

1 A bill to be entitled

2 An act relating to the West Villages Improvement  
3 District, City of North Port, Sarasota County;  
4 providing a short title; providing a district charter;  
5 creating an independent special district; providing a  
6 district boundary; providing for amendment only by  
7 special act; providing powers, functions, and duties;  
8 providing for a governing board, elections,  
9 qualifications, terms of office, staggering terms of  
10 office, removal from office, and filling vacancies;  
11 providing for election of a chair, vice chair, and  
12 secretary-treasurer; providing a quorum; providing  
13 requirements for meetings and notice; providing  
14 requirements for reports, budgets, and audits;  
15 providing for liberal construction; authorizing the  
16 levy of non-ad valorem assessments; specifying method  
17 of collection and enforcement of non-ad valorem  
18 assessments; authorizing property appraiser's and tax  
19 collector's fees or commissions; providing for  
20 collection and enforcement of fees, costs, and  
21 expenses; providing for issuance of revenue bonds,  
22 assessment bonds, bond anticipation notes, and general  
23 obligation bonds; providing for the applicability of  
24 provisions of chapters 189 and 298, Florida Statutes,  
25 and other general laws; providing for severability;  
26 providing an effective date.

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28 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Popular name.--This act may be cited as the "West Villages Improvement District Act."

Section 2. District; creation, jurisdiction, and purpose.--

(1) The West Villages Improvement District, herein referred to as the "district," is hereby created and incorporated as an independent special district, pursuant to chapter 189, Florida Statutes, to be known as the West Villages Improvement District, in the City of North Port, Sarasota County, which independent special district shall be a public body corporate and politic.

(2) The district's territorial boundary shall embrace and include that real property described in following section 17.

(3) The district is created for all purposes as shall be liberally construed from and set forth in this act, under sections 189.401-189.429, Florida Statutes, provided that section 189.4045(2), Florida Statutes, is specifically excluded and not applicable to the district or the City of North Port, and chapter 298, Florida Statutes, as the same may be amended from time to time, and may perform such acts as shall be necessary, convenient, incidental, or proper for the provision, acquisition, development, operation, and maintenance of those public infrastructure works and services authorized herein, including all facilities necessary and incidental thereto.

(4) The district charter created by this act may be amended only by special act of the Legislature. Any expansion of the powers or the boundaries of the district within the City of

57 North Port shall require prior approval of the City of North  
58 Port Commission or its designee.

59 (5) The definition of terms and phrases shall be as set  
60 forth in chapters 189 and 298, Florida Statutes, unless  
61 otherwise herein defined.

62 Section 3. District powers, functions, and duties.--

63 (1) In addition to any powers, functions, and duties set  
64 forth in this act, the district shall have the authority to  
65 exercise such powers, functions, and duties as may be set forth  
66 in chapter 298, Florida Statutes.

67 (2) The district is hereby authorized and empowered as  
68 follows:

69 (a) To adopt by resolution bylaws for the regulation of  
70 its affairs and the conduct of its business.

71 (b) To adopt by resolution rules as necessary for  
72 implementation, regulation, and enforcement as are consistent  
73 with the purposes of the district and this act.

74 (c) To adopt an official seal reflecting the name and  
75 nature of the district.

76 (d) To acquire by grant, loan, purchase, gift, transfer,  
77 exchange, dedication, lease, devise, or, when reasonably  
78 necessary for the implementation of district-authorized public  
79 infrastructure works, facilities, or services by means of the  
80 exercise of the right of eminent domain pursuant to the laws of  
81 the state and in accordance with section 12 of this act, all  
82 property, real or personal, or any easement, license, estate, or  
83 interest therein necessary, desirable, or convenient for the  
84 purposes of this act, and to sell, convey, transfer, gift,

85 lease, rent, dedicate, forfeit, abandon, exchange, or assign all  
86 or any part thereof to or with other entities, including  
87 governmental entities and agencies, and to exercise all of its  
88 powers and authority with respect thereto. The district shall  
89 not have the right of eminent domain outside of the boundaries  
90 of the district. Notwithstanding anything contained herein, the  
91 district shall not obtain fee simple title to any real property  
92 within the district except by dedication on an approved plat,  
93 with the approval of the City of North Port Commission or its  
94 designee, or if otherwise required by another governmental  
95 entity or agency. Any property interests owned by the district  
96 which are used for nonpublic or private commercial purposes  
97 shall be subject to all ad valorem taxes, intangible personal  
98 property taxes, or non-ad valorem assessments, as would be  
99 applicable if said property were privately owned.

100 (e) To finance, plan (consistent with City of North Port  
101 Comprehensive Plan and implementing ordinances, studies, and  
102 plans), design, acquire, construct, install, operate, equip,  
103 upgrade, reclaim, replace, extend, renovate, mitigate, and  
104 maintain canals, swales, outfalls, dams, control structures,  
105 pumps and pumping systems, aerators, seawalls, berms, ditches,  
106 telemetry and monitoring equipment, retention areas, holding  
107 basins, marshes, wetlands, uplands, drains, levees, lakes,  
108 ponds, and other works or elements for modern comprehensive  
109 water management drainage, environmental, mitigation  
110 preservation, erosion, quality, and control purposes, and further  
111 that the district shall agree, at the request of the City of North  
112 Port Commission or its designee, subject to a developer's

113 agreement with the City of North Port (neither party's consent to  
114 said developer's agreement shall be unreasonably withheld), to  
115 donate and turn over operation of all or any portion of said water  
116 management system to the City of North Port.

117 (f) To regulate, modify, control, and redirect the supply  
118 and level of water within the district if consistent with City  
119 of North Port and Southwest Florida Water Management District  
120 rules and regulations, including the division of waters from one  
121 area, lake, pond, river, stream, basin, or water control  
122 facility to another; to control and restrict the development and  
123 use of natural or artificial streams or bodies of water, lakes,  
124 or ponds; and to take of measures determined by the board to be  
125 necessary or desirable to prevent or alleviate land erosion,  
126 flooding, or water quality problems or issues, provided all such  
127 activity shall be carried out in accordance with applicable  
128 federal, state, and local government rules and regulations.

129 (g) To finance the implementation of appropriate studies,  
130 whether by the district or in conjunction with other agencies or  
131 entities, to assist in implementing the district's powers,  
132 authorities, and purposes as set forth herein and to facilitate  
133 the orderly management of the district and its works and  
134 facilities.

135 (h) To finance, plan (consistent with City of North Port  
136 Comprehensive Plan and implementing ordinances, studies, and  
137 plans), design, acquire, construct, install, operate, equip,  
138 upgrade, replace, extend, renovate, and maintain irrigation  
139 works, machinery, plants, and appurtenances.

140        (i) To finance, plan (consistent with City of North Port  
141 Comprehensive Plan and implementing ordinances, studies, and  
142 plans), design, acquire, construct, install, operate, equip,  
143 upgrade, replace, extend, renovate, and maintain roadways; and  
144 to include either as a component of such roads or independently  
145 by themselves, parkways, bridges, landscaping, irrigation,  
146 bicycle and jogging paths, street lighting, entry features,  
147 traffic signals, road striping, and all other customary elements  
148 or appurtenances of a modern road system for the exclusive use  
149 and benefit of the district, a unit of development, and/or its  
150 landowners, residents, and invitees in order to control ingress  
151 and egress; to finance and maintain said roads and their  
152 associated elements and components as a part of a plan of  
153 improvements; to construct and maintain security structures to  
154 control the use of said roads; to make provision for access by  
155 fire, police, and emergency vehicles and personnel for the  
156 protection of life and property; to include, in the annual  
157 assessment of non-ad valorem assessments as authorized,  
158 sufficient funds to finance and maintain said roads as a part of  
159 a plan of improvements, and to adopt, by resolution of the  
160 board, rules and regulations for the control of traffic, noise  
161 levels, crime, and the use of the roads by those authorized.  
162 Provided that in the event the district should construct all or  
163 any portion of a major thoroughfare or transportation route as  
164 identified in section 163.3177(6)(b), Florida Statutes, the  
165 district will not be permitted to limit said thoroughfare or  
166 transportation route for the exclusive use and benefit of the  
167 district, a unit of development, and/or its residents without

168 the written consent of the applicable local general government.  
169 Notwithstanding anything to the contrary herein, construction of  
170 roads by the district shall not be in conflict with City of  
171 North Port rules, master plans, plans, specifications, or  
172 regulations. The district shall agree, at the request of the City  
173 of North Port Commission or its designee, subject to applicable  
174 impact fee ordinances and a developer's agreement with the City of  
175 North Port (neither party's consent to said developer's agreement  
176 shall be unreasonably withheld), to donate and turn over operation  
177 of all or any portion of any public roadway system to the City of  
178 North Port.

179 (j) To finance, plan (consistent with City of North Port  
180 Comprehensive Plan and implementing ordinances, studies, and  
181 plans), design, acquire, construct, install, operate, equip,  
182 upgrade, replace, extend, renovate, and maintain entry features,  
183 garages, parking facilities, district offices, buildings,  
184 facilities, and structures.

185 (k) To finance, plan (consistent with City of North Port  
186 Comprehensive Plan and implementing ordinances, studies, and  
187 plans), design, acquire, construct, install, operate, equip,  
188 upgrade, replace, extend, renovate, reclaim, mitigate, protect,  
189 remove exotics, and maintain improvements, works, landscaping,  
190 systems, structures, buildings, and facilities for community or  
191 public preserves, uplands, wetlands, playgrounds, parks,  
192 gymnasiums, stadiums, ballfields, greenways, waterways, and  
193 facilities for indoor and outdoor recreational, sport, cultural,  
194 and educational uses.

195       (l) To finance, plan (consistent with City of North Port  
196 Comprehensive Plan and implementing ordinances, studies, and  
197 plans), design, acquire, construct, install, operate, set, and  
198 charge by resolution access, user, or connection fees and  
199 charges, equip, upgrade, replace, store, extend, renovate, and  
200 maintain water plants and systems, plus appurtenances, to  
201 produce, desalinate, purify, sell, and distribute water for  
202 consumption, irrigation, or other purposes; provided that the  
203 exercise of such construction, operation, fee establishment, and  
204 production powers by the district shall require the prior approval  
205 of the City of North Port Commission or its designee, and further  
206 that the district shall agree, at the request of the City of North  
207 Port Commission or its designee, subject to a utility developer's  
208 agreement with the City of North Port (neither party's consent to  
209 said developer's agreement shall be unreasonably withheld), to  
210 donate and turn over operation of all or any portion of said water  
211 system to the City of North Port.

212       (m) To finance, plan (consistent with City of North Port  
213 Comprehensive Plan and implementing ordinances, studies, and  
214 plans), design, acquire, construct, install, operate, set, and  
215 charge by resolution access, user, or connection fees and  
216 charges, equip, upgrade, replace, extend, renovate, and maintain  
217 sewer systems, plus appurtenances, for the collection, disposal,  
218 and reuse of effluent, waste, residue, or other byproducts of  
219 such system, prevent pollution, and improve water quality;  
220 provided that the exercise of such construction, operation, and  
221 fee establishment powers by the district shall require the prior  
222 approval of the City of North Port Commission or its designee, and



223 further that the district shall agree, at the request of the City  
224 of North Port Commission or its designee, subject to a utility  
225 developer's agreement with the City of North Port (neither party's  
226 consent to said developer's agreement shall be unreasonably  
227 withheld), to donate and turn over operation of all or any portion  
228 of said wastewater system to the City of North Port.

229 (n) To finance, plan (if not inconsistent with other  
230 responsible agencies or authorities), design, acquire,  
231 construct, install, operate, equip, upgrade, replace, extend,  
232 renovate, and maintain improvements and facilities for and take  
233 measures to control mosquitoes or other insects and arthropods  
234 of public health importance.

235 (o) To finance, plan (consistent with City of North Port  
236 Comprehensive Plan and implementing ordinances, studies, and  
237 plans), design, acquire, construct, install, operate, equip,  
238 upgrade, replace, extend, renovate, and maintain lands, works,  
239 systems, landscaping, and facilities for preservation areas,  
240 conservation areas, environmental areas, mitigation areas, and  
241 wildlife habitat or sanctuaries, including the maintenance of  
242 any plant or animal species, and any related interest in real or  
243 personal property. The district shall allow the City of North  
244 Port access to all such improvements and shall allow access by  
245 the public when appropriate.

246 (p) To finance, plan (consistent with City of North Port  
247 Comprehensive Plan and implementing ordinances, studies, and  
248 plans), design, acquire, construct, install, operate, equip,  
249 upgrade, replace, extend, renovate, and maintain additional  
250 systems and facilities for school buildings and related

251 structures which may be donated to a public school district,  
252 subject to a developer's agreement (neither party's consent to  
253 said developer's agreement shall be unreasonably withheld), for  
254 use in the educational system; provided that donation of any  
255 land and the exercise of such construction powers by the  
256 district shall require the prior approval of the School Board of  
257 Sarasota County and the City of North Port City Commission or  
258 its designee.

259 (q) To levy non-ad valorem assessments; prescribe, fix,  
260 establish, and collect rates, fees, rentals, fares, or other  
261 charges, and to revise the same from time to time, for property,  
262 facilities, and services made available, furnished, or to be  
263 furnished by the district; and to recover the cost of making or  
264 authorizing the connection to any district facility or system or  
265 installing works or improvements on or within district property  
266 interests. However, no rates, fares, charges, or fees shall be  
267 established until after a public hearing of the board at the  
268 district at which all affected persons shall be given an  
269 opportunity to be heard.

270 (r) To provide for the discontinuance of service and  
271 reasonable penalties, including reasonable attorney's fees,  
272 against any user or property for any such rates, fees, rentals,  
273 fares, or other charges that become delinquent and require  
274 collection.

275 (s) To enter into agreements with any person, firm,  
276 entity, partnership, or corporation (public, private, or  
277 governmental) for the furnishing by such person, firm, entity,  
278 partnership, or corporation of any facilities and services of

279 the type provided for, authorized, or necessarily implied as  
280 being authorized in this act.

281 (t) To borrow money and issue negotiable or other bonds of  
282 said district as hereinafter provided; and to borrow money, from  
283 time to time, and issue negotiable or other notes of said  
284 district therefore, bearing interest at not exceeding the  
285 maximum interest allowable by law, in anticipation of the  
286 collection of levies, fees, penalties, charges, fares, and  
287 assessments or revenues of said district, and to pledge or  
288 hypothecate such non-ad valorem assessments, levies,  
289 assessments, and revenues to secure such bonds, notes, or  
290 obligations, and to sell, discount, negotiate, and dispose of  
291 the same.

292 (u) To provide for safety enhancements, including, but not  
293 limited to, security, guardhouses, fences, and gates, and  
294 electronic intrusion detection systems; except that the district  
295 shall not be authorized or empowered to exercise any police  
296 power, but may contract with the appropriate local general  
297 purpose government agencies for an increased level of such  
298 service. Notwithstanding anything to the contrary, nothing  
299 herein shall allow the district to limit the level of law  
300 enforcement provided by federal, state, or local governmental  
301 agencies.

302 (v) To provide, at the request of local general purpose  
303 governments consistent with the plans of the local general  
304 purpose government, systems and facilities for fire prevention  
305 and control and emergency medical services, including the  
306 construction or purchase of fire stations, water mains and

307 plugs, fire trucks, and other vehicles and equipment consistent  
308 with any adopted local general purpose government ordinances,  
309 rules, or regulations and, further, that the district shall  
310 agree, at the request of the local general purpose government,  
311 subject to a developer's agreement with the City of North Port  
312 (neither party's consent to said developer's agreement shall be  
313 unreasonably withheld), to donate and turn over operation of all  
314 or any portion of said facilities to the local general purpose  
315 government.

316 (w) To submit for and obtain permits, plus make and enter  
317 into contracts and agreements as are necessary or incidental to  
318 the performance of the duties imposed and the execution of the  
319 powers granted under this act, and to employ such consulting and  
320 other engineers, superintendents, managers, administrators,  
321 construction and financial experts, attorneys, and such  
322 employees and agents as may, in the judgment of the district, be  
323 necessary, and to fix their compensation.

324 (x) To require any individual or entity desiring to  
325 construct any structure in, over, under, upon, or occupying  
326 district property or right-of-way or connecting to or utilizing  
327 the works of the district to first obtain written authorization  
328 from the district and comply with all City of North Port and  
329 district plans, rules, regulations, policies, and  
330 specifications, provided that said written authorization shall  
331 be issued upon compliance with such applicable City of North  
332 Port and district plans, rules, regulations, policies, and  
333 specifications. The board of supervisors shall be permitted the  
334 discretion to deny or revoke any written authorization or

335 application for same if they find that the matter for which the  
336 authorization is sought or granted does not comply with the City  
337 of North Port and district plans, rules, regulations, or  
338 policies. All fees and costs, including construction, review,  
339 inspection, copying, engineering, legal, and administrative  
340 expenses of the district, shall be paid by the applicant seeking  
341 the authorization. Any such district written authorization shall  
342 not be deemed or construed as being an alternative to or in  
343 place of the applicant's obligation to also obtain all other  
344 governmental building and construction permits and approvals.  
345 Any conflict between City of North Port and district plans,  
346 rules, regulations, policies, and specifications shall be  
347 resolved in favor of the City of North Port.

348 (y) To include in a plan of improvements, the engineer's  
349 report, or the authorizing and implementing documents under  
350 chapter 170, Florida Statutes, which shall include, but are not  
351 limited to, all applicable resolutions, assessment maps, and/or  
352 assessment rolls (the "chapter 170 authorizing documents"), all  
353 or one or more of the various powers and functions, including  
354 individual parts or components thereof, of the district or any  
355 combination of same and to construct and finance said individual  
356 or combination of such powers and functions, including  
357 individual parts or components thereof. It is the intent of this  
358 section that a plan of improvements, the engineer's report, or  
359 chapter 170 authorizing documents may provide for a single  
360 benefit to the land authorized by the laws pertaining to the  
361 district or one or more of all of said benefits or combination  
362 thereof as long as there are benefits accruing to the land.

363       (z) To provide in a plan of improvements, the engineer's  
364 report, or chapter 170 authorizing documents that in assessing  
365 the benefits and damages to be incurred by lands of the district  
366 from the implementation, provision, or construction of a plan of  
367 improvements or improvements or services pursuant to chapter 170  
368 authorizing documents, the varying types of existing or proposed  
369 land uses of the land within the unit or affected by such  
370 construction or implementation, as the case may be, may be  
371 considered and be entitled to so assess the benefits and  
372 damages. The district may levy non-ad valorem assessments based  
373 upon the benefits assessed in such manner, taking into account  
374 the varying existing or proposed land uses of the land affected  
375 by such construction as shall provide for the equitable  
376 apportionment of such assessments. Such assessments may be  
377 levied on the basis of lots, units, acreage, parcels, equivalent  
378 connection, or uses or as otherwise set forth in the engineer's  
379 report or in the chapter 170 authorizing documents.

380       (aa) To establish and create such departments, committees,  
381 boards, or other agencies, including a public relations  
382 committee, as from time to time the board of supervisors may  
383 deem necessary or desirable in the performance of the acts or  
384 other things necessary to the exercise of the powers provided in  
385 this act, and to delegate to such departments, committees,  
386 boards, or other agencies such administrative duties and other  
387 powers as the board of supervisors may deem necessary and to  
388 exercise all other powers necessary convenient or proper in  
389 connection with any of the powers or duties of said district  
390 stated in this act by and through the board of supervisors.

391 Notwithstanding anything contained herein, no such departments,  
392 committees, boards, or other agencies shall have the power or  
393 authority to supersede any powers or authorities of the City of  
394 North Port.

395 (bb) Notwithstanding any authority contained within this  
396 section, the development, operation, or maintenance of any  
397 district facilities or services shall comply with the adopted  
398 comprehensive plan, unified land development code, zoning code,  
399 and any other city codes of the City of North Port.

400 (cc) To establish, or otherwise make available, a plan for  
401 retirement, disability, dental, death, hospitalization, and  
402 other appropriate benefits for employees of the district.

403 (dd) To invest surplus funds of the district consistent  
404 with the Investment of Local Government Surplus Funds Act, part  
405 IV, chapter 218, Florida Statutes.

406 (ee) To submit to the City of North Port the plan of  
407 improvement for major government infrastructure capital elements  
408 that may eventually be dedicated or donated to the City of North  
409 Port so that the city can rely on and incorporate said plan of  
410 improvement into the City's Capital Improvement Plan.

411 (ff) To apply for, obtain, and utilize any grants from  
412 other entities consistent with the powers of the district;  
413 provided, however, that district shall coordinate with and  
414 obtain timely authorization from the City of North Port  
415 Commission or its designee prior to the submittal of any grant  
416 application.

417 (gg) Following methodology consistent with the county's  
418 concurrency management regulations, and notwithstanding any

419 authority contained within this section, the district shall not  
420 construct any improvements within the district, pursuant to any  
421 development order, where that development would cause the level  
422 of service on any concurrency regulated facility in  
423 unincorporated Sarasota County to drop below the level of  
424 service adopted as of the effective date of this act, or  
425 subsequently reduced level of service, in the Sarasota County  
426 Comprehensive Plan pursuant to chapter 163, Florida Statutes,  
427 without paying its fair share contribution to improving that  
428 facility, and Sarasota County shall have the right under section  
429 163.3215, Florida Statutes, to contest any such development  
430 order on the basis that it fails to require the district to pay  
431 its fair share contribution. The fair share contribution shall  
432 include both the contribution to the county from the fair share  
433 collected by the City of North Port pursuant to the county's  
434 impact fee ordinance and interlocal agreements between Sarasota  
435 County and the City of North Port, as well as direct  
436 contributions made to the county by the district. Nothing  
437 contained herein shall be construed as limiting the obligations  
438 of the district or property owners therein as set forth in  
439 Florida Statutes and applicable rules.

440 (hh) The district shall have the power to collect fair  
441 share contributions from Sarasota County should Sarasota County  
442 approve any development order in unincorporated Sarasota County  
443 that creates impacts to concurrency regulated facilities within  
444 the district, which would cause the level of service on any  
445 concurrency regulated facility in the district to drop below the  
446 level of service adopted by the City of North Port for such



447 facility as of the effective date of this act, or subsequently  
448 reduced level of service.

449 (3) To include in a plan of improvements, the engineer's  
450 report , chapter 170 authorizing documents, or otherwise  
451 provide, for the exercise of the district's powers, services,  
452 facilities, and improvements beyond the territorial boundaries  
453 of the district, when necessary and appropriate in order to  
454 provide a benefit on behalf of lands located within the district  
455 and pursuant to an approved plan of improvements or chapter 170  
456 authorizing documents. Any such construction must be in  
457 accordance with the city's master plans and requirements. Any  
458 such construction within unincorporated Sarasota County must be  
459 in accordance with the county's comprehensive plan, master  
460 plans, and thoroughfare plan. The West Villages Improvement  
461 District shall cooperate and coordinate its activities with the  
462 units of general-purpose local government in which it is  
463 located, including the City of North Port and Sarasota County.  
464 The district is authorized to enter into interlocal agreements  
465 with the City of North Port, Sarasota County, the Englewood  
466 Water District, or any other units of government. Whenever the  
467 district intends to utilize its powers to construct or cause to  
468 be constructed infrastructure projects or programs within the  
469 district, the district shall provide copies of all plans and  
470 infrastructure permit applications to the Sarasota County  
471 Planning Director and Development Services Business Center at  
472 such time as the district submits such plans or permit  
473 applications to the City of North Port or other permitting  
474 authority but in any event no less than 30 days before the City

475 of North Port or other permitting authority issues permits for  
476 those projects. The district shall allow the county 20 days from  
477 submittal to the county to comment on those plans and permit  
478 applications, but as to construction or improvements that are  
479 not within unincorporated Sarasota County, the county's approval  
480 is not required for the district to proceed with the project.  
481 Sarasota County shall not unduly interfere with the district's  
482 exercise of its powers conferred by this act.

483 Section 4. Board of supervisors; election, organization,  
484 powers, duties, and terms of office.--

485 (1) There is hereby created a Board of Supervisors of the  
486 West Villages Improvement District, which shall be the governing  
487 body of said district.

488 (2) Said board of supervisors shall consist of five  
489 persons who, except as herein otherwise provided, shall each  
490 hold office for terms of 4 years each and until their successors  
491 shall be duly elected and qualified.

492 (3) The first board of supervisors of the district shall  
493 be composed of five persons, two of whom shall hold office for 4  
494 years, one of whom shall hold office for 3 years, one of whom  
495 shall hold office for 2 years, and one of whom shall hold office  
496 for 1 year, which terms shall terminate in June of their  
497 applicable final year. Within 120 days after this act becomes a  
498 law, a special meeting of landowners of the West Villages  
499 Improvement District shall be held for the purpose of electing  
500 the first board of supervisors for the West Villages Improvement  
501 District as herein provided. Notice of such special meeting of  
502 landowners shall be given by causing publication thereof to be

503 made once a week for 2 consecutive weeks prior to such meeting  
504 in the newspaper of general paid circulation that the City of  
505 North Port publishes notices of city meetings, and prior to the  
506 meeting, provision of 2 weeks advance written notice to the City  
507 of North Port City Manager including the agenda and any backup  
508 material. Such special meeting of landowners shall be held in a  
509 public place in the City of North Port, and the place, date, and  
510 hour of holding such meeting and the purpose thereof shall be  
511 stated in the notice. The landowners when assembled shall  
512 organize by electing a chair who shall preside at the meeting  
513 and a vice chair, secretary, and treasurer. At such meeting,  
514 each and every acre, or any fraction thereof, of land in the  
515 district shall represent one vote and each owner shall be  
516 entitled to one vote in person or by written proxy for every  
517 acre of land, or any fraction thereof, owned by such owner in  
518 the district. Candidates must be citizens of the United States  
519 and shall be nominated prior to commencement of the initial  
520 election. The landowners shall first vote for the 2 supervisors  
521 who are to hold office for the 2 seats with an initial term of 4  
522 years as herein provided, and the persons receiving the highest  
523 and next highest number of votes for such supervisor offices  
524 shall be declared and elected as the supervisors for said 2  
525 seats. The landowners shall next vote for the supervisor who is  
526 to hold office for that seat with a term of 3 years as provided  
527 herein, and the person receiving the highest number of votes for  
528 such supervisor shall be declared and elected as such supervisor  
529 for said seat. Said landowners shall continue to so vote for  
530 each remaining seat until the supervisor who is to hold office

531 for the term of 1 year as herein provided is elected for said  
532 seat. The landowners present or voting by proxy at the meeting  
533 shall constitute a quorum.

534 (4) Each year during the month of June, beginning with  
535 June of the second year following the first election, a  
536 supervisor shall be elected, as hereinafter provided, by the  
537 landowners of said district to take the place of the retiring  
538 supervisor. All vacancies or expirations on said board shall be  
539 filled as provided by this act. All supervisors of the district  
540 shall be citizens of the United States. Following the initial  
541 election of supervisors in order to be eligible for election, a  
542 candidate for an office of supervisor shall be required to file  
543 a written notice of intention to be a candidate in said office  
544 of the district at least 30 calendar days but not earlier than  
545 90 calendar days before but not including the day of the annual  
546 meeting of the landowners. In case of a vacancy in the office of  
547 any supervisor, the remaining supervisors within 90 calendar  
548 days of the vacancy shall fill such vacancy until the expiration  
549 of that seat's outstanding term when a successor shall be  
550 elected by the landowners.

551 (5) As soon as practicable after their election and the  
552 taking of oaths of office, the board of supervisors of the  
553 district shall organize by choosing a chair and vice chair of  
554 the board of supervisors and by electing some suitable persons  
555 secretary and treasurer, who may or may not be members of the  
556 board. The board of supervisors shall adopt a seal which shall  
557 be the seal of the district.

558       (6) Each supervisor shall hold office until his or her  
559 successor shall be elected and qualified. Whenever any election  
560 shall be authorized or required by this act to be held by the  
561 landowners at any particular or stated time or day, and if for  
562 any reason such election shall not or cannot be held at such  
563 time or on such day, then in such event and in all and every  
564 such event, the power or duty to hold such election shall not  
565 cease or lapse, but such election shall be held thereafter as  
566 soon as practicable and consistent with this act.

567       (7) The supervisors shall not receive any compensation for  
568 their services.

569       Section 5. Meetings of landowners.--

570       (1) Each year during the month of June, a meeting of the  
571 landowners of the district shall be held, when necessary, for  
572 the purpose of electing a supervisor and hearing reports of the  
573 board of supervisors and considering any matters upon which the  
574 board of supervisors may request the advice and views of the  
575 landowners. The board of supervisors shall have the power to  
576 call special meetings of the landowners at any time to consider  
577 and act upon any matter upon which the board of supervisors may  
578 request action, direction, or advice. Notice of all meetings of  
579 the landowners shall be given by the board of supervisors by  
580 causing publication thereof to be made for 2 consecutive weeks  
581 prior to such meeting in the newspaper of general paid  
582 circulation that the City of North Port publishes notices of  
583 city meetings, and prior to the meeting, provision of 2 weeks  
584 advance written notice to the City of North Port City Manager  
585 including the agenda and any backup material. The meetings of

586 the landowners shall be held in a public place in the City of  
587 North Port, and the place, day, and hour of holding such  
588 meetings shall be stated in the notice. The landowners when  
589 assembled shall organize by electing a chair who shall preside  
590 at the meeting. The secretary of the board of supervisors shall  
591 be the secretary of such meeting. At all such meetings each and  
592 every acre, or any fraction thereof, of land in the district  
593 shall represent one vote, and each owner shall be entitled to  
594 one vote in person or by written proxy for every acre, or any  
595 fraction thereof, of land owned by such owner in the district.  
596 The person receiving the highest number of votes for a  
597 supervisor position shall be declared and elected as such  
598 supervisor. Those landowners present or voting by proxy at the  
599 meeting, including the initial meeting, shall constitute a  
600 quorum at any meeting of the landowners.

601 (2) Guardians may represent their wards, and personal  
602 representatives may represent the estates of deceased persons.  
603 Trustees may represent lands by them in trust, and private and  
604 municipal corporations may be represented by their officers or  
605 duly authorized agents. Guardians, personal representatives,  
606 trustees, and corporations may vote by proxy.

607 Section 6. Installment assessments, levied and  
608 apportioned, and the collection thereof.--

609 (1) The board of supervisors shall determine, order, and  
610 levy the amount of the annual installments of the non-ad valorem  
611 assessments levied under section 298.305, Florida Statutes,  
612 which shall become due and collected during each year at the  
613 same time that county taxes are due and collected, which levy

614 shall be evidenced to and certified by the board to the Tax  
615 Collector of Sarasota County, pursuant to sections 197.3631,  
616 197.3632, and 197.3635, Florida Statutes. Said non-ad valorem  
617 assessments shall be extended by the county tax collector on the  
618 tax roll and shall be collected by the tax collector and the net  
619 proceeds thereof paid to said district. Said non-ad valorem  
620 assessments shall be a lien until paid on the property against  
621 which it is assessed, and enforceable in like manner as county  
622 taxes.

623 (2) As an alternative, in addition to, or in combination  
624 with the above levy and assessment procedure for non-ad valorem  
625 assessments, the district shall have, and the board of  
626 supervisors may exercise, the power to determine, order, levy,  
627 impose, collect, and enforce special assessments pursuant to  
628 chapter 170, Florida Statutes. Such special assessments may, in  
629 the discretion of the district, be collected and enforced  
630 pursuant to the provisions of sections 197.3631, 197.3632, and  
631 197.3635, Florida Statutes, chapter 170, Florida Statutes, or as  
632 otherwise determined by the board.

633 Section 7. Maintenance assessment.--

634 (1) In lieu of any maintenance assessment provision of  
635 chapter 298, Florida Statutes, when in order to operate,  
636 maintain, and preserve the improvements made, constructed,  
637 installed, acquired, or received pursuant to this act and to  
638 repair, upgrade, replace, extend, and restore the same, when  
639 needed, and for the purpose of defraying the expenses, including  
640 administration, of the district, the board of supervisors may  
641 levy annually an assessment on specified property in the

642 district, to be known as a "maintenance assessment." Said  
643 maintenance assessment shall be evidenced to and certified by  
644 the board to the Tax Collector of Sarasota County, in the same  
645 fashion and manner of other district non-ad valorem assessments  
646 and shall be collected by the tax collector in the same manner  
647 and time as county taxes and the proceeds therefrom paid to said  
648 district. Said assessments shall be a lien until paid on the  
649 property against which assessed and enforceable in like manner  
650 as county taxes.

651 (2) Provisions may be made for the financing, acquisition,  
652 replacement, and maintenance of capital improvements necessary  
653 for the operation of the district as a part of the maintenance  
654 assessment.

655 Section 8. Compensation of property appraiser and tax  
656 collector.--The property appraiser and tax collector shall be  
657 entitled to compensation for services performed in connection  
658 with assessments of said district as provided by general law.

659 Section 9. Acreage assessment for payment of initial  
660 formation and organization expenses.--There is hereby authorized  
661 by the Legislature upon each and every acre of land within the  
662 territorial boundary of the district, the authority through its  
663 said board of supervisors and for the purpose of paying expenses  
664 incurred or to be incurred in organizing the district, the  
665 authority to levy such non-ad valorem assessments as may be  
666 determined by said board of supervisors, before said board of  
667 supervisors shall otherwise be able to obtain funds under the  
668 provisions of this act or the general laws of the state. Such  
669 organizing assessments shall become due and payable as



670 determined by the board of supervisors and shall become  
671 delinquent 90 days thereafter. Said assessment shall be a lien  
672 upon the lands in said district from the date of the enactment  
673 of this act and may be collected in the same manner as the  
674 annual installment of non-ad valorem assessments or as otherwise  
675 determined by the board of supervisors. If it shall appear to  
676 the board of supervisors to be necessary to obtain funds to pay  
677 any expenses incurred or to be incurred in organizing said  
678 district, preparing a plan of improvements or chapter 170  
679 authorizing documents, or other expenses of the conduct and  
680 operation of the district before a sufficient sum can be  
681 obtained by the collection of the organization assessment  
682 authorized by this section of this act, said board of  
683 supervisors may also borrow a sufficient sum of money for any of  
684 said purposes at a statutory lawful rate of the interest and may  
685 issue negotiable notes or bonds therefor and may pledge any and  
686 all assessments of the formation assessment that may be levied  
687 under the provisions of this section for the repayment thereof.

688 Section 10. Bonds may be issued, sale and disposition of  
689 proceeds; interest; levy to pay bonds; bonds and duties of  
690 treasurer.--

691 (1) The provision of this section shall constitute full  
692 and complete authority for the issuance of bonds by the  
693 district.

694 (2) Provided that any and all loans or bonds of the  
695 district are non-recourse as to the City of North Port, the  
696 board of supervisors may issue bonds not to exceed 90 percent of  
697 the total amount of the non-ad valorem assessments levied under

698 the provisions of section 298.305, Florida Statutes, or equal to  
699 the total amount levied under chapter 170, Florida Statutes,  
700 bearing interest from date at a rate not to exceed the statutory  
701 lawful maximum per annum, payable annually or semiannually, to  
702 mature at annual intervals within 40 years commencing after a  
703 period of not later than 10 years, to be determined by the board  
704 of supervisors, with both principal and interest payable at some  
705 convenient place designated by the board of supervisors to be  
706 named in said bonds, which bonds shall be signed by the chair of  
707 the board of supervisors, attested with the seal of the district  
708 and by the signature of the secretary of the board. All of said  
709 bonds shall be executed and delivered to the district or its  
710 agent, which shall sell the same in such quantities and at such  
711 dates as the board of supervisors may deem necessary to meet the  
712 payments for the works, services, and improvements in and of the  
713 district. A sufficient amount of the non-ad valorem assessment  
714 shall be appropriated by the board of supervisors for the  
715 purpose of paying the principal, premium, if any, and interest  
716 of said bonds, and the same shall, when collected, be preserved  
717 in a separate fund for that purpose and no other. All bonds not  
718 paid at maturity shall bear interest at a rate of not to exceed  
719 the statutory lawful maximum per annum from maturity until paid,  
720 or until sufficient funds have been deposited at the place of  
721 payment, and said interest shall be appropriated by the board of  
722 supervisors out of the penalties and interest collected on  
723 delinquent assessments or other available funds of the district.  
724 Provided, however, that it may, in the discretion of said board,  
725 be provided that at any time, after such date as shall be fixed

726 by the said board, said bonds may be redeemed before maturity at  
727 the option of said board, or their successors in office, by  
728 being made callable prior to maturity at such times and upon  
729 such prices and terms and other conditions as said board shall  
730 determine. If any bond so issued subject to redemption before  
731 maturity shall not be presented when called for redemption, it  
732 shall cease to bear interest from and after the date so fixed  
733 for redemption.

734 (3) The board of supervisors of said district shall have  
735 authority to issue refunding bonds to take up any outstanding  
736 bonds and any interest accrued thereon when, in the judgment of  
737 said board, it shall be for the best interest of said district  
738 so to do. The said board is hereby authorized and empowered to  
739 issue refunding bonds to take up and refund all bonds of said  
740 district outstanding that are subject to call and prior  
741 redemption, and all interest accrued to the date of such call or  
742 prior redemption, and all bonds of said district that are not  
743 subject to call or redemption, together with all accrued  
744 interest thereon, where the surrender of said bonds can be  
745 procured from the holders thereof at prices satisfactory to the  
746 board or can be exchanged for such outstanding bonds with the  
747 consent of the holder thereof. Such refunding bonds may mature  
748 at any time or times in the discretion of said board, not later,  
749 however, than 40 years from the date of issuance of said  
750 refunding bonds. Said refunding bonds shall bear such date of  
751 issue and such other details as the board shall determine, and  
752 may, in the discretion of said board, be made callable prior to  
753 maturity at such times and upon such prices and terms and other

754 conditions as said board shall determine. All the other  
755 applicable provisions of this act not inconsistent therewith  
756 shall apply fully to said refunding bonds and the holders  
757 thereof shall have all the rights, remedies, and security of the  
758 outstanding bonds refunded, except as may be provided otherwise  
759 in the resolution of the board authorizing the issuance of such  
760 refunding bonds. Any funds available in the sinking fund for the  
761 payment of the principal, premium, if any, and interest of  
762 outstanding bonds may be retained in the fund to be used for the  
763 payment of principal, premium, if any, and interest of the  
764 refunding bonds, in the discretion of the board of supervisors.  
765 Any expenses incurred in buying any or all bonds authorized  
766 under the provisions of this section and the interest thereon  
767 and a reasonable compensation for paying same, shall be paid out  
768 of the funds in the hands of the district, and collected for the  
769 purpose of meeting the expenses of administration. It shall be  
770 the duty of the said board of supervisors in making the annual  
771 non-ad valorem assessment levy as heretofore provided to take  
772 into account the maturing bonds and interest on all bonds and  
773 expenses and to make provisions in advance for the payment of  
774 same.

775 (4) In addition to the other powers provided the district,  
776 and not in limitation thereof, the district shall have the  
777 power, at any time, and from time to time after the issuance of  
778 any bonds of the district shall have been authorized, to borrow  
779 money for the purposes for which such bonds are to be issued in  
780 anticipation of the receipt of the proceeds of the sale of such  
781 bonds and to issue bond anticipation notes in a principal sum

782 not in excess of the authorized maximum amount of such bond  
783 issue.

784 (5) The district shall have the power to issue revenue  
785 bonds from time to time without limitation as to amount for the  
786 purpose of financing its systems and facilities. Such revenue  
787 bonds may be secured by, or payable from, the gross or net  
788 pledge of the revenues to be derived from any project or  
789 combination of projects; from the rates, fees, or other charges  
790 to be collected from the users of any project or projects; from  
791 any revenue-producing undertaking or activity of the district;  
792 from special assessments; or from any other source or pledged  
793 security. Such bonds shall not constitute an indebtedness of the  
794 district, and the approval of qualified electors shall not be  
795 required unless such bonds are additionally secured by the full  
796 faith and credit and assessing power of the district.

797 (6) Prior to the issuance of bonds under the provisions of  
798 this act, the board of supervisors may from time to time issue  
799 warrants or negotiable notes or other evidences of debt of the  
800 district, all of which shall be termed "floating indebtedness"  
801 in order to distinguish the same from the bonded debt provided  
802 for. The notes or other evidences of indebtedness shall be  
803 payable at such times and shall bear interest at a rate not  
804 exceeding the lawful statutory maximum per annum, and may be  
805 sold or discounted at such price or on such terms as the board  
806 may deem advisable. The board shall have the right, in order to  
807 provide for the payment thereof, to pledge the whole or any part  
808 of the assessments or revenues provided for in this act, whether  
809 the same shall be theretofore or thereafter levied, and said

810 board shall have the right to provide that the floating debt  
811 shall be payable from the proceeds arising from the sale of  
812 bonds, or from the proceeds of any such assessment, or both.  
813 After the issuance of any bonds of the district under the  
814 provisions of this act, the power to create such floating debt  
815 and pledge the assessments or revenue therefor shall continue.

816 (7)(a) Pursuant to this act, the district shall have the  
817 power from time to time to issue general obligation bonds to  
818 finance or refinance capital projects or to refund outstanding  
819 bonds in an aggregate principal amount of bonds outstanding at  
820 any one time not in excess of 35 percent of the assessed value  
821 of the taxable property within the district as shown on the  
822 pertinent property appraiser valuation records at the time of  
823 the authorization of the general obligation bonds for which the  
824 full faith and credit of the district is pledged. Except for  
825 refunding bonds, no general obligation bonds shall be issued  
826 unless the bonds are issued to finance or refinance a capital  
827 project and the issuance has been approved at an election held  
828 in accordance with the requirements for such election as  
829 prescribed by the State Constitution. Such elections shall be  
830 called to be held in the district with the expenses of calling  
831 and holding an election to be at the expense of the district.

832 (b) The district may pledge its full faith and credit for  
833 the payment of the principal and interest on such general  
834 obligation bonds and for any reserve funds provided therefor and  
835 met unconditionally and irrevocably pledge its assessments or  
836 revenues on all taxable property within the district, to the

837 extent necessary for the payment thereof, without limitations as  
838 to greater amount.

839 (c) If the board determines to issue general obligation  
840 bonds for more than one capital project, the approval of the  
841 issuance of the bonds for each and all such projects may be  
842 submitted to the electorate on one and the same ballot. The  
843 failure of the electors to approve the issuance of bonds for any  
844 one or more of the capital projects shall not defeat the  
845 approval of bonds for any capital project which has been  
846 approved by the electors.

847 (d) In arriving at the amount of general obligation bonds  
848 permitted to be outstanding at any one time pursuant to  
849 paragraph (a), there shall not be included any general  
850 obligation bonds which are additionally secured by the pledge  
851 of:

852 1. Special assessments levied in the amount sufficient to  
853 pay the principal and interest on a general obligation bond so  
854 additionally secured, which assessments have been equalized and  
855 confirmed by resolution or ordinance of the board pursuant to  
856 section 170.08, Florida Statutes.

857 2. Water revenues, sewer revenues, or water and sewer  
858 revenues of the district to be derived from user fees that have  
859 been approved by the City of North Port Commission or its  
860 designee and in an amount sufficient to pay the principal and  
861 interest on the general obligation bond so additionally secured.

862 3. Any combination of assessments and revenues described  
863 in subparagraphs 1 and 2.

864       (8) In case the proceeds of the original assessment and  
865 levy made under the provisions of section 298.305, Florida  
866 Statutes, or chapter 170, Florida Statutes, is not sufficient to  
867 pay the principal, premium, if any, and interest of all bonds  
868 issued, then the board of supervisors shall make such additional  
869 levy or levies upon the benefits assessed as are necessary for  
870 this purpose, and under no circumstances shall any levies be  
871 made that will in any manner or to any extent impair the  
872 security of said bonds or the fund available for the payment of  
873 the principal and interest of the same.

874       (9) After the several bonds are paid and retired as herein  
875 provided, they shall be returned and canceled and an appropriate  
876 record thereof made in a book to be kept for that purpose, which  
877 record of paid and canceled bonds shall be kept at the office of  
878 the treasurer and shall be open for inspection by any bondholder  
879 at any time.

880       (10) Any issue of bonds may be secured by a trust  
881 agreement by and between the district and a corporate trustee or  
882 trustees, which may be any trust company or bank having the  
883 powers of a trust company within or without the state. The  
884 resolution authorizing the issuance of the bonds or such trust  
885 agreement may pledge the revenues to be received from any  
886 projects of the district and may contain such provisions for  
887 protecting and enforcing the rights and remedies of the  
888 bondholders as the board may approve, including, without  
889 limitation, covenants setting forth the duties of the district  
890 in relation to the acquisition, construction, reconstruction,  
891 improvement, maintenance, repair, operation, and insurance of



892 any projects; the fixing and revising of the rates, fees, and  
893 charges; and the custody, safeguarding, and application of all  
894 moneys and for the employment of consulting engineers in  
895 connection with such acquisition, construction, reconstruction,  
896 improvement, maintenance, repair, or operation.

897 (11) Bonds of each issue shall be dated; shall bear  
898 interest at such rate or rates, including variable rates, which  
899 interest may be tax exempt or taxable for federal income tax  
900 purposes; shall mature at such time or times from their date or  
901 dates; and may be made redeemable before maturity at such price  
902 or prices and under such terms and conditions as may be  
903 determined by the board.

904 (12) No bonds issued by the district shall be required to  
905 be validated under chapter 75, Florida Statutes, or other  
906 provision of law.

907 Section 11. Unit development; powers of supervisors to  
908 designate units of development and adopt systems of progressive  
909 development by units; plan of improvements and financing  
910 assessments, for each unit.

911 (1) Upon written petition signed by the owners of 51  
912 percent of the acreage in any area, the board of supervisors of  
913 the district shall have the power and is hereby authorized in  
914 its discretion to exercise such powers authorized in this act,  
915 the lands in said designated area or part of the district to be  
916 called a "unit." The units into which said district may be so  
917 divided shall be given appropriate numbers or names by said  
918 board of supervisors, so that said units may be readily  
919 identified and distinguished. The board of supervisors shall

920 have the power to fix and determine the location, area, and  
921 boundaries of and lands to be included in each and all such  
922 units with the consent of the owners of 51 percent of the  
923 acreage in any area, and the method of carrying on the work in  
924 each unit. If the board of supervisors shall determine that it  
925 is advisable to conduct the work of the district by units, as  
926 authorized by this section, said board shall, by resolution duly  
927 adopted and entered upon its minutes, declare its purpose to  
928 conduct such work accordingly and, upon petition of the owners  
929 of 51 percent of the acreage in any area, shall at the same time  
930 and manner fix the number, location, and boundaries of and  
931 description of lands within such unit or units and give  
932 appropriate numbers or names, which unit or units may overlay or  
933 overlap one or more other units. As soon as practicable after  
934 the adoption and recording of a resolution as to any unit, said  
935 board of supervisors shall publish a notice once a week for 2  
936 consecutive weeks in the newspaper of general paid circulation  
937 that the City of North Port publishes notices of city meetings,  
938 and by provision of 2 weeks advance written notice to the City  
939 of North Port City Manager, briefly describing the unit or units  
940 into which the district has been divided and the lands embraced  
941 in each unit, giving the name, number, or other designation of  
942 such units, requiring all owners of lands in the district to  
943 show cause in writing before said board of supervisors at a time  
944 and place to be stated in such notice why such division of said  
945 district into such unit or units should not be approved, and why  
946 the proceedings and powers authorized by this section of this  
947 act should not be had, taken, and exercised. At the time and

948 place stated in said notice, said board of supervisors shall  
949 hear all objections or causes of objection, all of which shall  
950 be in writing, of any landowner in the district to the matters  
951 mentioned and referred to in such notice, and if no objections  
952 are made, or if said objections, if made, shall be overruled by  
953 said board, then said board shall enter in its minutes its  
954 finding and order confirming said resolution and may thereafter  
955 proceed with the development of the district by unit or units  
956 pursuant to such resolution and to the provisions of this act.  
957 If, however, said board of supervisors shall find as a result of  
958 such objections, or any of them, or the hearing thereon, that  
959 the division of the district into such unit or units as  
960 aforesaid should not be approved, or that the proceedings and  
961 powers authorized by this section of this act should not be had,  
962 taken, or exercised, or that any other matter or thing embraced  
963 in said resolution would not be in the best interest of the  
964 landowners of said unit or units or would be unjust or unfair to  
965 any landowner therein or otherwise inconsistent with fair and  
966 equal protection and enforcement of the rights of every  
967 landowner in said unit or units, then the board of supervisors  
968 shall not proceed further under such resolution, but said board  
969 of supervisors may, as a result of such hearing, modify or amend  
970 said resolution so as to meet such objections so made, and  
971 thereupon said board may confirm said resolution as so modified  
972 or amended and may thereafter proceed accordingly. If said board  
973 of supervisors shall overrule or refuse to sustain any such  
974 objections in whole or in part made by any landowner in the  
975 district, or if any such landowner shall deem himself or herself

976 aggrieved by any action of the board of supervisors in respect  
977 to any objections so filed, such landowner may, within 10 days  
978 after the ruling of said board, file his or her complaint in the  
979 Circuit Court for Sarasota County, against said district,  
980 praying an injunction or other appropriate relief against the  
981 action or any part of such action proposed by such resolution or  
982 resolutions of said board, and such suits shall be conducted  
983 like other suits, except that said suits shall have preference  
984 over all other pending actions except criminal actions and writs  
985 of habeas corpus. Upon the hearing of said cause, the circuit  
986 court shall have the power to hear the objections and receive  
987 the evidence thereon of all parties to such cause and approve or  
988 disapprove said resolutions and action of the board in whole or  
989 in part, and to render such decree in such cause as right and  
990 justice require.

991 (2) When said resolutions creating said unit or units  
992 shall be confirmed by the board of supervisors (or by the  
993 Circuit Court for Sarasota County, if such proposed action shall  
994 be challenged by a landowner by the judicial proceedings  
995 hereinabove authorized), the board of supervisors may adopt a  
996 plan of improvements or chapter 170 authorizing documents for  
997 and in respect to any or all such units, and to have the  
998 benefits and damages resulting therefrom assessed and  
999 apportioned as is provided by law in regard to a plan of  
1000 improvements or chapter 170 authorizing documents for and  
1001 assessments for benefits and damages of the entire district.  
1002 With respect to the plan of improvements, notices, appointment  
1003 of engineer to prepare a report assessing the benefits and

1004 damages, the engineer's report and notice and confirmation  
1005 thereof, the levy of assessments, including maintenance  
1006 assessments, the issuance of bonds, the exercise or use of  
1007 chapter 170, Florida Statutes, proceedings and all other  
1008 proceedings as to each and all of such units, said board shall  
1009 follow and comply with the same procedure as is provided by law  
1010 with respect to the entire district; and said board of  
1011 supervisors shall have the same powers in respect to each and  
1012 all of such units as is vested in them with respect to the  
1013 entire district. All the provisions of this act shall apply to  
1014 the improvement of each, any, and all of such units, and the  
1015 enumeration of or reference to specific powers or duties of the  
1016 supervisors or any other officers or other matters in this act  
1017 as hereinabove set forth, shall not limit or restrict the  
1018 application of any and all of the proceedings and powers herein  
1019 for such units as fully and completely as if such unit or units  
1020 were specifically and expressly named in every section and  
1021 clause of this act where the entire district is mentioned or  
1022 referred to. All assessments, levies, bonds, and other  
1023 obligations made, levied, assessed, or issued for or in respect  
1024 to any such unit or units shall be a lien and charge solely and  
1025 only upon the lands in such unit or units, respectively, for the  
1026 benefit of which the same shall be levied, made, or issued, and  
1027 not upon the remaining units or lands in the district. The board  
1028 of supervisors, upon an affirmative vote of a simple majority of  
1029 qualified electors, as defined in chapter 189, Florida Statutes,  
1030 within said unit voting in a referendum, or upon approval of the  
1031 landowners of 51 percent of the acreage in said unit if there

1032 are no residents in said unit, may at any time amend its  
1033 resolutions by changing the location and description of lands in  
1034 any such unit or units and provided, further, that if the  
1035 location or description of lands located in any such unit or  
1036 units is so changed, notice of such change shall be published as  
1037 hereinabove required in this section for notice of the formation  
1038 or organization of such unit or units; provided, however, that  
1039 no lands against which benefits shall have been assessed may be  
1040 detached from any such unit after the final adoption of the  
1041 engineer's report of benefits or chapter 170 authorizing  
1042 document, in such unit or units or the issuance of bonds or  
1043 other obligations which are payable from assessments for  
1044 benefits levied upon the lands within such unit or units.

1045 (3) Provided, however, that if, after adoption of the  
1046 engineer's report of benefits chapter 170, authorizing document,  
1047 in such unit or units, or the issuance of bonds or other  
1048 obligations which are payable from assessments for benefits  
1049 levied upon lands within such unit or units, the board of  
1050 supervisors finds the plan of improvements, the engineer's  
1051 report , or chapter 170 authorizing documents for any such unit  
1052 or units insufficient or inadequate for efficient development,  
1053 same may be amended or changed as provided in this act, chapter  
1054 170 or chapter 298, Florida Statutes, and the unit or units may  
1055 be amended or changed as provided in this section, by changing  
1056 the location and description of lands in any such unit or units,  
1057 by detaching lands therefrom or by adding land thereto, upon the  
1058 approval of at least 51 percent of the landowners according to  
1059 acreage, in any such unit, and provided that in such event all

1060 assessments, levies, fees, bonds, and other obligations made,  
1061 levied, assessed, incurred, or issued for or in respect to any  
1062 such unit or units may be allocated and apportioned to the  
1063 amended unit or units in proportion to the benefits assessed by  
1064 the engineer's report, for the amended plan of improvements and  
1065 said report shall specifically provide for such allocation and  
1066 apportionment. The landowners shall file their approval of or  
1067 objections to such amended plan of improvements within the time  
1068 provided in section 298.301, Florida Statutes, or, when used  
1069 such applicable deadline provision, if any, of chapter 170,  
1070 Florida Statutes, and shall file their approval of or objections  
1071 to the amendment of such unit as provided in this section.

1072 (4) No assessable lands shall be detached from any unit  
1073 after the issuance of bonds or other obligations for such unit  
1074 except upon the consent of a majority the holders, based on face  
1075 value of the outstanding bonds, of such bonds or other  
1076 obligations. In the event of the change of the boundaries of any  
1077 unit as provided herein and the allocation and apportionment to  
1078 the amended unit or units of assessments, levies, fees, bonds,  
1079 and other obligations in proportion to the benefits assessed,  
1080 the holder of the bonds or other obligations heretofore issued  
1081 for the original unit who consents to such allocation and  
1082 apportionment shall be entitled to all rights and remedies  
1083 against any lands added to the amended unit or units as fully  
1084 and to the same extent as if such added lands had formed and  
1085 constituted a part of the original unit or units at the time of  
1086 the original issuance of such bonds or other obligations, and  
1087 regardless of whether the holders of such bonds or other

1088 obligations are the original holders thereof or the holders from  
1089 time to time hereafter, and the rights and remedies of such  
1090 holders against the lands in the amended unit or units,  
1091 including any lands added thereto, under such allocation and  
1092 apportionment, shall constitute vested and irrevocable rights  
1093 and remedies to the holders from time to time of such bonds or  
1094 other obligations as fully and to the same extent as if such  
1095 bonds or other obligations had been originally issued to finance  
1096 the improvements in such amended unit or units.

1097 (5) Upon the formation of a unit, the board is authorized  
1098 to levy a one-time organizational special assessment tax per  
1099 acre on the lands in a unit sufficient to prepare a plan of  
1100 improvements or chapter 170 authorizing documents and have the  
1101 benefits assessed as provided herein.

1102 (6) The territorial limits of a unit may be expanded to  
1103 include additional land by agreement between the district and  
1104 all of the landowners of the land to be included in the unit,  
1105 provided that at the time of the execution of the agreement, the  
1106 additional land is contained within the jurisdictional  
1107 boundaries of the district. Land included in the unit by  
1108 agreement shall thereafter be subject to the payment of all  
1109 assessments or fees levied by the district in the unit and shall  
1110 be subject to the provisions of all laws under which the  
1111 district operates. The agreement shall be in recordable form and  
1112 filed in the official records.

1113 (7) The district shall not amend any plan of improvement  
1114 for any unit in which any real property has been sold to the  
1115 general public at large for residential and non-commercial



1116 purposes, in such a way that said amendment results in any  
1117 increase in the principal amount of debt then authorized for  
1118 that unit, without an affirmative vote of a simple majority of  
1119 qualified electors, as so defined in chapter 189, Florida  
1120 Statutes, within said unit voting in a referendum.

1121 Section 12. Eminent domain.--The said board of supervisors  
1122 is hereby authorized and empowered when reasonably necessary for  
1123 the implementation of district authorized public infrastructure  
1124 works, facilities, or services, to exercise within the district  
1125 with prior approval by resolution of the governing body of the  
1126 district and the municipality or outside the district's  
1127 territorial boundaries and within the City of North Port with  
1128 prior approval, by resolution, of the City of North Port City  
1129 Commission, (which approval shall not be unreasonably withheld),  
1130 the right and power of eminent domain, pursuant to the  
1131 provisions of chapters 73 and 74, Florida Statutes, over any  
1132 property within the district and the City of North Port, except  
1133 municipal, county, state, and federal property, for the uses and  
1134 purposes of the district relating solely to water, sewer,  
1135 district roads, and water management, specifically including,  
1136 without limitation, the power for the taking of easements for  
1137 the drainage of the land of one person over and through the land  
1138 of another.

1139 Section 13. Definition of 51 percent of acreage in any  
1140 area.--When the consent of 51 percent of the acreage is required  
1141 in any described geographical area for any purpose, in  
1142 determining the acreage in the area, the lands and rights-of-way  
1143 of the district and all lands which are or will be exempt or

1144 excluded from payment of the district assessments shall not be  
1145 included in the acreage to determine the 51 percent consent  
1146 requirements.

1147 Section 14. Amending plan of improvements, engineer's  
1148 report, or chapter 170 authorizing documents.--In addition and  
1149 as an alternative to the provisions of chapters 298 and 170,  
1150 Florida Statutes, a plan of improvements, the engineer's report,  
1151 or chapter 170 authorizing document may be amended, modified,  
1152 corrected and changed from time to time in the following manner:

1153 (1) The intent of this section, in part, is to give the  
1154 board of supervisors power with broad latitude to make  
1155 additional and such other improvements to the plan of  
1156 improvements or chapter 170 authorizing documents which the  
1157 board of supervisors considers appropriate to implement the  
1158 purpose and intent of the plan of improvements or chapter 170  
1159 authorizing documents and which, in the opinion of the board,  
1160 results in a benefit to the land and will not increase the cost  
1161 in excess of the total benefits assessed as provided herein. The  
1162 district may accept for operation maintenance additional  
1163 facilities which are within or outside its boundaries and  
1164 supplement a plan of improvements or chapter 170 authorizing  
1165 documents.

1166 (2) As an alternate procedure, the board of supervisors  
1167 shall have the power to change, alter, or amend a previously  
1168 approved or adopted plan of improvements, engineer's report, or  
1169 chapter 170 authorizing documents by duly adopted resolution;  
1170 provided the district engineer certifies that all land subject  
1171 to the previously approved or adopted plan of improvements or

1172 chapter 170 authorizing documents will receive the same or  
1173 greater benefits as previously assessed and that the estimated  
1174 cost of constructing the plan of improvements, including the  
1175 changes or amendments to it, the engineer's report, or chapter  
1176 170 authorizing documents do not exceed the total benefits  
1177 assessed. Said resolution shall be filed with the secretary of  
1178 the district and shall be binding upon the owners of lands  
1179 subject to the plan of improvements, the engineer's report, or  
1180 chapter 170 authorizing documents, as applicable, including  
1181 their successors and assigns.

1182 (3) When a plan of improvements, engineer's report, or  
1183 chapter 170 authorizing document is amended, modified, or  
1184 changed by any authorized procedure, the approval or consent of  
1185 the holders of the bonds issued in respect to such plan,  
1186 engineer's report, or chapter 170 authorizing document shall not  
1187 be required and amendments, modifications, and changes may be  
1188 made to the plan of improvements, engineer's report, or chapter  
1189 170 authorizing document without bondholders' approval or  
1190 consent.

1191 (4) The district shall not amend any plan of improvement  
1192 for any unit in which any real property has been sold to the  
1193 general public at large for residential and non-commercial  
1194 purposes, in such a way that said amendment results in any  
1195 increase in the principal amount of debt then authorized for  
1196 that unit, without an affirmative vote of a simple majority of  
1197 qualified electors, as so defined in chapter 189, Florida  
1198 Statutes, within said unit voting in a referendum.

1199           Section 15. Meetings and notices.--Except as otherwise  
 1200 specifically set forth in the act, the board of supervisors  
 1201 shall hold their meetings pursuant to sections 189.416 and  
 1202 189.417, Florida Statutes.

1203           Section 16. Reports, budgets, audits.--The district shall  
 1204 prepare and submit reports, budgets, and audits as provided in  
 1205 sections 189.415 and 189.418, Florida Statutes.

1206           Section 17. Territorial boundaries.--The territorial  
 1207 boundaries of the district shall be as follows, to wit:

1208  
 1209           LANDS LOCATED IN TOWNSHIP 39 SOUTH, RANGE 20 EAST,  
 1210 SARASOTA COUNTY,

1211           FLORIDA:

1212  
 1213           That part of Section 21, lying Southwesterly of County  
 1214 Road No. 777 (West River Road). All that part of  
 1215 Section 28, lying West of County Road No. 777 (West  
 1216 River Road). All of Section 29, less and except the  
 1217 following: Right-of-way for U. S. Highway No. 41  
 1218 (State Road No. 45). All of Section 30, less and  
 1219 except the following: Right-of-way for U. S. Highway  
 1220 No. 41 (State Road No. 45); That portion conveyed to  
 1221 Florida Power and Light Company consisting of  
 1222 approximately 4.66 acres in the SW1/4 as described in  
 1223 Official Record Book 1036, Page 802, Public Records of  
 1224 Sarasota County, Florida; That portion lying West of  
 1225 lands described in Official Record Book 1036, Page  
 1226 802, South of the westerly extension of the North line

1227 of said lands described in Official Records Book 1036,  
1228 Page 802, and North of the northerly Right of Way line  
1229 of U.S. Highway No.41. All of Section 31, less and  
1230 except the following: Right-of-way of U. S. Highway  
1231 No. 41 (State Road No. 45). All of Section 32, less  
1232 and except the following: Right-of-way of U. S.  
1233 Highway No. 41 (State Road No. 45); That portion  
1234 conveyed in Official Record Book 2785, Page 634 of the  
1235 Public Records of Sarasota County, Florida, (Sarasota  
1236 County Hospital Board); That portion conveyed in  
1237 Official Record Book 1571, Page 2172 of the Public  
1238 Records of Sarasota County, Florida, (Manatee  
1239 Community College); Right-of-way for Pine Street  
1240 Extension as recorded in Official Record Book 2536,  
1241 pages 811-974 of The Public Records of Sarasota  
1242 County, Florida; That portion conveyed in Official  
1243 Record Book 2785, Page 641 of the Public Records of  
1244 Sarasota County, Florida, (120' wide perpetual Non-  
1245 Exclusive easement); That portion lying South of lands  
1246 conveyed in Official Record Book 1571, Page 2172 and  
1247 East of lands described in Official Record Book 2785,  
1248 Page 641, Public Records of Sarasota County, Florida.  
1249 That portion of Section 33, lying North of U.S.  
1250 Highway No. 41 (State Road No.45) and West of County  
1251 Road #777 (West River Road); also that portion of  
1252 Section 33, lying South of U.S. Highway No. 41 (State  
1253 Road No. 45), West of a 200 ft. wide access easement  
1254 described in Official Records Book 2389, Page 528,

1255 Public Records of Sarasota County, Florida, and North  
1256 of lands conveyed in Official Records Book 1571, Page  
1257 2172, Public Records of Sarasota County, Florida;  
1258 also that portion of Section 33, lying South of U.S.  
1259 Highway No. 41 (State Road No. 45), described as  
1260 follows: COMMENCE at the East Quarter Corner of  
1261 Section 33, Township 39 South, Range 20 East, Sarasota  
1262 County Florida; thence S.00°16'02"W., along the East  
1263 line of said Section 33, a distance of 289.08 feet to  
1264 a point on the Southerly Right of Way Line of U.S.  
1265 Highway No.41, (State Road No. 45) per Florida  
1266 Department of Transportation Right of Way Map Section  
1267 17010-2508, same being a point on a curve to the right  
1268 having a radius of 3011.73 feet, a central angle of  
1269 24°58'49", a chord bearing of N.66°51'56"W., and a  
1270 chord length of 1032.71 feet; thence along the arc of  
1271 said curve and said Southerly Right of Way of U.S. No.  
1272 41, an arc length of 1313.08 feet to the point of  
1273 tangency of said curve; thence N.54°22'31"W., along  
1274 said southerly Right of Way, a distance of 66.57 feet  
1275 to the POINT OF BEGINNING, same being the Northwest  
1276 corner of Lands described in Official Records  
1277 Instrument No.1998166153, per Public Records of  
1278 Sarasota County, Florida; thence along the Westerly  
1279 line of said Lands described in Official Records  
1280 Instrument No.1998166153 the following three (3)  
1281 courses and distances; (1) S.35°37'26"W., a distance  
1282 of 161.93 feet to the point of curvature of a curve to

1283 the right having a radius of 559.97 feet, a central  
1284 angle of 29°49'56", a chord bearing of S.50°32'24"W.,  
1285 and a chord length of 288.28 feet; (2) thence along  
1286 the arc of said curve an arc length of 291.56 feet to  
1287 the end of said curve; (3) thence S.00°01'27"W., a  
1288 distance of 1074.23 feet; thence N.48°24'50"W.,  
1289 leaving said Westerly Line, a distance of 2914.38 feet  
1290 to the Northeast corner of Lands described as Manatee  
1291 Community College per Official Records Book 1571, Page  
1292 2172, same being the point of curvature of a curve to  
1293 the left having a radius of 4577.37 feet, a central  
1294 angle of 06°20'23", a chord bearing of N.60°40'02"W.,  
1295 and a chord length of 506.22 feet; thence along the  
1296 arc of said curve and Northerly Line of Lands  
1297 described as Manatee Community College, an arc length  
1298 of 506.48 feet to the end of said curve, same being  
1299 the Southeast corner of lands described in Official  
1300 Records Book 2389, Page 529, Public Records of  
1301 Sarasota County, Florida; thence N.65°18'18"E., along  
1302 the Easterly Line of said lands, a distance of 188.09  
1303 feet; thence continue N.00°00'19"W., along said  
1304 Easterly Line, a distance of 144.96 feet to the  
1305 Northeast corner of said Lands; thence N.65°21'46"W  
1306 along the Northerly Line of said Lands, a distance of  
1307 400.68 feet to the Northwest corner of said Lands,  
1308 same being a point on the Easterly Line of a 200 foot  
1309 wide access Easement per Official Records Book 1571,  
1310 Pages 2172 through 2175 and Official Records Book

1311 2389, Pages 528 through 530, Public Records of  
 1312 Sarasota County, Florida; thence N.00°30'25"E., along  
 1313 the Easterly Line of said 200 foot wide access  
 1314 Easement, a distance of 786.89 feet to the Southerly  
 1315 Right of Way of U.S. No. 41, same being a point on a  
 1316 curve to the right having a radius of 5597.58 feet, a  
 1317 central angle of 03°08'33", a chord bearing of  
 1318 S.69°13'16"E., and a chord length of 306.97 feet;  
 1319 thence along the arc of said curve an arc length of  
 1320 307.01 feet to the end of said curve; thence continue  
 1321 along said Southerly Right of Way Line the following  
 1322 fourteen (14) courses and distances; (1)  
 1323 S.22°19'13"W., a distance of 10.00 feet to the point  
 1324 of curvature of a curve to the right having a radius  
 1325 of 5587.58 feet, a central angle of 00°45'15", a chord  
 1326 bearing of S.67°16'21"E., and a chord length of 73.55  
 1327 feet; (2) thence along the arc of said curve an arc  
 1328 length of 73.55 feet;(3) thence N.23°06'16"E., a  
 1329 distance of 10.00 feet to the point of curvature of a  
 1330 curve to the right having a radius of 5597.58 feet, a  
 1331 central angle of 08°17'44", a chord bearing of  
 1332 S.62°44'52"E., and a chord length of 809.74 feet;(4)  
 1333 thence along the arc of said curve an arc length of  
 1334 810.45 feet;(5) thence S.31°08'57"W., a distance of  
 1335 10.00 feet to the point of curvature of a curve to the  
 1336 right having a radius of 5587.58 feet, a central angle  
 1337 of 00°45'12", a chord bearing of S.58°13'22"E., and a  
 1338 chord length of 73.47 feet;(6) thence along the arc of



1339 said curve an arc length of 73.47 feet; (7) thence  
1340 N.32°24'25"E., a distance of 10.00 feet to the point  
1341 of curvature of a curve to the right having a radius  
1342 of 5597.58 feet, a central angle of 03°28'13", a chord  
1343 bearing of S.56°06'38"E., and a chord length of 338.98  
1344 feet; (8) thence along the arc of said curve an arc  
1345 length of 339.03 feet to the end of said curve; thence  
1346 (9) S.56°35'34"E.; a distance of 155.08 feet;(10)  
1347 thence S.54°22'31"E., a distance of 1102.52 feet;  
1348 (11) thence S.51°00'40"E., a distance of 101.66 feet;  
1349 (12) thence S.54°20'43"E., a distance of 199.02 feet;  
1350 (13) thence S.48°43'03"E., a distance of 100.71 feet;  
1351 (14) thence S.54°22'31"E., a distance of 447.75 feet  
1352 to the POINT OF BEGINNING. That portion of the North  
1353 Half of the Southwest Quarter of the Northwest Quarter  
1354 of Section 34, lying West of River Road (County Road  
1355 No.777); also that portion of the Southeast Quarter of  
1356 Section 34, lying West of the Myakka River, South of  
1357 the South line of lands described in Official Record  
1358 Instrument No. 2000002794, Public Records of Sarasota  
1359 County, Florida (River Road Office Park, Inc.), and  
1360 easterly of the maintained right of way line of a  
1361 paved road running from River Road to the South line  
1362 of the Northeast Quarter of said Section 34, (Old  
1363 River Road), less and except the following: That  
1364 portion described in Official Record Instrument No.  
1365 1999111833, Public Records of Sarasota County,  
1366 Florida, (Right of Way for County Road No.777). All of

1367 Section 35 lying West of the Myakka River. Also, a  
1368 portion of Sections 32, 33 and 34, Township 39 South,  
1369 Range 20 East, Sarasota County, Florida, being more  
1370 particularly described as follows: BEGIN at the  
1371 Southeast corner of Section 32, Township 39 South,  
1372 Range 20 East; thence N.89°04'43"W., along the South  
1373 line of said Section 32, a distance of 410.14 feet to  
1374 the Southeast corner of the lands described in  
1375 Official Records Book 2785 at Page 634, of the Public  
1376 Records of Sarasota County, Florida; thence  
1377 N.00°30'25"E., along the East line of said lands  
1378 described in Official Records Book and Page, same  
1379 being the West line of a 120.00 foot wide Perpetual  
1380 Non-exclusive Easement per Official Records Book 2785  
1381 at Page 641, a distance of 1400.76 feet to a point on  
1382 the westerly extension of the southerly boundary line  
1383 of lands described in Official Records Book 1571 at  
1384 Page 2172, of the Public Records of Sarasota County,  
1385 Florida; thence along the westerly extension and  
1386 boundary of said lands described in Official Records  
1387 Book 1571, at Page 2172 the following two (2) courses:  
1388 (1) S.89°29'35"E., a distance of 1960.21 feet; (2)  
1389 thence N.00°30'25"E., a distance of 2062.70 feet to  
1390 the Northeast corner of said lands; thence  
1391 S.48°24'50"E., a distance of 2914.38 feet to the  
1392 Southwest corner of lands described in Official  
1393 Records Instrument 1998166154, of the Public Records  
1394 Sarasota County, Florida; thence along the boundary of

1395 said lands described in Official Records Instrument  
1396 1998166154 the following three (3) courses: (1)  
1397 S.89°58'33"E., a distance 676.50 feet; (2) thence  
1398 N.00°01'27"E., a distance of 752.33 feet; (3) thence  
1399 N.28°06'22"E., a distance of 362.06 feet to a point on  
1400 the southerly right of way line of U.S. Highway No.  
1401 41, as per Florida Department of Transportation Right  
1402 of Way Map, Section 17010-2508, said point being on a  
1403 curve concave to the northeast and having a radius of  
1404 3011.73 feet, a central angle of 14°28'18", a chord  
1405 bearing of S.72°07'12"E. and a chord distance of  
1406 758.67 feet; thence in an easterly direction, along  
1407 the arc of said curve, an arc distance of 760.69 feet  
1408 to a point on the West line of Section 34, Township  
1409 39 South, Range 20 East, Sarasota County, Florida;  
1410 thence S.00°16'02"W., along the West line of said  
1411 Section 34, and leaving said southerly right of way  
1412 line, a distance of 379.82 feet; thence S.89°37'27"E.,  
1413 a distance of 1329.90 feet to a point on the westerly  
1414 right of way line of County Road #777 (South River  
1415 Road) as per Florida Department of Transportation  
1416 Right of Way Map, Section 17550-2601; thence along  
1417 said westerly right of way line, the following six (6)  
1418 courses; (1) S.00°07'30"W., a distance of 5.48 feet;  
1419 (2) thence S.89°23'52"E., a distance of 9.74 feet; (3)  
1420 thence S.36°39'07"E., a distance of 64.18 feet to the  
1421 point of curvature of a circular curve to the right,  
1422 having a radius of 5599.32 feet, a central angle of

1423 02°00'54", a chord bearing of S.35°38'40"E. and a  
1424 chord distance of 196.90 feet; (4) thence  
1425 southeasterly, along the arc of said curve, an arc  
1426 distance of 196.91 feet to the end of said curve; (5)  
1427 thence N.55°21'47"E., radial to the last described  
1428 curve, a distance of 20.00 feet to a point on a curve  
1429 concentric with the last described curve and having a  
1430 radius of 5619.32 feet, a central angle of 15°31'30",  
1431 a chord bearing of S.26°52'28"E. and a chord distance  
1432 of 1517.98 feet; (6) thence in a southerly direction  
1433 along the arc of said curve, an arc distance of  
1434 1522.64 feet to the Northeast corner of lands  
1435 described in Official Records Instrument 2000002794,  
1436 of the Public Records Sarasota County, Florida; thence  
1437 S.78°41'04"W., along the northerly line of said lands  
1438 described in Official Records Instrument 2000002794, a  
1439 distance of 2240.20 feet to the Southeast corner of  
1440 Section 33, Township 39 South, Range 20 East, Sarasota  
1441 County, Florida; thence N.89°39'52"W., along the South  
1442 line of said Section 33, a distance of 5318.90 feet to  
1443 the POINT OF BEGINNING.

1444  
1445 LANDS LOCATED IN TOWNSHIP 40 SOUTH, RANGE 20 EAST,  
1446 SARASOTA COUNTY, FLORIDA:

1447  
1448 All of Section 3, less and except the following: That  
1449 portion conveyed in Order of Taking recorded in  
1450 Official Record Book 2679, Page 2750-2754, of the

1451 Public Records of Sarasota County, Florida (County  
1452 Road No 777); That portion conveyed in Official Record  
1453 Instrument No. 2000002794 of the Public Records of  
1454 Sarasota County, Florida, (River Road Office Park,  
1455 Inc.); The maintained right-of-way of County Road  
1456 No.777 (South River Road). All of Section 4, Less and  
1457 except the following: That portion described in  
1458 Official Record Instrument No. 2000002794, of the  
1459 Public Records of Sarasota County, Florida, (River  
1460 Road Office Park, Inc.). All of Section 5, less and  
1461 except the following: Right-of-way conveyed for Pine  
1462 Street Extension recorded in Official Record Book  
1463 2536, Page 811-974, of the Public Records of Sarasota  
1464 County, Florida. All of Section 6, less and except the  
1465 following: Right-of-way conveyed for Pine Street  
1466 Extension recorded in Official Record Book 2536, Page  
1467 811-974, of the Public Records of Sarasota County,  
1468 Florida. All of Section 7, less and except the  
1469 following: Right-of-way conveyed for Pine Street  
1470 Extension recorded in Official Record Book 2536, Page  
1471 811-974, of the Public Records of Sarasota County,  
1472 Florida. All of Section 8. All of Section 9. All of  
1473 Section 10, less and except the following: The  
1474 maintained right-of-way for County Road No. 777 (South  
1475 River Road) ALL OF THE ABOVE ARE SUBJECT TO EASEMENTS  
1476 OF RECORD, OR OTHERWISE, USED FOR DRAINAGE, UTILITIES  
1477 AND/OR INGRESS AND EGRESS.  
1478

1479        The above described property contains a total of  
1480        8193.7478 acres more or less.

1481  
1482        Section 18. Severability.--In case any one or more of the  
1483        sections or provisions of this act or the application of such  
1484        sections or provisions to any situation, circumstance, or person  
1485        shall for any reason be held to be unconstitutional, such  
1486        unconstitutionality shall not affect any other sections or  
1487        provisions of this act or the application of such sections or  
1488        provisions to any other situation, circumstance, or person, and  
1489        it is intended that this law shall be construed and applied as  
1490        if such section or provision had not been included herein for  
1491        any unconstitutional application.

1492        Section 19. Limitations of powers.--All governmental  
1493        planning, environmental, and land development laws, regulations,  
1494        and ordinances apply to all development of the land within the  
1495        district. The district does not have the power of a local  
1496        government to adopt a comprehensive plan, building code, zoning  
1497        code, or land development code, as those terms are defined in  
1498        the Local Government Comprehensive Planning and Land Development  
1499        Regulation Act. The district shall take no action which is  
1500        inconsistent with applicable comprehensive plans, ordinances, or  
1501        regulations of the applicable local general-purpose government.  
1502        Nothing in this act shall create any delegation of any  
1503        responsibilities or authorities from the City of North Port to  
1504        the district. Notwithstanding anything to the contrary, the  
1505        district shall be required to obtain any and all permits for  
1506        infrastructure planning and construction from the City of North

1507 Port that would otherwise be required of a private entity  
1508 performing the same work. The district shall not have the power  
1509 to supercede, contravene, or overrule any development or  
1510 annexation agreements entered into by landowners within or  
1511 outside of the district or any City of North Port joint planning  
1512 agreements or interlocal agreements with Sarasota County or any  
1513 other governmental entities.

1514 Section 20. Public disclosures.--

1515 (1) The district shall be required to comply with all  
1516 current or future requirements, if any, to provide disclosure to  
1517 the public and/or current or potential property owners  
1518 concerning the district and its assessments.

1519 (2) Any contract for sale of real property within the  
1520 district whereby a land developer or builder is selling property  
1521 to the general public at large for residential and noncommercial  
1522 purposes, contain a disclosure to the potential purchaser  
1523 disclosing the existence and nature of the district, as well as  
1524 actual amounts of bonded indebtedness applicable to that  
1525 property and projected assessments for principal debt repayment  
1526 that the district is then obligated to assess and collect  
1527 annually upon the subject real property. Said disclosure must be  
1528 presented prominently and specifically acknowledged in writing  
1529 by the buyer in the sales document.

1530 (3) Any property owner's association created within the  
1531 district by a land developer or builder shall contain language  
1532 in its charter or declaration of covenants disclosing the  
1533 existence and purpose of the district.

1534       (4) The district shall cause to be recorded in the public  
1535 records of Sarasota County the formation of any unit created  
1536 pursuant to section 11 of this act and, upon of the sale of any  
1537 debt, the principal amount of bonded indebtedness incurred for  
1538 that unit.

1539       (5) Any land developer or builder who maintains a sales  
1540 office for the purpose of the initial sale of homes or lots  
1541 within the district to the general public at large shall post a  
1542 readily visible sign of not less than 24 inches by 36 inches in  
1543 the sales office which advises potential buyers of the existence  
1544 and purpose of the district.

1545       Section 21. Sale of lands.--In the event that the lands  
1546 described in subsection (3) are sold to the state or any  
1547 executive branch department thereof or the Southwest Florida  
1548 Water Management District:

1549       (1) The seller of said land shall be able to utilize any  
1550 such lands sold for open space mitigation, wetland mitigation,  
1551 and stormwater mitigation for development within the district.

1552       (2) Any development within the district which shall be  
1553 required to obtain any permits from any executive branch  
1554 department of the state or the Southwest Florida Management  
1555 District shall receive expedited review of those permits.

1556       (3) Legal description of lands:

1557  
1558       All of Section 3, Township 40 South, Range 20 East,  
1559 East of the Right-of -Way for State Road 777.

1560



1561 LESS AND EXCEPT a parcel recorded in Deed Book 168,  
 1562 Page 240 described as follows: a strip of land twenty  
 1563 five feet in width on either side of a center line  
 1564 running and described as follows: beginning at a  
 1565 point which is the intersection of the section line  
 1566 between sections 3 and 10, in Township 40 South, Range  
 1567 20 East, and the centerline of the existing Englewood-  
 1568 Myakka River Road, and running thence East along said  
 1569 section line to the southeast corner of said Section  
 1570 3, said corner being also the Northeast corner of said  
 1571 section 10.AND All of section 10, Township 40 South,  
 1572 Range 20 East, East of Right-of -Way for State Road  
 1573 777.

1574 LESS AND EXCEPT a parcel recorded in Deed Book 168,  
 1575 Page 240 described as follows: a strip of land twenty  
 1576 five feet in width on either side of a center line  
 1577 running and described as follows: beginning at a  
 1578 point which is the intersection of the section line  
 1579 between sections 3 and 10, in Township 40 South, Range  
 1580 20 East, and the centerline of the existing Englewood-  
 1581 Myakka River Road, and running thence East along said  
 1582 section line to the southeast corner of said Section  
 1583 3, said corner being also the Northeast corner of said  
 1584 section 10.

1585  
 1586 AND  
 1587

1588 | All of section 15, Township 40 South, Range 20 East,  
1589 | East of right-of -way for State Road 777.  
1590 |  
1591 | All lying and being in Sarasota County, Florida  
1592 |  
1593 | Section 22. This act shall take effect upon becoming a  
1594 | law.