

1 Introduced by Council Member Boylan:
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4 **ORDINANCE 2022-489**

5 AN ORDINANCE REGARDING THE ESTABLISHMENT OF THE
6 DEEP BOTTOM CREEK DEPENDENT SPECIAL DISTRICT IN
7 ACCORDANCE WITH SECTION 189.02, FLORIDA
8 STATUTES; INCORPORATING RECITALS; ADOPTING A
9 CHARTER FOR THE "DEEP BOTTOM CREEK DEPENDENT
10 SPECIAL DISTRICT" FOR THE LIMITED PURPOSE OF
11 MAINTAINING DEEP BOTTOM CREEK; ESTABLISHING THE
12 DEPENDENT NATURE OF THE DISTRICT; ESTABLISHING
13 THE PURPOSE, POWERS, FUNCTIONS AND DUTIES;
14 ESTABLISHING A GEOGRAPHIC BOUNDARY FOR THE
15 DISTRICT; ACKNOWLEDGING THE AUTHORITY TO CREATE
16 THE DEPENDENT SPECIAL DISTRICT; RECOGNIZING THE
17 BEST ALTERNATIVE; ESTABLISHING A FIVE MEMBER
18 BOARD OF SUPERVISORS TO BE ORIGINALLY APPOINTED
19 BY THE CITY COUNCIL WITH ALL FIVE INITIAL TERMS
20 EXPIRING ON NOVEMBER 5, 2026, AND ALL FIVE
21 SUPERVISORS BEING ELECTED BY THE QUALIFIED
22 ELECTORS OF THE DISTRICT BEGINNING WITH THE 2026
23 GENERAL ELECTION; PROVIDING ADDITIONAL
24 REQUIREMENTS; IDENTIFYING THE METHOD OF
25 FINANCING; RECOGNIZING THE CONSISTENCY WITH THE
26 COMPREHENSIVE PLAN; AND PROVIDING AN EFFECTIVE
27 DATE.

28
29 **WHEREAS**, Section 189.02, Florida Statutes, provides that the
30 City Council may create dependent special districts for the purpose
31 of delivering essential services to specific areas within the City;

1 and

2 **WHEREAS**, Deep Bottom Creek, located in Council District 6,
3 requires continuous maintenance in order to remain navigable and
4 sanitary; and

5 **WHEREAS**, the City of Jacksonville is unable to provide the human
6 and financial resources required to properly maintain the creek; and

7 **WHEREAS**, a dependent special district financed by the property
8 owners adjacent to the creek is an appropriate, efficient and
9 effective vehicle to insure that the creek is properly maintained;
10 and,

11 **WHEREAS**, the City Council finds that it is necessary to create
12 the Deep Bottom Creek Dependent Special District to insure that the
13 canals are properly maintained; and,

14 **WHEREAS**, the City Council finds that the creation of the Deep
15 Bottom Creek Dependent Special District is the best alternative to
16 insure that the creek is properly maintained because the creation of
17 such a district provides a legally enforceable mechanism to collect
18 monies from all property owners that benefit from a properly
19 maintained creek, and it insures that the monies, when collected, are
20 spent by a governmental entity that is accountable to the people that
21 it serves; now therefore,

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

23 **Section 1. Incorporating Recitals.** The foregoing "WHEREAS"
24 clauses are hereby ratified and confirmed as being true and correct
25 and are hereby made a specific part of this Ordinance upon adoption
26 thereof.

27 **Section 2. Establishment of Charter for Deep Bottom Creek**
28 **Dependent Special District.** In accordance with Section 189.02,
29 *Florida Statutes*, the Charter of the Deep Bottom Creek Dependent
30 Special District is hereby established to read as follows:

31 CHARTER OF THE DEEP BOTTOM CREEK DEPENDENT SPECIAL DISTRICT

1 **Sec. 1. Dependent Special District** - There is hereby created
2 a Dependent Special District which will serve the community based on
3 the boundaries set forth herein and shall be named the Deep Bottom
4 Creek Dependent Special District ("District"). The District shall
5 be dependent on the county for purposes of establishing its budget
6 but is otherwise amenable to separate special district government.

7 **Sec. 2. Purpose, Powers, Functions, and Duties.**

8 (a) *Purpose.* The purpose of the District shall be the
9 continuing maintenance of the creek system of Deep Bottom Creek. The
10 District shall fulfill its purpose by dredging the creek to improve
11 the waterway health and provide access to the St. Johns River.

12 (b) *Powers.* The District is authorized and empowered:

13 (1) To sue and be sued;

14 (2) To contract;

15 (3) To purchase, hold, lease, sell, or otherwise acquire and
16 convey such real and personal property and interest therein
17 as may be necessary or proper to carry out the purpose of
18 this Charter;

19 (4) To employ engineers, attorneys, accountants, financial or
20 other consultants, and such other agents and employees as
21 the Board of Supervisors may require or deem necessary to
22 accomplish the purpose of this Charter, or to contract for
23 any such services;

24 (5) To acquire, construct, maintain, equip, improve, extend,
25 and enlarge capital projects for the purposes of enabling
26 the BCID to perform public functions or services as herein
27 provided related to private roads, stormwater, drainage,
28 and common properties;

29 (6) To borrow money for the purposes of enabling the District
30 to perform public functions or services as herein provided;

31 (7) To assess and collect for each year of its operation

1 against each residential parcel in the District, a special
2 assessment.

3 (a) No special assessment shall exceed the maximum for of
4 \$1,000.00 for the first year.

5 (b) The assessment can be increased annually by no more
6 than \$200.00 each year, and the annual assessment
7 cannot exceed \$1,500.00 annually without amendment of
8 this charter.

9 (c) The assessments approved under this charter are to be
10 billed and collected pursuant to Chapter 197, Florida
11 Statutes, or any other means authorized by law, and
12 to be a lien on the assessed property, coequal with
13 the lien of all state, county, district and municipal
14 taxes, and superior in dignity to all other liens,
15 titles, and claims, until paid in full.

16 (8) To assess any new parcels (by sale, lot-split or
17 subdivision), that come into existence within the
18 geographic boundaries, as defined in **Exhibit 1**, labeled as
19 "Exhibit 1, District Map", attached hereto and incorporated
20 herein by reference;

21 (9) To fix and collect rates, fees, and other charges for the
22 specialized public functions or services authorized by this
23 Charter;

24 (10) To restrain, enjoin, or otherwise prevent the violation of
25 this Charter or any resolution or rule adopted pursuant to
26 the powers granted by this Charter;

27 (11) To join with any other district, municipality, county or
28 political subdivision, public agency or authority in the
29 exercise of common powers;

30 (12) To enter into contracts with the government of the United
31 States or any agency or instrumentality thereof, or with

1 any state, county, municipality, district, authority, or
2 political subdivision, private corporation, partnership,
3 association, or individual to affect the purpose of this
4 Charter, and to receive and accept, from any federal
5 agency, grants or loans for or in aid of the specialized
6 public functions or services authorized herein.

7 (13) To hold, control, and acquire by donation, purchase, or
8 condemnation, or dispose of, any public easements,
9 dedications to public use, platted reservations for public
10 purposes, or any reservations for those purposes authorized
11 by this act and to make use of such easements, dedications,
12 or reservations for the purposes authorized by this act.

13 (c) *Functions.* Upon formation, the District will function as a
14 dependent special district. The District will undertake
15 all essential functions required of dependent special
16 districts, including:

17 (1) Create, submit and have approved by City Council, its
18 initial annual budget, establishing and identifying
19 priorities for completion in the first two years or as soon
20 as practical and possible at the District's Expense.

21 Pursuant to section 189.016, Florida Statutes,

22 (2) Within 30 days of its creation the District will notify
23 the State of Florida Special District Accountability
24 Program of its existence and will file all required
25 documentation and information with the program including
26 but not limited to:

27 (i) the District creation document,

28 (ii) a written status statement,

29 (iii) a map of the boundaries of the District, and

30 (iv) the name, address, phone, fax and e-mail address for
31 the District's registered agent.

1 (iii) The District shall be responsible for payment of any
2 fees and the completion of all financial reporting
3 required by law.

4 (iv) The District shall be required to keep and maintain
5 an official website that meets all legal obligations
6 for access and minimum content as set forth under
7 Florida law.

8 (d) *Duties.* The District shall have the responsibility of
9 maintaining Deep Bottom Creek.

10 **Sec. 3. Geographic Boundary.** The boundaries of the District
11 are areas that include those parcels of property identified by address
12 and graphically depicted in **Exhibit 1**, labeled as "Exhibit 1, District
13 Map", attached hereto and incorporated herein by reference. The
14 property addresses of each parcel included within the District are
15 hereby listed as: 2500 Lynnhaven Terrace, 2524 Lynnhaven Terrace,
16 2554 Lynnhaven Terrace, 2570 Lynnhaven Terrace, 2580 Lynnhaven
17 Terrace, 2604 Lynnhaven Terrace, 2620 Lynnhaven Terrace, 2640
18 Lynnhaven Terrace, 10914 Scott Mill Road, 10922 Scott Mill Road, 2645
19 Riverport Drive North, 2653 Riverport Drive North, 10969 Riverport
20 Drive West, 10966 Riverport Drive West, and 10974 Riverport Drive
21 West. The parcel numbers and legal descriptions for each property are
22 listed in **Exhibit 2**, labeled as "Exhibit 2, Parcel and Legal
23 Descriptions", attached hereto and incorporated herein by reference.

24 **Sec. 4. Authority.** In accordance with section 189.02(4)(c),
25 the City of Jacksonville, a consolidated municipal corporation and
26 political subdivision existing under the laws of the State of Florida,
27 has the authority, pursuant to section 189.02, *Florida Statutes*, to
28 create special districts. Accordingly, the City uses this authority
29 to create the District and through this charter authorizes the
30 District to operate as a Dependent Special District.

31 **Sec. 5. Best Alternative.** In accordance with section

1 189.02(4) (b), *Florida Statutes*, the creation of the District provides
2 the best alternative for private/shared infrastructure improvements;
3 the District will allow the locally impacted community receiving the
4 benefit from the improvements to directly fund the costs involved.

5 **Sec. 6. Governing Body and Elections.** Pursuant to section
6 189.02(4) (e), *Florida Statutes*, the organization, operation, and
7 duties of the District's governing body are set forth herein

8 (a) *Organization.* The governing body of the District shall
9 consist of five Supervisors, including a minimum of one from each
10 street.

11 (1) *Qualifications.* All Supervisors shall be qualified
12 electors of the State of Florida and own property within
13 the District.

14 (2) *Qualifying.* Candidates shall qualify for the Board of
15 Supervisors pursuant to the requirements of section 99.061,
16 *Florida Statutes* or under any other law or rule for
17 qualifying as a candidate.

18 (3) *Initial Leadership.* The Initial Board of Supervisors
19 shall be appointed by the City Council of the City of
20 Jacksonville and all five initial terms shall expire on
21 November 5, 2026.

22 (i) *Initial Appointees.* The following individuals are
23 hereby appointed by the City Council to the original
24 Board of Supervisors: Alan Seabrooke, 2570 Lynnhaven
25 Terrace (Seat 1); Rosyln Karstedt, 2554 Lynnhaven
26 Terrace (Seat 2); Laura Williams/Dolan, 2524
27 Lynnhaven Terrace (Seat 3); Joe Ricketts, 2653
28 Riverport Drive North (Seat 4); and Michael Sharrit,
29 10969 Riverport Drive West (Seat 5). In the event
30 that either of the Seat 4 or 5 representatives cannot

1 serve, Craig Carpenter, 10966 Riverport Dr West,
2 shall serve in their place.

3 (4) *Subsequent Elections.* At the 2026 general election,
4 the qualified electors of the District shall elect three
5 Supervisors who shall serve for terms of six years (seats
6 1, 3 and 5) and two Supervisors who shall serve for terms
7 of four years (seats 2 and 4). The term of office for each
8 Supervisor thereafter shall be four years.

9 (i) *Non-partisan.* Commencing with the 2026 general
10 election, all Supervisors shall be elected on a
11 nonpartisan basis by the qualified electors of the
12 District and shall hold office until their successors
13 are elected and qualified.

14 (5) *Vacancies.* If, during a term of office, a vacancy occurs,
15 the remaining members of the Board shall fill the vacancy
16 by an appointment of another person from the same area
17 where the vacancy occurred (i.e., the same street
18 location), for the remainder of the unexpired term.

19 (6) *Removal.* Any Supervisor may be removed from office by the
20 City Council for misfeasance, malfeasance, or willful
21 neglect of duty.

22 (7) *No Compensation.* No Supervisor shall receive
23 compensation for his or her service.

24 (8) *Single Supervisor per Household.* No Supervisor may reside
25 in the same household as another Supervisor.

26 (c) *Elector Membership.*

27 (1) Electors shall be determined based on a per parcel basis.

28 (2) In the event that a parcel is owned by more than one
29 person/entity, only the first vote cast by a listed
30 property owner for the parcel will count.

31 (3) Parcel numbers and owners of record shall be determined by

1 the Duval County Property Appraiser's records.

- 2 (4) To be eligible to vote, a parcel owner must be a elector
3 registered in Duval County, Florida.

4 **Sec. 7. Additional Requirements**

5 (a) *Financial Disclosures, Fiscal Year and Budget.* The fiscal
6 year for the District shall be from July 1 to June 30. The District
7 shall annually submit a proposed district budget to the City Council
8 of the City of Jacksonville by April 1 for approval or rejection.
9 The failure of the City Council to take action on the budget within
10 70 days after submission shall constitute approval of the budget,
11 unless extended by agreement of the City Council and the District.
12 The District shall also submit any amendments to its budget to the
13 City Council for approval or rejection, which amendments shall also
14 be deemed approved if the City Council fails to take action on them
15 within 70 days after submission. All submissions to the City Council
16 shall be made to its Director/Council Secretary with a copy to the
17 Council Auditor.

18 (b) *Audit.* The District shall be audited pursuant to the
19 provisions of Section 218.39, *Florida Statutes*, at its expense by
20 such persons and in such manner as the City Council, and any relevant
21 federal or state law, shall direct.

22 (c) *Noticing and Reporting Requirements.* The District shall
23 comply with the requirements of Florida's Government-in-the-Sunshine
24 Law as set forth in Chapter 286, *Florida Statutes*, with regard to the
25 noticing of its meetings, the conduct of its officials, the reporting
26 of its activities through the keeping of minutes, and any other
27 requirements of public bodies, and shall comply with the requirements
28 of Florida's Public Records Act as set forth in Chapter 119 of the
29 Florida Statutes. The District shall notice its meetings consistent
30 with the requirements of Section 189.015, *Florida Statutes*. The
31 District shall forward a copy of its minutes to the Council President

1 and District Council Member on an annual basis.

2 **Sec. 8. Methods of Financing.** Pursuant to Florida
3 Statute section 189.02(4)(g), the District shall have the ability to
4 finance itself through annual non-ad valorem special assessments upon
5 each designated parcel as permitted by the powers vested in the
6 District Board of Supervisors and authorized through this ordinance.
7 The District may collect these non-ad valorem special assessments in
8 any manner permitted under Florida law including those set forth in
9 Chapters 170 and 197, *Florida Statutes*.

10 Pursuant to 197.3632, *Florida Statutes*, the District may enter
11 into interlocal agreements or memoranda of understanding with the
12 Property Appraiser and Tax Collector should the District choose to
13 collect assessments with property taxes. The agreements will set
14 forth any procedural and financial obligations that are required for
15 use of the services of either the Tax Collector or the Property
16 Appraiser.

17 **Sec. 9. Comprehensive Plan.** The formation of the District
18 and its purposes are consistent with the approved Comprehensive Plan
19 of the City of Jacksonville.

20 **Section 3. Effective Date.** This ordinance shall
21 become effective upon signature by the Mayor or upon becoming
22 effective without the Mayor's signature.

23
24
25 Form Approved:

26
27 /s/ Trisha Bowles

28 Office of General Counsel

29 Legislation Prepared By: Trisha D. Bowles

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