

1 Introduced by the Transportation, Energy & Utilities Committee
2 pursuant to Chapter 92, *Ordinance Code*:
3
4

5 **ORDINANCE 2021-352-E**

6 AN ORDINANCE CONCERNING THE CONSENT REQUEST BY
7 THE BOGGY BRANCH COMMUNITY DEVELOPMENT DISTRICT
8 ("CDD") TO EXERCISE SPECIAL POWERS RELATED TO
9 RECREATIONAL AND SECURITY FACILITIES, AND WASTE
10 COLLECTION AND DISPOSAL, PURSUANT TO SECTION
11 190.012(2)(A), SECTION 190.012(D), AND SECTION
12 192.012(F), FLORIDA STATUTES, AND SECTION 92.15,
13 *ORDINANCE CODE*; AMENDING CHAPTER 92 (UNIFORM
14 COMMUNITY DEVELOPMENT DISTRICTS), SECTION 92.02
15 (DEFINITIONS) TO TRACK STATUTORY DEFINITION;
16 AMENDING SECTION 92.15 (CONSENT REQUESTS) TO
17 CLARIFY THAT CONSENT FOR SPECIAL POWERS MAY BE
18 REQUESTED AT THE TIME OF A PETITION REGARDING A
19 CDD; AMENDING SECTION 92.16 (NOTICE OF CDD
20 ESTABLISHMENT AND REGISTERED OFFICE) TO COMPORT
21 WITH THE REVISED STATUTORY CITATIONS; AMENDING
22 SECTION 92.17 (BUDGETS AND MEETING SCHEDULES)
23 TO COMPORT WITH THE REVISED STATUTORY CITATIONS;
24 AMENDING SECTION 92.18 (PUBLIC FACILITIES
25 REPORTS) TO COMPORT WITH THE REVISED STATUTORY
26 CITATIONS; AMENDING SECTION 92.22 (EXISTING
27 COMMUNITY DEVELOPMENT DISTRICTS), *ORDINANCE*
28 *CODE*, TO INCLUDE THE GRANT OF THIS CONSENT FOR
29 SPECIAL POWERS TO THE BOGGY BRANCH CDD;
30 PROVIDING AN EFFECTIVE DATE.
31

1 **WHEREAS**, the Boggy Branch Community Development District (the
2 "CDD") was established by Ordinance 2019-483-E; and

3 **WHEREAS**, pursuant to section 92.15, *Ordinance Code*, and as
4 required by Section 190.012(2), Fla. Stat., the Board of Supervisors
5 of the CDD, has by Resolution 2020-09, requested the City of
6 Jacksonville's consent for the CDD to exercise the special powers set
7 forth in Section 190.012(2)(a), (d), and (f), Fla. Stat., to plan,
8 establish, acquire, construct or reconstruct, enlarge or extend,
9 equip, operate, and maintain additional systems and facilities for:
10 1) parks for indoor or outdoor recreational, cultural, and educational
11 uses; 2) security including, but not limited to, guardhouses, fences
12 and gates, electronic intrusion-detection systems and patrol cars,
13 and 3) waste collection and disposal ("Request for Special Powers")
14 and has paid the required fee of \$1,500; and

15 **WHEREAS**, no action taken by the CDD shall be inconsistent with
16 applicable comprehensive plans, ordinances or regulations of the City,
17 and whereas all governmental planning, environmental, and land
18 development laws, regulations and ordinances apply to all development
19 of land within, or as otherwise may be undertaken by, the CDD; and

20 **WHEREAS**, as stated in the Request for Special Powers, the CDD
21 has properly designated its registered office and agent, is in good
22 legal standing and operating in compliance with the law, and has
23 properly recorded a Notice of Establishment, all the foregoing done,
24 alleged and submitted to the City in compliance with section 92.16,
25 *Ordinance Code*; and

26 **WHEREAS**, based upon the materials submitted by the CDD, the
27 Council finds there is good reason to grant the Request for Special
28 Powers as petitioned therein; now therefore

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

30 **Section 1. Grant of Consent.** Pursuant to the Boggy Branch
31 Community Development District Request for Special Powers, a copy of
32

1 which is **attached hereto as Exhibit 1**, and in accordance with section
2 190.012(2), Fla. Stat., the City's consent is hereby granted to the
3 Boggy Branch Community Development District to exercise the power to
4 plan, establish, acquire, construct or reconstruct, enlarge or extend,
5 equip, operate and maintain additional systems and facilities for
6 parks, recreation, and security, and to collect and dispose of waste,
7 all the foregoing to be exercised only in compliance and consistent
8 with all applicable laws including the City's 2030 Comprehensive Plan
9 and City's land development regulations.

10 **Section 2. Amending Section 92.02 (Definitions), Section**
11 **92.15 (Consent Requests), Section 92.16 (Notice of CDD establishment**
12 **and registered office), Section 92.17 (Budgets and meeting schedules),**
13 **Section 92.18 (Public facilities reports), and Section 92.22 (Existing**
14 **Community Development Districts), Chapter 92 (UNIFORM COMMUNITY**
15 **DEVELOPMENT DISTRICTS), Ordinance Code.** Chapter 92 (UNIFORM COMMUNITY
16 DEVELOPMENT DISTRICTS), Section 92.02 (Definitions), Section 92.15
17 (Consent Requests); Section 92.16 (Notice of CDD establishment and
18 registered office), Section 92.17 (Budgets and meeting schedules),
19 Section 92.18 (Public facilities reports), and Section 92.22 (Existing
20 Community Development Districts), *Ordinance Code*, are hereby amended
21 to read as follows:

22 **CHAPTER 92. UNIFORM COMMUNITY DEVELOPMENT DISTRICTS**

23 * * *

24 **Sec. 92.02. - Definitions.**

25 * * *

26 (c) "Consent Request" means a request ~~of a CDD's Board of~~
27 ~~Supervisors~~ submitted to the City pursuant to F.S. § 190.012(2) and
28 this Ordinance, seeking the City's consent to the CDD's exercise of
29 one or more special powers, or a request by a CDD's Board of
30 Supervisors for the right to exercise eminent domain power outside
31 of the district, pursuant to F.S. § 190.011(11).

1 * * *

2 (g) "Local Petition" means a petition filed with the City
3 pursuant to F.S. § 190.005(2) or 190.046(1)(c), seeking to establish,
4 expand, terminate, or contract a CDD originally of less than ~~1,000~~
5 2,500 acres located within the City, by City ordinance.

6 (h) "State Petition" means a petition submitted to the City
7 pursuant to F.S. § 190.005(1) or § 190.046(1)(d), seeking to
8 establish, expand, terminate, or contract a CDD originally of 2,500
9 or more acres located within the city, by administrative rule of
10 FLAWAC.

11 * * *

12 **Sec. 92.15. - Consent Requests for Special Powers.**

13 Consent Requests may be made ~~by~~ as part of a Local or State
14 Petition, but are not effective until made or adopted by formal
15 resolution of a CDD's governing board of supervisors and filed with
16 Council. Consent Requests made after the establishment of a CDD
17 shall be filed together with a fee as found in www.coj.net/fees, and
18 the formal resolution by the CDD's governing board of supervisors,
19 which resolution shall become a part of the Consent Request.

20 * * *

21 **Sec. 92.16. - Notice of CDD establishment and registered office.**

22 A notice of establishment filed pursuant to F.S. § 190.0485,
23 should be indexed by the name of each underlying landowner and the
24 name of the CDD, with a modification to such notice filed and indexed
25 in same manner in the event a CDD's boundaries are expanded or
26 contracted, as permitted by F.S. § ~~189.402(f)~~ 189.011. A notice of
27 establishment or modification to such notice and the designation of
28 registered office/agent disclosed to the City pursuant to F.S. §
29 ~~189.416~~ 189.014, shall be filed with ~~Counsel~~ the Council within 14
30 days of the respective filing or designation.

31 **Section 92.17. - Budgets and meeting schedules.**

1 A CDD's annual budget and meeting schedules disclosed pursuant
2 to F.S. § 190.008(2)(b) or § ~~189.417~~ 189.015 or 189.016, shall be
3 filed timely with Counsel which shall distribute same to the Chief of
4 Legislative Services who shall cause same to be placed as a
5 "miscellaneous communication" on the agenda of the next regularly-
6 scheduled Council meeting.

7 **Sec. 92.18. - Public facilities reports.**

8 Copies of the initial CDD public facility reports required to be
9 provided pursuant to F.S. § ~~189.415~~ 189.08, 189.081, and 189.082, and
10 annual adoption or change reports submitted thereafter, shall be
11 provided to the Department and to Counsel, and to the degree made
12 relevant by way of the City's consent to exercise one or more powers
13 set forth at F.S. § 190.012(2), shall be provided to the Duval County
14 School Board or the City Departments for Recreation and Parks, Fire,
15 and/or Public Works, as authorized by F.S. § ~~189.402(7)~~ 189.011.

16 * * *

17 **Sec. 92.22 Existing Community Development Districts.**

18 The following CDDs have been established in the City:

19 * * *

20 (19) *Boggy Branch Community Development District.* The Boggy
21 Branch Community Development District was established in
22 Ordinance 2019-483-E. The City granted consent to the Boggy
23 Branch Community Development District in Ordinance 2021- -
24 E to exercise the following special powers to plan,
25 establish, acquire, construct or reconstruct, enlarge or
26 extend, equip, operate and maintain additional systems
27 and facilities for:

- 28 a. parks and facilities for indoor and outdoor
29 recreational, cultural and educational uses;
30 b. security, including but not limited to, guardhouses,
31 fences and gates, electronic intrusion detection
32

1 systems, and patrol cars; and
2 c. waste collection and disposal.

3 **Section 3. Effective Date.** This Ordinance shall become
4 effective upon signature by the Mayor or upon becoming law without
5 the Mayor's signature.

6
7 Form Approved:

8
9 /s/Susan C. Grandin

10 Office of General Counsel

11 Legislation Prepared By: Susan C. Grandin

12
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