

Introduced by Council Member Peluso:

ORDINANCE 2025-539

AN ORDINANCE REGARDING THE ESTABLISHMENT OF THE FIVE POINTS DEPENDENT SPECIAL DISTRICT IN ACCORDANCE WITH SECTION 189.02, FLORIDA STATUTES; INCORPORATING RECITALS; ADOPTING A CHARTER FOR THE "FIVE POINTS DEPENDENT SPECIAL DISTRICT" FOR THE PURPOSE OF IMPROVING THE FIVE POINTS AREA WITH SERVICES, INCLUDING BUT NOT LIMITED TO SECURITY, LANDSCAPING AND PROMOTION; ESTABLISHING THE DEPENDENT NATURE OF THE DISTRICT; ESTABLISHING THE PURPOSE, POWERS, FUNCTIONS AND DUTIES; ESTABLISHING A GEOGRAPHIC BOUNDARY FOR THE DISTRICT; ACKNOWLEDGING THE AUTHORITY TO CREATE THE DEPENDENT SPECIAL DISTRICT; RECOGNIZING THE BEST ALTERNATIVE; ESTABLISHING A FIVE MEMBER BOARD OF SUPERVISORS WITH ALTERNATES APPOINTED BY THE CITY COUNCIL; PROVIDING ADDITIONAL REQUIREMENTS; IDENTIFYING THE METHOD OF FINANCING; RECOGNIZING THE CONSISTENCY WITH THE COMPREHENSIVE PLAN; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Five Points, located in Council District 7, requires continuous elevated levels of security, landscaping and promotion,

1 all of which supports the businesses and improves property values in
2 the Five Points area; and

3 **WHEREAS**, there have been numerous neighborhood meetings, 5
4 Points Association meetings and other meetings with business and
5 property owners, listed in **Exhibit 1**, concerning the establishment
6 of a special district to provide these types of services in Five
7 Points; and

8 **WHEREAS**, the City of Jacksonville is unable to provide these
9 services; and

10 **WHEREAS**, a dependent special district financed by the commercial
11 property owners in the Five Points area is an appropriate, efficient
12 and effective vehicle to insure that these services are continuously
13 provided; and,

14 **WHEREAS**, the City Council finds that it is necessary to create
15 the Five Points Dependent Special District to insure that these
16 services are continuously provided; and,

17 **WHEREAS**, the City Council finds that the creation of the Five
18 Points Dependent Special District is the best alternative to insure
19 that these services are continuously provided because the creation
20 of such a district provides a legally enforceable mechanism to collect
21 monies from the commercial property owners that benefit from these
22 services, and it insures that the monies, when collected, are spent
23 by a governmental entity that is accountable to the people that it
24 serves; now therefore,

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

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

30 **Section 2. Establishment of Charter for Five Points**
31 **Dependent Special District.** In accordance with Section 189.02,

1 *Florida Statutes*, the Charter of the Five Points Dependent Special
2 District is hereby established to read as follows:

3 CHARTER OF THE FIVE POINTS DEPENDENT SPECIAL DISTRICT

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

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

11 (a) *Purpose.* The purpose of the District shall be the
12 continuing services such as, but not limited to elevated
13 levels of security, landscaping and promotion.

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

15 (1) To sue and be sued;

16 (2) To contract;

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

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

26 (5) To borrow money for the purposes of enabling the
27 District to perform public functions or services as
28 herein provided;

29 (6) To assess and collect for each year of its operation
30 against each commercial parcel, which does not
31 include retirement/nursing homes or residential

properties, in the District, a special assessment.

(a) No special assessment shall exceed the maximum of \$0.55 per square foot of building on each commercial property and \$0.50 per square foot for parking lot area on a commercial property for the first year.

(b) The assessment can be increased annually by no more than \$2.00 per square foot of building on each commercial property, and the annual assessment cannot exceed \$1.00 per square foot for parking lot area on each commercial property annually without amendment of this Charter.

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

(7) To assess any new parcels (by sale, lot-split or subdivision), that come into existence within the geographic boundaries, as defined in **Exhibit 2**, attached hereto and incorporated herein by reference;

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

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

1 (10) To join with any other district, municipality, county
2 or political subdivision, public agency or authority
3 in the exercise of common powers;

4 (11) To enter into contracts with the government of the
5 United States or any agency or instrumentality
6 thereof, or with any state, county, municipality,
7 district, authority, or political subdivision,
8 private corporation, partnership, association, or
9 individual to affect the purpose of this Charter, and
10 to receive and accept, from any federal agency, grants
11 or loans for or in aid of the specialized public
12 functions or services authorized herein.

13 (12) To hold, control, and acquire by donation, purchase,
14 or condemnation, or dispose of, any public easements,
15 dedications to public use, platted reservations for
16 public purposes, or any reservations for those
17 purposes authorized by this act and to make use of
18 such easements, dedications, or reservations for the
19 purposes authorized by this act.

20 (c) *Functions.* Upon formation, the District will function as
21 a dependent special district. The District will undertake
22 all essential functions required of dependent special
23 districts, including:

24 (1) Create, submit and have approved by City Council, its
25 initial annual budget, establishing and identifying
26 priorities for completion in the first two years or
27 as soon as practical and possible at the District's
28 expense.

29 (2) Pursuant to section 189.016, Florida Statutes, within
30 30 days of its creation the District will notify the
31 State of Florida Special District Accountability

1 Program of its existence and will file all required
2 documentation and information with the program
3 including but not limited to:

- 4 (a) the District creation document,
- 5 (b) a written status statement,
- 6 (c) a map of the boundaries of the District, and
- 7 (d) the name, address, phone, fax and e-mail address
- 8 for the District's registered agent.
- 9 (e) The District shall be responsible for payment of
- 10 any fees and the completion of all financial
- 11 reporting required by law.
- 12 (f) The District shall be required to keep and
- 13 maintain an official website that meets all
- 14 legal obligations for access and minimum content
- 15 as set forth under Florida law.

- 16 (d) *Duties.* The District shall have the responsibility of
- 17 providing continuing services such as, but not limited to
- 18 elevated levels of security, landscaping and promotion, in
- 19 the Five Points area.

20 **Sec. 3. Geographic Boundary.** The boundaries of the District
21 are areas that include those parcels of property identified by address
22 and graphically depicted in **Exhibit 2**, attached hereto and
23 incorporated herein by reference. The District area is generally
24 bounded by Copeland Street, Post Street and Riverside Avenue, and
25 also includes 904 and 920 Margaret Street, 2025, 2033, 2039, 2045,
26 2049, 2057 and 2063 Post Street, 2024, 2030, 2038, 2044, 2050, 2056
27 and 2060 College Street, 1715 Memorial Park Drive, 554 and 555
28 Lancaster Street, 546 and 554 Lomax Street, and 1035, 1045, 1061,
29 1515, 1541 and 1551 Riverside Avenue. The parcel numbers and legal
30 descriptions for each property are listed in **Exhibit 3**, attached
31 hereto and incorporated herein by reference.

1 **Sec. 4. Authority.** In accordance with section 189.02(4)(c),
2 the City of Jacksonville, a consolidated municipal corporation and
3 political subdivision existing under the laws of the State of Florida,
4 has the authority, pursuant to section 189.02, *Florida Statutes*, to
5 create special districts. Accordingly, the City uses this authority
6 to create the District and through this charter authorizes the
7 District to operate as a Dependent Special District.

8 **Sec. 5. Best Alternative.** In accordance with section
9 189.02(4)(d), *Florida Statutes*, the creation of the District provides
10 the best alternative for private/shared infrastructure improvements;
11 the District will allow the locally impacted community receiving the
12 benefit from the improvements to directly fund the costs involved.

13 **Sec. 6. Governing Body and Appointments.** Pursuant
14 to section 189.02(4)(e), *Florida Statutes*, the membership,
15 organization, compensation and administrative duties of the
16 District's governing body are set forth herein.

17 (a) *Organization.* The governing body of the District shall
18 consist of five Supervisors, and three alternates.

19 (b) *Membership.*

20 (i) *Appointees.* The five Supervisors and three alternates
21 shall be appointed by the City Council. The
22 Supervisors and alternates must be commercial
23 property owners or business owners in the District.
24 There shall be at least one Supervisor who is also a
25 member of the 5 Points Association, or its successor
26 organization, if it is terminated.

27 (ii) *Terms.* The Supervisors and alternates shall serve
28 two year terms. There are no term limits on either
29 Supervisors or alternates.

30 (iii) *Vacancies.* If, during a term of office, a vacancy
31 occurs, the remaining Supervisors of the Board shall

1 fill the vacancy by an appointment of one of the
2 alternates to serve for the remainder of the unexpired
3 term.

4 (iv) *Removal.* Any Supervisor or alternate may be removed
5 from office by the City Council for misfeasance,
6 malfeasance, or willful neglect of duty.

7 (c) *No Compensation.* No Supervisor or alternate shall
8 receive compensation for his or her service.

9 **Sec. 7. Additional Requirements**

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

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

30 (c) *Noticing and Reporting Requirements.* The District shall
31 comply with the requirements of Florida's Government-in-

1 the-Sunshine Law as set forth in Chapter 286, *Florida*
2 *Statutes*, with regard to the noticing of its meetings, the
3 conduct of its officials, the reporting of its activities
4 through the keeping of minutes, and any other requirements
5 of public bodies, and shall comply with the requirements of
6 Florida's Public Records Act as set forth in Chapter 119 of
7 the Florida Statutes. The District shall notice its
8 meetings consistent with the requirements of Section
9 189.015, *Florida Statutes*. The District shall forward a
10 copy of its minutes to the Council President and District
11 Council Member on an annual basis.

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

20 Pursuant to 197.3632, *Florida Statutes*, the District may enter
21 into interlocal agreements or memoranda of understanding with the
22 Property Appraiser and Tax Collector should the District choose to
23 collect assessments with property taxes. The agreements will set
24 forth any procedural and financial obligations that are required for
25 use of the services of either the Tax Collector or the Property
26 Appraiser.

27 **Sec. 9. Comprehensive Plan.** The formation of the
28 District and its purposes are consistent with the approved
29 Comprehensive Plan of the City of Jacksonville.

30 **Section 3. Effective Date.** This ordinance shall
31 become effective upon signature by the Mayor or upon becoming

effective without the Mayor's signature.

Form Approved:

Office of General Counsel

Legislation Prepared By: Dylan Reingold

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