

1 The Neighborhoods, Community Services, Public Health and Safety  
2 Committee offers the following Substitute to File No. 2024-69:

3  
4 Introduced by Council Member Arias:

5  
6  
7 **ORDINANCE 2024-69**

8 AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE  
9 2021-838-E WHICH ESTABLISHED A DEPENDENT SPECIAL  
10 DISTRICT KNOWN AS THE "BAYMEADOWS COMMUNITY  
11 IMPROVEMENT DISTRICT" ("BCID"); AMENDING BCID  
12 CHARTER SECTION 2 TO REVISE THE ELECTOR APPROVAL  
13 THRESHOLD REQUIRED FOR PROPERTY PURCHASES  
14 EXCEEDING \$100.00; AUTHORIZING SPECIAL VOTE-BY-  
15 MAIL ELECTIONS; AUTHORIZE ISSUANCE OF BONDS;  
16 DELETING THE LIMIT ON ANNUAL ADJUSTMENTS TO  
17 ASSESSMENTS; REVISING THE ANNUAL MAXIMUMS FOR  
18 ASSESSMENTS; REQUIRING LIST OF ANNUAL  
19 ASSESSMENTS TO BE PROVIDED TO CITY COUNCIL WITH  
20 ANNUAL BUDGET; ADDING AND INCORPORATING BY  
21 REFERENCE THE SPECIAL ASSESSMENT ALLOCATION  
22 REPORT; REMOVING THE EX OFFICIO REQUIREMENT;  
23 AMENDING THE INITIAL ELECTION DATE; CLARIFYING  
24 DATES WHEN BOARD MEMBERS TAKE OFFICE; ADDING A  
25 CONDITIONAL SUNSET PROVISION; PROVIDING A  
26 "REVISED ON FILE"; PROVIDING AN EFFECTIVE DATE.

27  
28 **WHEREAS,** the pursuant to Section 189.02, Florida Statutes, the  
29 Council established the BCID and adopted the Charter of the BCID, a  
30 dependent special district, by Ordinance 2021-838-E; and

31 **WHEREAS,** the Council and the BCID Board of Supervisors desire

1 to amend Section 2 of Ordinance 2021-838-E, which sets forth the  
2 Charter of the BCID, in order to substitute and replace the Charter  
3 to: (i) revise the approval threshold required for property purchases  
4 exceeding \$100 and authorize vote-by-mail elections, (ii)  
5 specifically authorize the BCID to issue bonds; (iii) delete the cap  
6 on the maximum annual adjustment on individual assessments; (iv)  
7 substitute and replace Revised Exhibit 2 to Ordinance 2021-838-E with  
8 a revised maximum assessment listing, attached hereto as **Exhibit 1**,  
9 providing for revised annual maximums for assessments and authorize  
10 a three percent (3%) escalation to the maximum beginning in 2025; (v)  
11 require the list of annual assessments to be provided to the City  
12 Council with the submittal of the annual BCID budget; (vi) add and  
13 incorporate by reference a new exhibit 10, attached hereto as **Exhibit**  
14 **2**, the BCID Proposed Special Assessment Allocation Report dated  
15 September 20, 2023, prepared by Rizzetta & Company to the BCID  
16 Charter; (vii) remove the requirement of an *Ex Officio* member; (viii)  
17 set the initial election for the Board of Supervisors to align with  
18 the next regular or special election following City Council approval  
19 of the initial BCID budget, as authorized by the Supervisor of  
20 Elections; (ix) clarify when elected supervisors take office; and (x)  
21 provide for a conditional sunset of the District; and

22 **WHEREAS**, an amendment to the charter of a dependent special  
23 district requires approval of an amending ordinance by the governing  
24 body with jurisdiction over the district, now therefore

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

26 **Section 1. Amending Section 2 (Establishment of Charter for**  
27 **Baymeadows Community Improvement District, a dependent special**  
28 **district) of Ordinance 2021-838-E.** Section 2 of Ordinance 2021-838-E  
29 establishing the Charter of the Baymeadows Community Improvement  
30 District, a Dependent Special District, is amended to read as follows:

31 **Section 2. Establishment of Charter for Baymeadows**

1 **Community Improvement District, a dependent special district.** In  
2 accordance with Section 189.02, *Florida Statutes*, the Charter of the  
3 Baymeadows Community Improvement District ("BCID"), a dependent  
4 special district, is hereby established to read as follows:

5 **REVISED CHARTER OF THE BAYMEADOWS COMMUNITY IMPROVEMENT DISTRICT,**  
6 **A DEPENDENT SPECIAL DISTRICT**

7 **Sec. 1. Dependent Special District** - There is hereby created a  
8 Dependent Special District which will serve the community based on  
9 the boundaries set forth herein and shall be named the Baymeadows  
10 Community Improvement District ("BCID" or "District"). The BCID shall  
11 be dependent on the governing body with jurisdiction over the BCID  
12 ~~county~~ for purposes of establishing its budget but is otherwise  
13 amenable to separate special district government.

14 **Sec. 2. Purpose, Powers, Functions and Duties** As set forth in  
15 *Florida Statute*, section 189.02(4)(a):

16 \* \* \*

17 (B) *Powers* - The BCID is authorized and empowered:

18 \* \* \*

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

23 (a) Where the purchase of any real property, including  
24 roadways, equals or ~~exceeds~~exceed one hundred  
25 dollars (\$100.00) the BCID must obtain approval by  
26 sixty percent (60%) of the ballots cast by the  
27 electors of the District. Any election not held  
28 during a statutory or local election conducted by  
29 the Supervisor of Elections may be held by special  
30 vote-by-mail only election as contemplated in F.S.  
31 s. 101.6102(1)(a)2, as approved by the Supervisor

1                   of Elections. The District shall bear all the  
2                   costs of any special vote-by-mail only election in  
3                   accordance with Section 101.6102(4), Florida  
4                   Statutes~~an eighty percent (80%) affirmative vote~~  
5                   ~~of the membership is required to proceed with the~~  
6                   transaction.

7                   \* \* \*

8                   (vi) To borrow money (including through the issuance of  
9                   bonds, notes, or other evidences of indebtedness) and  
10                   accept gifts; to apply for and use grants or loans of  
11                   money or other property from the United States, the  
12                   state, a unit of local government, or any person for any  
13                   District purposes and enter into agreements required in  
14                   connection therewith; and to hold, use, and dispose of  
15                   such moneys or property for any District purposes in  
16                   accordance with the terms of the gift, grant, loan, or  
17                   agreement relating thereto for the purposes of enabling  
18                   the District to perform public functions or services as  
19                   herein provided;

20                   (vii) To assess and collect for each year of its operation  
21                   against each residential and commercial parcel in the  
22                   BCID, a special assessment, should it be deemed  
23                   necessary and appropriate by the Board of Supervisors,  
24                   based upon the category assigned to each parcel attached  
25                   hereto as **Revised On File**, attached hereto and  
26                   incorporated herein by reference~~-,~~ and in accordance  
27                   with the Equivalent Assessment Unit ("EAU") for each  
28                   category as set forth in Exhibit 2 to Ordinance 2024-  
29                   69-E, entitled Baymeadows Community Improvement District  
30                   Proposed Special Assessment Allocation Report, attached  
31                   hereto and incorporated herein by reference, which shall

1 be incorporated in the revised charter as "Exhibit 10",  
2 completed by Rizzetta & Company and dated September 20,  
3 2023 (the "Assessment Allocation Report").

4 (a) Assessments may be increased or decreased annually  
5 as deemed appropriate by the Board of Supervisors.  
6 ~~No special assessment shall exceed the maximum for~~  
7 ~~the specified category as shown in Revised **Exhibit**~~  
8 ~~**2**, labeled as "Revised Exhibit 2, Rev Assmt List,~~  
9 ~~January 18, 2022 - NCSPHS" attached hereto and~~  
10 ~~incorporated herein by reference, when the parcel~~  
11 ~~is subject to an annual increase.~~

12 (b) The maximum assessments permitted for each Use  
13 Category are set forth in Exhibit 1 to Ordinance  
14 2024-69-E, which is incorporated into the BCID  
15 Charter as Second Revised Exhibit 2, "Assessments  
16 & Definitions" dated December 4, 2023, attached  
17 hereto and incorporated herein by reference. These  
18 assessments are subject to a three (3%) percent  
19 escalation beginning in the year 2025 and  
20 increasing three (3%) percent every year  
21 thereafter. Annually, each individual assessment  
22 may be adjusted by up to three (3) percent or the  
23 percent change in the Consumer Price Index (CPI)  
24 whichever is less.

25 (i) An updated schedule of maximum  
26 assessments shall be provided annually  
27 to the City Council as an attachment to  
28 the proposed BCID budget.

29 (c) In no event shall the special assessment exceed the  
30 annual maximum assessment for that year without  
31 prior approval of the City Council. Rates,

1 including any increase as set forth above, shall  
2 require a 2/3rd vote or 66.67 percent of the Board.

3 (d) Any increase in assessments above the prior year  
4 shall require a 2/3rd vote or 66.67 percent of the  
5 Board. Assessments approved under this charter are  
6 to be billed and collected pursuant to Chapter 197,  
7 Florida Statutes, or any other means authorized by  
8 law, and to be a lien on the assessed property,  
9 coequal with the lien of all state, county,  
10 district and municipal taxes, and superior in  
11 dignity to all other liens, titles, and claims,  
12 until paid in full;

13 (e) Assessments approved under this charter are to be  
14 billed and collected pursuant to Chapter 197,  
15 Florida Statutes, or any other means authorized by  
16 law, and to be a lien on the assessed property,  
17 coequal with the liens of all state, county,  
18 district, and municipal taxes, and superior in  
19 dignity to all other liens, titles, and claims,  
20 until paid in full.

21 (viii) To assess any new parcels (by sale, lot-split or  
22 subdivision), if deemed necessary or appropriate by the  
23 Board of Supervisors, that come into existence within  
24 the geographic boundaries, as defined in Exhibit 1,  
25 attached hereto and incorporated herein by reference.  
26 The assessment for the new parcel shall be assigned an  
27 assessment category by the Board based on the use and  
28 sub-category of use as described in Exhibit 1 to  
29 Ordinance 2024-69-E, incorporated into the BCID charter  
30 as Second Revised Exhibit 2; Revised Exhibit 2, labeled  
31 as "Revised Exhibit 2, Rev Assmt List, January 18, 2022

1                   ~~NCSPHS" attached hereto and incorporated herein by~~  
2                   ~~reference;~~

3   \* \* \*

4           (C) *Duties* - The BCID shall have the responsibility of  
5           maintaining common infrastructure within the boundaries,  
6           including the following:

7           (i) Roadways

8                   (a) BCID will maintain the following Roadways:

9   \* \* \*

10                                       5. Baylin Court~~Ct.~~

11   \* \* \*

12                                       7. Echo Springs Road~~Rd~~

13   \* \* \*

14           (b) The BCID may also accept by transfer as described  
15           here, the responsibility of maintaining additional  
16           roadway segments along with those set forth above, at  
17           the Board's discretion as allowed in accordance with  
18           Florida Statutes Section 189.02 of the Dependent  
19           Special Taxing District's public asset requirements.

20                   1. Upon any acceptance by the BCID of additional  
21                   roadways, the current property owner shall be  
22                   required, either to bring the current roadway up  
23                   to approved BCID standards or pay a pro-rata  
24                   share of the then current dollar value of the  
25                   ~~defined~~define improvement minus any remaining  
26                   useful-life, (as defined by an BCID approved  
27                   industry professional at the expense of the  
28                   property owner of that roadway). This agreed  
29                   upon contribution would be payable into the BCID  
30                   Reserves and upon that payment, the BCID shall  
31                   accept the roadway for future maintenance and

1 improvement responsibility.

2 \* \* \*

3 (ii) Common Properties:

4 \* \* \*

5 (d) Baymeadows Circle West Entrance greenspace (from  
6 Baymeadows Road to Baymeadows Park Drive (formerly  
7 Golfside Drive).~~Drive~~)

8 \* \* \*

9 (iii) Stormwater System

10 (a) The drainage system utilized by BCID properties,  
11 including the water clarity, as depicted in the  
12 **Revised On File**, within the "Engineering Study",  
13 attached hereto and incorporated herein by  
14 reference.

15 (D) Functions - Upon formation, the BCID will function as a  
16 dependent special district. The BCID will undertake all  
17 essential functions required of dependent special  
18 districts, including:

19 (i) create, submit, and have approved by City Council,  
20 its initial annual budget, establishing and  
21 identifying priorities for completion in the first  
22 two years or as soon as practical and possible at the  
23 BCID Expense.

24 In establishing the priority list, the Board of  
25 Supervisors will be provided with a copy of the July  
26 30, 2021 Engineering Study completed by Dewberry  
27 Engineers Inc. (**Revised On File**; "Engineering Study",  
28 attached hereto and incorporated herein by  
29 reference), ~~and~~ the July 15, 2021 BCID Feasibility  
30 Study completed by Rizzetta & Company (**Revised On**  
31 **File**, "Feasibility Study", attached hereto and



1 incorporated herein by reference), and Exhibit 2 to  
2 Ordinance 2024-69-E, the Assessment Allocation  
3 Report, which shall be incorporated into the BCID  
4 Charter as Exhibit 10. The three~~The two~~ studies can  
5 serve as guides to begin the process for  
6 implementation of the Plan. The initial priorities  
7 have been identified to be:

8 \* \* \*

9 (c)the inspection of the drainage piping, system  
10 wide, and

11 \* \* \*

12 (ii) Pursuant to section 189.016, Florida Statutes, within  
13 30 days of its creation the BCID will notify the State  
14 of Florida Special District Accountability Program of  
15 its existence and will file all required  
16 documentation and information with the program  
17 including but not limited to:

18 \* \* \*

19 (d)the name, address, phone, fax, and e-mail address  
20 for the BCID's registered agent.

21 \* \* \*

22 **Sec. 3 Geographic Boundary.** Pursuant to section  
23 189.02(4) (b), Florida Statutes, the BCID, is hereby created based on  
24 the following designations.

25 \* \* \*

26 (C) The property addresses of each parcel included within  
27 the BCID are listed ~~in the~~ **Revised On File** attached  
28 hereto and incorporated herein by reference. Parcels  
29 that are (i) vacant, (ii) owned by Homeowners, an Home  
30 Owners Condominium Owners, or Property Owners  
31 Association ("HOA", ~~or~~ "COA", or "POA"); or (iii)

1 parcels with a structure with less than one (1) square  
2 foot of heated space may be in the District but will not  
3 be assessed until developed with heated square footage  
4 greater than one (1) square foot ~~and/or property is by~~  
5 ~~a private entity, that is not an HOA/COA, or a~~  
6 ~~person/persons.~~

7 \* \* \*

8 **Sec. 6 Governing Body: Organization, Leadership,**  
9 **Compensation, Elections.** Pursuant to section 189.02(4)(e), the  
10 organization, operation, and duties of the BCID's governing body are  
11 set forth herein.

12 \* \* \*

13 (B) *Leadership* - The seven Supervisors shall be elected  
14 based on four "Area Group" seats for which residency in  
15 the Area is based as depicted within the enumerated  
16 areas in Exhibit 3, for Ordinance 2021-838-E attached  
17 hereto and incorporated herein by reference, and three  
18 "At-Large" seats which shall represent the entire BCID  
19 and shall be elected by all residents. Each of the four  
20 "Area Group" Supervisors (Seats 1, 2, 3, and 4) shall  
21 serve for a term of two years. Each of the three "At-  
22 Large" Supervisors (Seats 5, 6 and 7) shall serve for  
23 terms of four years. Only members of the designated Area  
24 Group may vote for candidates for Area Group seats,  
25 however, all members are entitled to vote for At Large  
26 candidates.

27 (i) *Initial Leadership* - The initial Board of Supervisors  
28 shall be appointed by the City Council of the City of  
29 Jacksonville. The Initial Board of Supervisors are  
30 hereby appointed by the City Council as described in  
31 Revised Exhibit 9 labeled as "Revised Exhibit 9, Rev

1 Board, February 8, 2022 - Floor" attached hereto and  
2 incorporated herein by reference. The initial  
3 election for the Board of Supervisors shall be held  
4 during the next available regular or special election  
5 following as soon as practicable, but no sooner than  
6 the City Council's approval of the initial BCID budget  
7 as authorized by the Supervisor of Elections and no  
8 later than the second Tuesday of November 2025. The  
9 ~~initial election shall be held within 90 days of the~~  
10 ~~City Council's approval of the budget.~~

11 (a) Any Supervisor, appointed under paragraph (i)  
12 above that is not able to accept the  
13 appointment, shall provide a formal notice  
14 thereof to ~~appoint~~ the Board of Supervisors and  
15 the vacant seat shall be filled by a majority  
16 vote of the remaining active Board members  
17 consistent with subsection (iii) below.

18 (ii) *Subsequent Leadership* - At the initial election, the  
19 qualified electors of the BCID shall elect both the  
20 four "Area Group" Supervisors (Seats 1, 2, 3, and 4)  
21 and the three "At-Large" Supervisors (Seats 5, 6 and  
22 7).

23 (a) Any supervisor elected following the initial  
24 appointed leadership shall take office the  
25 sooner of January 1 or July 1 immediately  
26 following the certification of the applicable  
27 election.

28 (iii) Vacancies - If, during a term of office, a vacancy  
29 occurs, the remaining members of the Board shall fill  
30 the vacancy, by an appointment through a 2/3rd or  
31 66.67 percent vote, for the remainder of the unexpired

1 term or until the next occurring election is held to  
2 fill the term.

3 (a) Any supervisor elected to fill a vacant seat  
4 shall take office immediately upon certification  
5 of the applicable election.

6 \* \* \*

7 ~~(v) Ex Officio Leadership - In addition to the seven~~  
8 ~~Supervisors, there shall be one Ex Officio member,~~  
9 ~~the City Council Representative for the District~~  
10 ~~where the BCID is located (currently known as District~~  
11 ~~11). The term of the Ex Officio member shall run~~  
12 ~~concurrently with the Ex Officio member's Council~~  
13 ~~District term of office and any vacancy by the Council~~  
14 ~~District member shall be filled by the City Council~~  
15 ~~President upon the election or appointment of a new~~  
16 ~~District Council member.~~

17 ~~(a) The Ex Officio member shall be a non-voting~~  
18 ~~member.~~

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

22 (vi) ~~(vii)~~ No Supervisor shall receive compensation for his  
23 or her service.

24 (vii) ~~(viii)~~ Supervisors may only represent one seat at a  
25 time. Supervisors may not reside with any other  
26 Supervisor or represent the same commercial entity as  
27 another Supervisor.

28 (viii) ~~(ix)~~ Any Supervisor who has three unexcused absences  
29 for regular, consecutive noticed meetings may be  
30 deemed as having vacated their seat with the  
31 affirmative vote of 2/3 vote or 66.67 percent of the

1 remaining Supervisors.

2 ~~(ix)~~ In the event that a Supervisor is elected as a  
3 designated group representative and said Supervisor  
4 sells their only property, whether residential or  
5 commercial, qualifying them as an elector of the BCID  
6 and representative of a particular group or an at  
7 large group, the Supervisor shall vacate the seat  
8 within thirty (30) days of the completion of the real  
9 estate transaction.

10 ~~(x)~~ Annually, the Board of Supervisors shall elect  
11 a Board Chair, Vice-Chair, Secretary, and Treasurer.

12 \* \* \*

13 (C) *Elector Membership* -

14 \* \* \*

15 (ii) Each parcel with more than 1 square foot of heated  
16 area shall be entitled to one (1) vote.

17 ~~(a)~~ Parcels owned by associations, parcels only  
18 dedicated to garages or carports, parcels that  
19 contain only roadways, undeveloped or under  
20 development parcels shall have no voting  
21 authority.

22 \* \* \*

23 (v) To be eligible to vote, a parcel owner must be a  
24 registered Duval County voter.

25 (a) For commercial property owners, a registered  
26 Duval County voter may be selected as a delegate  
27 on behalf of the entity. The entity shall submit  
28 said notice of selection of a delegate, in  
29 writing signed by all officers/directors and  
30 notarized as to each and tendered to the BCID at  
31 least one (1) year in advance of the next

1 election.

2 \* \* \*

3 **Sec. 11. Removal Procedure**

4 In order to be removed from membership in the BCID, a property  
5 owner shall submit a written notice to the BCID Board of Supervisors,  
6 by registered mail or trackable alternative, informing the Board of  
7 Supervisors of the property owner's intent to seek for removal. The  
8 notice shall provide the Board of Supervisors with:

9 \* \* \*

10 (c) The name, address, and contact phone number for  
11 the property owner;

12 \* \* \*

13 **Sec. 12 - Termination of the District.**

14 The District shall automatically terminate upon the filing of:

15 (A) A Master Homeowners/Property Owners Association, or  
16 similar entity, that assumes the responsibilities of the  
17 District in maintaining the District's entire shared  
18 roadway system, shared stormwater system, and in  
19 supervising each individual association's maintenance  
20 of reserves to assume any responsibilities related to  
21 the same. The Master Association created shall provide  
22 proof of the formation to the applicable council member  
23 and request formal dissolution of the BCID. Upon the  
24 approval of the dissolution, the BCID Board shall  
25 provide notice of the dissolution to the State.

26  
27 **Section 2. Complete Copy of Revised Charter.** The complete  
28 revised Charter of the BCID, including a red-lined copy is contained  
29 in the **Revised On File.**

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

1 without the Mayor's signature.

2

3 Form Approved:

4

5           /s/ Mary E. Staffopoulos          

6 Office of General Counsel

7 Legislation Prepared By: Trisha Bowles

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