

1 Introduced by the Transportation, Energy & Utilities Committee
2 pursuant to Chapter 92, *Ordinance Code*;

3
4
5 **ORDINANCE 2021-352**

6 AN ORDINANCE CONCERNING THE CONSENT REQUEST BY
7 THE BOGGY BRANCH COMMUNITY DEVELOPMENT
8 DISTRICT ("CDD") TO EXERCISE SPECIAL POWERS
9 RELATED TO RECREATIONAL AND SECURITY
10 FACILITIES, AND WASTE COLLECTION AND DISPOSAL,
11 PURSUANT TO SECTION 190.012(2)(A), SECTION
12 190.012(D), AND SECTION 192.012(F), FLORIDA
13 STATUTES, AND SECTION 92.15, *ORDINANCE CODE*;
14 AMENDING CHAPTER 92 (UNIFORM COMMUNITY
15 DEVELOPMENT DISTRICTS), SECTION 92.02
16 (DEFINITIONS) TO TRACK STATUTORY DEFINITION;
17 AMENDING SECTION 92.15 (CONSENT REQUESTS) TO
18 CLARIFY THAT CONSENT FOR SPECIAL POWERS MAY BE
19 REQUESTED AT THE TIME OF A PETITION REGARDING
20 A CDD; AMENDING SECTION 92.16 (NOTICE OF CDD
21 ESTABLISHMENT AND REGISTERED OFFICE) TO
22 COMPORT WITH THE REVISED STATUTORY CITATIONS;
23 AMENDING SECTION 92.17 (BUDGETS AND MEETING
24 SCHEDULES) TO COMPORT WITH THE REVISED
25 STATUTORY CITATIONS; AMENDING SECTION 92.18
26 (PUBLIC FACILITIES REPORTS) TO COMPORT WITH
27 THE REVISED STATUTORY CITATIONS; AMENDING
28 SECTION 92.22 (EXISTING COMMUNITY DEVELOPMENT
29 DISTRICTS), *ORDINANCE CODE*, TO INCLUDE THE
30 GRANT OF THIS CONSENT FOR SPECIAL POWERS TO
31 THE BOGGY BRANCH CDD; PROVIDING AN EFFECTIVE

1 DATE.
2

3 **WHEREAS**, the Boggy Branch Community Development District (the
4 "CDD") was established by Ordinance 2019-483-E; and

5 **WHEREAS**, pursuant to section 92.15, *Ordinance Code*, and as
6 required by Section 190.012(2), Fla. Stat., the Board of Supervisors
7 of the CDD, has by Resolution 2020-09, requested the City of
8 Jacksonville's consent for the CDD to exercise the special powers
9 set forth in Section 190.012(2)(a), (d), and (f), Fla. Stat., to
10 plan, establish, acquire, construct or reconstruct, enlarge or
11 extend, equip, operate, and maintain additional systems and
12 facilities for: 1) parks for indoor or outdoor recreational,
13 cultural, and educational uses; 2) security including, but not
14 limited to, guardhouses, fences and gates, electronic intrusion-
15 detection systems and patrol cars, and 3) waste collection and
16 disposal ("Request for Special Powers") and has paid the required
17 fee of \$1,500; and

18 **WHEREAS**, no action taken by the CDD shall be inconsistent with
19 applicable comprehensive plans, ordinances or regulations of the
20 City, and whereas all governmental planning, environmental, and land
21 development laws, regulations and ordinances apply to all
22 development of land within, or as otherwise may be undertaken by,
23 the CDD; and

24 **WHEREAS**, as stated in the Request for Special Powers, the CDD
25 has properly designated its registered office and agent, is in good
26 legal standing and operating in compliance with the law, and has
27 properly recorded a Notice of Establishment, all the foregoing done,
28 alleged and submitted to the City in compliance with section 92.16,
29 *Ordinance Code*; and

30 **WHEREAS**, based upon the materials submitted by the CDD, the
31 Council finds there is good reason to grant the Request for Special

1 Powers as petitioned therein; now therefore

2 **BE IT ORDAINED** by the Council of the City of Jacksonville:

3 **Section 1. Grant of Consent.** Pursuant to the Boggy Branch
4 Community Development District Request for Special Powers, a copy of
5 which is **attached hereto as Exhibit 1**, and in accordance with
6 section 190.012(2), Fla. Stat., the City's consent is hereby granted
7 to the Boggy Branch Community Development District to exercise the
8 power to plan, establish, acquire, construct or reconstruct, enlarge
9 or extend, equip, operate and maintain additional systems and
10 facilities for parks, recreation, and security, and to collect and
11 dispose of waste, all the foregoing to be exercised only in
12 compliance and consistent with all applicable laws including the
13 City's 2030 Comprehensive Plan and City's land development
14 regulations.

15 **Section 2. Amending Section 92.02 (Definitions), Section**
16 **92.15 (Consent Requests), Section 92.16 (Notice of CDD establishment**
17 **and registered office), Section 92.17 (Budgets and meeting**
18 **schedules), Section 92.18 (Public facilities reports), and Section**
19 **92.22 (Existing Community Development Districts), Chapter 92**
20 **(UNIFORM COMMUNITY DEVELOPMENT DISTRICTS), Ordinance Code.** Chapter
21 92 (UNIFORM COMMUNITY DEVELOPMENT DISTRICTS), Section 92.02
22 (Definitions), Section 92.15 (Consent Requests); Section 92.16
23 (Notice of CDD establishment and registered office), Section 92.17
24 (Budgets and meeting schedules), Section 92.18 (Public facilities
25 reports), and Section 92.22 (Existing Community Development
26 Districts), *Ordinance Code*, are hereby amended to read as follows:

27 **CHAPTER 92. UNIFORM COMMUNITY DEVELOPMENT DISTRICTS**

28 * * *

29 **Sec. 92.02. - Definitions.**

30 * * *

31 (c) "Consent Request" means a request ~~of a CDD's Board of~~

1 ~~Supervisors~~ submitted to the City pursuant to F.S. § 190.012(2) and
2 this Ordinance, seeking the City's consent to the CDD's exercise of
3 one or more special powers, or a request by a CDD's Board of
4 Supervisors for the right to exercise eminent domain power outside
5 of the district, pursuant to F.S. § 190.011(11).

6 * * *

7 (g) "Local Petition" means a petition filed with the City
8 pursuant to F.S. § 190.005(2) or 190.046(1)(c), seeking to
9 establish, expand, terminate, or contract a CDD originally of less
10 than ~~1,000~~ 2,500 acres located within the City, by City ordinance.

11 (h) "State Petition" means a petition submitted to the City
12 pursuant to F.S. § 190.005(1) or § 190.046(1)(d), seeking to
13 establish, expand, terminate, or contract a CDD originally of 2,500
14 or more acres located within the city, by administrative rule of
15 FLAWAC.

16 * * *

17 **Sec. 92.15. - Consent Requests for Special Powers.**

18 Consent Requests may be made ~~by~~ as part of a Local or State
19 Petition, but are not effective until made or adopted by formal
20 resolution of a CDD's governing board of supervisors and filed with
21 Council. Consent Requests made after the establishment of a CDD
22 shall be filed together with a fee as found in www.coj.net/fees,
23 and the formal resolution by the CDD's governing board of
24 supervisors, which resolution shall become a part of the Consent
25 Request.

26 * * *

27 **Sec. 92.16. - Notice of CDD establishment and registered office.**

28 A notice of establishment filed pursuant to F.S. § 190.0485,
29 should be indexed by the name of each underlying landowner and the
30 name of the CDD, with a modification to such notice filed and
31 indexed in same manner in the event a CDD's boundaries are expanded

1 or contracted, as permitted by F.S. § ~~189.402(f)~~ 189.011. A notice
2 of establishment or modification to such notice and the designation
3 of registered office/agent disclosed to the City pursuant to F.S. §
4 ~~189.416~~ 189.014, shall be filed with ~~Counsel~~ the Council within 14
5 days of the respective filing or designation.

6 **Section 92.17. - Budgets and meeting schedules.**

7 A CDD's annual budget and meeting schedules disclosed pursuant
8 to F.S. § 190.008(2)(b) or § ~~189.417~~ 189.015 or 189.016, shall be
9 filed timely with Counsel which shall distribute same to the Chief
10 of Legislative Services who shall cause same to be placed as a
11 "miscellaneous communication" on the agenda of the next regularly-
12 scheduled Council meeting.

13 **Sec. 92.18. - Public facilities reports.**

14 Copies of the initial CDD public facility reports required to
15 be provided pursuant to F.S. § ~~189.415~~ 189.08, 189.081, and 189.082,
16 and annual adoption or change reports submitted thereafter, shall be
17 provided to the Department and to Counsel, and to the degree made
18 relevant by way of the City's consent to exercise one or more powers
19 set forth at F.S. § 190.012(2), shall be provided to the Duval
20 County School Board or the City Departments for Recreation and
21 Parks, Fire, and/or Public Works, as authorized by F.S. § ~~189.402(7)~~
22 189.011.

23 * * *

24 **Sec. 92.22 Existing Community Development Districts.**

25 The following CDDs have been established in the City:

26 * * *

27 (19) *Boggy Branch Community Development District.* The Boggy
28 Branch Community Development District was established in
29 Ordinance 2019-483-E. The City granted consent to the
30 Boggy Branch Community Development District in Ordinance
31 2021- -E to exercise the following special powers to

1 plan, establish, acquire, construct or reconstruct,
2 enlarge or extend, equip, operate and maintain
3 additional systems and facilities for:

4 a. parks and facilities for indoor and outdoor
5 recreational, cultural and educational uses;

6 b. security, including but not limited to, guardhouses,
7 fences and gates, electronic intrusion detection
8 systems, and patrol cars; and

9 c. waste collection and disposal.

10 **Section 3. Effective Date.** This Ordinance shall become
11 effective upon signature by the Mayor or upon becoming law without
12 the Mayor's signature.

13
14 Form Approved:

15
16 /s/Susan C. Grandin

17 Office of General Counsel

18 Legislation Prepared By: Susan C. Grandin

19
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