

1 Introduced by Council Member Boylan and amended by the Neighborhoods,  
2 Community Services, Public Health and Safety Committee:

3  
4  
5 **ORDINANCE 2022-489-E**

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

29  
30 **WHEREAS**, Section 189.02, Florida Statutes, provides that the  
31 City Council may create dependent special districts for the purpose

1 of delivering essential services to specific areas within the City;  
2 and

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

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

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

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

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

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

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

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

1 CHARTER OF THE DEEP BOTTOM CREEK DEPENDENT SPECIAL DISTRICT

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

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

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

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

14 (1) To sue and be sued;

15 (2) To contract;

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

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

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

27 (6) To assess and collect for each year of its operation  
28 against each residential parcel in the District, a special  
29 assessment.

30 (a) No special assessment shall exceed the maximum of  
31 \$1,000.00 for the first year.

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

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

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

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

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

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

26 (11) To enter into contracts with the government of the United  
27 States or any agency or instrumentality thereof, or with  
28 any state, county, municipality, district, authority, or  
29 political subdivision, private corporation, partnership,  
30 association, or individual to affect the purpose of this  
31 Charter, and to receive and accept, from any federal

1 agency, grants or loans for or in aid of the specialized  
2 public functions or services authorized herein.

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

9 (c) *Functions.* Upon formation, the District will function as a  
10 dependent special district. The District will undertake  
11 all essential functions required of dependent special  
12 districts, including:

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

17 Pursuant to section 189.016, Florida Statutes,

18 (2) Pursuant to section 189.016, Florida Statutes, within 30  
19 days of its creation the District will notify the State of  
20 Florida Special District Accountability Program of its  
21 existence and will file all required documentation and  
22 information with the program including but not limited to:

23 (i) the District creation document,

24 (ii) a written status statement,

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

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

28 (v) The District shall be responsible for payment of any  
29 fees and the completion of all financial reporting  
30 required by law.

31 (vi) The District shall be required to keep and maintain

1 an official website that meets all legal obligations  
2 for access and minimum content as set forth under  
3 Florida law.

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

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

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

27 **Sec. 5. Best Alternative.** In accordance with section  
28 189.02(4)(d), *Florida Statutes*, the creation of the District provides  
29 the best alternative for private/shared infrastructure improvements;  
30 the District will allow the locally impacted community receiving the  
31 benefit from the improvements to directly fund the costs involved.

1           **Sec. 6. Governing Body and Elections.** Pursuant to section  
2 189.02(4)(e), *Florida Statutes*, the organization, operation, and  
3 duties of the District's governing body are set forth herein

4           (a) *Organization.* The governing body of the District shall  
5 consist of five Supervisors, composed of representatives from both  
6 sides of the creek.

7           (1) *Qualifications.* All Supervisors shall be qualified  
8 electors of the State of Florida and own property within  
9 the District.

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

14          (3) *Initial Leadership.* The Initial Board of Supervisors  
15 shall be appointed by the City Council of the City of  
16 Jacksonville and all five initial terms shall expire on  
17 November 5, 2026.

18           (i) *Initial Appointees.* The following individuals are  
19 hereby appointed by the City Council to the original  
20 Board of Supervisors: Alan Seabrooke, 2570 Lynnhaven  
21 Terrace (Seat 1); Roslyn Karstedt, 2554 Lynnhaven  
22 Terrace (Seat 2); Laura Williams/Dolan, 2524  
23 Lynnhaven Terrace (Seat 3); Joe Ricketts, 2653  
24 Riverport Drive North (Seat 4); and Michael Sharrit,  
25 10969 Riverport Drive West (Seat 5). In the event  
26 that either of the Seat 4 or 5 representatives cannot  
27 serve, Craig Carpenter, 10966 Riverport Dr West,  
28 shall serve in their place.

29          (4) *Subsequent Elections.* At the 2026 general election,  
30 the qualified electors of the District shall elect three  
31 Supervisors who shall serve for terms of six years (seats

1 1, 3 and 5) and two Supervisors who shall serve for terms  
2 of four years (seats 2 and 4). The term of office for each  
3 Supervisor thereafter shall be four years.

4 (i) *Non-partisan.* Commencing with the 2026 general  
5 election, all Supervisors shall be elected on a  
6 nonpartisan basis by the qualified electors of the  
7 District and shall hold office until their successors  
8 are elected and qualified.

9 (5) *Vacancies.* If, during a term of office, a vacancy occurs,  
10 the remaining members of the Board shall fill the vacancy  
11 by an appointment of another person from the same area  
12 where the vacancy occurred (i.e., the same street  
13 location), for the remainder of the unexpired term.

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

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

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

21 (c) *Elector Membership.*

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

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

26 (3) Parcel numbers and owners of record shall be determined by  
27 the Duval County Property Appraiser's records.

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

30 **Sec. 7. Additional Requirements**

31 (a) *Financial Disclosures, Fiscal Year and Budget.* The fiscal



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

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

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

28 **Sec. 8. Methods of Financing.** Pursuant to Florida  
29 Statute section 189.02(4)(g), the District shall have the ability to  
30 finance itself through annual non-ad valorem special assessments upon  
31 each designated parcel as permitted by the powers vested in the

1 District Board of Supervisors and authorized through this ordinance.  
2 The District may collect these non-ad valorem special assessments in  
3 any manner permitted under Florida law including those set forth in  
4 Chapters 170 and 197, *Florida Statutes*.

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

12 **Sec. 9. Comprehensive Plan.** The formation of the District  
13 and its purposes are consistent with the approved Comprehensive Plan  
14 of the City of Jacksonville.

15 **Section 3. Effective Date.** This ordinance shall  
16 become effective upon signature by the Mayor or upon becoming  
17 effective without the Mayor's signature.

18  
19  
20 Form Approved:

21  
22           /s/ Paige H. Johnston          

23 Office of General Counsel

24 Legislation Prepared By: Trisha D. Bowles

25 GC-#1513460-v1-2022-489-E.docx