

**ORDINANCE NO. 26-\_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, RELATING TO THE BAHIA OAKS MUNICIPAL SERVICE TAXING UNIT FOR STREET LIGHTING; AMENDING ORDINANCE NUMBERS 97-26 AND 05-13, CODIFIED AS ARTICLE XXXIII OF THE MARION COUNTY CODE TO AMEND THE NAME OF BAHIA OAKS MUNICIPAL SERVICE TAXING UNIT FOR STREET LIGHTING TO BAHIA OAKS MUNICIPAL SERVICE BENEFIT UNIT FOR STREET LIGHTING; AMENDING SECTION 12-479, BY INCREASING THE MAXIMUM ASSESSMENT RATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN CODE AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board established the Bahia Oaks Municipal Service Taxing Unit for Street Lighting (the “MSTU”) in Ordinance No. 97-26, codified as Article XXXIII of the Marion County Code; and

**WHEREAS**, Ordinance No. 97-26 provides that the purpose of the MSTU is for providing municipal services within its boundaries; and

**WHEREAS**, such municipal services are funded by non-ad valorem assessments on a per parcel basis and provide special benefit to the properties within its boundaries; and

**WHEREAS**, the services provided by said MSTU were initially funded through a special assessment not to exceed \$60.00 per parcel; and

**WHEREAS**, the Board desires that Ordinance No. 97-26 and 05-13 now be amended to change the name of the Bahia Oaks Municipal Service Taxing Unit for Street Lighting to “Bahia Oaks Municipal Service Benefit Unit for Street Lighting” to better describe the legal status of the unit with regard to its powers, purpose, and structure; and

**WHEREAS**, the Board has also determined it is necessary to increase the maximum per parcel annual special assessment rate for the unit to one hundred dollars (\$100.00) per year to allow for adequate funding for municipal services benefiting the subdivision; and

**WHEREAS**, the adoption of this ordinance will better codify the structure of the unit which promotes the health, safety, and welfare of the citizens of Marion County, Florida; and

**NOW THEREFORE, BE IT ORDAINED**, by the Board of County Commissioners of Marion County, Florida, as follows:

**SECTION 1. RECITALS.** The foregoing recitals are hereby adopted as legislative findings of the Board of County Commissioners and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2. CODE AMENDMENT.** The Marion County Code of Ordinances, Chapter 2 **Amendments.** Per section 1-6.3 – Amendments to Code; effect of new ordinance; amendatory language, of the Marion County Code, **Chapter 12** of the Marion County Code, **Municipal Service Taxing Units, Article XXXIII Bahia Oaks Municipal Service Taxing Unit for Street Lighting** is hereby amended as follows (additions shown in underline text and deletions are shown in ~~strikeout~~ text):

**ARTICLE XXXIII. - BAHIA OAKS MUNICIPAL SERVICE BENEFIT TAXING UNIT FOR STREET LIGHTING.**

**Sec. 12-476. - Established.**

There is hereby established pursuant to the authority of section 125.01 (1)(q), Florida Statutes, the Bahia Oaks Municipal Benefit ~~Service~~ Taxing Unit for Street Lighting as follows:

- (1) The area for the Bahia Oaks Municipal Service Benefit Taxing Unit for Street Lighting shall consist of the Bahia Oaks Subdivision as recorded in Plat Book "L", at Pages 65 and 66 of the Public Records of Marion County, Florida.(2)The governing body for the Bahia Oaks Municipal Service Benefit Taxing Unit for Street Lighting shall be the board of county commissioners of Marion County, Florida,, as provided for in section 125.01(2), Florida Statutes.

**Sec. 12-477. - Purposes.**

The Bahia Oaks Municipal Service Benefit Taxing Unit for Street Lighting is hereby established for the purpose of providing municipal services in the area described in section 12-476 above, as authorized by section 125.01(q), Florida Statutes.

**Sec. 12-478. - Powers of the governing body.**

The board of county commissioners of Marion County, Florida, as governing body of the Bahia Oaks Municipal Benefit ~~Service~~ Taxing Unit for Street Lighting is empowered:

- (1) To sue and be sued in the name of the unit.
- (2) To adopt and use a seal and authorize use of a facsimile thereof.
- (3) To acquire in the name of the Bahia Oaks Municipal Service Benefit Taxing Unit for Street Lighting by purchase, gift, or the exercise of right of eminent domain, such lands and rights and interests therein, including lands under water and riparian rights and to acquire such personal property as it may deem necessary in connection with the furnishings of services authorized by this article and to hold and dispose of all real and personal property under its control; providing, however, nothing herein contained shall authorize the power of eminent domain to be exercised beyond the limits of the unit.
- (4) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers.
- (5) To employ and fix the compensation of employees of the unit.

- (6) To authorize compensation for members of an advisory board for per diem, travel, and other reasonable expenses for meetings, hearings, and other official business, consistent with section 112.061, Florida Statutes.
- (7) To contract for the services of engineers, attorneys, accountants, financial, or other consultants and such other agents as the board of county commissioners may require or deem necessary to accomplish the purposes of the unit.
- (8) To borrow money and accept gifts; to convey real or personal property; to apply for and use grants or loans of money or other property from the United States, the State of Florida, a local unit of government or any other person for any unit purposes of the Bahia Oaks Municipal Service Benefit Taxing Unit for Street Lighting and to enter into agreements required in connection therewith; and to hold, use, and dispose of such monies or property for any unit purposes in accordance with the terms of the gift or grant, loan, or agreement relating thereto.
- (9) To acquire, construct, operate, maintain, equip, improve, extend, enlarge, or improve capital projects within or without the Bahia Oaks Municipal Service Benefit Taxing Unit for Street Lighting to perform the specialized public function or services herein provided.
- (10) To maintain an office at such place or places as it may designate within or without such unit.
- (11) To adopt by-laws, rules and regulations, resolutions and orders for its own proceedings.
- (12) To make use of any public easements, dedications to public use, plat reservations of specific public purposes within the boundaries of the Bahia Oaks Municipal Service Benefit Taxing Unit for Street Lighting for those purposes authorized by the unit.
- (13) To lease as lessor or lessee, to or from any person, firm, corporation, association or body, public or private, any projects of the type that the Bahia Oaks Municipal Service Benefit Taxing Unit for Street Lighting is authorized to undertake any facilities or properties of any nature for the use of the unit to carry out any of the purposes of this article as now in effect or hereafter amended.
- (14) To issue general obligation bonds, certificates, warrants, notes or other evidences of indebtedness as hereinafter provided; to levy such tax as may be authorized; and to establish a budget and a fiscal year.
- (15) To issue general obligation bonds, revenue bonds, special assessment bonds or combination thereof to finance the cost of capital improvement projects authorized by the article as now in effect or hereafter amended; the procedure for issuing such revenue or assessment bonds or the levying of special assessments shall be in the manner provided by law.
- (16) To levy and assess per parcel special assessments authorized by law to pay the cost of such specialized public functions or services as are provided for in the article as now or hereafter amended.

- (17) To contract with municipalities, cities, towns, counties, or other political subdivisions, public corporations, or persons; to provide or receive such specialized public functions or services.
- (18) To provide for an advisory council and appoint its members. The composition of the advisory council and the terms of office for its members shall be set forth in the resolution providing for such advisory council.

**Sec. 12-479. - Authorizing special assessments on a per parcel basis.**

- (a) Municipal services as authorized by this article may be funded by special assessments on a per parcel basis.
- (b) For the fiscal year beginning October 1, 2005, and each year thereafter, there shall be levied a special assessment not to exceed ~~sixty dollars (\$60.00)~~ one hundred dollars (\$100.00) per parcel. The board may adjust assessments against individual parcels on the basis of justice and right.
- (c) For purposes of this section "parcel" means a platted lot or tract as shown on the plats referred to in section 12-476.

**Sec. 12-480. - Budget.**

The annual fiscal year for the operation of the Bahia Oaks Municipal Service Benefit Taxing Unit for Street Lighting shall run from October 1st of each year to September 30th of the following year. The board of county commissioners of Marion County, Florida, on or before September 30th of each year shall hold a public hearing and adopt a budget setting forth the amounts necessary for the costs and expenses of furnishing municipal services authorized by this article, which budget shall serve as a basis for the annual levying of assessments herein provided for. All funds received shall be part of the general funds of Marion County but shall be separately accounted for with respect to other county funds.

**Sec. 12-481. - Collection of special assessments.**

The Marion County Property Appraiser shall furnish to the board of county commissioners a tax roll covering all taxable properties within the territorial limits of the Bahia Oaks Municipal Service Benefit Taxing Unit for Street Lighting upon which rolls the board will place the levy for each specially assessed parcel of property shown thereon. A property owner in such municipal service taxing unit shall have the right to file a written protest of the proposed assessment, the amount and rate thereof, and to appear before the board in support of such protest. The board shall hold a meeting or meetings to consider and act upon any such protest. The board shall adopt a resolution fixing the rate of assessments and shall return the county tax roll to the Marion County Property Appraiser having first noted thereon the levy against each parcel of property described therein. The Marion County Property Appraiser shall then include in the county tax roll and on all required notices the assessments thus made by the board and the same shall be collected in the manner and form as provided for the collection of county taxes and paid over by the Marion County Tax Collector to the board.

**Sec. 12-482. - Liens on property.**

Special assessments for municipal services shall be a lien upon the land so assessed until special assessments have been paid, and if the same becomes delinquent, shall be considered a part of the county tax subject to the same penalties, charges, fees, and remedies for enforcement and collection, and shall be enforced and collected as provided by the laws of Florida for the collection of such taxes.

**Sec. 12-483. - Expenditure of tax revenue.**

No funds of the Bahia Oaks Municipal Service ~~Benefit Taxing~~ Unit for Street Lighting shall be used for any purposes other than the administration of the affairs of the unit.

**Sec. 12-484. - Reimbursement of funds for administrative assistance by county officers.**

All costs and expenses incurred by a constitutional officer of Marion County, Florida, in performing any of the provisions of this article shall be reimbursed by the Bahia Oaks Municipal Service ~~Benefit Taxing~~ Unit for Street Lighting to said constitutional officer. Such reimbursement, however, shall not exceed eight (8) percent of the revenue collected within the Bahia Oaks Municipal Service ~~Benefit Taxing~~ Unit for Street Lighting within any twelve-month period.

**SECTION 3. SEVERABILITY.** It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

**SECTION 4. REPEAL OF ORDINANCES.** All ordinances, or parts of ordinances, in conflict with this ordinance are to the extent of such conflict hereby repealed.

**SECTION 5. INCLUSION IN CODE.** It is the intention of the Board of County Commissioners of Marion County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Marion County, Florida, that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article" or other appropriate designation.

**SECTION 6. EFFECTIVE DATE.** A certified copy of this Ordinance shall be filed with the Department of State by the Clerk within ten days after enactment by the Board and shall take effect upon receipt of official acknowledgment of filing as provided in Section 125.66(2), Florida Statutes.

**DULY ADOPTED** on this \_\_\_ day of \_\_\_\_, 2026.

**BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA**

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CARL ZALAK, III, CHAIRMAN

**ATTEST:**

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GREGORY C. HARRELL, CLERK

**APPROVED AS TO FORM:**

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MATTHEW G. MINTER, COUNTY ATTORNEY