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CHAMBER ACTION

1 The Local Government Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the West Villages Improvement District,
7 Sarasota County; amending chapter 2004-456, Laws of
8 Florida; expanding the territorial boundaries of the
9 district; supplementing the conditions and requirements
10 for the exercise of its powers, functions, and duties;
11 providing for a referendum; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Sections 2, 3, 4, 5, 11, 12, 17, and 19 and
16 subsection (2) of section 10 of chapter 2004-456, Laws of
17 Florida, are amended to read:

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

20 (1) The West Villages Improvement District, herein
21 referred to as the "district," is hereby created and
22 incorporated as an independent special district, pursuant to
23 chapter 189, Florida Statutes, to be known as the West Villages

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24 Improvement District, in the City of North Port and in
 25 unincorporated, Sarasota County, which independent special
 26 district shall be a public body corporate and politic.

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

29 (3) The district is created for all purposes as shall be
 30 liberally construed from and set forth in this act, under
 31 sections 189.401-189.429, Florida Statutes, provided that
 32 section 189.4045(2), Florida Statutes, is specifically excluded
 33 and not applicable to the district or to the City of North Port
 34 as to that portion of the district located within the City of
 35 North Port jurisdictional boundaries, or to Sarasota County as
 36 to that portion of the district located within the
 37 unincorporated area, and chapter 298, Florida Statutes, as the
 38 same may be amended from time to time, and may perform such acts
 39 as shall be necessary, convenient, incidental, or proper for the
 40 provision, acquisition, development, operation, and maintenance
 41 of those public infrastructure works and services authorized
 42 herein, including all facilities necessary and incidental
 43 thereto.

44 (4) The district charter created by this act may be
 45 amended only by special act of the Legislature. Any expansion of
 46 the powers or the boundaries of the district within the City of
 47 North Port shall require prior approval of the City of North
 48 Port Commission or its designee. Any expansion of the powers or
 49 the boundaries of the district within the unincorporated area of
 50 Sarasota County shall require prior approval of the Board of
 51 County Commissioners of Sarasota County or its designee.

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

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

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

60 (2) The district is hereby authorized and empowered as
61 follows:

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

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

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

69 (d) To acquire by grant, loan, purchase, gift, transfer,
70 exchange, dedication, lease, devise, or, when reasonably
71 necessary for the implementation of district-authorized public
72 infrastructure works, facilities, or services by means of the
73 exercise of the right of eminent domain pursuant to the laws of
74 the state and in accordance with section 12 of this act, all
75 property, real or personal, or any easement, license, estate, or
76 interest therein necessary, desirable, or convenient for the
77 purposes of this act, and to sell, convey, transfer, gift,
78 lease, rent, dedicate, forfeit, abandon, exchange, or assign all
79 or any part thereof to or with other entities, including

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80 governmental entities and agencies, and to exercise all of its
81 powers and authority with respect thereto. The district shall
82 not have the right of eminent domain outside of the boundaries
83 of the district. Notwithstanding anything contained herein, the
84 district shall not obtain fee simple title to any real property
85 within the district except by dedication on an approved plat:

86 1. As to that portion of the district located within the
87 City of North Port jurisdictional boundaries, with the approval
88 of the City of North Port Commission or its designee;

89 2. As to that portion of the district located within the
90 unincorporated area, with the approval of the Board of County
91 Commissioners of Sarasota County or its designee; or

92 3. As ~~if~~ otherwise required by another governmental entity
93 or agency.

94
95 Any property interests owned by the district which are used for
96 nonpublic or private commercial purposes shall be subject to all
97 ad valorem taxes, intangible personal property taxes, or non-ad
98 valorem assessments, as would be applicable if said property
99 were privately owned.

100 (e) To finance, plan (as to that portion of the district
101 located within the City of North Port jurisdictional boundaries,
102 consistent with the City of North Port Comprehensive Plan and
103 implementing ordinances, studies, and plans; and, as to that
104 portion of the district located within the unincorporated area,
105 consistent with the Sarasota County Comprehensive Plan and
106 implementing ordinances, studies, and plans), design, acquire,
107 construct, install, operate, equip, upgrade, reclaim, replace,

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108 | extend, renovate, mitigate, and maintain canals, swales,
 109 | outfalls, dams, control structures, pumps and pumping systems,
 110 | aerators, seawalls, berms, ditches, telemetry and monitoring
 111 | equipment, retention areas, holding basins, marshes, wetlands,
 112 | uplands, drains, levees, lakes, ponds, and other works or
 113 | elements for modern comprehensive water management drainage,
 114 | environmental, mitigation preservation, erosion, quality, and
 115 | control purposes, and:

116 | 1. As to that portion of the district located within the
 117 | City of North Port jurisdictional boundaries, further that the
 118 | district shall agree, at the request of the City of North Port
 119 | Commission or its designee, subject to a developer's agreement
 120 | with the City of North Port (neither party's consent to said
 121 | developer's agreement shall be unreasonably withheld), to donate
 122 | and turn over operation to the City of North Port of all or any
 123 | portion of said water management system located within the City
 124 | of North Port jurisdictional boundaries; and

125 | 2. As to that portion of the district located within the
 126 | unincorporated area, the district shall agree, at the request of
 127 | the Board of County Commissioners of Sarasota County or its
 128 | designee, subject to a developer's agreement with Sarasota
 129 | County (neither party's consent to said developer's agreement
 130 | shall be unreasonably withheld), to donate and turn over
 131 | operation to Sarasota County of all or any portion of said water
 132 | management system located within the unincorporated area to the
 133 | City of North Port.

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134 (f) To regulate, modify, control, and redirect the supply
 135 and level of water within the district if consistent with the
 136 rules and regulations of:

137 1. The City of North Port as to that portion of the
 138 district located within the City of North Port's jurisdictional
 139 boundaries;

140 2. Sarasota County, as to that portion of the district
 141 located within the unincorporated area; and

142 3. ~~The Port and~~ Southwest Florida Water Management
 143 District ~~rules and regulations,~~

144
 145 including the division of waters from one area, lake, pond,
 146 river, stream, basin, or water control facility to another; to
 147 control and restrict the development and use of natural or
 148 artificial streams or bodies of water, lakes, or ponds; and to
 149 take of measures determined by the board to be necessary or
 150 desirable to prevent or alleviate land erosion, flooding, or
 151 water quality problems or issues, provided all such activity
 152 shall be carried out in accordance with applicable federal,
 153 state, and local government rules and regulations.

154 (g) To finance the implementation of appropriate studies,
 155 whether by the district or in conjunction with other agencies or
 156 entities, to assist in implementing the district's powers,
 157 authorities, and purposes as set forth herein and to facilitate
 158 the orderly management of the district and its works and
 159 facilities.

160 (h) To finance, plan (as to that portion of the district
 161 located within the City of North Port jurisdictional boundaries,

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162 consistent with City of North Port Comprehensive Plan and
163 implementing ordinances, studies, and plans; and, as to that
164 portion of the district located within the unincorporated area,
165 consistent with the Sarasota County Comprehensive Plan and
166 implementing ordinances, studies, and plans), design, acquire,
167 construct, install, operate, equip, upgrade, replace, extend,
168 renovate, and maintain irrigation works, machinery, plants, and
169 appurtenances.

170 (i) To finance, plan (as to that portion of the district
171 located within the City of North Port jurisdictional boundaries,
172 consistent with City of North Port Comprehensive Plan and
173 implementing ordinances, studies, and plans; and, as to that
174 portion of the district located within the unincorporated area,
175 consistent with the Sarasota County Comprehensive Plan and
176 implementing ordinances, studies, and plans), design, acquire,
177 construct, install, operate, equip, upgrade, replace, extend,
178 renovate, and maintain roadways; and to include either as a
179 component of such roads or independently by themselves,
180 parkways, bridges, landscaping, irrigation, bicycle and jogging
181 paths, street lighting, entry features, traffic signals, road
182 striping, and all other customary elements or appurtenances of a
183 modern road system for the exclusive use and benefit of the
184 district, a unit of development, and/or its landowners,
185 residents, and invitees in order to control ingress and egress;
186 to finance and maintain said roads and their associated elements
187 and components as a part of a plan of improvements; to construct
188 and maintain security structures to control the use of said
189 roads; to make provision for access by fire, police, and

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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190 emergency vehicles and personnel for the protection of life and
 191 property; to include, in the annual assessment of non-ad valorem
 192 assessments as authorized, sufficient funds to finance and
 193 maintain said roads as a part of a plan of improvements, and to
 194 adopt, by resolution of the board, rules and regulations for the
 195 control of traffic, noise levels, crime, and the use of the
 196 roads by those authorized. Provided that in the event the
 197 district should construct all or any portion of a major
 198 thoroughfare or transportation route as identified in section
 199 163.3177(6)(b), Florida Statutes, the district will not be
 200 permitted to limit said thoroughfare or transportation route for
 201 the exclusive use and benefit of the district, a unit of
 202 development, and/or its residents without the written consent of
 203 the applicable local general purpose government. Notwithstanding
 204 anything to the contrary herein:

205 1. As to that portion of the district located within the
 206 City of North Port jurisdictional boundaries, construction of
 207 roads by the district shall not be in conflict with City of
 208 North Port rules, master plans, plans, specifications, or
 209 regulations; and

210 2. As to that portion of the district located within the
 211 unincorporated area, construction of roads by the district shall
 212 not be in conflict with rules, master plans, plans,
 213 specifications, or regulations of Sarasota County.

214
 215 As to that portion of the district located within the City of
 216 North Port jurisdictional boundaries, the district shall agree,
 217 at the request of the City of North Port Commission or its

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218 | designee, subject to applicable impact fee ordinances and a
 219 | developer's agreement with the City of North Port (neither
 220 | party's consent to said developer's agreement shall be
 221 | unreasonably withheld), to donate and turn over operation of all
 222 | or any portion of any public roadway system within the City of
 223 | North Port jurisdictional boundaries. As to that portion of the
 224 | district located within the unincorporated area, the district
 225 | shall agree, at the request of the Board of County Commissioners
 226 | of Sarasota County or its designee, subject to applicable impact
 227 | fee ordinances and a developer's agreement with Sarasota County
 228 | (neither party's consent to said developer's agreement shall be
 229 | unreasonably withheld), to donate and turn over operation of all
 230 | or any portion of any public roadway system within the
 231 | unincorporated area to Sarasota County ~~to the City of North~~
 232 | Port.

233 | (j) To finance, plan (as to that portion of the district
 234 | located within the City of North Port jurisdictional boundaries,
 235 | consistent with City of North Port Comprehensive Plan and
 236 | implementing ordinances, studies, and plans; and, as to that
 237 | portion of the district located within the unincorporated area,
 238 | consistent with the Sarasota County Comprehensive Plan and
 239 | implementing ordinances, studies, and plans), design, acquire,
 240 | construct, install, operate, equip, upgrade, replace, extend,
 241 | renovate, and maintain entry features, garages, parking
 242 | facilities, district offices, buildings, facilities, and
 243 | structures.

244 | (k) To finance, plan (as to that portion of the district
 245 | located within the City of North Port jurisdictional boundaries,

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246 consistent with City of North Port Comprehensive Plan and
 247 implementing ordinances, studies, and plans; and, as to that
 248 portion of the district located within the unincorporated area,
 249 consistent with the Sarasota County Comprehensive Plan and
 250 implementing ordinances, studies, and plans), design, acquire,
 251 construct, install, operate, equip, upgrade, replace, extend,
 252 renovate, reclaim, mitigate, protect, remove exotics, and
 253 maintain improvements, works, landscaping, systems, structures,
 254 buildings, and facilities for community or public preserves,
 255 uplands, wetlands, playgrounds, parks, gymnasiums, stadiums,
 256 ballfields, greenways, waterways, and facilities for indoor and
 257 outdoor recreational, sport, cultural, and educational uses.

258 (1)1. To finance, plan (as to that portion of the district
 259 located within the City of North Port jurisdictional boundaries,
 260 consistent with City of North Port Comprehensive Plan and
 261 implementing ordinances, studies, and plans; as to that portion
 262 of the district located within the unincorporated area,
 263 consistent with the Sarasota County Comprehensive Plan and
 264 implementing ordinances, studies, and plans; and as to that
 265 portion of the district located within the Englewood Water
 266 District service area, consistent with the Englewood Water
 267 District's adopted studies and plans), design, acquire,
 268 construct, install, operate, set, and charge by resolution
 269 access, user, or connection fees and charges, equip, upgrade,
 270 replace, store, extend, renovate, and maintain water plants and
 271 systems, plus appurtenances, to produce, desalinate, purify,
 272 sell, and distribute water for consumption, irrigation, or other
 273 purposes; provided that the exercise of such construction,

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274 operation, fee establishment, and production powers by the
275 district shall:

276 a. As to that portion of the district located within the
277 City of North Port jurisdictional boundaries, require the prior
278 approval of the City of North Port Commission or its designee;

279 b. As to that portion of the district located within the
280 unincorporated area, require the prior approval of the Board of
281 County Commissioners of Sarasota County or its designee; and

282 c. As to that portion of the district located within the
283 Englewood Water District service area, require the prior
284 approval of the Board of the Englewood Water District or its
285 designee.

286 2. As to that portion of the district located within the
287 City of North Port jurisdictional boundaries, ~~and further that~~
288 the district shall agree, at the request of the City of North
289 Port Commission or its designee, subject to a utility
290 developer's agreement with the City of North Port (neither
291 party's consent to said developer's agreement shall be
292 unreasonably withheld), to donate and turn over operation of all
293 or any portion of said water system within the City of North
294 Port jurisdictional boundaries to the City of North Port.

295 3. As to that portion of the district located within the
296 unincorporated area and outside of the Englewood Water District
297 service area, the district shall agree, at the request of the
298 Board of County Commissioners of Sarasota County or its
299 designee, subject to a utility developer's agreement with
300 Sarasota County (neither party's consent to said developer's
301 agreement shall be unreasonably withheld), to donate and turn

302 over operation of all or any portion of said water system within
 303 the unincorporated area to Sarasota County.

304 4. As to that portion of the district located within the
 305 Englewood Water District service area, the district shall, at
 306 the request of the Board of the Englewood Water District or its
 307 designee, subject to an interlocal agreement or other
 308 appropriate agreement with the Englewood Water District (neither
 309 party's consent to said developer's agreement shall be
 310 arbitrarily or unreasonably withheld), donate and turn over
 311 operation of all or any portion of said water system within the
 312 Englewood Water District service area to the Englewood Water
 313 District.

314 (m)1. To finance, plan (as to that portion of the district
 315 located within the City of North Port jurisdictional boundaries,
 316 consistent with City of North Port Comprehensive Plan and
 317 implementing ordinances, studies, and plans; as to that portion
 318 of the district located within the unincorporated area,
 319 consistent with the Sarasota County Comprehensive Plan and
 320 implementing ordinances, studies, and plans; and as to that
 321 portion of the district located within the Englewood Water
 322 District service area, consistent with the Englewood Water
 323 District's adopted studies and plans), design, acquire,
 324 construct, install, operate, set, and charge by resolution
 325 access, user, or connection fees and charges, equip, upgrade,
 326 replace, extend, renovate, and maintain sewer systems, plus
 327 appurtenances, for the collection, disposal, and reuse of
 328 effluent, waste, residue, or other byproducts of such system,
 329 prevent pollution, and improve water quality; provided that the

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330 exercise of such construction, operation, and fee establishment
331 powers by the district shall:

332 a. As to that portion of the district located within the
333 City of North Port jurisdictional boundaries, require the prior
334 approval of the City of North Port Commission or its designee;

335 b. As to that portion of the district located within the
336 unincorporated area, require the prior approval of the Board of
337 County Commissioners of Sarasota County or its designee; and

338 c. As to that portion of the district located within the
339 Englewood Water District service area, require the prior
340 approval of the Board of the Englewood Water District or its
341 designee.

342 2. As to that portion of the district located within the
343 City of North Port jurisdictional boundaries, and further that
344 the district shall agree, at the request of the City of North
345 Port Commission or its designee, subject to a utility
346 developer's agreement with the City of North Port (neither
347 party's consent to said developer's agreement shall be
348 unreasonably withheld), to donate and turn over operation of all
349 or any portion of said wastewater system within the City of
350 North Port jurisdictional boundaries to the City of North Port.

351 3. As to that portion of the district located within the
352 unincorporated area and outside of the Englewood Water District
353 service area, the district shall agree, at the request of the
354 Board of County Commissioners of Sarasota County or its
355 designee, subject to a utility developer's agreement with
356 Sarasota County (neither party's consent to said developer's
357 agreement shall be unreasonably withheld), to donate and turn

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358 over operation of all or any portion of said wastewater system
359 within the unincorporated area to Sarasota County.

360 4. As to that portion of the district located within the
361 Englewood Water District service area, the district shall, at
362 the request of the Board of the Englewood Water District or its
363 designee, subject to an interlocal agreement or other
364 appropriate agreement with the Englewood Water District (neither
365 party's consent to said developer's agreement shall be
366 arbitrarily or unreasonably withheld), donate and turn over
367 operation of all or any portion of said wastewater system within
368 the Englewood Water District service area to the Englewood Water
369 District.

370 (n) To finance, plan (if not inconsistent with other
371 responsible agencies or authorities), design, acquire,
372 construct, install, operate, equip, upgrade, replace, extend,
373 renovate, and maintain improvements and facilities for and take
374 measures to control mosquitoes or other insects and arthropods
375 of public health importance.

376 (o) To finance, plan (as to that portion of the district
377 located within the City of North Port jurisdictional boundaries,
378 consistent with City of North Port Comprehensive Plan and
379 implementing ordinances, studies, and plans; and, as to that
380 portion of the district located within the unincorporated area,
381 consistent with the Sarasota County Comprehensive Plan and
382 implementing ordinances, studies, and plans), design, acquire,
383 construct, install, operate, equip, upgrade, replace, extend,
384 renovate, and maintain lands, works, systems, landscaping, and
385 facilities for preservation areas, conservation areas,

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386 environmental areas, mitigation areas, and wildlife habitat or
 387 sanctuaries, including the maintenance of any plant or animal
 388 species, and any related interest in real or personal property.
 389 The district shall allow the City of North Port access to all
 390 such improvements within the City of North Port jurisdictional
 391 boundaries and shall allow access by the public when
 392 appropriate. The district shall allow Sarasota County access to
 393 all such improvements within the unincorporated area of the
 394 district and shall allow access by the public when appropriate.

395 (p) To finance, plan (as to that portion of the district
 396 located within the City of North Port jurisdictional boundaries,
 397 consistent with City of North Port Comprehensive Plan and
 398 implementing ordinances, studies, and plans; and, as to that
 399 portion of the district located within the unincorporated area,
 400 consistent with the Sarasota County Comprehensive Plan and
 401 implementing ordinances, studies, and plans), design, acquire,
 402 construct, install, operate, equip, upgrade, replace, extend,
 403 renovate, and maintain additional systems and facilities for
 404 school buildings and related structures which may be donated to
 405 a public school district, subject to a developer's agreement
 406 (neither party's consent to said developer's agreement shall be
 407 unreasonably withheld), for use in the educational system;
 408 provided that donation of any land and the exercise of such
 409 construction powers by the district shall require the prior
 410 approval of the School Board of Sarasota County and either:

411 1. As to that portion of the district located within the
 412 City of North Port jurisdictional boundaries, the City of North
 413 Port City Commission or its designee; or

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414 2. As to that portion of the district located within the
415 unincorporated area, the Board of County Commissioners of
416 Sarasota County or its designee.

417 (q) To levy non-ad valorem assessments; prescribe, fix,
418 establish, and collect rates, fees, rentals, fares, or other
419 charges, and to revise the same from time to time, for property,
420 facilities, and services made available, furnished, or to be
421 furnished by the district; and to recover the cost of making or
422 authorizing the connection to any district facility or system or
423 installing works or improvements on or within district property
424 interests. However, no rates, fares, charges, or fees shall be
425 established until after a public hearing of the board at the
426 district at which all affected persons shall be given an
427 opportunity to be heard.

428 (r) To provide for the discontinuance of service and
429 reasonable penalties, including reasonable attorney's fees,
430 against any user or property for any such rates, fees, rentals,
431 fares, or other charges that become delinquent and require
432 collection.

433 (s) To enter into agreements with any person, firm,
434 entity, partnership, or corporation (public, private, or
435 governmental) for the furnishing by such person, firm, entity,
436 partnership, or corporation of any facilities and services of
437 the type provided for, authorized, or necessarily implied as
438 being authorized in this act.

439 (t) To borrow money and issue negotiable or other bonds of
440 said district as hereinafter provided; and to borrow money, from
441 time to time, and issue negotiable or other notes of said

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442 district therefore, bearing interest at not exceeding the
443 maximum interest allowable by law, in anticipation of the
444 collection of levies, fees, penalties, charges, fares, and
445 assessments or revenues of said district, and to pledge or
446 hypothecate such non-ad valorem assessments, levies,
447 assessments, and revenues to secure such bonds, notes, or
448 obligations, and to sell, discount, negotiate, and dispose of
449 the same.

450 (u) To provide for safety enhancements, including, but not
451 limited to, security, guardhouses, fences, and gates, and
452 electronic intrusion detection systems; except that the district
453 shall not be authorized or empowered to exercise any police
454 power, but may contract with the appropriate local general
455 purpose government agencies for an increased level of such
456 service. Notwithstanding anything to the contrary, nothing
457 herein shall allow the district to limit the level of law
458 enforcement provided by federal, state, or local governmental
459 agencies.

460 (v) To provide, at the request of local general purpose
461 governments consistent with the plans of the local general
462 purpose government, systems and facilities for fire prevention
463 and control and emergency medical services, including the
464 construction or purchase of fire stations, water mains and
465 plugs, fire trucks, and other vehicles and equipment consistent
466 with any adopted local general purpose government ordinances,
467 rules, or regulations. and, further, that The district shall
468 agree:

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469 1. As to that portion of the district located within the
470 City of North Port jurisdictional boundaries, ~~at the request of~~
471 ~~the local general purpose government~~, subject to a developer's
472 agreement with the City of North Port (neither party's consent
473 to said developer's agreement shall be unreasonably withheld),
474 to donate and turn over operation of all or any portion of said
475 facilities within the City of North Port jurisdictional
476 boundaries to the City of North Port; and

477 2. As to that portion of the district located within the
478 unincorporated area, subject to a developer's agreement with
479 Sarasota County (neither party's consent to said developer's
480 agreement shall be unreasonably withheld), to donate and turn
481 over operation of all or any portion of said facilities within
482 the unincorporated area to Sarasota County ~~local general purpose~~
483 ~~government~~.

484 (w) To submit for and obtain permits, plus make and enter
485 into contracts and agreements as are necessary or incidental to
486 the performance of the duties imposed and the execution of the
487 powers granted under this act, and to employ such consulting and
488 other engineers, superintendents, managers, administrators,
489 construction and financial experts, attorneys, and such
490 employees and agents as may, in the judgment of the district, be
491 necessary, and to fix their compensation.

492 (x) To require any individual or entity desiring to
493 construct any structure in, over, under, upon, or occupying real
494 ~~district~~ property interests or rights-of-way owned by the
495 district ~~right-of-way~~ or connecting to or utilizing the works of
496 the district to first obtain written authorization from the

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497 | district and, as appropriate, either the City of North Port as
498 | to that portion of the district located within the City of North
499 | Port jurisdictional boundaries or Sarasota County as to that
500 | portion of the district located within the unincorporated area
501 | ~~comply with all City of North Port and district plans, rules,~~
502 | ~~regulations, policies, and specifications,~~ provided that said
503 | written authorization shall be issued upon a demonstration that
504 | the applicant has complied ~~compliance~~ with such Sarasota County,
505 | ~~applicable~~ City of North Port, or ~~and~~ district plans, rules,
506 | regulations, policies, and specifications as may be applicable.
507 | The board of supervisors shall be permitted the discretion to
508 | deny or revoke any written authorization or application for same
509 | if they find that the matter for which the authorization is
510 | sought or granted does not comply with such Sarasota County, the
511 | City of North Port, or ~~and~~ district plans, rules, regulations,
512 | ~~or~~ policies, and specifications as may be applicable. All fees
513 | and costs, including construction, review, inspection, copying,
514 | engineering, legal, and administrative expenses of the district,
515 | shall be paid by the applicant seeking the authorization. Any
516 | such district written authorization shall not be deemed or
517 | construed as being an alternative to or in place of the
518 | applicant's obligation to also obtain all other governmental
519 | building and construction permits and approvals. With regard to
520 | that portion of the district located within the City of North
521 | Port jurisdictional boundaries, any conflict between City of
522 | North Port and district plans, rules, regulations, policies, and
523 | specifications shall be resolved in favor of the City of North
524 | Port. With regard to that portion of the district located within

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525 | the unincorporated area, any conflict between Sarasota County
526 | and district plans, rules, regulations, policies, and
527 | specifications shall be resolved in favor of Sarasota County.

528 | (y) To include in a plan of improvements, the engineer's
529 | report, or the authorizing and implementing documents under
530 | chapter 170, Florida Statutes, which shall include, but are not
531 | limited to, all applicable resolutions, assessment maps, and/or
532 | assessment rolls (the "chapter 170 authorizing documents"), all
533 | or one or more of the various powers and functions, including
534 | individual parts or components thereof, of the district or any
535 | combination of same and to construct and finance said individual
536 | or combination of such powers and functions, including
537 | individual parts or components thereof. It is the intent of this
538 | section that a plan of improvements, the engineer's report, or
539 | chapter 170 authorizing documents may provide for a single
540 | benefit to the land authorized by the laws pertaining to the
541 | district or one or more of all of said benefits or combination
542 | thereof as long as there are benefits accruing to the land.

543 | (z) To provide in a plan of improvements, the engineer's
544 | report, or chapter 170 authorizing documents that in assessing
545 | the benefits and damages to be incurred by lands of the district
546 | from the implementation, provision, or construction of a plan of
547 | improvements or improvements or services pursuant to chapter 170
548 | authorizing documents, the varying types of existing or proposed
549 | land uses of the land within the unit or affected by such
550 | construction or implementation, as the case may be, may be
551 | considered and be entitled to so assess the benefits and
552 | damages. The district may levy non-ad valorem assessments based

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553 upon the benefits assessed in such manner, taking into account
554 the varying existing or proposed land uses of the land affected
555 by such construction as shall provide for the equitable
556 apportionment of such assessments. Such assessments may be
557 levied on the basis of lots, units, acreage, parcels, equivalent
558 connection, or uses or as otherwise set forth in the engineer's
559 report or in the chapter 170 authorizing documents.

560 (aa) To establish and create such departments, committees,
561 boards, or other agencies, including a public relations
562 committee, as from time to time the board of supervisors may
563 deem necessary or desirable in the performance of the acts or
564 other things necessary to the exercise of the powers provided in
565 this act, and to delegate to such departments, committees,
566 boards, or other agencies such administrative duties and other
567 powers as the board of supervisors may deem necessary and to
568 exercise all other powers necessary convenient or proper in
569 connection with any of the powers or duties of said district
570 stated in this act by and through the board of supervisors.
571 Notwithstanding anything contained herein:

572 1. As to that portion of the district located within the
573 City of North Port jurisdictional boundaries, no such
574 departments, committees, boards, or other agencies shall have
575 the power or authority to supersede any powers or authorities of
576 the City of North Port; and

577 2. As to that portion of the district located within the
578 unincorporated area, no such departments, committees, boards, or
579 other agencies shall have the power or authority to supersede
580 any powers or authorities of Sarasota County.

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581 (bb) Notwithstanding any authority contained within this
582 section:

583 1. As to that portion of the district located within the
584 City of North Port jurisdictional boundaries, the development,
585 operation, or maintenance of any district facilities or services
586 shall comply with the adopted comprehensive plan, unified land
587 development code, zoning code, and any other city codes and
588 ordinances of the City of North Port; and

589 2. As to that portion of the district located within the
590 unincorporated area, the development, operation, or maintenance
591 of any district facilities or services shall comply with the
592 adopted comprehensive plan, land development regulations, zoning
593 code, and any other codes and ordinances of Sarasota County.

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

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

600 (ee) As to that portion of the district located within the
601 City of North Port jurisdictional boundaries, to submit to the
602 City of North Port the plan of improvement for major government
603 infrastructure capital elements that may eventually be dedicated
604 or donated to the City of North Port so that the city can rely
605 on and incorporate said plan of improvement into the city's
606 Capital Improvement Plan; and, as to that portion of the
607 district located within the unincorporated area, to submit to
608 Sarasota County the plan of improvement for major government

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609 infrastructure capital elements that may eventually be dedicated
 610 or donated to Sarasota County so that the county can rely on and
 611 incorporate said plan of improvement into the county's Capital
 612 Improvement Plan.

613 (ff) To apply for, obtain, and utilize any grants from
 614 other entities consistent with the powers of the district;
 615 provided, however, that:

616 1. As to that portion of the district located within the
 617 City of North Port jurisdictional boundaries, the district shall
 618 coordinate with and obtain timely authorization from the City of
 619 North Port Commission or its designee prior to the submittal of
 620 any grant application; and

621 2. As to that portion of the district located within the
 622 unincorporated area, the district shall coordinate with and
 623 obtain timely authorization from the Board of County
 624 Commissioners of Sarasota County or its designee prior to the
 625 submittal of any grant application.

626 (gg) Following methodology consistent with Sarasota the
 627 county's concurrency management regulations, and notwithstanding
 628 any authority contained within this section, the district shall
 629 not construct any improvements within that portion of the
 630 district located within the City of North Port jurisdictional
 631 boundaries, pursuant to any municipal development order, where
 632 that development would cause the level of service on any
 633 concurrency regulated facility in unincorporated Sarasota County
 634 to drop below the level of service adopted as of the effective
 635 date of this act, or subsequently reduced level of service, in
 636 the Sarasota County Comprehensive Plan pursuant to chapter 163,

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637 Florida Statutes, without paying its fair share contribution to
638 improving that facility, and Sarasota County shall have the
639 right under section 163.3215, Florida Statutes, to contest any
640 such municipal development order on the basis that it fails to
641 require the district to pay its fair share contribution. The
642 fair share contribution shall include both the contribution to
643 the county from the fair share collected by the City of North
644 Port pursuant to the county's impact fee ordinance and
645 interlocal agreements between Sarasota County and the City of
646 North Port, as well as direct contributions made to the county
647 by the district. Nothing contained herein shall be construed as
648 limiting the obligations of the district or property owners
649 therein as set forth in Florida Statutes and applicable rules.
650 Any fair share contribution required to address the impact of
651 development within that portion of the district located in
652 unincorporated Sarasota County shall be governed by the laws and
653 ordinances of Sarasota County.

654 (hh) The district shall have the power to collect fair
655 share contributions from Sarasota County should Sarasota County
656 approve any development order in unincorporated Sarasota County
657 that creates impacts to concurrency regulated facilities within
658 the district, which would cause the level of service on any
659 concurrency regulated facility in the district within the City
660 of North Port jurisdictional boundaries to drop below the level
661 of service adopted by the City of North Port for such facility
662 as of the effective date of this act, or subsequently reduced
663 level of service.

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664 (3) To include in a plan of improvements, the engineer's
665 report, chapter 170 authorizing documents, or otherwise provide,
666 for the exercise of the district's powers, services, facilities,
667 and improvements beyond the territorial boundaries of the
668 district, when necessary and appropriate in order to provide a
669 benefit on behalf of lands located within the district and
670 pursuant to an approved plan of improvements or chapter 170
671 authorizing documents. Any such construction must be in
672 accordance with the city's master plans and requirements. Any
673 such construction within unincorporated Sarasota County must be
674 in accordance with the county's comprehensive plan, master
675 plans, and thoroughfare plan. The ~~West Villages Improvement~~
676 district shall cooperate and coordinate its activities with the
677 units of general-purpose local government in which it is
678 located, including the City of North Port and Sarasota County.
679 Prior to exercising any of the district powers, functions, or
680 duties relative to infrastructure planning, programming, or
681 construction within that portion of the district located in
682 unincorporated Sarasota County, the district shall enter into an
683 interlocal agreement with Sarasota County, which agreement shall
684 specify the process for the district to coordinate its
685 infrastructure planning, programming, and construction
686 activities with Sarasota County and include a means to
687 coordinate infrastructure planning and programming between the
688 parties. Neither the district nor Sarasota County shall
689 arbitrarily or unreasonably withhold or delay its approval and
690 execution of such interlocal agreement. The district is
691 authorized to enter into interlocal agreements with the City of

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692 North Port, Sarasota County, the Englewood Water District, or
693 any other units of government. Whenever the district intends to
694 utilize its powers to construct or cause to be constructed
695 infrastructure projects or programs within the district, the
696 district shall provide copies of all plans and infrastructure
697 permit applications to the Sarasota County Planning Director and
698 Development Services Business Center at such time as the
699 district submits such plans or permit applications to the City
700 of North Port or other permitting authority but in any event no
701 less than 30 days before the City of North Port or other
702 permitting authority issues permits for those projects. The
703 district shall allow the county 20 days from submittal to the
704 county to comment on those plans and permit applications, but as
705 to construction or improvements that are not within
706 unincorporated Sarasota County, the county's approval is not
707 required for the district to proceed with the project. Sarasota
708 County shall not unduly interfere with the district's exercise
709 of its powers conferred by this act.

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

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

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

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719 (3) The first board of supervisors of the district shall
 720 be composed of five persons, two of whom shall hold office for 4
 721 years, one of whom shall hold office for 3 years, one of whom
 722 shall hold office for 2 years, and one of whom shall hold office
 723 for 1 year, which terms shall terminate in June of their
 724 applicable final year. Within 120 days after this act becomes a
 725 law, a special meeting of landowners of the West Villages
 726 Improvement District shall be held for the purpose of electing
 727 the first board of supervisors for the West Villages Improvement
 728 District as herein provided. Notice of such special meeting of
 729 landowners shall be given by causing publication thereof to be
 730 made once a week for 2 consecutive weeks prior to such meeting
 731 in the newspaper of general paid circulation in which ~~that~~ the
 732 City of North Port publishes notices of city meetings, and prior
 733 to the meeting, ~~provision of 2 weeks'~~ weeks advance written
 734 notice shall be provided to the City of North Port City Manager,
 735 including the agenda and any backup material. Such special
 736 meeting of landowners shall be held in a public place in the
 737 City of North Port, and the place, date, and hour of holding
 738 such meeting and the purpose thereof shall be stated in the
 739 notice. The landowners when assembled shall organize by electing
 740 a chair who shall preside at the meeting and a vice chair,
 741 secretary, and treasurer. At such meeting, each and every acre,
 742 or any fraction thereof, of land in the district shall represent
 743 one vote and each owner shall be entitled to one vote in person
 744 or by written proxy for every acre of land, or any fraction
 745 thereof, owned by such owner in the district. Candidates must be
 746 citizens of the United States and shall be nominated prior to

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747 commencement of the initial election. The landowners shall first
748 vote for the 2 supervisors who are to hold office for the 2
749 seats with an initial term of 4 years as herein provided, and
750 the persons receiving the highest and next highest number of
751 votes for such supervisor offices shall be declared and elected
752 as the supervisors for said 2 seats. The landowners shall next
753 vote for the supervisor who is to hold office for that seat with
754 a term of 3 years as provided herein, and the person receiving
755 the highest number of votes for such supervisor shall be
756 declared and elected as such supervisor for said seat. Said
757 landowners shall continue to so vote for each remaining seat
758 until the supervisor who is to hold office for the term of 1
759 year as herein provided is elected for said seat. The landowners
760 present or voting by proxy at the meeting shall constitute a
761 quorum.

762 (4) Each year during the month of June, beginning with
763 June of the second year following the first election, a
764 supervisor shall be elected, as hereinafter provided, by the
765 landowners of said district to take the place of the retiring
766 supervisor. All vacancies or expirations on said board shall be
767 filled as provided by this act. All supervisors of the district
768 shall be citizens of the United States. Following the initial
769 election of supervisors in order to be eligible for election, a
770 candidate for an office of supervisor shall be required to file
771 a written notice of intention to be a candidate in said office
772 of the district at least 30 calendar days but not earlier than
773 90 calendar days before but not including the day of the annual
774 meeting of the landowners. In case of a vacancy in the office of

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775 any supervisor, the remaining supervisors within 90 calendar
776 days of the vacancy shall fill such vacancy until the expiration
777 of that seat's outstanding term when a successor shall be
778 elected by the landowners. If, on or before January 1 of any
779 calendar year, there are 6,000 owners of real property in that
780 portion of the district located within the City of North Port
781 that are registered voters in the City of North Port, at least
782 one supervisor elected at the next regularly scheduled election
783 shall be a resident of and owner of real property in that
784 portion of the district located within the City of North Port.
785 If, on or before January 1 of any calendar year, there are 3,000
786 owners of real property in that portion of the district located
787 within the unincorporated area of Sarasota County that are
788 registered voters of Sarasota County, at least one supervisor
789 elected at the next regularly scheduled election shall be a
790 resident of and owner of real property in that portion of the
791 district located within unincorporated Sarasota County.

792 (5) As soon as practicable after their election and the
793 taking of oaths of office, the board of supervisors of the
794 district shall organize by choosing a chair and vice chair of
795 the board of supervisors and by electing some suitable persons
796 secretary and treasurer, who may or may not be members of the
797 board. The board of supervisors shall adopt a seal which shall
798 be the seal of the district.

799 (6) Each supervisor shall hold office until his or her
800 successor shall be elected and qualified. Whenever any election
801 shall be authorized or required by this act to be held by the
802 landowners at any particular or stated time or day, and if for

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803 any reason such election shall not or cannot be held at such
804 time or on such day, then in such event and in all and every
805 such event, the power or duty to hold such election shall not
806 cease or lapse, but such election shall be held thereafter as
807 soon as practicable and consistent with this act.

808 (7) The supervisors shall not receive any compensation for
809 their services.

810 Section 5. Meetings of landowners.--

811 (1) Each year during the month of June, a meeting of the
812 landowners of the district shall be held, when necessary, for
813 the purpose of electing a supervisor and hearing reports of the
814 board of supervisors and considering any matters upon which the
815 board of supervisors may request the advice and views of the
816 landowners. The board of supervisors shall have the power to
817 call special meetings of the landowners at any time to consider
818 and act upon any matter upon which the board of supervisors may
819 request action, direction, or advice. Notice of all meetings of
820 the landowners shall be given by the board of supervisors by
821 causing publication thereof to be made for 2 consecutive weeks
822 prior to such meeting in the newspaper of general paid
823 circulation in which ~~that~~ the City of North Port publishes
824 notices of city meetings and in a newspaper of general paid
825 circulation in which Sarasota County publishes notices of its
826 board meetings, and prior to the meeting, ~~provision of 2 weeks'~~
827 weeks advance written notice shall be provided to the City of
828 North Port City Manager and the Sarasota County Administrator,
829 or their designees, regarding any matters affecting that portion
830 of the district located within the City of North Port

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831 | jurisdictional boundaries or the unincorporated area,
 832 | respectively, including the agenda and any backup material. The
 833 | meetings of the landowners shall be held in a public place in
 834 | the City of North Port, and the place, day, and hour of holding
 835 | such meetings shall be stated in the notice. The landowners when
 836 | assembled shall organize by electing a chair who shall preside
 837 | at the meeting. The secretary of the board of supervisors shall
 838 | be the secretary of such meeting. At all such meetings each and
 839 | every acre, or any fraction thereof, of land in the district
 840 | shall represent one vote, and each owner shall be entitled to
 841 | one vote in person or by written proxy for every acre, or any
 842 | fraction thereof, of land owned by such owner in the district.
 843 | The eligible person receiving the highest number of votes for a
 844 | supervisor position shall be declared and elected as such
 845 | supervisor. Those landowners present or voting by proxy at the
 846 | meeting, including the initial meeting, shall constitute a
 847 | quorum at any meeting of the landowners.

848 | (2) Guardians may represent their wards, and personal
 849 | representatives may represent the estates of deceased persons.
 850 | Trustees may represent lands by them in trust, and private and
 851 | municipal corporations may be represented by their officers or
 852 | duly authorized agents. Guardians, personal representatives,
 853 | trustees, and corporations may vote by proxy.

854 | Section 10. Bonds may be issued, sale and disposition of
 855 | proceeds; interest; levy to pay bonds; bonds and duties of
 856 | treasurer.--

857 | (2) Provided that any and all loans or bonds of the
 858 | district are non-recourse as to the City of North Port and

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859 | Sarasota County, the board of supervisors may issue bonds not to
860 | exceed 90 percent of the total amount of the non-ad valorem
861 | assessments levied under the provisions of section 298.305,
862 | Florida Statutes, or equal to the total amount levied under
863 | chapter 170, Florida Statutes, bearing interest from date at a
864 | rate not to exceed the statutory lawful maximum per annum,
865 | payable annually or semiannually, to mature at annual intervals
866 | within 40 years commencing after a period of not later than 10
867 | years, to be determined by the board of supervisors, with both
868 | principal and interest payable at some convenient place
869 | designated by the board of supervisors to be named in said
870 | bonds, which bonds shall be signed by the chair of the board of
871 | supervisors, attested with the seal of the district and by the
872 | signature of the secretary of the board. All of said bonds shall
873 | be executed and delivered to the district or its agent, which
874 | shall sell the same in such quantities and at such dates as the
875 | board of supervisors may deem necessary to meet the payments for
876 | the works, services, and improvements in and of the district. A
877 | sufficient amount of the non-ad valorem assessment shall be
878 | appropriated by the board of supervisors for the purpose of
879 | paying the principal, premium, if any, and interest of said
880 | bonds, and the same shall, when collected, be preserved in a
881 | separate fund for that purpose and no other. All bonds not paid
882 | at maturity shall bear interest at a rate of not to exceed the
883 | statutory lawful maximum per annum from maturity until paid, or
884 | until sufficient funds have been deposited at the place of
885 | payment, and said interest shall be appropriated by the board of
886 | supervisors out of the penalties and interest collected on

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887 delinquent assessments or other available funds of the district.
888 Provided, however, that it may, in the discretion of said board,
889 be provided that at any time, after such date as shall be fixed
890 by the said board, said bonds may be redeemed before maturity at
891 the option of said board, or their successors in office, by
892 being made callable prior to maturity at such times and upon
893 such prices and terms and other conditions as said board shall
894 determine. If any bond so issued subject to redemption before
895 maturity shall not be presented when called for redemption, it
896 shall cease to bear interest from and after the date so fixed
897 for redemption.

898 Section 11. Unit development; powers of supervisors to
899 designate units of development and adopt systems of progressive
900 development by units; plan of improvements and financing
901 assessments, for each unit.--

902 (1) Upon written petition signed by the owners of 51
903 percent of the acreage in any area, the board of supervisors of
904 the district shall have the power and is hereby authorized in
905 its discretion to exercise such powers authorized in this act,
906 the lands in said designated area or part of the district to be
907 called a "unit." The units into which said district may be so
908 divided shall be given appropriate numbers or names by said
909 board of supervisors, so that said units may be readily
910 identified and distinguished. The board of supervisors shall
911 have the power to fix and determine the location, area, and
912 boundaries of and lands to be included in each and all such
913 units with the consent of the owners of 51 percent of the
914 acreage in any area, and the method of carrying on the work in

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

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943 (a) To the City of North Port City Manager or his or her
944 designee as to that portion of the district located within the
945 City of North Port jurisdictional boundaries; or

946 (b) To the Sarasota County Administrator or his or her
947 designee as to that portion of the district located within the
948 unincorporated area.

949

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

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971 resolution, but said board of supervisors may, as a result of
972 such hearing, modify or amend said resolution so as to meet such
973 objections so made, and thereupon said board may confirm said
974 resolution as so modified or amended and may thereafter proceed
975 accordingly. If said board of supervisors shall overrule or
976 refuse to sustain any such objections in whole or in part made
977 by any landowner in the district, or if any such landowner shall
978 deem himself or herself aggrieved by any action of the board of
979 supervisors in respect to any objections so filed, such
980 landowner may, within 10 days after the ruling of said board,
981 file his or her complaint in the Circuit Court for Sarasota
982 County, against said district, praying an injunction or other
983 appropriate relief against the action or any part of such action
984 proposed by such resolution or resolutions of said board, and
985 such suits shall be conducted like other suits, except that said
986 suits shall have preference over all other pending actions
987 except criminal actions and writs of habeas corpus. Upon the
988 hearing of said cause, the circuit court shall have the power to
989 hear the objections and receive the evidence thereon of all
990 parties to such cause and approve or disapprove said resolutions
991 and action of the board in whole or in part, and to render such
992 decree in such cause as right and justice require.

993 (2) When said resolutions creating said unit or units
994 shall be confirmed by the board of supervisors (or by the
995 Circuit Court for Sarasota County, if such proposed action shall
996 be challenged by a landowner by the judicial proceedings
997 hereinabove authorized), the board of supervisors may adopt a
998 plan of improvements or chapter 170 authorizing documents for

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999 | and in respect to any or all such units, and to have the
1000 | benefits and damages resulting therefrom assessed and
1001 | apportioned as is provided by law in regard to a plan of
1002 | improvements or chapter 170 authorizing documents for and
1003 | assessments for benefits and damages of the entire district.
1004 | With respect to the plan of improvements, notices, appointment
1005 | of engineer to prepare a report assessing the benefits and
1006 | damages, the engineer's report and notice and confirmation
1007 | thereof, the levy of assessments, including maintenance
1008 | assessments, the issuance of bonds, the exercise or use of
1009 | chapter 170, Florida Statutes, proceedings and all other
1010 | proceedings as to each and all of such units, said board shall
1011 | follow and comply with the same procedure as is provided by law
1012 | with respect to the entire district; and said board of
1013 | supervisors shall have the same powers in respect to each and
1014 | all of such units as is vested in them with respect to the
1015 | entire district. All the provisions of this act shall apply to
1016 | the improvement of each, any, and all of such units, and the
1017 | enumeration of or reference to specific powers or duties of the
1018 | supervisors or any other officers or other matters in this act
1019 | as hereinabove set forth, shall not limit or restrict the
1020 | application of any and all of the proceedings and powers herein
1021 | for such units as fully and completely as if such unit or units
1022 | were specifically and expressly named in every section and
1023 | clause of this act where the entire district is mentioned or
1024 | referred to. All assessments, levies, bonds, and other
1025 | obligations made, levied, assessed, or issued for or in respect
1026 | to any such unit or units shall be a lien and charge solely and

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1027 only upon the lands in such unit or units, respectively, for the
 1028 benefit of which the same shall be levied, made, or issued, and
 1029 not upon the remaining units or lands in the district. The board
 1030 of supervisors, upon an affirmative vote of a simple majority of
 1031 qualified electors, as defined in chapter 189, Florida Statutes,
 1032 within said unit voting in a referendum, or upon approval of the
 1033 landowners of 51 percent of the acreage in said unit if there
 1034 are no residents in said unit, may at any time amend its
 1035 resolutions by changing the location and description of lands in
 1036 any such unit or units and provided, further, that if the
 1037 location or description of lands located in any such unit or
 1038 units is so changed, notice of such change shall be published as
 1039 hereinabove required in this section for notice of the formation
 1040 or organization of such unit or units; provided, however, that
 1041 no lands against which benefits shall have been assessed may be
 1042 detached from any such unit after the final adoption of the
 1043 engineer's report of benefits or chapter 170 authorizing
 1044 document, in such unit or units or the issuance of bonds or
 1045 other obligations which are payable from assessments for
 1046 benefits levied upon the lands within such unit or units.

1047 (3) Provided, however, that if, after adoption of the
 1048 engineer's report of benefits chapter 170, authorizing document,
 1049 in such unit or units, or the issuance of bonds or other
 1050 obligations which are payable from assessments for benefits
 1051 levied upon lands within such unit or units, the board of
 1052 supervisors finds the plan of improvements, the engineer's
 1053 report, or chapter 170 authorizing documents for any such unit
 1054 or units insufficient or inadequate for efficient development,

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1055 same may be amended or changed as provided in this act, chapter
1056 170 or chapter 298, Florida Statutes, and the unit or units may
1057 be amended or changed as provided in this section, by changing
1058 the location and description of lands in any such unit or units,
1059 by detaching lands therefrom or by adding land thereto, upon the
1060 approval of at least 51 percent of the landowners according to
1061 acreage, in any such unit, and provided that in such event all
1062 assessments, levies, fees, bonds, and other obligations made,
1063 levied, assessed, incurred, or issued for or in respect to any
1064 such unit or units may be allocated and apportioned to the
1065 amended unit or units in proportion to the benefits assessed by
1066 the engineer's report, for the amended plan of improvements and
1067 said report shall specifically provide for such allocation and
1068 apportionment. The landowners shall file their approval of or
1069 objections to such amended plan of improvements within the time
1070 provided in section 298.301, Florida Statutes, or, when used
1071 such applicable deadline provision, if any, of chapter 170,
1072 Florida Statutes, and shall file their approval of or objections
1073 to the amendment of such unit as provided in this section.

1074 (4) No assessable lands shall be detached from any unit
1075 after the issuance of bonds or other obligations for such unit
1076 except upon the consent of a majority the holders, based on face
1077 value of the outstanding bonds, of such bonds or other
1078 obligations. In the event of the change of the boundaries of any
1079 unit as provided herein and the allocation and apportionment to
1080 the amended unit or units of assessments, levies, fees, bonds,
1081 and other obligations in proportion to the benefits assessed,
1082 the holder of the bonds or other obligations heretofore issued

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1083 | for the original unit who consents to such allocation and
1084 | apportionment shall be entitled to all rights and remedies
1085 | against any lands added to the amended unit or units as fully
1086 | and to the same extent as if such added lands had formed and
1087 | constituted a part of the original unit or units at the time of
1088 | the original issuance of such bonds or other obligations, and
1089 | regardless of whether the holders of such bonds or other
1090 | obligations are the original holders thereof or the holders from
1091 | time to time hereafter, and the rights and remedies of such
1092 | holders against the lands in the amended unit or units,
1093 | including any lands added thereto, under such allocation and
1094 | apportionment, shall constitute vested and irrevocable rights
1095 | and remedies to the holders from time to time of such bonds or
1096 | other obligations as fully and to the same extent as if such
1097 | bonds or other obligations had been originally issued to finance
1098 | the improvements in such amended unit or units.

1099 | (5) Upon the formation of a unit, the board is authorized
1100 | to levy a one-time organizational special assessment tax per
1101 | acre on the lands in a unit sufficient to prepare a plan of
1102 | improvements or chapter 170 authorizing documents and have the
1103 | benefits assessed as provided herein.

1104 | (6) The territorial limits of a unit may be expanded to
1105 | include additional land by agreement between the district and
1106 | all of the landowners of the land to be included in the unit,
1107 | provided that at the time of the execution of the agreement, the
1108 | additional land is contained within the jurisdictional
1109 | boundaries of the district. Land included in the unit by
1110 | agreement shall thereafter be subject to the payment of all

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1111 assessments or fees levied by the district in the unit and shall
 1112 be subject to the provisions of all laws under which the
 1113 district operates. The agreement shall be in recordable form and
 1114 filed in the official records.

1115 (7) The district shall not amend any plan of improvement
 1116 for any unit in which any real property has been sold to the
 1117 general public at large for residential and non-commercial
 1118 purposes, in such a way that said amendment results in any
 1119 increase in the principal amount of debt then authorized for
 1120 that unit, without an affirmative vote of a simple majority of
 1121 qualified electors, as so defined in chapter 189, Florida
 1122 Statutes, within said unit voting in a referendum.

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

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1139 | limitation, the power for the taking of easements for the
 1140 | drainage of the land of one person over and through the land of
 1141 | another; however, the exercise of any such power of eminent
 1142 | domain:

1143 | (1) Within the territorial boundaries of the City of North
 1144 | Port, whether or not within the district boundaries, shall
 1145 | require the prior approval, by resolution, of the City of North
 1146 | Port City Commission (which approval shall not be unreasonably
 1147 | withheld); or

1148 | (2) Within the unincorporated area, whether or not within
 1149 | the district boundaries, shall require the prior approval, by
 1150 | resolution, of the Board of County Commissioners of Sarasota
 1151 | County (which approval shall not be unreasonably withheld).

1152 | Section 17. Territorial boundaries.--

1153 | (1) The territorial boundaries of the district shall be as
 1154 | follows, to wit:

1156 | LANDS LOCATED IN TOWNSHIP 39 SOUTH, RANGE 20 EAST,
 1157 | SARASOTA COUNTY, FLORIDA:

1159 | That part of Section 21, lying Southwesterly of County
 1160 | Road No. 777 (West River Road). All that part of
 1161 | Section 28, lying West of County Road No. 777 (West
 1162 | River Road). All of Section 29, less and except the
 1163 | following:

1164 | Right-of-way for U. S. Highway No. 41 (State Road No.
 1165 | 45). All of Section 30, less and except the following:

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1167 Right-of-way for U. S. Highway No. 41 (State Road No.
 1168 45); That portion conveyed to Florida Power and Light
 1169 Company consisting of approximately 4.66 acres in the
 1170 SW1/4 as described in Official Record Book 1036, Page
 1171 802, Public Records of Sarasota County, Florida; That
 1172 portion lying West of lands described in Official
 1173 Record Book 1036, Page 802, South of the westerly
 1174 extension of the North line of said lands described in
 1175 Official Records Book 1036, Page 802, and North of the
 1176 northerly Right of Way line of U.S. Highway No. 41.
 1177 All of Section 31, less and except the following:
 1178 Right-of-way of U. S. Highway No. 41 (State Road No.
 1179 45). All of Section 32, less and except the following:
 1180 Right-of-way of U. S. Highway No. 41 (State Road No.
 1181 45); That portion conveyed in Official Record Book
 1182 2785, Page 634 of the Public Records of Sarasota
 1183 County, Florida, (Sarasota County Hospital Board);
 1184 That portion conveyed in Official Record Book 1571,
 1185 Page 2172 of the Public Records of Sarasota County,
 1186 Florida, (Manatee Community College); Right-of-way for
 1187 Pine Street Extension as recorded in Official Record
 1188 Book 2536, pages 811-974 of The Public Records of
 1189 Sarasota County, Florida; That portion conveyed in
 1190 Official Record Book 2785, Page 641 of the Public
 1191 Records of Sarasota County, Florida, (120 wide
 1192 perpetual Non-Exclusive easement); That portion lying
 1193 South of lands conveyed in Official Record Book 1571,
 1194 Page 2172 and East of lands described in Official

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1195 | Record Book 2785, Page 641, Public Records of Sarasota
 1196 | County, Florida. That portion of Section 33, lying
 1197 | North of U.S. Highway No. 41 (State Road No. 45) and
 1198 | West of County Road #777 (West River Road); also that
 1199 | portion of Section 33, lying South of U.S. Highway No.
 1200 | 41 (State Road No. 45), West of a 200 ft. wide access
 1201 | easement described in Official Records Book 2389, Page
 1202 | 528, Public Records of Sarasota County, Florida, and
 1203 | North of lands conveyed in Official Records Book 1571,
 1204 | Page 2172, Public Records of Sarasota County, Florida;
 1205 | also that portion of Section 33, lying South of U.S.
 1206 | Highway No. 41 (State Road No. 45), described as
 1207 | follows:

1208 |
 1209 | COMMENCE at the East Quarter Corner of Section 33,
 1210 | Township 39 South, Range 20 East, Sarasota County
 1211 | Florida; thence S. 00°16'02"W., along the East line of
 1212 | said Section 33, a distance of 289.08 feet to a point
 1213 | on the Southerly Right of Way Line of U.S. Highway No.
 1214 | 41, (State Road No. 45) per Florida Department of
 1215 | Transportation Right of Way Map Section 17010-2508,
 1216 | same being a point on a curve to the right having a
 1217 | radius of 3011.73 feet, a central angle of 24°58'49",
 1218 | a chord bearing of N. 66°51'56"W., and a chord length
 1219 | of 1032.71 feet; thence along the arc of said curve
 1220 | and said Southerly Right of Way of U.S. No. 41, an arc
 1221 | length of 1313.08 feet to the point of tangency of
 1222 | said curve; thence N. 54°22'31"W., along said

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1223 southerly Right of Way, a distance of 66.57 feet to
 1224 the POINT OF BEGINNING, same being the Northwest
 1225 corner of Lands described in Official Records
 1226 Instrument No. 1998166153, per Public Records of
 1227 Sarasota County, Florida; thence along the Westerly
 1228 line of said Lands described in Official Records
 1229 Instrument No. 1998166153 the following three (3)
 1230 courses and distances; (1) S. 35°37'26"W., a distance
 1231 of 161.93 feet to the point of curvature of a curve to
 1232 the right having a radius of 559.97 feet, a central
 1233 angle of 29°49'56", a chord bearing of S. 50°32'24"W.,
 1234 and a chord length of 288.28 feet; (2) thence along
 1235 the arc of said curve an arc length of 291.56 feet to
 1236 the end of said curve; (3) thence S. 00°01'27"W., a
 1237 distance of 1074.23 feet; thence N. 48°24'50"W.,
 1238 leaving said Westerly Line, a distance of 2914.38 feet
 1239 to the Northeast corner of Lands described as Manatee
 1240 Community College per Official Records Book 1571, Page
 1241 2172, same being the point of curvature of a curve to
 1242 the left having a radius of 4577.37 feet, a central
 1243 angle of 06°20'23", a chord bearing of N. 60°40'02"W.,
 1244 and a chord length of 506.22 feet; thence along the
 1245 arc of said curve and Northerly Line of Lands
 1246 described as Manatee Community College, an arc length
 1247 of 506.48 feet to the end of said curve, same being
 1248 the Southeast corner of lands described in Official
 1249 Records Book 2389, Page 529, Public Records of
 1250 Sarasota County, Florida; thence N. 65°18'18"E., along

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1251 the Easterly Line of said lands, a distance of 188.09
1252 feet; thence continue N. 00°00'19"W., along said
1253 Easterly Line, a distance of 144.96 feet to the
1254 Northeast corner of said Lands; thence N. 65°21'46"W
1255 along the Northerly Line of said Lands, a distance of
1256 400.68 feet to the Northwest corner of said Lands,
1257 same being a point on the Easterly Line of a 200 foot
1258 wide access Easement per Official Records Book 1571,
1259 Pages 2172 through 2175 and Official Records Book
1260 2389, Pages 528 through 530, Public Records of
1261 Sarasota County, Florida; thence N. 00°30'25"E., along
1262 the Easterly Line of said 200 foot wide access
1263 Easement, a distance of 786.89 feet to the Southerly
1264 Right of Way of U.S. No. 41, same being a point on a
1265 curve to the right having a radius of 5597.58 feet, a
1266 central angle of 03°08'33", a chord bearing of S.
1267 69°13'16"E., and a chord length of 306.97 feet; thence
1268 along the arc of said curve an arc length of 307.01
1269 feet to the end of said curve; thence continue along
1270 said Southerly Right of Way Line the following
1271 fourteen (14) courses and distances; (1) S.
1272 22°19'13"W., a distance of 10.00 feet to the point of
1273 curvature of a curve to the right having a radius of
1274 5587.58 feet, a central angle of 00°45'15", a chord
1275 bearing of S. 67°16'21"E., and a chord length of 73.55
1276 feet; (2) thence along the arc of said curve an arc
1277 length of 73.55 feet; (3) thence N. 23°06'16"E., a
1278 distance of 10.00 feet to the point of curvature of a

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1279 | curve to the right having a radius of 5597.58 feet, a
 1280 | central angle of 08°17'44", a chord bearing of S.
 1281 | 62°44'52"E., and a chord length of 809.74 feet; (4)
 1282 | thence along the arc of said curve an arc length of
 1283 | 810.45 feet; (5) thence S. 31°08'57"W., a distance of
 1284 | 10.00 feet to the point of curvature of a curve to the
 1285 | right having a radius of 5587.58 feet, a central angle
 1286 | of 00°45'12", a chord bearing of S. 58°13'22"E., and a
 1287 | chord length of 73.47 feet; (6) thence along the arc
 1288 | of said curve an arc length of 73.47 feet; (7) thence
 1289 | N. 32°24'25"E., a distance of 10.00 feet to the point
 1290 | of curvature of a curve to the right having a radius
 1291 | of 5597.58 feet, a central angle of 03°28'13", a chord
 1292 | bearing of S. 56°06'38"E., and a chord length of
 1293 | 338.98 feet; (8) thence along the arc of said curve an
 1294 | arc length of 339.03 feet to the end of said curve;
 1295 | thence (9) S. 56°35'34"E.; a distance of 155.08 feet;
 1296 | (10) thence S. 54°22'31"E., a distance of 1102.52
 1297 | feet; (11) thence S. 51°00'40"E., a distance of 101.66
 1298 | feet; (12) thence S. 54°20'43"E., a distance of 199.02
 1299 | feet; (13) thence S. 48°43'03"E., a distance of 100.71
 1300 | feet; (14) thence S. 54°22'31"E., a distance of 447.75
 1301 | feet to the POINT OF BEGINNING.

1302 |
 1303 | That portion of the North Half of the Southwest
 1304 | Quarter of the Northwest Quarter of Section 34, lying
 1305 | West of River Road (County Road No. 777); also that
 1306 | portion of the Southeast Quarter of Section 34, lying

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1307 West of the Myakka River, South of the South line of
 1308 lands described in Official Record Instrument No.
 1309 2000002794, Public Records of Sarasota County, Florida
 1310 (River Road Office Park, Inc.), and easterly of the
 1311 maintained right of way line of a paved road running
 1312 from River Road to the South line of the Northeast
 1313 Quarter of said Section 34, (Old River Road), less and
 1314 except the following: That portion described in
 1315 Official Record Instrument No. 1999111833, Public
 1316 Records of Sarasota County, Florida, (Right of Way for
 1317 County Road No. 777). All of Section 35 lying West of
 1318 the Myakka River. Also, a portion of Sections 32, 33
 1319 and 34, Township 39 South, Range 20 East, Sarasota
 1320 County, Florida, being more particularly described as
 1321 follows: BEGIN at the Southeast corner of Section 32,
 1322 Township 39 South, Range 20 East; thence N.
 1323 89°04'43"W., along the South line of said Section 32,
 1324 a distance of 410.14 feet to the Southeast corner of
 1325 the lands described in Official Records Book 2785 at
 1326 Page 634, of the Public Records of Sarasota County,
 1327 Florida; thence N. 00°30'25"E., along the East line of
 1328 said lands described in Official Records Book and
 1329 Page, same being the West line of a 120.00 foot wide
 1330 Perpetual Non-exclusive Easement per Official Records
 1331 Book 2785 at Page 641, a distance of 1400.76 feet to a
 1332 point on the westerly extension of the southerly
 1333 boundary line of lands described in Official Records
 1334 Book 1571 at Page 2172, of the Public Records of

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1335 Sarasota County, Florida; thence along the westerly
1336 extension and boundary of said lands described in
1337 Official Records Book 1571, at Page 2172 the following
1338 two (2) courses: (1) S. 89°29'35"E., a distance of
1339 1960.21 feet; (2) thence N. 00°30'25"E., a distance of
1340 2062.70 feet to the Northeast corner of said lands;
1341 thence S. 48°24'50"E., a distance of 2914.38 feet to
1342 the Southwest corner of lands described in Official
1343 Records Instrument 1998166154, of the Public Records
1344 Sarasota County, Florida; thence along the boundary of
1345 said lands described in Official Records Instrument
1346 1998166154 the following three (3) courses: (1) S.
1347 89°58'33"E., a distance 676.50 feet; (2) thence N.
1348 00°01'27"E., a distance of 752.33 feet; (3) thence N.
1349 28°06'22"E., a distance of 362.06 feet to a point on
1350 the southerly right of way line of U.S. Highway No.
1351 41, as per Florida Department of Transportation Right
1352 of Way Map, Section 17010-2508, said point being on a
1353 curve concave to the northeast and having a radius of
1354 3011.73 feet, a central angle of 14°28'18", a chord
1355 bearing of S. 72°07'12"E. and a chord distance of
1356 758.67 feet; thence in an easterly direction, along
1357 the arc of said curve, an arc distance of 760.69 feet
1358 to a point on the West line of Section 34, Township 39
1359 South, Range 20 East, Sarasota County, Florida; thence
1360 S. 00°16'02"W., along the West line of said Section
1361 34, and leaving said southerly right of way line, a
1362 distance of 379.82 feet; thence S. 89°37'27"E., a

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1363 distance of 1329.90 feet to a point on the westerly
1364 right of way line of County Road #777 (South River
1365 Road) as per Florida Department of Transportation
1366 Right of Way Map, Section 17550-2601; thence along
1367 said westerly right of way line, the following six (6)
1368 courses; (1) S. 00°07'30"W., a distance of 5.48 feet;
1369 (2) thence S. 89°23'52"E., a distance of 9.74 feet;
1370 (3) thence S. 36°39'07"E., a distance of 64.18 feet to
1371 the point of curvature of a circular curve to the
1372 right, having a radius of 5599.32 feet, a central
1373 angle of 02°00'54", a chord bearing of S. 35°38'40"E.
1374 and a chord distance of 196.90 feet; (4) thence
1375 southeasterly, along the arc of said curve, an arc
1376 distance of 196.91 feet to the end of said curve; (5)
1377 thence N. 55°21'47"E., radial to the last described
1378 curve, a distance of 20.00 feet to a point on a curve
1379 concentric with the last described curve and having a
1380 radius of 5619.32 feet, a central angle of 15°31'30",
1381 a chord bearing of S. 26°52'28"E. and a chord distance
1382 of 1517.98 feet; (6) thence in a southerly direction
1383 along the arc of said curve, an arc distance of
1384 1522.64 feet to the Northeast corner of lands
1385 described in Official Records Instrument 2000002794,
1386 of the Public Records Sarasota County, Florida; thence
1387 S. 78°41'04"W., along the northerly line of said lands
1388 described in Official Records Instrument 2000002794, a
1389 distance of 2240.20 feet to the Southeast corner of
1390 Section 33, Township 39 South, Range 20 East, Sarasota

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1391 County, Florida; thence N. 89°39'52"W., along the
 1392 South line of said Section 33, a distance of 5318.90
 1393 feet to the POINT OF BEGINNING.
 1394
 1395 LANDS LOCATED IN TOWNSHIP 40 SOUTH, RANGE 20 EAST,
 1396 SARASOTA COUNTY, FLORIDA:
 1397
 1398 All of Section 3, less and except the following: That
 1399 portion conveyed in Order of Taking recorded in
 1400 Official Record Book 2679, Page 2750-2754, of the
 1401 Public Records of Sarasota County, Florida (County
 1402 Road No 777); That portion conveyed in Official Record
 1403 Instrument No. 2000002794 of the Public Records of
 1404 Sarasota County, Florida, (River Road Office Park,
 1405 Inc.); The maintained right-of-way of County Road No.
 1406 777 (South River Road). All of Section 4, Less and
 1407 except the following: That portion described in
 1408 Official Record Instrument No. 2000002794, of the
 1409 Public Records of Sarasota County, Florida, (River
 1410 Road Office Park, Inc.). All of Section 5, less and
 1411 except the following: Right-of-way conveyed for Pine
 1412 Street Extension recorded in Official Record Book
 1413 2536, Page 811-974, of the Public Records of Sarasota
 1414 County, Florida. All of Section 6, less and except the
 1415 following: Right-of-way conveyed for Pine Street
 1416 Extension recorded in Official Record Book 2536, Page
 1417 811-974, of the Public Records of Sarasota County,
 1418 Florida. All of Section 7, less and except the

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1419 following: Right-of-way conveyed for Pine Street
1420 Extension recorded in Official Record Book 2536, Page
1421 811-974, of the Public Records of Sarasota County,
1422 Florida. All of Section 8. All of Section 9. All of
1423 Section 10, less and except the following: The
1424 maintained right-of-way for County Road No. 777 (South
1425 River Road) ALL OF THE ABOVE ARE SUBJECT TO EASEMENTS
1426 OF RECORD, OR OTHERWISE, USED FOR DRAINAGE, UTILITIES
1427 AND/OR INGRESS AND EGRESS.

1428
1429 The above described property contains a total of
1430 8193.7478 acres more or less.

1431
1432 (2) The territorial limits of West Villages Improvement
1433 District shall also embrace and include those parcels of land
1434 described as follows:

1435
1436 LANDS LOCATED IN TOWNSHIP 39 SOUTH, RANGE 20 EAST,
1437 SARASOTA COUNTY, FLORIDA:

1438
1439 All that part of Section 21, as lies Southwesterly of
1440 County Road # 777 (West River Road). All that part of
1441 Section 28 lying West of County Road # 777 (West River
1442 Road). All that part of Section 32, described as
1443 follows:

1444
1445 Commence at the Northeast corner of said Section 32;
1446 thence S.00E30'23"W., along the easterly line of the

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1447 Northeast 1/4 of said Section 32, a distance of
 1448 2658.68 feet to the southeast corner of said Northeast
 1449 1/4; thence N.89E23'27"W. a distance of 290.00 feet to
 1450 the POINT OF BEGINNING; thence N.00E30'23"E., parallel
 1451 with the easterly line of said Section 32, a distance
 1452 of 2497.34 feet to the southerly right-of-way of U.S.
 1453 Highway 41, being a point on a curve to the left the
 1454 center of which lies S.06E30'20"W., a radial distance
 1455 of 5603.58 feet; thence along the arc in a westerly
 1456 direction, passing through a central angle of
 1457 01E13'57", a distance of 120.53 feet; thence
 1458 S.00E30'23"W., a distance of 5165.77 feet; thence
 1459 S.89E05'08"E., a distance of 120.00 feet; thence
 1460 N.00E30'23"E., a distance of 2657.98 feet to the POINT
 1461 OF BEGINNING.

1462
 1463 All that part of Section 33, described as follows:
 1464 Commence at the NW corner of Section 33, Township 39
 1465 South, Range 20 East, Sarasota Florida; run thence S.0
 1466 degrees 30'44"W. along the westerly line of said
 1467 Section 33, 105.39' to the centerline of U.S. 41;
 1468 thence continue S.0 degrees 30'44"W. along said
 1469 westerly line 1372.36'; thence S.89 degrees 29'16"E.
 1470 along the northerly line of Tract, 810' to the POINT
 1471 OF BEGINNING of said centerline of said 200 foot wide
 1472 Tract; thence N.0 degrees 30'44"E., parallel to the
 1473 said westerly line of Section 33, 1078.74' to the
 1474 southerly right-of-way line of U.S. 41 (right-of-way

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1475 | being 100 feet from centerline at this point) for a
 1476 | POINT OF TERMINATION.
 1477 |
 1478 | All that part of Section 34 described as follows: The
 1479 | North Half of the Northwest Quarter of the Southwest
 1480 | Quarter lying South of U.S. Highway #41 (State Road
 1481 | #45) and West of the right of way of County Road #777
 1482 | (as realigned) in Official Records Book 2679 at Pages
 1483 | 2750-2574, LESS the following described lands: East
 1484 | 200' (as measured along the South Right-of-Way of
 1485 | Tamiami Trail, or arc distance) of the West 392.7 feet
 1486 | measured along the South Right-of-Way of said Tamiami
 1487 | Trail, arc distance; on the following described
 1488 | property: That portion of the Northwest 1/4 of the
 1489 | Northwest 1/4 of the Southwest 1/4 of Section 34,
 1490 | Township 39 South, Range 20 East, Sarasota County,
 1491 | Florida, lying South of Tamiami Trail and being more
 1492 | particularly described as follows: Begin at the West
 1493 | 1/4 of section corner of Section 34, Township 39
 1494 | South, Range 20 East and run South on the section line
 1495 | 196.71 feet to the South Right-of-Way line of the
 1496 | Tamiami Trail for a Point of Beginning: thence
 1497 | continue S.89E58'00"E 659 feet; thence N.00E00'20"W
 1498 | 424.57 feet to the South Right-of-Way of the said
 1499 | Tamiami Trail; thence in a Northwesterly direction
 1500 | along the curve of said Tamiami Trail a distance of
 1501 | 662.5 feet to the Point of Beginning. Said above
 1502 | described lands being more particularly described and

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1503 | surveyed as follows: Commence at the West quarter
1504 | corner of said Section 34, thence South along the
1505 | Westerly section line of said Section 34, a distance
1506 | of 668.85 feet; thence S.89E58'00"E. a distance of
1507 | 190.40 feet to the Point of Beginning of this
1508 | description. Thence N.00E00'00"E. a distance of 350.24
1509 | feet to a point on the Southerly Right-of-Way line of
1510 | Tamiami Trail also known as STATE ROAD No. 45. and
1511 | U.S. 41 as per Florida Department of Transportation
1512 | Right-of-Way maps Section No. 17010-2508 (204' Right-
1513 | of-Way) said point also being on the arc of a circular
1514 | curve to the left whose radius point bears
1515 | N.06E36'51"E., thence along the arc of said curve in
1516 | an easterly direction through a central angle of
1517 | 03E48'13", having a radius distance of 3011.73 feet,
1518 | an arc distance of 199.93 feet; thence South leaving
1519 | said Right-of-Way line a distance of 333.93 feet;
1520 | thence N.89E58'00"W. a distance of 199.22 feet to the
1521 | Point of Beginning; The NE 1/4 of the SW 1/4, lying
1522 | easterly of right of way for County Road #777 (as
1523 | realigned) as per Official Records Book 2679, at Pages
1524 | 2750-2754, Less the NW 1/4 of the NE 1/4 of the SW
1525 | 1/4, Also Less lands described in Official Records
1526 | Instrument Number 1999111833; That part of the West
1527 | Half of the SE 1/4, lying westerly of maintained right
1528 | of way for South River Road (Old River Road), and
1529 | northerly of lands described in Official Records
1530 | Instrument Number 1999111833.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1531
1532 IN TOWNSHIP 40 SOUTH, RANGE 20 EAST, SARASOTA COUNTY,
1533 FLORIDA:
1534
1535 All of Section 15, less and except the following: The
1536 maintained right-of-way for County Road #777 (South
1537 River Road); Right-of-way conveyed in Official Records
1538 Instrument Number 2000163556.
1539
1540 All of Section 17, less and except the following:
1541 Right-of-way conveyed for Pine Street Extension
1542 recorded in Official Record Book 2536, Page 811-974,
1543 of the Public Records of Sarasota County, Florida.
1544
1545 All of Section 18, less and except the following:
1546 Right-of-way conveyed for Pine Street Extension
1547 recorded in Official Record Book 2536, Page 811-974,
1548 of the Public Records of Sarasota County, Florida.
1549
1550 All of Section 19, less and except the following:
1551 Right-of-way conveyed for Pine Street Extension
1552 recorded in Official Record Book 2536, Pages 811-974,
1553 of the Public Records of Sarasota County, Florida.
1554
1555 All of Section 20, less and except the following:
1556 Right-of-way conveyed for Pine Street Extension
1557 recorded in Official Record Book 2536, Pages 811-974,
1558 of the Public Records of Sarasota County, Florida;

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1559 Maintained right-of-way for County Road #777 (South
 1560 River Road).

1561
 1562 All of Section 21, less and except the following:
 1563 Maintained right-of-way for County Road #777 (South
 1564 River Road); The SW 1/4 of the SE 1/4; The North 50
 1565 feet of the South 380 feet of the SW 1/4 lying East of
 1566 County Road #777 (South River Road); Right-of-way
 1567 conveyed in Official Record Book 2097, Page 396, of
 1568 the Public Records of Sarasota County, Florida; Right-
 1569 of-way conveyed in Official Records Instrument Number
 1570 2000163556.

1571
 1572 Parcel Contains 3739.9714 Acres more or less.

1573 Section 19. Limitations of powers.--All governmental
 1574 planning, environmental, and land development laws, regulations,
 1575 and ordinances apply to all development of the land within the
 1576 district. The district does not have the power of a local
 1577 government to adopt a comprehensive plan, building code, zoning
 1578 code, or land development code, as those terms are defined in
 1579 the Local Government Comprehensive Planning and Land Development
 1580 Regulation Act. The district shall take no action which is
 1581 inconsistent with applicable comprehensive plans, ordinances, or
 1582 regulations of the applicable local general-purpose government.
 1583 Nothing in this act shall create any delegation of any
 1584 responsibilities or authorities from Sarasota County or the City
 1585 of North Port to the district. Notwithstanding anything to the
 1586 contrary, as to any lands located within the City of North Port

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1587 | jurisdictional boundaries or the unincorporated area, the
 1588 | district shall be required to obtain any and all permits for
 1589 | infrastructure planning and construction from the City of North
 1590 | Port or Sarasota County, respectively, that would otherwise be
 1591 | required of a private entity performing the same work. The
 1592 | district shall not have the power to supersede ~~supercede~~,
 1593 | contravene, or overrule any development or annexation agreements
 1594 | entered into by landowners within or outside of the district or
 1595 | any City of North Port joint planning agreements or interlocal
 1596 | agreements with Sarasota County or any other governmental
 1597 | entities.

1598 | Section 2. Referendum.--No expansion of the territorial
 1599 | boundaries of the district shall be effective until a landowner
 1600 | referendum is conducted by the board of supervisors within 60
 1601 | days after the effective date of this act on the question of
 1602 | expanding the territorial boundaries of the district. All
 1603 | landowners (which include the landowners within the current
 1604 | district and expanded district boundaries) are entitled to vote
 1605 | in the referendum held pursuant to this section. The referendum
 1606 | shall be held on a one-acre, one-vote basis at the expense of
 1607 | the district. If the landowners approve the referendum described
 1608 | in this section by a majority vote of the acreage cast, then
 1609 | this act shall take effect immediately.

1610 | Section 3. This act shall take effect only upon its
 1611 | approval by a majority vote of those qualified landowners of the
 1612 | area described in section 17, as amended, voting in a referendum
 1613 | to be held by the Board of Supervisors of the West Villages
 1614 | Improvement District voting in a special election, except that

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1615 | this section and section 2 shall take effect upon becoming a
1616 | law.