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HB 1445, Engrossed 1

2006 Legislature

1 A bill to be entitled

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

9 Be It Enacted by the Legislature of the State of Florida:
10

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

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

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

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

25 (3) The district is created for all purposes as shall be
26 liberally construed from and set forth in this act, under
27 sections 189.401-189.429, Florida Statutes, provided that

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28 | section 189.4045(2), Florida Statutes, is specifically excluded
29 | and not applicable to the district or to the City of North Port
30 | as to that portion of the district located within the City of
31 | North Port jurisdictional boundaries, or to Sarasota County as
32 | to that portion of the district located within the
33 | unincorporated area, and chapter 298, Florida Statutes, as the
34 | same may be amended from time to time, and may perform such acts
35 | as shall be necessary, convenient, incidental, or proper for the
36 | provision, acquisition, development, operation, and maintenance
37 | of those public infrastructure works and services authorized
38 | herein, including all facilities necessary and incidental
39 | thereto.

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

48 | (5) The definition of terms and phrases shall be as set
49 | forth in chapters 189 and 298, Florida Statutes, unless
50 | otherwise herein defined.

51 | Section 3. District powers, functions, and duties.--

52 | (1) In addition to any powers, functions, and duties set
53 | forth in this act, the district shall have the authority to

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54 exercise such powers, functions, and duties as may be set forth
55 in chapter 298, Florida Statutes.

56 (2) The district is hereby authorized and empowered as
57 follows:

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

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

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

65 (d) To acquire by grant, loan, purchase, gift, transfer,
66 exchange, dedication, lease, devise, or, when reasonably
67 necessary for the implementation of district-authorized public
68 infrastructure works, facilities, or services by means of the
69 exercise of the right of eminent domain pursuant to the laws of
70 the state and in accordance with section 12 of this act, all
71 property, real or personal, or any easement, license, estate, or
72 interest therein necessary, desirable, or convenient for the
73 purposes of this act, and to sell, convey, transfer, gift,
74 lease, rent, dedicate, forfeit, abandon, exchange, or assign all
75 or any part thereof to or with other entities, including
76 governmental entities and agencies, and to exercise all of its
77 powers and authority with respect thereto. The district shall
78 not have the right of eminent domain outside of the boundaries
79 of the district. Notwithstanding anything contained herein, the

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80 district shall not obtain fee simple title to any real property
 81 within the district except by dedication on an approved plat:

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

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

88 3. As ~~is~~ otherwise required by another governmental entity
 89 or agency.

90
 91 Any property interests owned by the district which are used for
 92 nonpublic or private commercial purposes shall be subject to all
 93 ad valorem taxes, intangible personal property taxes, or non-ad
 94 valorem assessments, as would be applicable if said property
 95 were privately owned.

96 (e) To finance, plan (as to that portion of the district
 97 located within the City of North Port jurisdictional boundaries,
 98 consistent with the City of North Port Comprehensive Plan and
 99 implementing ordinances, studies, and plans; and, as to that
 100 portion of the district located within the unincorporated area,
 101 consistent with the Sarasota County Comprehensive Plan and
 102 implementing ordinances, studies, and plans), design, acquire,
 103 construct, install, operate, equip, upgrade, reclaim, replace,
 104 extend, renovate, mitigate, and maintain canals, swales,
 105 outfalls, dams, control structures, pumps and pumping systems,
 106 aerators, seawalls, berms, ditches, telemetry and monitoring

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107 equipment, retention areas, holding basins, marshes, wetlands,
 108 uplands, drains, levees, lakes, ponds, and other works or
 109 elements for modern comprehensive water management drainage,
 110 environmental, mitigation preservation, erosion, quality, and
 111 control purposes, and:

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

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

130 (f) To regulate, modify, control, and redirect the supply
 131 and level of water within the district if consistent with the
 132 rules and regulations of:

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133 1. The City of North Port as to that portion of the
134 district located within the City of North Port's jurisdictional
135 boundaries;

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

138 3. The ~~Port and~~ Southwest Florida Water Management
139 District ~~rules and regulations,~~

140

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

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

156 (h) To finance, plan (as to that portion of the district
157 located within the City of North Port jurisdictional boundaries,
158 consistent with City of North Port Comprehensive Plan and
159 implementing ordinances, studies, and plans; and, as to that

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160 portion of the district located within the unincorporated area,
161 consistent with the Sarasota County Comprehensive Plan and
162 implementing ordinances, studies, and plans), design, acquire,
163 construct, install, operate, equip, upgrade, replace, extend,
164 renovate, and maintain irrigation works, machinery, plants, and
165 appurtenances.

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

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

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

206 2. As to that portion of the district located within the
207 unincorporated area, construction of roads by the district shall
208 not be in conflict with rules, master plans, plans,
209 specifications, or regulations of Sarasota County.

210
211 As to that portion of the district located within the City of
212 North Port jurisdictional boundaries, the district shall agree,
213 at the request of the City of North Port Commission or its

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

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

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

254 (l)1. To finance, plan (as to that portion of the district
 255 located within the City of North Port jurisdictional boundaries,
 256 consistent with City of North Port Comprehensive Plan and
 257 implementing ordinances, studies, and plans; as to that portion
 258 of the district located within the unincorporated area,
 259 consistent with the Sarasota County Comprehensive Plan and
 260 implementing ordinances, studies, and plans; and as to that
 261 portion of the district located within the Englewood Water
 262 District service area, consistent with the Englewood Water
 263 District's adopted studies and plans), design, acquire,
 264 construct, install, operate, set, and charge by resolution
 265 access, user, or connection fees and charges, equip, upgrade,
 266 replace, store, extend, renovate, and maintain water plants and

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267 systems, plus appurtenances, to produce, desalinate, purify,
 268 sell, and distribute water for consumption, irrigation, or other
 269 purposes; provided that the exercise of such construction,
 270 operation, fee establishment, and production powers by the
 271 district shall:

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

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

278 c. As to that portion of the district located within the
 279 Englewood Water District service area, require the prior
 280 approval of the Board of the Englewood Water District or its
 281 designee.

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

291 3. As to that portion of the district located within the
 292 unincorporated area and outside of the Englewood Water District
 293 service area, the district shall agree, at the request of the

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294 Board of County Commissioners of Sarasota County or its
 295 designee, subject to a utility developer's agreement with
 296 Sarasota County (neither party's consent to said developer's
 297 agreement shall be unreasonably withheld), to donate and turn
 298 over operation of all or any portion of said water system within
 299 the unincorporated area to Sarasota County.

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

309 (m)1. To finance, plan (as to that portion of the district
 310 located within the City of North Port jurisdictional boundaries,
 311 consistent with City of North Port Comprehensive Plan and
 312 implementing ordinances, studies, and plans; as to that portion
 313 of the district located within the unincorporated area,
 314 consistent with the Sarasota County Comprehensive Plan and
 315 implementing ordinances, studies, and plans; and as to that
 316 portion of the district located within the Englewood Water
 317 District service area, consistent with the Englewood Water
 318 District's adopted studies and plans), design, acquire,
 319 construct, install, operate, set, and charge by resolution
 320 access, user, or connection fees and charges, equip, upgrade,

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321 replace, extend, renovate, and maintain sewer systems, plus
322 appurtenances, for the collection, disposal, and reuse of
323 effluent, waste, residue, or other byproducts of such system,
324 prevent pollution, and improve water quality; provided that the
325 exercise of such construction, operation, and fee establishment
326 powers by the district shall:

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

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

333 c. As to that portion of the district located within the
334 Englewood Water District service area, require the prior
335 approval of the Board of the Englewood Water District or its
336 designee.

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

346 3. As to that portion of the district located within the
347 unincorporated area and outside of the Englewood Water District

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348 service area, the district shall agree, at the request of the
 349 Board of County Commissioners of Sarasota County or its
 350 designee, subject to a utility developer's agreement with
 351 Sarasota County (neither party's consent to said developer's
 352 agreement shall be unreasonably withheld), to donate and turn
 353 over operation of all or any portion of said wastewater system
 354 within the unincorporated area to Sarasota County.

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

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

371 (o) To finance, plan (as to that portion of the district
 372 located within the City of North Port jurisdictional boundaries,
 373 consistent with City of North Port Comprehensive Plan and
 374 implementing ordinances, studies, and plans; and, as to that

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375 | portion of the district located within the unincorporated area,
376 | consistent with the Sarasota County Comprehensive Plan and
377 | implementing ordinances, studies, and plans), design, acquire,
378 | construct, install, operate, equip, upgrade, replace, extend,
379 | renovate, and maintain lands, works, systems, landscaping, and
380 | facilities for preservation areas, conservation areas,
381 | environmental areas, mitigation areas, and wildlife habitat or
382 | sanctuaries, including the maintenance of any plant or animal
383 | species, and any related interest in real or personal property.
384 | The district shall allow the City of North Port access to all
385 | such improvements within the City of North Port jurisdictional
386 | boundaries and shall allow access by the public when
387 | appropriate. The district shall allow Sarasota County access to
388 | all such improvements within the unincorporated area of the
389 | district and shall allow access by the public when appropriate.

390 | (p) To finance, plan (as to that portion of the district
391 | located within the City of North Port jurisdictional boundaries,
392 | consistent with City of North Port Comprehensive Plan and
393 | implementing ordinances, studies, and plans; and, as to that
394 | portion of the district located within the unincorporated area,
395 | consistent with the Sarasota County Comprehensive Plan and
396 | implementing ordinances, studies, and plans), design, acquire,
397 | construct, install, operate, equip, upgrade, replace, extend,
398 | renovate, and maintain additional systems and facilities for
399 | school buildings and related structures which may be donated to
400 | a public school district, subject to a developer's agreement
401 | (neither party's consent to said developer's agreement shall be

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402 | unreasonably withheld), for use in the educational system;
 403 | provided that donation of any land and the exercise of such
 404 | construction powers by the district shall require the prior
 405 | approval of the School Board of Sarasota County and either:

406 | 1. As to that portion of the district located within the
 407 | City of North Port jurisdictional boundaries, the City of North
 408 | Port City Commission or its designee; or

409 | 2. As to that portion of the district located within the
 410 | unincorporated area, the Board of County Commissioners of
 411 | Sarasota County or its designee.

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

423 | (r) To provide for the discontinuance of service and
 424 | reasonable penalties, including reasonable attorney's fees,
 425 | against any user or property for any such rates, fees, rentals,
 426 | fares, or other charges that become delinquent and require
 427 | collection.

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

434 (t) To borrow money and issue negotiable or other bonds of
435 said district as hereinafter provided; and to borrow money, from
436 time to time, and issue negotiable or other notes of said
437 district therefore, bearing interest at not exceeding the
438 maximum interest allowable by law, in anticipation of the
439 collection of levies, fees, penalties, charges, fares, and
440 assessments or revenues of said district, and to pledge or
441 hypothecate such non-ad valorem assessments, levies,
442 assessments, and revenues to secure such bonds, notes, or
443 obligations, and to sell, discount, negotiate, and dispose of
444 the same.

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

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

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

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

479 (w) To submit for and obtain permits, plus make and enter
 480 into contracts and agreements as are necessary or incidental to
 481 the performance of the duties imposed and the execution of the

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482 powers granted under this act, and to employ such consulting and
 483 other engineers, superintendents, managers, administrators,
 484 construction and financial experts, attorneys, and such
 485 employees and agents as may, in the judgment of the district, be
 486 necessary, and to fix their compensation.

487 (x) To require any individual or entity desiring to
 488 construct any structure in, over, under, upon, or occupying real
 489 ~~district~~ property interests or rights-of-way owned by the
 490 district ~~right-of-way~~ or connecting to or utilizing the works of
 491 the district to first obtain written authorization from the
 492 district and, as appropriate, either the City of North Port as
 493 to that portion of the district located within the City of North
 494 Port jurisdictional boundaries or Sarasota County as to that
 495 portion of the district located within the unincorporated area
 496 ~~comply with all City of North Port and district plans, rules,~~
 497 ~~regulations, policies, and specifications,~~ provided that said
 498 written authorization shall be issued upon a demonstration that
 499 the applicant has complied ~~compliance~~ with such Sarasota County,
 500 ~~applicable~~ City of North Port, or ~~and~~ district plans, rules,
 501 regulations, policies, and specifications as may be applicable.
 502 The board of supervisors shall be permitted the discretion to
 503 deny or revoke any written authorization or application for same
 504 if they find that the matter for which the authorization is
 505 sought or granted does not comply with such Sarasota County, the
 506 City of North Port, or ~~and~~ district plans, rules, regulations,
 507 ~~or~~ policies, and specifications as may be applicable. All fees
 508 and costs, including construction, review, inspection, copying,

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509 engineering, legal, and administrative expenses of the district,
510 shall be paid by the applicant seeking the authorization. Any
511 such district written authorization shall not be deemed or
512 construed as being an alternative to or in place of the
513 applicant's obligation to also obtain all other governmental
514 building and construction permits and approvals. With regard to
515 that portion of the district located within the City of North
516 Port jurisdictional boundaries, any conflict between City of
517 North Port and district plans, rules, regulations, policies, and
518 specifications shall be resolved in favor of the City of North
519 Port. With regard to that portion of the district located within
520 the unincorporated area, any conflict between Sarasota County
521 and district plans, rules, regulations, policies, and
522 specifications shall be resolved in favor of Sarasota County.

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

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536 district or one or more of all of said benefits or combination
537 thereof as long as there are benefits accruing to the land.

538 (z) To provide in a plan of improvements, the engineer's
539 report, or chapter 170 authorizing documents that in assessing
540 the benefits and damages to be incurred by lands of the district
541 from the implementation, provision, or construction of a plan of
542 improvements or improvements or services pursuant to chapter 170
543 authorizing documents, the varying types of existing or proposed
544 land uses of the land within the unit or affected by such
545 construction or implementation, as the case may be, may be
546 considered and be entitled to so assess the benefits and
547 damages. The district may levy non-ad valorem assessments based
548 upon the benefits assessed in such manner, taking into account
549 the varying existing or proposed land uses of the land affected
550 by such construction as shall provide for the equitable
551 apportionment of such assessments. Such assessments may be
552 levied on the basis of lots, units, acreage, parcels, equivalent
553 connection, or uses or as otherwise set forth in the engineer's
554 report or in the chapter 170 authorizing documents.

555 (aa) To establish and create such departments, committees,
556 boards, or other agencies, including a public relations
557 committee, as from time to time the board of supervisors may
558 deem necessary or desirable in the performance of the acts or
559 other things necessary to the exercise of the powers provided in
560 this act, and to delegate to such departments, committees,
561 boards, or other agencies such administrative duties and other
562 powers as the board of supervisors may deem necessary and to

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563 exercise all other powers necessary convenient or proper in
 564 connection with any of the powers or duties of said district
 565 stated in this act by and through the board of supervisors.
 566 Notwithstanding anything contained herein:

567 1. As to that portion of the district located within the
 568 City of North Port jurisdictional boundaries, no such
 569 departments, committees, boards, or other agencies shall have
 570 the power or authority to supersede any powers or authorities of
 571 the City of North Port; and

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

576 (bb) Notwithstanding any authority contained within this
 577 section:

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

584 2. As to that portion of the district located within the
 585 unincorporated area, the development, operation, or maintenance
 586 of any district facilities or services shall comply with the
 587 adopted comprehensive plan, land development regulations, zoning
 588 code, and any other codes and ordinances of Sarasota County.

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

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

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

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

611 1. As to that portion of the district located within the
 612 City of North Port jurisdictional boundaries, the district shall
 613 coordinate with and obtain timely authorization from the City of
 614 North Port Commission or its designee prior to the submittal of
 615 any grant application; and

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616 2. As to that portion of the district located within the
 617 unincorporated area, the district shall coordinate with and
 618 obtain timely authorization from the Board of County
 619 Commissioners of Sarasota County or its designee prior to the
 620 submittal of any grant application.

621 (gg) Following methodology consistent with Sarasota ~~the~~
 622 County's concurrency management regulations, and notwithstanding
 623 any authority contained within this section, the district shall
 624 not construct any improvements within that portion of the
 625 district located within the City of North Port jurisdictional
 626 boundaries, pursuant to any municipal development order, where
 627 that development would cause the level of service on any
 628 concurrency regulated facility in unincorporated Sarasota County
 629 to drop below the level of service adopted as of the effective
 630 date of this act, or subsequently reduced level of service, in
 631 the Sarasota County Comprehensive Plan pursuant to chapter 163,
 632 Florida Statutes, without paying its fair share contribution to
 633 improving that facility, and Sarasota County shall have the
 634 right under section 163.3215, Florida Statutes, to contest any
 635 such municipal development order on the basis that it fails to
 636 require the district to pay its fair share contribution. The
 637 fair share contribution shall include both the contribution to
 638 the county from the fair share collected by the City of North
 639 Port pursuant to the county's impact fee ordinance and
 640 interlocal agreements between Sarasota County and the City of
 641 North Port, as well as direct contributions made to the county
 642 by the district. Nothing contained herein shall be construed as

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643 | limiting the obligations of the district or property owners
 644 | therein as set forth in Florida Statutes and applicable rules.
 645 | Any fair share contribution required to address the impact of
 646 | development within that portion of the district located in
 647 | unincorporated Sarasota County shall be governed by the laws and
 648 | ordinances of Sarasota County.

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

659 | (3) (a) To include in a plan of improvements, the
 660 | engineer's report, chapter 170 authorizing documents, or
 661 | otherwise provide, for the exercise of the district's powers,
 662 | services, facilities, and improvements beyond the territorial
 663 | boundaries of the district, when necessary and appropriate in
 664 | order to provide a benefit on behalf of lands located within the
 665 | district and pursuant to an approved plan of improvements or
 666 | chapter 170 authorizing documents. Any such construction must be
 667 | in accordance with the city's master plans and requirements. Any
 668 | such construction within unincorporated Sarasota County must be
 669 | in accordance with the county's comprehensive plan, master

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670 plans, and thoroughfare plan. The ~~West Villages Improvement~~
671 district shall cooperate and coordinate its activities with the
672 units of general-purpose local government in which it is
673 located, including the City of North Port and Sarasota County.
674 Prior to exercising any of the district powers, functions, or
675 duties relative to infrastructure planning, programming, or
676 construction within that portion of the district located in
677 unincorporated Sarasota County, the district shall enter into an
678 interlocal agreement with Sarasota County, which agreement shall
679 specify the process for the district to coordinate its
680 infrastructure planning, programming, and construction
681 activities with Sarasota County and include a means to
682 coordinate infrastructure planning and programming between the
683 parties. Neither the district nor Sarasota County shall
684 arbitrarily or unreasonably withhold or delay its approval and
685 execution of such interlocal agreement. The district is
686 authorized to enter into interlocal agreements with the City of
687 North Port, Sarasota County, the Englewood Water District, or
688 any other units of government. Whenever the district intends to
689 utilize its powers to construct or cause to be constructed
690 infrastructure projects or programs within the district, the
691 district shall provide copies of all plans and infrastructure
692 permit applications to the Sarasota County Planning Director and
693 Development Services Business Center at such time as the
694 district submits such plans or permit applications to the City
695 of North Port or other permitting authority but in any event no
696 less than 30 days before the City of North Port or other

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697 | permitting authority issues permits for those projects. The
698 | district shall allow the county 20 days from submittal to the
699 | county to comment on those plans and permit applications, but as
700 | to construction or improvements that are not within
701 | unincorporated Sarasota County, the county's approval is not
702 | required for the district to proceed with the project. Sarasota
703 | County shall not unduly interfere with the district's exercise
704 | of its powers conferred by this act.

705 | (b) Prior to planning, programming, or construction of any
706 | infrastructure that is intended to cross jurisdictional
707 | boundaries and be constructed in more than one unit of general-
708 | purpose local government, the Englewood Water District, or a
709 | combination thereof, the district shall enter into interlocal
710 | agreements with each of the affected governments, which
711 | agreements shall specify the process for the district to
712 | coordinate its infrastructure planning, programming, and
713 | construction activities with each affected government;
714 | coordinate compliance and resolve conflicts with the
715 | comprehensive plans, laws, and ordinances of the City of North
716 | Port and Sarasota County and with the adopted long-range plans
717 | and rules and regulations of the Englewood Water District; and
718 | establish procedures and responsibilities for maintenance,
719 | repair, and operation of any connected infrastructure. The
720 | district, the City of North Port, Sarasota County, and the
721 | Englewood Water District shall not arbitrarily or unreasonably
722 | withhold or delay their approval and execution of any such
723 | interlocal agreement.

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

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

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

733 (3) The first board of supervisors of the district shall
 734 be composed of five persons, two of whom shall hold office for 4
 735 years, one of whom shall hold office for 3 years, one of whom
 736 shall hold office for 2 years, and one of whom shall hold office
 737 for 1 year, which terms shall terminate in June of their
 738 applicable final year. Within 120 days after this act becomes a
 739 law, a special meeting of landowners of the West Villages
 740 Improvement District shall be held for the purpose of electing
 741 the first board of supervisors for the West Villages Improvement
 742 District as herein provided. Notice of such special meeting of
 743 landowners shall be given by causing publication thereof to be
 744 made once a week for 2 consecutive weeks prior to such meeting
 745 in the newspaper of general paid circulation in which ~~that~~ the
 746 City of North Port publishes notices of city meetings, and prior
 747 to the meeting, ~~provision of 2~~ weeks ~~weeks~~ advance written
 748 notice shall be provided to the City of North Port City Manager,
 749 including the agenda and any backup material. Such special
 750 meeting of landowners shall be held in a public place in the

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751 City of North Port, and the place, date, and hour of holding
752 such meeting and the purpose thereof shall be stated in the
753 notice. The landowners when assembled shall organize by electing
754 a chair who shall preside at the meeting and a vice chair,
755 secretary, and treasurer. At such meeting, each and every acre,
756 or any fraction thereof, of land in the district shall represent
757 one vote and each owner shall be entitled to one vote in person
758 or by written proxy for every acre of land, or any fraction
759 thereof, owned by such owner in the district. Candidates must be
760 citizens of the United States and shall be nominated prior to
761 commencement of the initial election. The landowners shall first
762 vote for the 2 supervisors who are to hold office for the 2
763 seats with an initial term of 4 years as herein provided, and
764 the persons receiving the highest and next highest number of
765 votes for such supervisor offices shall be declared and elected
766 as the supervisors for said 2 seats. The landowners shall next
767 vote for the supervisor who is to hold office for that seat with
768 a term of 3 years as provided herein, and the person receiving
769 the highest number of votes for such supervisor shall be
770 declared and elected as such supervisor for said seat. Said
771 landowners shall continue to so vote for each remaining seat
772 until the supervisor who is to hold office for the term of 1
773 year as herein provided is elected for said seat. The landowners
774 present or voting by proxy at the meeting shall constitute a
775 quorum.

776 (4) Each year during the month of June, beginning with
777 June of the second year following the first election, a

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778 supervisor shall be elected, as hereinafter provided, by the
779 landowners of said district to take the place of the retiring
780 supervisor. All vacancies or expirations on said board shall be
781 filled as provided by this act. All supervisors of the district
782 shall be citizens of the United States. Following the initial
783 election of supervisors in order to be eligible for election, a
784 candidate for an office of supervisor shall be required to file
785 a written notice of intention to be a candidate in said office
786 of the district at least 30 calendar days but not earlier than
787 90 calendar days before but not including the day of the annual
788 meeting of the landowners. In case of a vacancy in the office of
789 any supervisor, the remaining supervisors within 90 calendar
790 days of the vacancy shall fill such vacancy until the expiration
791 of that seat's outstanding term when a successor shall be
792 elected by the landowners. If, on or before January 1 of any
793 calendar year, there are 6,000 owners of real property in that
794 portion of the district located within the City of North Port
795 that are registered voters in the City of North Port, at least
796 one supervisor elected at the next regularly scheduled election
797 shall be a resident of and owner of real property in that
798 portion of the district located within the City of North Port.
799 If, on or before January 1 of any calendar year, there are 3,000
800 owners of real property in that portion of the district located
801 within the unincorporated area of Sarasota County that are
802 registered voters of Sarasota County, at least one supervisor
803 elected at the next regularly scheduled election shall be a

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804 resident of and owner of real property in that portion of the
805 district located within unincorporated Sarasota County.

806 (5) As soon as practicable after their election and the
807 taking of oaths of office, the board of supervisors of the
808 district shall organize by choosing a chair and vice chair of
809 the board of supervisors and by electing some suitable persons
810 secretary and treasurer, who may or may not be members of the
811 board. The board of supervisors shall adopt a seal which shall
812 be the seal of the district.

813 (6) Each supervisor shall hold office until his or her
814 successor shall be elected and qualified. Whenever any election
815 shall be authorized or required by this act to be held by the
816 landowners at any particular or stated time or day, and if for
817 any reason such election shall not or cannot be held at such
818 time or on such day, then in such event and in all and every
819 such event, the power or duty to hold such election shall not
820 cease or lapse, but such election shall be held thereafter as
821 soon as practicable and consistent with this act.

822 (7) The supervisors shall not receive any compensation for
823 their services.

824 Section 5. Meetings of landowners.--

825 (1) Each year during the month of June, a meeting of the
826 landowners of the district shall be held, when necessary, for
827 the purpose of electing a supervisor and hearing reports of the
828 board of supervisors and considering any matters upon which the
829 board of supervisors may request the advice and views of the
830 landowners. The board of supervisors shall have the power to

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831 call special meetings of the landowners at any time to consider
832 and act upon any matter upon which the board of supervisors may
833 request action, direction, or advice. Notice of all meetings of
834 the landowners shall be given by the board of supervisors by
835 causing publication thereof to be made for 2 consecutive weeks
836 prior to such meeting in the newspaper of general paid
837 circulation in which ~~that~~ the City of North Port publishes
838 notices of city meetings and in a newspaper of general paid
839 circulation in which Sarasota County publishes notices of its
840 board meetings, and prior to the meeting, ~~provision of 2 weeks'~~
841 ~~weeks~~ advance written notice shall be provided to the City of
842 North Port City Manager and the Sarasota County Administrator,
843 or their designees, regarding any matters affecting that portion
844 of the district located within the City of North Port
845 jurisdictional boundaries or the unincorporated area,
846 respectively, including the agenda and any backup material. The
847 meetings of the landowners shall be held in a public place in
848 the City of North Port, and the place, day, and hour of holding
849 such meetings shall be stated in the notice. The landowners when
850 assembled shall organize by electing a chair who shall preside
851 at the meeting. The secretary of the board of supervisors shall
852 be the secretary of such meeting. At all such meetings each and
853 every acre, or any fraction thereof, of land in the district
854 shall represent one vote, and each owner shall be entitled to
855 one vote in person or by written proxy for every acre, or any
856 fraction thereof, of land owned by such owner in the district.
857 The eligible person receiving the highest number of votes for a

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858 supervisor position shall be declared and elected as such
859 supervisor. Those landowners present or voting by proxy at the
860 meeting, including the initial meeting, shall constitute a
861 quorum at any meeting of the landowners.

862 (2) Guardians may represent their wards, and personal
863 representatives may represent the estates of deceased persons.
864 Trustees may represent lands by them in trust, and private and
865 municipal corporations may be represented by their officers or
866 duly authorized agents. Guardians, personal representatives,
867 trustees, and corporations may vote by proxy.

868 Section 10. Bonds may be issued, sale and disposition of
869 proceeds; interest; levy to pay bonds; bonds and duties of
870 treasurer.--

871 (2) Provided that any and all loans or bonds of the
872 district are non-recourse as to the City of North Port and
873 Sarasota County, the board of supervisors may issue bonds not to
874 exceed 90 percent of the total amount of the non-ad valorem
875 assessments levied under the provisions of section 298.305,
876 Florida Statutes, or equal to the total amount levied under
877 chapter 170, Florida Statutes, bearing interest from date at a
878 rate not to exceed the statutory lawful maximum per annum,
879 payable annually or semiannually, to mature at annual intervals
880 within 40 years commencing after a period of not later than 10
881 years, to be determined by the board of supervisors, with both
882 principal and interest payable at some convenient place
883 designated by the board of supervisors to be named in said
884 bonds, which bonds shall be signed by the chair of the board of

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885 supervisors, attested with the seal of the district and by the
886 signature of the secretary of the board. All of said bonds shall
887 be executed and delivered to the district or its agent, which
888 shall sell the same in such quantities and at such dates as the
889 board of supervisors may deem necessary to meet the payments for
890 the works, services, and improvements in and of the district. A
891 sufficient amount of the non-ad valorem assessment shall be
892 appropriated by the board of supervisors for the purpose of
893 paying the principal, premium, if any, and interest of said
894 bonds, and the same shall, when collected, be preserved in a
895 separate fund for that purpose and no other. All bonds not paid
896 at maturity shall bear interest at a rate of not to exceed the
897 statutory lawful maximum per annum from maturity until paid, or
898 until sufficient funds have been deposited at the place of
899 payment, and said interest shall be appropriated by the board of
900 supervisors out of the penalties and interest collected on
901 delinquent assessments or other available funds of the district.
902 Provided, however, that it may, in the discretion of said board,
903 be provided that at any time, after such date as shall be fixed
904 by the said board, said bonds may be redeemed before maturity at
905 the option of said board, or their successors in office, by
906 being made callable prior to maturity at such times and upon
907 such prices and terms and other conditions as said board shall
908 determine. If any bond so issued subject to redemption before
909 maturity shall not be presented when called for redemption, it
910 shall cease to bear interest from and after the date so fixed
911 for redemption.

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912 Section 11. Unit development; powers of supervisors to
913 designate units of development and adopt systems of progressive
914 development by units; plan of improvements and financing
915 assessments, for each unit.--

916 (1) Upon written petition signed by the owners of 51
917 percent of the acreage in any area, the board of supervisors of
918 the district shall have the power and is hereby authorized in
919 its discretion to exercise such powers authorized in this act,
920 the lands in said designated area or part of the district to be
921 called a "unit." The units into which said district may be so
922 divided shall be given appropriate numbers or names by said
923 board of supervisors, so that said units may be readily
924 identified and distinguished. The board of supervisors shall
925 have the power to fix and determine the location, area, and
926 boundaries of and lands to be included in each and all such
927 units with the consent of the owners of 51 percent of the
928 acreage in any area, and the method of carrying on the work in
929 each unit. If the board of supervisors shall determine that it
930 is advisable to conduct the work of the district by units, as
931 authorized by this section, said board shall, by resolution duly
932 adopted and entered upon its minutes, declare its purpose to
933 conduct such work accordingly and, upon petition of the owners
934 of 51 percent of the acreage in any area, shall at the same time
935 and manner fix the number, location, and boundaries of and
936 description of lands within such unit or units and give
937 appropriate numbers or names, which unit or units may overlay or
938 overlap one or more other units. As soon as practicable after

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939 | the adoption and recording of a resolution as to any unit, said
 940 | board of supervisors shall publish a notice once a week for 2
 941 | consecutive weeks in the newspaper of general paid circulation
 942 | in which ~~that~~ the City of North Port publishes notices of city
 943 | meetings and in a newspaper of general paid circulation in which
 944 | Sarasota County publishes notices of its board meetings, ~~and by~~
 945 | ~~provision of 2 weeks advance written notice to the City of North~~
 946 | ~~Port City Manager,~~ briefly describing the unit or units into
 947 | which the district has been divided and the lands embraced in
 948 | each unit, giving the name, number, or other designation of such
 949 | units, requiring all owners of lands in the district to show
 950 | cause in writing before said board of supervisors at a time and
 951 | place to be stated in such notice why such division of said
 952 | district into such unit or units should not be approved, and why
 953 | the proceedings and powers authorized by this section of this
 954 | act should not be had, taken, and exercised. Two weeks' advance
 955 | written notice of the board's intent to establish said unit or
 956 | units shall also be provided:

957 | (a) To the City of North Port City Manager or his or her
 958 | designee as to that portion of the district located within the
 959 | City of North Port jurisdictional boundaries; or

960 | (b) To the Sarasota County Administrator or his or her
 961 | designee as to that portion of the district located within the
 962 | unincorporated area.

963 |
 964 | At the time and place stated in said notice, said board of
 965 | supervisors shall hear all objections or causes of objection,

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966 | all of which shall be in writing, of any landowner in the
967 | district to the matters mentioned and referred to in such
968 | notice, and if no objections are made, or if said objections, if
969 | made, shall be overruled by said board, then said board shall
970 | enter in its minutes its finding and order confirming said
971 | resolution and may thereafter proceed with the development of
972 | the district by unit or units pursuant to such resolution and to
973 | the provisions of this act. If, however, said board of
974 | supervisors shall find as a result of such objections, or any of
975 | them, or the hearing thereon, that the division of the district
976 | into such unit or units as aforesaid should not be approved, or
977 | that the proceedings and powers authorized by this section of
978 | this act should not be had, taken, or exercised, or that any
979 | other matter or thing embraced in said resolution would not be
980 | in the best interest of the landowners of said unit or units or
981 | would be unjust or unfair to any landowner therein or otherwise
982 | inconsistent with fair and equal protection and enforcement of
983 | the rights of every landowner in said unit or units, then the
984 | board of supervisors shall not proceed further under such
985 | resolution, but said board of supervisors may, as a result of
986 | such hearing, modify or amend said resolution so as to meet such
987 | objections so made, and thereupon said board may confirm said
988 | resolution as so modified or amended and may thereafter proceed
989 | accordingly. If said board of supervisors shall overrule or
990 | refuse to sustain any such objections in whole or in part made
991 | by any landowner in the district, or if any such landowner shall
992 | deem himself or herself aggrieved by any action of the board of

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993 supervisors in respect to any objections so filed, such
994 landowner may, within 10 days after the ruling of said board,
995 file his or her complaint in the Circuit Court for Sarasota
996 County, against said district, praying an injunction or other
997 appropriate relief against the action or any part of such action
998 proposed by such resolution or resolutions of said board, and
999 such suits shall be conducted like other suits, except that said
1000 suits shall have preference over all other pending actions
1001 except criminal actions and writs of habeas corpus. Upon the
1002 hearing of said cause, the circuit court shall have the power to
1003 hear the objections and receive the evidence thereon of all
1004 parties to such cause and approve or disapprove said resolutions
1005 and action of the board in whole or in part, and to render such
1006 decree in such cause as right and justice require.

1007 (2) When said resolutions creating said unit or units
1008 shall be confirmed by the board of supervisors (or by the
1009 Circuit Court for Sarasota County, if such proposed action shall
1010 be challenged by a landowner by the judicial proceedings
1011 hereinabove authorized), the board of supervisors may adopt a
1012 plan of improvements or chapter 170 authorizing documents for
1013 and in respect to any or all such units, and to have the
1014 benefits and damages resulting therefrom assessed and
1015 apportioned as is provided by law in regard to a plan of
1016 improvements or chapter 170 authorizing documents for and
1017 assessments for benefits and damages of the entire district.
1018 With respect to the plan of improvements, notices, appointment
1019 of engineer to prepare a report assessing the benefits and

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1020 damages, the engineer's report and notice and confirmation
 1021 thereof, the levy of assessments, including maintenance
 1022 assessments, the issuance of bonds, the exercise or use of
 1023 chapter 170, Florida Statutes, proceedings and all other
 1024 proceedings as to each and all of such units, said board shall
 1025 follow and comply with the same procedure as is provided by law
 1026 with respect to the entire district; and said board of
 1027 supervisors shall have the same powers in respect to each and
 1028 all of such units as is vested in them with respect to the
 1029 entire district. All the provisions of this act shall apply to
 1030 the improvement of each, any, and all of such units, and the
 1031 enumeration of or reference to specific powers or duties of the
 1032 supervisors or any other officers or other matters in this act
 1033 as hereinabove set forth, shall not limit or restrict the
 1034 application of any and all of the proceedings and powers herein
 1035 for such units as fully and completely as if such unit or units
 1036 were specifically and expressly named in every section and
 1037 clause of this act where the entire district is mentioned or
 1038 referred to. All assessments, levies, bonds, and other
 1039 obligations made, levied, assessed, or issued for or in respect
 1040 to any such unit or units shall be a lien and charge solely and
 1041 only upon the lands in such unit or units, respectively, for the
 1042 benefit of which the same shall be levied, made, or issued, and
 1043 not upon the remaining units or lands in the district. The board
 1044 of supervisors, upon an affirmative vote of a simple majority of
 1045 qualified electors, as defined in chapter 189, Florida Statutes,
 1046 within said unit voting in a referendum, or upon approval of the

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1047 | landowners of 51 percent of the acreage in said unit if there
 1048 | are no residents in said unit, may at any time amend its
 1049 | resolutions by changing the location and description of lands in
 1050 | any such unit or units and provided, further, that if the
 1051 | location or description of lands located in any such unit or
 1052 | units is so changed, notice of such change shall be published as
 1053 | hereinabove required in this section for notice of the formation
 1054 | or organization of such unit or units; provided, however, that
 1055 | no lands against which benefits shall have been assessed may be
 1056 | detached from any such unit after the final adoption of the
 1057 | engineer's report of benefits or chapter 170 authorizing
 1058 | document, in such unit or units or the issuance of bonds or
 1059 | other obligations which are payable from assessments for
 1060 | benefits levied upon the lands within such unit or units.

1061 | (3) Provided, however, that if, after adoption of the
 1062 | engineer's report of benefits chapter 170, authorizing document,
 1063 | in such unit or units, or the issuance of bonds or other
 1064 | obligations which are payable from assessments for benefits
 1065 | levied upon lands within such unit or units, the board of
 1066 | supervisors finds the plan of improvements, the engineer's
 1067 | report, or chapter 170 authorizing documents for any such unit
 1068 | or units insufficient or inadequate for efficient development,
 1069 | same may be amended or changed as provided in this act, chapter
 1070 | 170 or chapter 298, Florida Statutes, and the unit or units may
 1071 | be amended or changed as provided in this section, by changing
 1072 | the location and description of lands in any such unit or units,
 1073 | by detaching lands therefrom or by adding land thereto, upon the

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1074 approval of at least 51 percent of the landowners according to
1075 acreage, in any such unit, and provided that in such event all
1076 assessments, levies, fees, bonds, and other obligations made,
1077 levied, assessed, incurred, or issued for or in respect to any
1078 such unit or units may be allocated and apportioned to the
1079 amended unit or units in proportion to the benefits assessed by
1080 the engineer's report, for the amended plan of improvements and
1081 said report shall specifically provide for such allocation and
1082 apportionment. The landowners shall file their approval of or
1083 objections to such amended plan of improvements within the time
1084 provided in section 298.301, Florida Statutes, or, when used
1085 such applicable deadline provision, if any, of chapter 170,
1086 Florida Statutes, and shall file their approval of or objections
1087 to the amendment of such unit as provided in this section.

1088 (4) No assessable lands shall be detached from any unit
1089 after the issuance of bonds or other obligations for such unit
1090 except upon the consent of a majority the holders, based on face
1091 value of the outstanding bonds, of such bonds or other
1092 obligations. In the event of the change of the boundaries of any
1093 unit as provided herein and the allocation and apportionment to
1094 the amended unit or units of assessments, levies, fees, bonds,
1095 and other obligations in proportion to the benefits assessed,
1096 the holder of the bonds or other obligations heretofore issued
1097 for the original unit who consents to such allocation and
1098 apportionment shall be entitled to all rights and remedies
1099 against any lands added to the amended unit or units as fully
1100 and to the same extent as if such added lands had formed and

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1101 constituted a part of the original unit or units at the time of
1102 the original issuance of such bonds or other obligations, and
1103 regardless of whether the holders of such bonds or other
1104 obligations are the original holders thereof or the holders from
1105 time to time hereafter, and the rights and remedies of such
1106 holders against the lands in the amended unit or units,
1107 including any lands added thereto, under such allocation and
1108 apportionment, shall constitute vested and irrevocable rights
1109 and remedies to the holders from time to time of such bonds or
1110 other obligations as fully and to the same extent as if such
1111 bonds or other obligations had been originally issued to finance
1112 the improvements in such amended unit or units.

1113 (5) Upon the formation of a unit, the board is authorized
1114 to levy a one-time organizational special assessment tax per
1115 acre on the lands in a unit sufficient to prepare a plan of
1116 improvements or chapter 170 authorizing documents and have the
1117 benefits assessed as provided herein.

1118 (6) The territorial limits of a unit may be expanded to
1119 include additional land by agreement between the district and
1120 all of the landowners of the land to be included in the unit,
1121 provided that at the time of the execution of the agreement, the
1122 additional land is contained within the jurisdictional
1123 boundaries of the district. Land included in the unit by
1124 agreement shall thereafter be subject to the payment of all
1125 assessments or fees levied by the district in the unit and shall
1126 be subject to the provisions of all laws under which the

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1127 | district operates. The agreement shall be in recordable form and
 1128 | filed in the official records.

1129 | (7) The district shall not amend any plan of improvement
 1130 | for any unit in which any real property has been sold to the
 1131 | general public at large for residential and non-commercial
 1132 | purposes, in such a way that said amendment results in any
 1133 | increase in the principal amount of debt then authorized for
 1134 | that unit, without an affirmative vote of a simple majority of
 1135 | qualified electors, as so defined in chapter 189, Florida
 1136 | Statutes, within said unit voting in a referendum.

1137 | Section 12. Eminent domain.--The said board of supervisors
 1138 | is hereby authorized and empowered, when reasonably necessary
 1139 | for the implementation of district authorized public
 1140 | infrastructure works, facilities, or services, to exercise
 1141 | within the district, with prior approval by resolution of the
 1142 | governing body of the district, ~~and the municipality or outside~~
 1143 | ~~the district's territorial boundaries and within the City of~~
 1144 | ~~North Port with prior approval, by resolution, of the City of~~
 1145 | ~~North Port City Commission, (which approval shall not be~~
 1146 | ~~unreasonably withheld),~~ the right and power of eminent domain,
 1147 | pursuant to the provisions of chapters 73 and 74, Florida
 1148 | Statutes, over any property within the district and the City of
 1149 | North Port or unincorporated Sarasota County, except municipal,
 1150 | county, state, and federal property, for the uses and purposes
 1151 | of the district relating solely to water, sewer, district roads,
 1152 | and water management, specifically including, without
 1153 | limitation, the power for the taking of easements for the

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1154 drainage of the land of one person over and through the land of
 1155 another; however, the exercise of any such power of eminent
 1156 domain:

1157 (1) Within the territorial boundaries of the City of North
 1158 Port, whether or not within the district boundaries, shall
 1159 require the prior approval, by resolution, of the City of North
 1160 Port City Commission (which approval shall not be unreasonably
 1161 withheld); or

1162 (2) Within the unincorporated area, whether or not within
 1163 the district boundaries, shall require the prior approval, by
 1164 resolution, of the Board of County Commissioners of Sarasota
 1165 County (which approval shall not be unreasonably withheld).

1166 Section 17. Territorial boundaries.--

1167 (1) The territorial boundaries of the district shall be as
 1168 follows, to wit:

1170 LANDS LOCATED IN TOWNSHIP 39 SOUTH, RANGE 20 EAST,
 1171 SARASOTA COUNTY, FLORIDA:

1173 That part of Section 21, lying Southwesterly of County
 1174 Road No. 777 (West River Road). All that part of
 1175 Section 28, lying West of County Road No. 777 (West
 1176 River Road). All of Section 29, less and except the
 1177 following:

1178
 1179 Right-of-way for U. S. Highway No. 41 (State Road No.
 1180 45). All of Section 30, less and except the following:

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1181 Right-of-way for U. S. Highway No. 41 (State Road No.
1182 45); That portion conveyed to Florida Power and Light
1183 Company consisting of approximately 4.66 acres in the
1184 SW1/4 as described in Official Record Book 1036, Page
1185 802, Public Records of Sarasota County, Florida; That
1186 portion lying West of lands described in Official
1187 Record Book 1036, Page 802, South of the westerly
1188 extension of the North line of said lands described in
1189 Official Records Book 1036, Page 802, and North of the
1190 northerly Right of Way line of U.S. Highway No. 41.
1191 All of Section 31, less and except the following:
1192 Right-of-way of U. S. Highway No. 41 (State Road No.
1193 45). All of Section 32, less and except the following:
1194 Right-of-way of U. S. Highway No. 41 (State Road No.
1195 45); That portion conveyed in Official Record Book
1196 2785, Page 634 of the Public Records of Sarasota
1197 County, Florida, (Sarasota County Hospital Board);
1198 That portion conveyed in Official Record Book 1571,
1199 Page 2172 of the Public Records of Sarasota County,
1200 Florida, (Manatee Community College); Right-of-way for
1201 Pine Street Extension as recorded in Official Record
1202 Book 2536, pages 811-974 of The Public Records of
1203 Sarasota County, Florida; That portion conveyed in
1204 Official Record Book 2785, Page 641 of the Public
1205 Records of Sarasota County, Florida, (120 wide
1206 perpetual Non-Exclusive easement); That portion lying
1207 South of lands conveyed in Official Record Book 1571,

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1208 Page 2172 and East of lands described in Official
 1209 Record Book 2785, Page 641, Public Records of Sarasota
 1210 County, Florida. That portion of Section 33, lying
 1211 North of U.S. Highway No. 41 (State Road No. 45) and
 1212 West of County Road #777 (West River Road); also that
 1213 portion of Section 33, lying South of U.S. Highway No.
 1214 41 (State Road No. 45), West of a 200 ft. wide access
 1215 easement described in Official Records Book 2389, Page
 1216 528, Public Records of Sarasota County, Florida, and
 1217 North of lands conveyed in Official Records Book 1571,
 1218 Page 2172, Public Records of Sarasota County, Florida;
 1219 also that portion of Section 33, lying South of U.S.
 1220 Highway No. 41 (State Road No. 45), described as
 1221 follows:

1222
 1223 COMMENCE at the East Quarter Corner of Section 33,
 1224 Township 39 South, Range 20 East, Sarasota County
 1225 Florida; thence S. 00°16'02"W., along the East line of
 1226 said Section 33, a distance of 289.08 feet to a point
 1227 on the Southerly Right of Way Line of U.S. Highway No.
 1228 41, (State Road No. 45) per Florida Department of
 1229 Transportation Right of Way Map Section 17010-2508,
 1230 same being a point on a curve to the right having a
 1231 radius of 3011.73 feet, a central angle of 24°58'49",
 1232 a chord bearing of N. 66°51'56"W., and a chord length
 1233 of 1032.71 feet; thence along the arc of said curve
 1234 and said Southerly Right of Way of U.S. No. 41, an arc

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1235 length of 1313.08 feet to the point of tangency of
 1236 said curve; thence N. 54°22'31"W., along said
 1237 southerly Right of Way, a distance of 66.57 feet to
 1238 the POINT OF BEGINNING, same being the Northwest
 1239 corner of Lands described in Official Records
 1240 Instrument No. 1998166153, per Public Records of
 1241 Sarasota County, Florida; thence along the Westerly
 1242 line of said Lands described in Official Records
 1243 Instrument No. 1998166153 the following three (3)
 1244 courses and distances; (1) S. 35°37'26"W., a distance
 1245 of 161.93 feet to the point of curvature of a curve to
 1246 the right having a radius of 559.97 feet, a central
 1247 angle of 29°49'56", a chord bearing of S. 50°32'24"W.,
 1248 and a chord length of 288.28 feet; (2) thence along
 1249 the arc of said curve an arc length of 291.56 feet to
 1250 the end of said curve; (3) thence S. 00°01'27"W., a
 1251 distance of 1074.23 feet; thence N. 48°24'50"W.,
 1252 leaving said Westerly Line, a distance of 2914.38 feet
 1253 to the Northeast corner of Lands described as Manatee
 1254 Community College per Official Records Book 1571, Page
 1255 2172, same being the point of curvature of a curve to
 1256 the left having a radius of 4577.37 feet, a central
 1257 angle of 06°20'23", a chord bearing of N. 60°40'02"W.,
 1258 and a chord length of 506.22 feet; thence along the
 1259 arc of said curve and Northerly Line of Lands
 1260 described as Manatee Community College, an arc length
 1261 of 506.48 feet to the end of said curve, same being

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1262 the Southeast corner of lands described in Official
 1263 Records Book 2389, Page 529, Public Records of
 1264 Sarasota County, Florida; thence N. 65°18'18"E., along
 1265 the Easterly Line of said lands, a distance of 188.09
 1266 feet; thence continue N. 00°00'19"W., along said
 1267 Easterly Line, a distance of 144.96 feet to the
 1268 Northeast corner of said Lands; thence N. 65°21'46"W
 1269 along the Northerly Line of said Lands, a distance of
 1270 400.68 feet to the Northwest corner of said Lands,
 1271 same being a point on the Easterly Line of a 200 foot
 1272 wide access Easement per Official Records Book 1571,
 1273 Pages 2172 through 2175 and Official Records Book
 1274 2389, Pages 528 through 530, Public Records of
 1275 Sarasota County, Florida; thence N. 00°30'25"E., along
 1276 the Easterly Line of said 200 foot wide access
 1277 Easement, a distance of 786.89 feet to the Southerly
 1278 Right of Way of U.S. No. 41, same being a point on a
 1279 curve to the right having a radius of 5597.58 feet, a
 1280 central angle of 03°08'33", a chord bearing of S.
 1281 69°13'16"E., and a chord length of 306.97 feet; thence
 1282 along the arc of said curve an arc length of 307.01
 1283 feet to the end of said curve; thence continue along
 1284 said Southerly Right of Way Line the following
 1285 fourteen (14) courses and distances; (1) S.
 1286 22°19'13"W., a distance of 10.00 feet to the point of
 1287 curvature of a curve to the right having a radius of
 1288 5587.58 feet, a central angle of 00°45'15", a chord

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1289 bearing of S. 67°16'21"E., and a chord length of 73.55
 1290 feet; (2) thence along the arc of said curve an arc
 1291 length of 73.55 feet; (3) thence N. 23°06'16"E., a
 1292 distance of 10.00 feet to the point of curvature of a
 1293 curve to the right having a radius of 5597.58 feet, a
 1294 central angle of 08°17'44", a chord bearing of S.
 1295 62°44'52"E., and a chord length of 809.74 feet; (4)
 1296 thence along the arc of said curve an arc length of
 1297 810.45 feet; (5) thence S. 31°08'57"W., a distance of
 1298 10.00 feet to the point of curvature of a curve to the
 1299 right having a radius of 5587.58 feet, a central angle
 1300 of 00°45'12", a chord bearing of S. 58°13'22"E., and a
 1301 chord length of 73.47 feet; (6) thence along the arc
 1302 of said curve an arc length of 73.47 feet; (7) thence
 1303 N. 32°24'25"E., a distance of 10.00 feet to the point
 1304 of curvature of a curve to the right having a radius
 1305 of 5597.58 feet, a central angle of 03°28'13", a chord
 1306 bearing of S. 56°06'38"E., and a chord length of
 1307 338.98 feet; (8) thence along the arc of said curve an
 1308 arc length of 339.03 feet to the end of said curve;
 1309 thence (9) S. 56°35'34"E.; a distance of 155.08 feet;
 1310 (10) thence S. 54°22'31"E., a distance of 1102.52
 1311 feet; (11) thence S. 51°00'40"E., a distance of 101.66
 1312 feet; (12) thence S. 54°20'43"E., a distance of 199.02
 1313 feet; (13) thence S. 48°43'03"E., a distance of 100.71
 1314 feet; (14) thence S. 54°22'31"E., a distance of 447.75
 1315 feet to the POINT OF BEGINNING.

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1316
 1317 That portion of the North Half of the Southwest
 1318 Quarter of the Northwest Quarter of Section 34, lying
 1319 West of River Road (County Road No. 777); also that
 1320 portion of the Southeast Quarter of Section 34, lying
 1321 West of the Myakka River, South of the South line of
 1322 lands described in Official Record Instrument No.
 1323 2000002794, Public Records of Sarasota County, Florida
 1324 (River Road Office Park, Inc.), and easterly of the
 1325 maintained right of way line of a paved road running
 1326 from River Road to the South line of the Northeast
 1327 Quarter of said Section 34, (Old River Road), less and
 1328 except the following: That portion described in
 1329 Official Record Instrument No. 1999111833, Public
 1330 Records of Sarasota County, Florida, (Right of Way for
 1331 County Road No. 777). All of Section 35 lying West of
 1332 the Myakka River. Also, a portion of Sections 32, 33
 1333 and 34, Township 39 South, Range 20 East, Sarasota
 1334 County, Florida, being more particularly described as
 1335 follows: BEGIN at the Southeast corner of Section 32,
 1336 Township 39 South, Range 20 East; thence N.
 1337 89°04'43"W., along the South line of said Section 32,
 1338 a distance of 410.14 feet to the Southeast corner of
 1339 the lands described in Official Records Book 2785 at
 1340 Page 634, of the Public Records of Sarasota County,
 1341 Florida; thence N. 00°30'25"E., along the East line of
 1342 said lands described in Official Records Book and

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1343 Page, same being the West line of a 120.00 foot wide
 1344 Perpetual Non-exclusive Easement per Official Records
 1345 Book 2785 at Page 641, a distance of 1400.76 feet to a
 1346 point on the westerly extension of the southerly
 1347 boundary line of lands described in Official Records
 1348 Book 1571 at Page 2172, of the Public Records of
 1349 Sarasota County, Florida; thence along the westerly
 1350 extension and boundary of said lands described in
 1351 Official Records Book 1571, at Page 2172 the following
 1352 two (2) courses: (1) S. 89°29'35"E., a distance of
 1353 1960.21 feet; (2) thence N. 00°30'25"E., a distance of
 1354 2062.70 feet to the Northeast corner of said lands;
 1355 thence S. 48°24'50"E., a distance of 2914.38 feet to
 1356 the Southwest corner of lands described in Official
 1357 Records Instrument 1998166154, of the Public Records
 1358 Sarasota County, Florida; thence along the boundary of
 1359 said lands described in Official Records Instrument
 1360 1998166154 the following three (3) courses: (1) S.
 1361 89°58'33"E., a distance 676.50 feet; (2) thence N.
 1362 00°01'27"E., a distance of 752.33 feet; (3) thence N.
 1363 28°06'22"E., a distance of 362.06 feet to a point on
 1364 the southerly right of way line of U.S. Highway No.
 1365 41, as per Florida Department of Transportation Right
 1366 of Way Map, Section 17010-2508, said point being on a
 1367 curve concave to the northeast and having a radius of
 1368 3011.73 feet, a central angle of 14°28'18", a chord
 1369 bearing of S. 72°07'12"E. and a chord distance of

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1370 758.67 feet; thence in an easterly direction, along
 1371 the arc of said curve, an arc distance of 760.69 feet
 1372 to a point on the West line of Section 34, Township 39
 1373 South, Range 20 East, Sarasota County, Florida; thence
 1374 S. 00°16'02"W., along the West line of said Section
 1375 34, and leaving said southerly right of way line, a
 1376 distance of 379.82 feet; thence S. 89°37'27"E., a
 1377 distance of 1329.90 feet to a point on the westerly
 1378 right of way line of County Road #777 (South River
 1379 Road) as per Florida Department of Transportation
 1380 Right of Way Map, Section 17550-2601; thence along
 1381 said westerly right of way line, the following six (6)
 1382 courses; (1) S. 00°07'30"W., a distance of 5.48 feet;
 1383 (2) thence S. 89°23'52"E., a distance of 9.74 feet;
 1384 (3) thence S. 36°39'07"E., a distance of 64.18 feet to
 1385 the point of curvature of a circular curve to the
 1386 right, having a radius of 5599.32 feet, a central
 1387 angle of 02°00'54", a chord bearing of S. 35°38'40"E.
 1388 and a chord distance of 196.90 feet; (4) thence
 1389 southeasterly, along the arc of said curve, an arc
 1390 distance of 196.91 feet to the end of said curve; (5)
 1391 thence N. 55°21'47"E., radial to the last described
 1392 curve, a distance of 20.00 feet to a point on a curve
 1393 concentric with the last described curve and having a
 1394 radius of 5619.32 feet, a central angle of 15°31'30",
 1395 a chord bearing of S. 26°52'28"E. and a chord distance
 1396 of 1517.98 feet; (6) thence in a southerly direction

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1397 along the arc of said curve, an arc distance of
 1398 1522.64 feet to the Northeast corner of lands
 1399 described in Official Records Instrument 2000002794,
 1400 of the Public Records Sarasota County, Florida; thence
 1401 S. 78°41'04"W., along the northerly line of said lands
 1402 described in Official Records Instrument 2000002794, a
 1403 distance of 2240.20 feet to the Southeast corner of
 1404 Section 33, Township 39 South, Range 20 East, Sarasota
 1405 County, Florida; thence N. 89°39'52"W., along the
 1406 South line of said Section 33, a distance of 5318.90
 1407 feet to the POINT OF BEGINNING.

1408
 1409 LANDS LOCATED IN TOWNSHIP 40 SOUTH, RANGE 20 EAST,
 1410 SARASOTA COUNTY, FLORIDA:

1411
 1412 All of Section 3, less and except the following: That
 1413 portion conveyed in Order of Taking recorded in
 1414 Official Record Book 2679, Page 2750-2754, of the
 1415 Public Records of Sarasota County, Florida (County
 1416 Road No 777); That portion conveyed in Official Record
 1417 Instrument No. 2000002794 of the Public Records of
 1418 Sarasota County, Florida, (River Road Office Park,
 1419 Inc.); The maintained right-of-way of County Road No.
 1420 777 (South River Road). All of Section 4, Less and
 1421 except the following: That portion described in
 1422 Official Record Instrument No. 2000002794, of the
 1423 Public Records of Sarasota County, Florida, (River

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1424 Road Office Park, Inc.). All of Section 5, less and
 1425 except the following: Right-of-way conveyed for Pine
 1426 Street Extension recorded in Official Record Book
 1427 2536, Page 811-974, of the Public Records of Sarasota
 1428 County, Florida. All of Section 6, less and except the
 1429 following: Right-of-way conveyed for Pine Street
 1430 Extension recorded in Official Record Book 2536, Page
 1431 811-974, of the Public Records of Sarasota County,
 1432 Florida. All of Section 7, less and except the
 1433 following: Right-of-way conveyed for Pine Street
 1434 Extension recorded in Official Record Book 2536, Page
 1435 811-974, of the Public Records of Sarasota County,
 1436 Florida. All of Section 8. All of Section 9. All of
 1437 Section 10, less and except the following: The
 1438 maintained right-of-way for County Road No. 777 (South
 1439 River Road) ALL OF THE ABOVE ARE SUBJECT TO EASEMENTS
 1440 OF RECORD, OR OTHERWISE, USED FOR DRAINAGE, UTILITIES
 1441 AND/OR INGRESS AND EGRESS.

1442
 1443 The above described property contains a total of
 1444 8193.7478 acres more or less.

1445
 1446 (2) The territorial limits of West Villages Improvement
 1447 District shall also embrace and include those parcels of land
 1448 described as follows:
 1449

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1450 LANDS LOCATED IN TOWNSHIP 39 SOUTH, RANGE 20 EAST,
 1451 SARASOTA COUNTY, FLORIDA:
 1452
 1453 All that part of Section 21, as lies Southwesterly of
 1454 County Road # 777 (West River Road). All that part of
 1455 Section 28 lying West of County Road # 777 (West River
 1456 Road). All that part of Section 32, described as
 1457 follows:
 1458
 1459 Commence at the Northeast corner of said Section 32;
 1460 thence S.00E30'23"W., along the easterly line of the
 1461 Northeast 1/4 of said Section 32, a distance of
 1462 2658.68 feet to the southeast corner of said Northeast
 1463 1/4; thence N.89E23'27"W. a distance of 290.00 feet to
 1464 the POINT OF BEGINNING; thence N.00E30'23"E., parallel
 1465 with the easterly line of said Section 32, a distance
 1466 of 2497.34 feet to the southerly right-of-way of U.S.
 1467 Highway 41, being a point on a curve to the left the
 1468 center of which lies S.06E30'20"W., a radial distance
 1469 of 5603.58 feet; thence along the arc in a westerly
 1470 direction, passing through a central angle of
 1471 01E13'57", a distance of 120.53 feet; thence
 1472 S.00E30'23"W., a distance of 5165.77 feet; thence
 1473 S.89E05'08"E., a distance of 120.00 feet; thence
 1474 N.00E30'23"E., a distance of 2657.98 feet to the POINT
 1475 OF BEGINNING.
 1476

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1477 All that part of Section 33, described as follows:
 1478 Commence at the NW corner of Section 33, Township 39
 1479 South, Range 20 East, Sarasota Florida; run thence S.0
 1480 degrees 30'44"W. along the westerly line of said
 1481 Section 33, 105.39' to the centerline of U.S. 41;
 1482 thence continue S.0 degrees 30'44"W. along said
 1483 westerly line 1372.36'; thence S.89 degrees 29'16"E.
 1484 along the northerly line of Tract, 810' to the POINT
 1485 OF BEGINNING of said centerline of said 200 foot wide
 1486 Tract; thence N.0 degrees 30'44"E., parallel to the
 1487 said westerly line of Section 33, 1078.74' to the
 1488 southerly right-of-way line of U.S. 41 (right-of-way
 1489 being 100 feet from centerline at this point) for a
 1490 POINT OF TERMINATION.

1491
 1492 All that part of Section 34 described as follows: The
 1493 North Half of the Northwest Quarter of the Southwest
 1494 Quarter lying South of U.S. Highway #41 (State Road
 1495 #45) and West of the right of way of County Road #777
 1496 (as realigned) in Official Records Book 2679 at Pages
 1497 2750-2574, LESS the following described lands: East
 1498 200' (as measured along the South Right-of-Way of
 1499 Tamiami Trail, or arc distance) of the West 392.7 feet
 1500 measured along the South Right-of-Way of said Tamiami
 1501 Trail, arc distance; on the following described
 1502 property: That portion of the Northwest 1/4 of the
 1503 Northwest 1/4 of the Southwest 1/4 of Section 34,

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1504 Township 39 South, Range 20 East, Sarasota County,
 1505 Florida, lying South of Tamiami Trail and being more
 1506 particularly described as follows: Begin at the West
 1507 1/4 of section corner of Section 34, Township 39
 1508 South, Range 20 East and run South on the section line
 1509 196.71 feet to the South Right-of-Way line of the
 1510 Tamiami Trail for a Point of Beginning: thence
 1511 continue S.89E58'00"E 659 feet; thence N.00E00'20"W
 1512 424.57 feet to the South Right-of-Way of the said
 1513 Tamiami Trail; thence in a Northwesterly direction
 1514 along the curve of said Tamiami Trail a distance of
 1515 662.5 feet to the Point of Beginning. Said above
 1516 described lands being more particularly described and
 1517 surveyed as follows: Commence at the West quarter
 1518 corner of said Section 34, thence South along the
 1519 Westerly section line of said Section 34, a distance
 1520 of 668.85 feet; thence S.89E58'00"E. a distance of
 1521 190.40 feet to the Point of Beginning of this
 1522 description. Thence N.00E00'00"E. a distance of 350.24
 1523 feet to a point on the Southerly Right-of-Way line of
 1524 Tamiami Trail also known as STATE ROAD No. 45. and
 1525 U.S. 41 as per Florida Department of Transportation
 1526 Right-of-Way maps Section No. 17010-2508 (204' Right-
 1527 of-Way) said point also being on the arc of a circular
 1528 curve to the left whose radius point bears
 1529 N.06E36'51"E., thence along the arc of said curve in
 1530 an easterly direction through a central angle of

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1531 03E48'13", having a radius distance of 3011.73 feet,
 1532 an arc distance of 199.93 feet; thence South leaving
 1533 said Right-of-Way line a distance of 333.93 feet;
 1534 thence N.89E58'00"W. a distance of 199.22 feet to the
 1535 Point of Beginning; The NE 1/4 of the SW 1/4, lying
 1536 easterly of right of way for County Road #777 (as
 1537 realigned) as per Official Records Book 2679, at Pages
 1538 2750-2754, Less the NW 1/4 of the NE 1/4 of the SW
 1539 1/4, Also Less lands described in Official Records
 1540 Instrument Number 1999111833; That part of the West
 1541 Half of the SE 1/4, lying westerly of maintained right
 1542 of way for South River Road (Old River Road), and
 1543 northerly of lands described in Official Records
 1544 Instrument Number 1999111833.

1545
 1546 IN TOWNSHIP 40 SOUTH, RANGE 20 EAST, SARASOTA COUNTY,
 1547 FLORIDA:

1548
 1549 All of Section 15, less and except the following: The
 1550 maintained right-of-way for County Road #777 (South
 1551 River Road); Right-of-way conveyed in Official Records
 1552 Instrument Number 2000163556.

1553
 1554 All of Section 17, less and except the following:
 1555 Right-of-way conveyed for Pine Street Extension
 1556 recorded in Official Record Book 2536, Page 811-974,
 1557 of the Public Records of Sarasota County, Florida.

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All of Section 18, less and except the following:
 Right-of-way conveyed for Pine Street Extension
 recorded in Official Record Book 2536, Page 811-974,
 of the Public Records of Sarasota County, Florida.

All of Section 19, less and except the following:
 Right-of-way conveyed for Pine Street Extension
 recorded in Official Record Book 2536, Pages 811-974,
 of the Public Records of Sarasota County, Florida.

All of Section 20, less and except the following:
 Right-of-way conveyed for Pine Street Extension
 recorded in Official Record Book 2536, Pages 811-974,
 of the Public Records of Sarasota County, Florida;
 Maintained right-of-way for County Road #777 (South
 River Road).

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

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Parcel Contains 3739.9714 Acres more or less.

Section 19. Limitations of powers.--All governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within the district. The district does not have the power of a local government to adopt a comprehensive plan, building code, zoning code, or land development code, as those terms are defined in the Local Government Comprehensive Planning and Land Development Regulation Act. The district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government. Nothing in this act shall create any delegation of any responsibilities or authorities from Sarasota County or the City of North Port to the district. Notwithstanding anything to the contrary, as to any lands located within the City of North Port jurisdictional boundaries or the unincorporated area, the district shall be required to obtain any and all permits for infrastructure planning and construction from the City of North Port or Sarasota County, respectively, that would otherwise be required of a private entity performing the same work. The district shall not have the power to supersede ~~superecede~~, contravene, or overrule any development or annexation agreements entered into by landowners within or outside of the district or any City of North Port joint planning agreements or interlocal agreements with Sarasota County or any other governmental entities.

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1612 Section 2. Referendum.--No expansion of the territorial
1613 boundaries of the district shall be effective until a landowner
1614 referendum is conducted by the board of supervisors within 60
1615 days after the effective date of this act on the question of
1616 expanding the territorial boundaries of the district. All
1617 landowners (which include the landowners within the current
1618 district and expanded district boundaries) are entitled to vote
1619 in the referendum held pursuant to this section. The referendum
1620 shall be held on a one-acre, one-vote basis at the expense of
1621 the district. If the landowners approve the referendum described
1622 in this section by a majority vote of the acreage cast, then
1623 this act shall take effect immediately.

1624 Section 3. This act shall take effect only upon its
1625 approval by a majority vote of those qualified landowners of the
1626 area described in section 17, as amended, voting in a referendum
1627 to be held by the Board of Supervisors of the West Villages
1628 Improvement District voting in a special election, except that
1629 this section and section 2 shall take effect upon becoming a
1630 law.