

ORDINANCE NO. 2025 - _____

SEMINOLE COUNTY, FLORIDA

2 **AN ORDINANCE CREATING THE BEAR GULLY LAKE MANAGEMENT**
3 **MUNICIPAL SERVICES BENEFIT UNIT (MSBU) FOR THE PURPOSE OF**
4 **PROVIDING LAKE MANAGEMENT TO THE LAKE AREAS WITHIN**
5 **THE MSBU; PROVIDING FOR IDENTIFICATION OF PROPERTY**
6 **INCLUDED IN SAID UNIT; PROVIDING FOR THE GOVERNING OF**
7 **SAID MSBU BY THE BOARD OF COUNTY COMMISSIONERS;**
8 **PROVIDING FOR ANNUAL VARIABLE RATE ASSESSMENT**
9 **AND INITIAL ASSESSMENT ROLL FOR ASSESSMENT AND**
10 **COLLECTION BY THE UNIFORM METHOD ADOPTED BY THE**
11 **SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS ON**
12 **FEBRUARY 24, 2009, PURSUANT TO SECTION 197.3632, FLORIDA**
13 **STATUTES; PROVIDING FOR CODIFICATION IN THE SEMINOLE**
14 **COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING**
 AN EFFECTIVE DATE.

15 **WHEREAS**, the Board of County Commissioners of Seminole County, Florida has the
16 authority to establish a Municipal Services Benefit Unit (MSBU) pursuant to Chapter 125, Florida
Statutes; and

17 **WHEREAS**, there are waterfront properties within unincorporated Seminole County along
18 Bear Gully Lake which will benefit from lake management services; and

19 **WHEREAS**, the municipal services to be provided by Seminole County for the benefit of
20 Bear Gully Lake are identified by a distinct phase (Phase II). As herein authorized by creation of
21 an MSBU, Phase II services shall consist of ongoing lake management funded by an annual non-
22 ad valorem assessment as identified in Exhibits A, B and C, attached hereto and incorporated
23 herein; and

24 **WHEREAS**, lake management as a municipal service is expected to be ongoing and
25 indefinite due to the ever changing environmental and aquatic vegetation conditions associated
26 with Florida lakes; Phase II shall consists of those services deemed critical to maintaining and
27 promoting conditions that enhance the over-all health of the waterbody; with emphasis on
28

providing a public service for those benefitted properties located along the shoreline and
30 waterbody. Seminole County will provide an initial and ongoing lake management plan based on
funding parameters and best lake management practices, manage service contracts, monitor results
32 and communicate updates to benefitted properties on a routine basis. Management of the
waterbody may include chemical, mechanical, biological, and/or other methods consistent with
34 best lake management practices and as deemed appropriate by the County; and

WHEREAS, Phase II services shall ensure optimal outcome and preservation of the lake
36 improvements; and,

WHEREAS, the subject lake management services were requested via a community-based
38 application and the required Petition to Create an MSBU distributed and monitored by the MSBU
Program demonstrated a favorable community support percentage, as shown in Exhibit D, attached
40 hereto and incorporated herein, that met the minimum sixty-five percent (65%) support level
required by Section 22.10(N) of the Seminole County Administrative Code; and

WHEREAS, Phase II variable rate assessment may be adjusted annually due to changes
42 in the number of benefit units, changes in Department of Revenue classification or fluctuations in
operating and/or administrative expenses necessary for lake management services; and
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WHEREAS, the initial Phase II variable rate assessment is comprised of one benefit
46 component at a proposed rate of THREE HUNDRED THIRTY-FIVE DOLLARS AND 63/100
DOLLARS (\$335.63) per waterfront location benefit unit, as provided in Exhibit A; and

WHEREAS, the Seminole County Environmental Services Department will select the
48 service provider(s) for lake management services according to County standard purchasing and
50 contract provisions; and

52 **WHEREAS**, boat access to Bear Gully Lake is required for the County to provide lake management services; and

54 **WHEREAS**, the Seminole County Environmental Services Department will maintain decision-making authority relative to initial and on-going lake management services; and

56 **WHEREAS**, community participation and representation is encouraged to support certain MSBU activities; representatives of the assessed properties will be provided the opportunity to serve as liaisons of the assessed properties as per Roles and Responsibilities, attached hereto and
58 incorporated herein as Exhibit E; and

60 **WHEREAS**, an Economic Impact Statement has been prepared for public review in accordance with the provisions set forth in the Seminole County Home Rule Charter; and

62 **WHEREAS**, the Board of County Commissioners has approved the hereinafter described MSBU.

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

66 **Section 1. Short Title.** This Ordinance shall be known and referred to as the Bear Gully Lake Lake Management Municipal Services Benefit Unit (MSBU) Ordinance.

68 **Section 2. Creating Unit; Improvements.** There is hereby created within Seminole County the Bear Gully Lake Management Municipal Services Benefit Unit (MSBU) for the purpose of providing Phase II ongoing lake management services within the MSBU. Said MSBU
70 shall encompass and include lake management services for Phase II as defined in Exhibit A on behalf of the Bear Gully Lake. Said MSBU boundary shall encompass the parcels listed in
72 Exhibits C per the property records maintained by the Seminole County Property Appraiser, all of which are located within unincorporated Seminole County, Florida.

74 **Section 3. Powers and Duties of Board.** The MSBU shall be governed by the Board of
County Commissioners of Seminole County, Florida, which Board shall have the following
76 powers and duties:

(a) To provide for the collection and disbursal by the County of such funds as may be
78 necessary to pay the expenses for lake management services within the MSBU.

(b) To provide for or contract for the design, construction, and maintenance of the
80 chemical, biological, mechanical or any combination of methodologies for lake management
services as set forth in Section 2 and Exhibit A.

(c) To levy non-ad valorem assessments upon property abutting, adjoining and
82 contiguous to such restoration and lake management areas when such property is specially
84 benefited by such services.

(d) To levy non-ad valorem assessments upon any property which is specially benefited
86 and/or abuts, adjoins and is contiguous to Bear Gully Lake, or which may have been omitted from
the hereinafter described assessment listing, upon giving sufficient notice to the owners of such
88 property and holding a public hearing to consider any comments, objections or other relevant
information to arrive at such decision to levy such non-ad valorem assessments.

(e) To provide method of financing from MSBU Program project funds as authorized
90 by the administrative procedures for municipal services benefit units.

92 **Section 4. MSBU Administrative Costs.** All property included in the assessed boundary
will be assessed administrative costs, as promulgated under the Municipal Services Benefit Unit
94 Program procedures.

Section 5. Assessment and Collection. The funding structure for Phase II, as described
96 in Section 2, is provided in Exhibit B. A list of the properties specifically benefited from Phase II
services, along with the respective benefit unit allocation, is provided in Exhibit C.

98 An annual variable rate assessment as listed in Exhibit C for Phase II services is hereby
assigned to each property to be specially benefited by Phase II services. The initial assessment roll
100 proposed for levy via the 2025 assessment roll is provided in Exhibit C. After the initial year of
assessment, the assessment amounts may be adjusted annually. The annual assessment shall be
102 derived each year by allocating the total annual budgeted costs of the MSBU equitably to each
benefit unit per the assessment matrix provided in Exhibit B. The assessment amount per benefit
104 component shall be approved annually by Board Resolution.

Said assessments shall constitute a lien upon the lands assessed. Pending collection by the
106 County of such assessments, as provided herein, the County may spend from its Municipal
Services Benefit Unit Fund such sums as may be necessary to operate, maintain and administer
108 the MSBU hereby created, and the County will be reimbursed to such extent at such time
assessments are collected.

110 All non-ad valorem assessments which may be created through this Ordinance shall be
assessed and collected by the uniform method adopted by the Seminole County Board of County
112 Commissioners, pursuant to Section 197.3632, Florida Statutes.

Section 6. Maximum Allowable Assessment. The Phase II assessment developed per
114 Exhibit B and the provisions of the Bear Gully Lake Management Municipal Services Benefit Unit
Ordinance may be adjusted annually. An assessment increase in any given year is limited to an
116 amount no greater than fifteen percent (15%) above the prior year rate. An assessment increase
amount greater than fifteen percent (15%) in any given year, as set forth in this Ordinance, can be

118 authorized by Board resolution at a public hearing or by Board consent resolution subsequent to
an MSBU Program petition process that confirms the owners of at least sixty-five percent (65%)
120 of the assessed properties support the recommended increase. The maximum allowable assessment
per waterfront residential parcel for Phase II is capped at THREE HUNDRED EIGHTY-FIVE
122 AND 97/100 DOLLARS (\$385.97). The cap may be increased by Board resolution at a public
hearing or by Board consent resolution subsequent to an MSBU Program petition process that
124 confirms the owners of at least sixty-five percent (65%) of the assessed properties support the
recommended increase. Assessments will be adjusted to accommodate Department of Revenue
126 classification changes and to include any new parcels derived from a property split, merge or join
within the said MSBU.

128 **Section 7. Minimum Duration.** A minimum duration of ten (10) years for Phase II
ongoing services funded by non-ad valorem assessment is deemed appropriate to ensure
130 continuance of improvement gained. Unless otherwise authorized by the Board, dissolution of the
Bear Gully Lake Lake Management MSBU will not be granted until the Ordinance has been in
132 effect for a minimum of ten (10) assessment years following the effective date of the ordinance
creating the MSBU.

134 **Section 8. MSBU Liaisons.** Representatives of the assessed properties shall be provided
opportunity to serve as MSBU Liaisons. The role of an MSBU Liaison includes activities such as
136 providing representation on behalf of all owners of assessed property on lake issues, monitoring
lake conditions and reporting observations, attending an annual lake management meeting with
138 the County, disseminating relevant information, and encouraging communitywide awareness and
participation respective to environmental stewardship recommendations, as outlined in the Roles
140 and Responsibilities under Exhibit E.

Section 9. Codification. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Seminole County Code, 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 intention; providing, however, that Sections 9, 10 and 11 of this Ordinance shall not be codified.

Section 10. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 11. Effective Date. This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

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BE IT ORDAINED by the Board of County Commissioners of Seminole County, this

_____ day of _____, 2025.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

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

JAY ZEMBOWER, Chairman

Attachments:

- Exhibit A – Scope of Services and Cost Estimates
- Exhibit B – Assessment Boundary and Assessment Matrix – Phases II
- Exhibit C – Initial Assessment Roll – Phase II
- Exhibit D – Petition & Summary Results
- Exhibit E – Roles and Responsibilities

NJB/kly
1/30/25

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