

1 Introduced by the Council President at the request of the DIA and
2 Co-Sponsored by Council Member Peluso and amended by the Rules
3 Committee:

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5
6 **ORDINANCE 2023-716-E**

7 AN ORDINANCE AMENDING SECTIONS 55.105
8 (BOUNDARIES OF JACKSONVILLE DOWNTOWN AREA),
9 55.106 (DEFINITIONS), 55.108 (POWERS AND
10 DUTIES), AND 55.112 (PROJECT AND PROGRAM
11 FUNDING), PART 1 (DOWNTOWN INVESTMENT
12 AUTHORITY), CHAPTER 55 (DOWNTOWN INVESTMENT
13 AUTHORITY), *ORDINANCE CODE*, TO REVISE AND ADD
14 CERTAIN DEFINITIONS, CLARIFY PROJECT AND PROGRAM
15 FUNDING, ADD LANGUAGE IDENTIFYING THE DOWNTOWN
16 INVESTMENT AUTHORITY AS THE DESIGNATED
17 SUPERVISING AND ADMINISTRATIVE BODY OVER THE
18 DOWNTOWN ECONOMIC DEVELOPMENT FUND, AND AMEND
19 THE SECTION TITLE; PROVIDING FOR CODIFICATION
20 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

21
22 **WHEREAS**, Ordinance 2000-1079-E established the Downtown
23 Economic Development Fund (the "Fund") to receive funds appropriated
24 from City Council to be utilized for Downtown redevelopment projects;
25 and

26 **WHEREAS**, although the Fund was never codified in the Ordinance
27 Code, it has continually been in existence and utilized by the
28 Downtown Investment Authority (the "DIA") and its predecessor
29 agencies for various projects over the years; and

30 **WHEREAS**, pursuant to Section 55.104, *Ordinance Code*, the DIA
31 acts as the sole development and community redevelopment agency for

1 Downtown, as defined by Section 55.105, *Ordinance Code*, for the City
2 of Jacksonville pursuant to Chapter 163, Part III, *Florida Statutes*,
3 as amended; and

4 **WHEREAS**, pursuant to Section 55.104, *Ordinance Code*, the DIA
5 acts as the public economic development agency as defined in Section
6 288.075, *Florida Statutes*, assigned to promote the general business
7 interests within the boundaries of the Downtown area; and

8 **WHEREAS**, on August 16, 2023, the DIA Board approved a
9 Resolution approving this amendment to Chapter 55 of the Ordinance
10 Code to clarify and definitively memorialize the intent of prior
11 legislative actions related to the DIA and its roles as both the sole
12 community redevelopment agency for Downtown and the public economic
13 development agency, a copy of which is attached hereto as **Exhibit 1**
14 and incorporated herein by this reference; now therefore

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

16 **Section 1. Amending Sections 55.105 (Boundaries of**
17 **Jacksonville Downtown Area), 55.106 (Definitions), 55.108 (Powers and**
18 **Duties), and 55.112 (Project and Program Funding), Part 1 (Downtown**
19 **Investment Authority), Chapter 55 (Downtown Investment Authority),**
20 **Ordinance Code.** Sections 55.105 (Boundaries of Jacksonville Downtown
21 Area), 55.106 (Definitions), 55.108 (Powers and Duties), and 55.112
22 (Project and Program Funding), Part 1 (Downtown Investment
23 Authority), Chapter 55 (Downtown Investment Authority), *Ordinance*
24 *Code*, are hereby amended to read as follows:

25 **Chapter 55 - DOWNTOWN INVESTMENT AUTHORITY**

26 **PART 1. - DOWNTOWN INVESTMENT AUTHORITY**

27 * * *

28 **Sec. 55.105. - Boundaries of Jacksonville Downtown Area.**

29 For purposes of this Chapter, the Jacksonville downtown area,
30 shall consist of the Southside Community Redevelopment Area,
31 approved by Ordinances 80-1346-703, 80 1347-704, and 2000-1078-E,

1 and the Downtown Northbank Community Redevelopment Area approved by
2 Resolution 81-424-194, Ordinance 81-562-240, and 2000-1078-E, as
3 codified in Sections 500.115(b) and (c), Ordinance Code. ~~all of~~
4 ~~which is described in Chapter 656 (Zoning Code), Part 3 (Schedule~~
5 ~~of District Regulations), Subpart H (Downtown Overlay Zone and~~
6 ~~Downtown District Regulations), Section 656.361.2 (Downtown Overlay~~
7 ~~Zone Map and Boundaries), Ordinance Code.~~

8 **Sec. 55.106. - Definitions.**

9 The following terms shall have the meaning ascribed to them in
10 this Chapter unless the context shall clearly require otherwise:

11 * * *

12 (d) *Business Investment and Development Plan* or *BID Plan* means
13 the plan approved by Council pursuant to Ordinance ~~2014-560-~~
14 ~~E-2022-372-E,~~ and as updated from time to time, which plan
15 includes: (i) specific and measurable goals, objectives, and
16 performance for the successful development of Downtown; (ii)
17 specific Projects and Programs for revitalization of Downtown
18 and the authority to create new additional Projects and
19 Programs in furtherance of the BID Plan goals; (iii) and which
20 ~~includes~~ long-range plans designed to halt or prevent
21 deterioration of ~~downtown~~ Downtown property values; and (iv)
22 ~~and which includes~~ a community redevelopment plan for the
23 Southside Community Redevelopment Area and the Downtown
24 Northbank Community Redevelopment Area that:

25 (1) Meets the requirements of F.S. Ch. 163, Pt. III;

26 (2) Conforms to the comprehensive plan for the City;

27 (3) Meets the requirements of Chapter 55, Part 1, Ordinance
28 Code; and

29 (4) Is sufficiently complete to indicate the land
30 acquisition, demolition, and removal of structures,
31 investment, development, redevelopment, improvements,

1 and re-habilitation proposed to be carried out in the
2 Downtown; zoning and planning changes, if any; land
3 uses; maximum densities; building requirements; and
4 the plan's relationship to definite local objectives
5 respecting appropriate land uses, improved traffic,
6 public transportation, public utilities, recreational
7 and community facilities, and other public
8 improvements.

9 * * *

10 (h) *Council* means the City Council for the consolidated City of
11 Jacksonville.

12 (i) *CRA Projects and CRA Programs* means those projects and
13 programs located within the boundaries of the Jacksonville
14 Downtown Area, as described in Section 55.105 (Boundaries of
15 Jacksonville Downtown Area), Ordinance Code, administered by
16 the DIA in their capacity as the sole community redevelopment
17 agency for Downtown, which projects and programs further the
18 approved CRA Plan, utilize funding, if any, approved in the
19 applicable CRA budget, and which shall conform to the
20 requirements of F.S. Ch. 163, Pt III.

21 (j)~~(i)~~ *DDRB* means the Downtown Development Review Board
22 established pursuant to Chapter 656, Part 3, Subpart H.

23 ~~(j) *Downtown Design Guidelines* means the Design Guidelines as~~
24 ~~defined in Chapter 656 (Zoning Code), Part 3 (Schedule of~~
25 ~~District Regulations), Subpart H (Downtown Overlay Zone and~~
26 ~~Downtown District Regulations), Sections 656.361.1 (Purpose~~
27 ~~and Intent) and 656.361.6.1.B (Guidelines), Ordinance Code,~~
28 ~~which may be amended from time to time by the DIA with the~~
29 ~~guidance of the DDRB, but which are required to be amended to~~
30 ~~conform to Ordinance 2019-196-E by July 1, 2020.~~

31 (k) *Downtown* means the lands described in Section 55.105,

1 ~~Ordinance Code. Chapter 656 (Zoning Code), Part 3 (Schedule of~~
2 ~~District Regulations), Subpart H (Downtown Overlay Zone and~~
3 ~~Downtown District Regulations), Section 656.361.2 (Downtown~~
4 ~~Overlay Zone Map and Boundaries), Ordinance Code.~~

5 (l) Downtown Design Guidelines means the Design Guidelines as
6 defined in Chapter 656 (Zoning Code), Part 3 (Schedule of
7 District Regulations), Subpart H (Downtown Overlay Zone and
8 Downtown District Use and Form Regulations), Sections
9 656.361.1 (Purpose and Intent) and 656.361.6.1.B
10 (Guidelines), Ordinance Code, which may be amended from time
11 to time by the DIA with the guidance of the DDRB.

12 (m) Downtown Projects and Programs means projects and programs
13 located within the boundaries of the Jacksonville Downtown
14 Area, as described in Section 55.105 (Boundaries of
15 Jacksonville Downtown Area), Ordinance Code, administered by
16 the DIA in their capacity as the public economic development
17 agency which projects and programs further the goals
18 identified in the BID Plan and utilize funding, if any,
19 approved in the Downtown Economic Development Fund budget or
20 DIA annual budget.

21 ~~(l)~~ (n) Obligee shall include any bondholder, agents, or trustees
22 for any bondholders, or lessor demising to the Authority
23 property used in connection with a redevelopment project, or
24 any assignee or assignees of such lessor's interest or any
25 part thereof, and the Federal Government when it is a party
26 to any contract with the City.

27 ~~(m) Reserved.~~

28 ~~(n)~~ (o) Person means any individual, firm, partnership,
29 corporation, company, association, joint stock association,
30 or body politic, and shall include any trustee, receiver,
31 assignee, or other person acting in a similar representative

1 capacity.

2 ~~(o)~~ (p) *Program* shall mean any loan, grant, ~~and~~
3 incentiveincentives, activity or initiative established by
4 the DIA in accordance with the BID Plan in their capacity as
5 either the community redevelopment agency or the public
6 economic development agency for Downtown and funded by City
7 Council appropriation.

8 ~~(p)~~ (q) *Project* means any development, improvement, property,
9 utility, development or redevelopment facility, road,
10 sidewalk, enterprise, service, or convenience, including,
11 without limitation, buildings, parking structures, public
12 transportation facilities, ~~and~~ services, and parks, now
13 existing or hereafter undertaken or established, that under
14 the provisions of this Act the Authority or any person or
15 public body on behalf of the Authority is authorized to
16 construct, acquire, undertake, or furnish for its own use or
17 for the use of any other person, firm, or corporation owning,
18 leasing, or otherwise using the same, for any profit or
19 nonprofit purpose or activity, and shall include, without
20 limitation, such repairs, replacements, additions,
21 extensions, and betterments of and to any project as may be
22 deemed necessary or desirable by the Board to place or to
23 maintain such project in proper condition for the safe,
24 efficient, and economic operation thereof.

25 ~~(q)~~ (r) *Public body* means the federal government, the State of
26 Florida or any county, municipality, board, commission,
27 agency, authority, special district, department, or any other
28 subdivision or public body of the State of Florida or the
29 United States of America or any agency, authority or
30 instrumentality, corporation, or otherwise of the United
31 States of America (collectively, the "Federal Government").

1 ~~(s)~~ (s) *Public facility* means any street, park, parking lot,
2 playground, right-of-way, structure, waterway, bridge, lake,
3 pond, canal, utility lines or pipes, and building, including
4 access routes to any of the foregoing, designed and dedicated
5 to use by the public generally, or used by any public agency
6 with or without charge, whether or not the same is revenue
7 producing. Public facilities shall also include publicly
8 owned restaurants, food halls, pedestrian malls, publicly
9 ~~owned~~ historical buildings or monuments, and cultural,
10 educational, and recreational facilities ~~but shall not~~
11 ~~include City parks or parking facilities.~~

12 ~~(s)~~ (t) *Real property* shall include lands, including improvements
13 and fixtures thereon, and property of any nature appurtenant
14 thereto, or used in connection therewith, and every estate,
15 interest, right, and use, legal or equitable, therein
16 including terms for years and liens by way of judgment,
17 mortgage, or otherwise.

18 ~~(t)~~ (u) *Trust Fund* means the Southside CRA Trust Fund or the
19 Northbank Downtown CRA Trust Fund established in Section
20 111.640, Ordinance Code.

21 * * *

22 **Sec. 55.108. - Powers and Duties.**

23 (a) The Board shall have the following powers and duties, subject
24 to appropriated funds, within Downtown:

25 * * *

26 (3) ~~Develop a marketing plan for downtown, subject to review~~
27 ~~by the Recreation and Community Development Committee,~~
28 ~~pursuant to Council Rule 2.214.~~

29 Marketing Activities:

30 (i) Develop and implement a marketing plan for Downtown,
31 when acting in their capacity as the public economic

development agency for Downtown; and
(ii) Market redevelopment activities, opportunities and
incentives, as well as conduct stakeholder outreach
initiatives on CRA Projects and Programs, when acting
in their capacity as the community redevelopment agency.

(4) ~~Interpret the BID Plan and approve development and~~
~~redevelopment projects within Downtown, with the support~~
~~of the Downtown Development Review Board in its role as~~
~~established in Chapter 656 (Zoning Code), Part 3 (Schedule~~
~~of District Regulations), Subpart H (Downtown Overlay Zone~~
~~and Downtown District Regulations). When acting in their~~
~~capacity as either the community redevelopment agency or~~
~~the public economic development agency for Downtown,~~
interpret the BID Plan and, consistent with the goals, plan
umbrellas and identified Projects and Programs as
contemplated by the BID Plan, create new Projects and
Programs as contemplated by the BID Plan, all subject to
City Council appropriation of funds therefor and conforming
to the permissible use of tax increment funds as to CRA
Projects and Programs.

* * *

(8) ~~Implement the BID Plan, and negotiate and grant final~~
~~approval of downtown development and redevelopment~~
~~agreements, grant agreements, license agreements, and~~
~~lease agreements, including retail, commercial and ground~~
~~lease agreements, subject to the Authority's budget without~~
~~further action of Council, in furtherance of the BID Plan.~~
~~The Board may approve Recapture Enhanced Value ("REV")~~
~~Grants of up to 75 percent authorized in accordance with~~
~~the BID Strategy criteria with the 2045 tax year as the~~
~~final year of eligibility, payable in 2046, without Council~~

1 ~~approval, and the Mayor, or his designee, is authorized to~~
2 ~~enter into the applicable development or redevelopment~~
3 ~~agreements with the DIA and third party recipients for the~~
4 ~~purposes of acknowledging the City's payment obligations~~
5 ~~under a REV Grant when the term of which extends beyond~~
6 ~~the expiration date of the applicable Trust Fund, as~~
7 ~~successor in interest to the DIA.~~

8 a. When acting in their capacity as either the community
9 redevelopment agency or the public economic development
10 agency for Downtown: implement the BID Plan; approve
11 development and redevelopment projects within Downtown;
12 negotiate and grant final approval of Downtown
13 development and redevelopment agreements; and grant
14 agreements, license agreements, and lease agreements,
15 including retail, commercial and ground lease
16 agreements, subject to the DIA's budget for the
17 applicable CRA or the Downtown Economic Development Fund
18 ("Fund"), as defined in Section 55.112, Ordinance Code,
19 and the restrictions thereof, without further action of
20 Council, in furtherance of the BID Plan.

21 b. When acting in their capacity as the community
22 redevelopment agency, the Board may approve Recapture
23 Enhanced Value ("REV") Grants of up to 75 percent
24 authorized in accordance with the BID strategy criteria
25 with the 2045 tax year as the final year of eligibility,
26 payable in 2046, without Council approval. The Mayor or
27 his or her designee, is authorized to enter into the
28 applicable development or redevelopment agreements with
29 the DIA and third party recipients for the purposes of
30 acknowledging the City's payment obligations under a REV
31 Grant when the term of which extends beyond the

1 expiration date of the applicable trust fund, as
2 successor in interest to the DIA.

3 (9) a. When acting in their capacity as the public economic
4 development agency for Downtown, negotiate ~~Negotiate~~
5 economic incentive packages for Downtown, just as OED
6 does for areas outside of Downtown, and monitor
7 compliance of the same pursuant to the City's approved
8 Public Investment Policy, as may be amended from time
9 to time, ~~regarding Programs 1 through 26 contained in~~
10 ~~the BID Strategy document, with the assistance of the~~
11 ~~Economic Development Officer,~~ Such packages may be
12 approved by the DIA Board, without further Council
13 approval, unless otherwise required in the BID Strategy,
14 ~~and~~ provided that sufficient funds exist and are
15 currently appropriated within the Fund ~~appropriate Trust~~
16 ~~Fund or the DIA's approved budget,~~ or the incentive
17 program is self-funding (i.e., a REV Grant). The updated
18 Public Investment Policy dated October 25, 2022 ~~June 28,~~
19 ~~2016~~ was made operational by Ordinance 2022-726-E, ~~2016-~~
20 ~~382-E,~~ and as amended from time to time, is hereby
21 incorporated into the BID Plan by reference.

22 b. When acting in their capacity as either the community
23 redevelopment agency or the public economic development
24 agency for Downtown, negotiate ~~Negotiate~~ new DIA economic
25 incentive packages as described in the BID Strategy for
26 Projects and Programs contained within the BID Plan
27 without the approval of the City Council, unless
28 otherwise required in the BID Strategy, and only if
29 provided that sufficient funds exist within the
30 appropriate CRA Trust Fund, (for CRA Projects and CRA
31 Programs), the Fund (for both Downtown Projects and

1 Programs and CRA Projects and CRA Programs), the DIA's
2 approved budget, or by separate City Council
3 appropriation.

4 * * *

5 (18) When acting in their capacity as the community
6 redevelopment agency, lend~~Lend~~, grant, or contribute funds
7 to the City, and enter into agreements with such City
8 agencies or departments regarding the use of such funds.

9 (19) When acting in their capacity as the community
10 redevelopment agency, enter~~Enter~~ into agreements with a
11 Public Body with respect to action to be taken in the
12 exercise of any of the powers granted to the DIA or in
13 furtherance of the objectives of the DIA.

14 (20) When acting in their capacity as the community
15 redevelopment agency, acquire~~Acquire~~ and dispose of City
16 owned Downtown property acquired for or intended to be used
17 for community redevelopment purposes in accordance
18 with Chapter 122 (Public Property), Part 4 (Real Property),
19 Subpart C (Community Redevelopment Real Property
20 Dispositions), Ordinance Code ~~(Community Redevelopment~~
21 ~~Real Property Dispositions)~~.

22 (21) When acting in their capacity as the community
23 redevelopment agency, administer~~Administer~~ and manage the
24 downtown tax increment finances ("TIF") for the Southside
25 CRA via the Southside CRA Trust Fund, and Northbank
26 Downtown CRA via the Northbank Downtown CRA Trust Fund.
27 Said Trust Funds are established in Section 111.640,
28 Ordinance Code. The Northbank Downtown CRA Trust Fund shall
29 maintain two separate accounting records, one for the
30 Downtown East CRA and one for the Northside West CRA, for
31 the purpose of segregating funds required to satisfy

1 outstanding obligations, if any, that were remaining at
2 the time of the merger of the Downtown East CRA and the
3 Northside West CRA pursuant to Ordinance 2000-1078-E
4 and Section 500.114, Ordinance Code.

5 (22) When acting in their capacity as either the community
6 redevelopment agency or the public economic development
7 agency for Downtown, receive~~Receive~~, dispose of, and bond
8 all authorized revenue. The power to authorize the issuance
9 of bonds shall require Council approval.

10 (23) When acting in their capacity as either the community
11 redevelopment agency or the public economic development
12 agency for Downtown, plan~~Plan~~ and propose Projects and
13 Public facilities within Downtown.

14 (24) When acting in their capacity as the community
15 redevelopment agency, establish~~Establish~~, operate, lease,
16 and license within Downtown such Public facilities which
17 in the Board's opinion would be feasible and desirable in
18 the implementation of any plan conceived and executed by
19 the Board.

20 (25) When acting in their capacity as either the community
21 redevelopment agency or the public economic agency for
22 Downtown, incur~~Incur~~ all or part of the expense of any
23 Project or Public facility made by the city, state, or
24 Federal Government, or any agency thereof, in exercising
25 powers granted to the Authority, subject to the borrowing
26 limitations set forth in Section 55.108(a)(2), Ordinance
27 Code.

28 (26) When acting in their capacity as both the community
29 redevelopment agency and the public economic development
30 agency for Downtown, report~~Report~~ to the City Council
31 annually on progress regarding benchmarks contained within

1 the BID Plan. Such report shall be provided on or before
 2 submission of a budget request.

3 * * *

4 **Sec. 55.112. - Project and Program Funding; the Downtown Economic**
 5 **Development Fund.**

6 The ~~Authority~~ DIA Board, acting in their capacity as the community
 7 redevelopment agency, may fund ~~Downtown Projects~~, CRA Projects, ~~and~~
 8 CRA Programs, and professional services included in the community
 9 redevelopment plan portion of the BID Plan from the applicable CRA
 10 Trust Fund. ~~Additionally, Downtown Projects, CRA Projects, and CRA~~
 11 Programs and Downtown Projects and Programs may be funded by the
 12 DIA, acting in their capacity as the public economic development
 13 agency for Downtown, from the previously approved Downtown Economic
 14 Development Fund budgeted activities, the Authority's approved
 15 annual budget or by separate City Council appropriation ordinance.
 16 With each request for approval of a Project or Program that requires
 17 future funding from the City's General Fund/General Services
 18 District (GF/GSD), the DIA shall include a summary of those Projects
 19 or Programs approved previously that also require funding from the
 20 City's GF/GSD. The summary shall provide each project's return on
 21 investment anticipated funding timeline and the amount by fiscal
 22 year, including the subject request presented for approval. This DIA
 23 funding summary and timeline shall be included as part of the
 24 legislative file along with the proposed development agreement of
 25 each such request.

26 (a) Downtown Economic Development Fund. The Downtown Economic
 27 Development Fund ("Fund") shall consist of all donations and
 28 contributions of money, including gifts and grants received
 29 by the City, for use in furthering the goals of the DIA, as
 30 well as funds as may be appropriated from time to time by
 31 Council.

1 (i) All sums placed into the Fund, which shall include all
2 interest and investment pool earnings earned or accrued
3 thereon, shall be accounted for in a separate account and
4 shall not lapse at the close of any fiscal year but instead
5 shall carry over to the next fiscal year.

6 (ii) The DIA shall supervise and administer the Fund for
7 purposes established in the BID Plan, as amended from time
8 to time, for Projects and Programs located within the
9 Downtown. The DIA shall review, approve and administer the
10 Fund consistent with the Council-appropriated budget and
11 no additional approval shall be required from the Council
12 for expenditure of funds in accordance with the Council
13 appropriated budget.

14 (b) Contract Authority. Contracts for development and
15 redevelopment in Downtown shall be executed by the Mayor,
16 unless otherwise approved by this Part.

17 **Section 2. Codification Instructions.** The Codifier and the
18 Office of General Counsel are authorized to make all chapter and
19 division "tables of contents" consistent with the changes set forth
20 herein. Such editorial changes and any others necessary to make the
21 Ordinance Code consistent with the intent of this legislation are
22 approved and directed herein, and changes to the Ordinance Code shall
23 be made forthwith and when inconsistencies are discovered.

24 **Section 3. Effective Date.** This Ordinance shall become
25 effective upon signature by the Mayor or upon becoming effective
26 without the Mayor's signature.

1 Form Approved:

2

3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Carla A. Lopera

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