, and recreation for the enjoyment of
present and future citizens. As part of the efforts to maintain and uphold the County’s natural
46 character, the County commits to fund its own acquisition program, Seminole Forever. Seminole
Forever aims to identify and acquire lands to protect its water resources, natural communities,
48 wildlife and to provide additional greenspace and recreational opportunities as defined in the
County’s Park System Master Plan.

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Sec. 190.202. Definitions.

The following definitions apply to this Part:

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ARC. The Acquisition and Recovery Committee.

Board. The Seminole County Board of Commissioners.

54 *Buffer Land.* Land which is adjacent to publicly-owned land or to a land acquisition
proposal or project, or that land which is an inholding within publicly owned land or within a land
56 acquisition proposal or project, and which, if not acquired, would threaten the integrity of the
existing property boundary.

58 *Environmentally Sensitive Lands.* Land which contains natural forest or wetland
communities, native plant communities, rare and endangered flora and fauna, endemic species,
60 endangered species habitat, a diversity of species, or outstanding geologic or other natural features,
or that land which functions as an integral and sustaining component of an existing ecosystem.

62 *Leisure Services.* The Seminole County Leisure Services Department.

Natural Lands. Properties purchased or otherwise acquired or managed under
64 Seminole County’s Natural Lands Program under Part 3 of this Chapter. Such properties are
described in a resolution adopted by the Board of County Commissioners, which may be amended
66 from time-to-time as the Natural Lands inventory changes.

Passive Recreation. As it pertains to natural lands: non-consumptive recreation that
68 focuses upon and is exclusively based on the resources present on a parcel of property that is
accomplished with limited impact to the resources. Authorized Passive Recreation uses are
70 determined by the County in accordance with this Part 3 of this Chapter. As it pertains to non-
natural lands: parks that is principally designed for use in unstructured or informal way, which is
72 typically less developed than an active park but may contain features such as walking trails,
gardens, seating, and picnic areas.

74 *Preservation Only Lands.* A particular type of property purchased or otherwise acquired
under Seminole Forever. Preservation only means parcels with no public access due to their
76 sensitive environmental conditions and/or restricted physical or legal barriers. This encompasses

undevelopable properties that lie within a significant, environmental corridor or part of a regional
78 conservation or restoration effort.

Program. Refers to Seminole Forever.

80 *Recreation Lands.* Refers to lands that do not meet the criteria of Environmentally
Sensitive Lands but provides outdoor space for development of recreational elements as well as
82 open areas that may or may not be canopied.

Supermajority Vote. The requirement that, for the Board of County Commissioners to take
84 action on a matter pending before them, at least four (4) of the five (5) Commissioners must vote
in the affirmative to take such action.

86 **Sec. 190.203. The use of an Advisory Board and its Purpose.**

(a) CREATION. To capture the essence of the Seminole Forever’s mission, five members of
88 the current Parks and Preservation Advisory Committee, herein referred to as “PPAC,” is hereby
designated as the Acquisition and Recovery Committee (“ARC”).

90 (b) PURPOSE. ARC will aid in the acquisition of lands pursuant to specific criteria
designed to prioritize potential acquisition projects. ARC, via Leisure Services, will provide their
92 input and suggestions to the Board on properties that further Seminole Forever’s goals. ARC with
guidance from Leisure Services shall also create the criteria for selecting properties for acquisition.

94 (c) APPOINTMENT, QUALIFICATION, AND COMPENSATION. ARC will consist of
five (5) voting members, who are selected from the Parks and Preservation Advisory Committee,
96 and serve at the pleasure of, the Board. Each Commissioner will select one member from their
District. ARC may also consist of nonvoting ex-officio members from agencies including but not
98 limited to, the Department of Environmental Protection, St. Johns Water River Management
District, the Florida Department of Agriculture and Consumer Services, and the Florida Fish and

100 Wildlife Conservation Commission. Local and statewide groups are invited to provide their
expertise and input, including local citizen advisory organizations, nonprofits, and statewide land
102 preservation and conservation groups. Notwithstanding none of these groups will have voting
rights on ARC.

- 104 1. Each member shall serve a two-year term to run concurrently
with the calendar year.
- 106 2. ARC members will receive no compensation for their services on
the ARC.

108 **Sec. 190.204. Partnerships: Nonprofits and Local Community Involvement.**

110 To achieve maximum impact, Leisure Services shall continue to seek partnerships with
nonprofit groups and join in cooperative efforts to best achieve the goals of Seminole Forever.
112 ARC and Leisure Services shall continue to seek volunteers from the community to help support
Seminole Forever.

114 **Sec. 190.205. The Leisure Services Department Acts as Liaison.**

The Seminole County Leisure Services Department (“Leisure Services”) will act as a
116 liaison between ARC and the County, providing ARC’s input and suggestions to the Board of
County Commissioners, and helping acquire public lands.

118 **Sec. 190.206. Duties of ARC and Leisure Services.**

ARC and Leisure Services shall make recommendations of properties suitable for purchase
120 and that advance the goals of Seminole Forever. Leisure Services, shall assist ARC with the
following:

- 122 (a) Call for land nominations.
- (b) Review completed applications and visit eligible sites with ARC members.
- 124 (c) Create property evaluation reports.
- (d) Determine whether properties qualify for acquisition according to specified criteria.
- 126 (e) Initiate appraisals and title reports and confirm prices and funding.
- (f) Present selected properties and contracts to the Board for approval.

128 (g) Pursue grants that can be used to acquire and restore natural lands.

130 **Sec. 190.207. Dedicated Funding of Seminole Forever.**

The County must allocate and appropriate annual funding for Seminole Forever.

132 (a) The allocated and appropriated annual funding shall be segregated by Resource
Management as a separate fund, maintained in trust by the Board, solely for the purposes to
134 advance the goals of Seminole Forever, and shall not be commingled with any other County funds.

(b) The County shall allocate six percent of its General Fund, coming from its non-ad
136 valorem revenues but excluding grants, charges for services, and transfers, to Seminole Forever.
The County may also use, upon the approval of the Tourism Development Council, Tourism
138 Development funds to the extent the law allows. Any use of the Tourism Development funds shall
require review by the County Attorney’s Office.

140 (c) Funding for Seminole Forever will be reevaluated every year. If expenditures are
estimated to be greater than revenues for a given year, the Board shall not contribute County funds
142 for that year. Such lack of funding will not preclude the County from continuing the program
using funds from grants, matching funds, and donations, nor will it preclude the County from
144 continuing to manage already acquired properties.

(d) For the purpose of this calculation, revenues are based on actual revenues collected
146 in the last completed, audited fiscal year. The Resource Management Department, under the
County Manager’s discretion, must perform the calculation.

148 (e) At the discretion of the Board of County Commissioners, the County may issue bonds
for special purposes related to conservation. This authority includes bonds to acquire lands that
150 would otherwise be unattainable.

(f) Dedicated funding will be allocated towards capital improvement projects of newly

152 acquired lands. The County must also allocate ten percent of the purchased price to the property’s
capital improvement. Any additional funding may be used towards the management of currently
154 held natural lands.

Sec. 190.208. Property Eligible for Acquisition and Management.

156 Properties eligible to be considered for acquisition and management under Seminole
Forever shall only be natural lands, preservation only lands, environmentally sensitive lands,
158 recreation lands, and buffer lands. At the discretion Leisure Services and ARC, and upon approval
of the Board, acquisition may also include less-than-fee simple conservation easements, and
160 properties available under a joint acquisition process.

Sec. 190.209. Criteria for Selecting Properties for Acquisition.

162 Seminole Forever’s funding must be spent only on acquisitions that qualify
for the program. In evaluating whether a particular parcel of land qualifies for the program, ARC
164 and Leisure Services shall collaborate using their particular expertise to create criteria for Seminole
Forever. Notwithstanding, any particular parcel of land which both ARC and Leisure Services
166 may deem to meet their preset criteria, does not automatically qualify for the program. Both ARC
and Leisure Services must exercise discretion in deciding not only whether the parcel qualifies for
168 the program but also whether the parcel will go before the Board as a recommendation for
purchase.

170 **Sec. 190.210. Increased Priority Criteria for Acquisition.**

Notwithstanding the preset criteria established by ARC and Leisure Services, increased
172 priority will be given to properties that demonstrate:

- (a) Acquisition will provide long-term protection for threatened or endangered species.
- 174 (b) Acquisition will provide public land in an underserved community.

(c) Matching funds from other sources that will help acquire the property.

176 (d) A sale price below appraised value.

Sec. 190.211. Five-year Acquisition Plan.

178 Leisure Services, with input from ARC, shall create a five-year acquisition plan, listing
selected nominated properties that qualify for the program. Both Leisure Services and ARC shall
180 review and update this list yearly. Leisure Services shall provide an annual update on the
acquisition plan to the Board of County Commissioners. In updating its five-year plan, County
182 staff must consider its proscribed criteria for selecting properties for acquisition and determine
whether a particular property has increased in priority by meeting other criteria proscribed in
184 190.210. The County can purchase any property that has increased in priority sooner than
originally anticipated.

186 **Sec. 190.212. Land Selection Process.**

Lands to be acquired will be selected using the following process:

188 (a) Nomination Process. Seminole County will accept nominations from any government
190 entity, conservation organization, corporation, or individuals, including County staff. Nominated
properties will be reviewed on a first-come, first-serve basis. County staff will establish deadlines
192 for consideration and shall periodically inform the public of the open process for accepting
nominations.

194 (b) Acceptance of Nomination. Each nomination must be submitted on an application form
provided by the County. Each application must include the following:

- 196 (1) Property location and ownership (Street address, parcel identification # or
identifying information).
- 198 (2) Permission to conduct a site visit.
- (3) A signed willing-seller statement
- 200 (4) Approximate property size and existing designation on applicable future land use
and zoning maps

202 (5) Generalized description of the property and the reason the County should buy it.

204 (c) Initial Review of Proposals. Upon receipt of a complete form, Leisure Service’s staff shall review the application and any other information provided.

206 (d) Evaluating Site by Criteria. Each application proposing a fee-simple acquisition must meet several of the preset criteria established by ARC and Leisure Services. County staff shall create evaluation reports showing whether the property conforms to Seminole Forever’s goals. Priority will be given to acquisitions that achieve a combination of conservation goals, including 208 improving water resource and natural groundwater recharge and providing recreation opportunities.

212 (e) From County Staff to ARC. County staff must provide an eligibility-evaluation report on nominated properties at any open, public meeting of ARC. County staff shall provide 214 property owners notice for hearings to provide owners another opportunity to provide the County and ARC with additional information. At this meeting, Leisure Services and ARC shall select 216 eligible properties for acquisitions.

(f) From ARC to the Board of County Commissioners. Leisure Services shall convey 218 ARC’s recommendations and suggestions to the Board of County Commissioners. If the Board approves the selections, Leisure Services shall move to acquire the properties.

220 (g) From Selection to Acquisition. Once the Board has approved the selection, the CAO shall draft a contract for acquisition. The County, using the dedicated trust funding, will purchase the 222 selected properties.

Sec. 190.213. Post-Acquisition Management and Property Improvements.

224 A management plan must be completed post- acquisition and must include, if appropriate, the following: detailed management goals for the property; a timetable for implementing various

226 management stages and providing access to the public, if applicable; provisions for protecting
existing infrastructure and ensuring the security of property; and the anticipated costs of
228 management, capital costs of improvements required for public access if applicable and projected
sources of revenue.

230 **Sec. 190.214. Alternatives to Fee Simple Acquisition.**

(a) At the County’s discretion, the County may also acquire properties that are
232 less than fee-simple. The acquisition of less-than fee simple interest in land by the County will
not only allow more lands to be protected for preservation and conservation but also reduce long-
234 term management costs by allowing private property owners to continue acting as stewards of the
land, when appropriate.

236 (b) Acceptance of Donated Parcels. County will accept donated parcels of land when
these parcels of land promote the goals of Seminole Forever. This includes lands solely for
238 preservation. Donations to Seminole Forever require Board approval.

240 **Sec. 190.215. Supermajority Required to Change any part of Ordinance.**

If the County desires to change any part of this ordinance, a supermajority vote by the
242 Board of County Commissioners is needed.

Secs. 190.216-400. Reserved.

244 **Section 3. Codification.** It is the intention of the Board of County Commissioners that
the provisions of this Ordinance will become and be made a part of the Seminole County Code,
246 and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word
or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such
248 intention, except that Sections 1, 3, 4 and 5 of this Ordinance are not to be codified.

Section 4. Severability. If any provision or application of this Ordinance to any person
250 or circumstance is held invalid, then it is the intent of the Board of County Commissioners that
such invalidity will not affect other provisions or applications of this Ordinance that can be given
252 effect without the invalid provision or application and, to this end, the provisions of this Ordinance
are declared severable.

254 **Section 5. Effective date.** This Ordinance will take effect upon filing a copy of this
Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

256 **BE IT ORDAINED** by the Board of County Commissioners of Seminole County, this
_____ day of _____, 20____.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

GRANT MALOY
Clerk to the Board of
County Commissioners of
Seminole County, Florida

AMY LOCKHART, Chairman

GLK/
01/04/2023; 2/6/23 2/10/23
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