

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1077

West Villages Improvement District, Sarasota County

SPONSOR(S): Reagan

TIED BILLS:

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Urban & Local Affairs</u>	<u>8 Y, 0 N</u>	<u>Fudge</u>	<u>Kruse</u>
2) <u>Government Efficiency & Accountability Council</u>	<u>13 Y, 0 N</u>	<u>Fudge</u>	<u>Cooper</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The West Villages Improvement District (District) is an independent special district wholly within the City of North Port, Sarasota County, Florida. The District consists of approximately 11,933 acres. The District's charter grants the District the powers, functions, and duties under chs. 189 (Special District: General Provisions) and 298 (Drainage and Water Control), F.S., with a few exceptions. The District has the authority to levy non-ad valorem assessments.

HB 1007 adds approximately 581.6 acres to the District of which approximately 338.2 acres are in the City of North Port and the remaining approximately 243.4 acres are in unincorporated Sarasota County. The bill also removes approximately 106.2 acres from the District, all of which are in unincorporated Sarasota County. Therefore, the net increase in the size of the District would be approximately 475 acres.

The bill also calls for a referendum within 60 days after becoming law, in which a majority vote cast of the acreage of all landowners (including those within the current District and those in the proposed expanded boundaries) is required to add the new territory. The referendum is to be held on a one-acre, one-vote basis at the expense of the District.

The bill provides an effective date of upon becoming law, except for the annexation, which will take effect only upon approval by the landowners.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any House Principles.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

The West Villages Improvement District (District) is an independent special district wholly within the City of North Port, Sarasota County, Florida. The District consists of approximately 11,933 acres. The District's charter grants the District the powers, functions, and duties under chs. 189 (Special District: General Provisions) and 298 (Drainage and Water Control), F.S., with a few exceptions.

Effect of Proposed Changes

Some landowners within the District have consented to be included in the District.¹²³ One landowner has entered into an Agreement with Sarasota County for the addition and deletion of land within the District.⁴ HB 1077 adds approximately 581.6 acres to the District of which approximately 338.2 acres are in the City of North Port and the remaining approximately 243.4 acres are in unincorporated Sarasota County. The bill also removes approximately 106.2 acres from the District, all of which are in unincorporated Sarasota County. Therefore, the net increase in the size of the District would be approximately 475 acres.

The bill also calls for a referendum within 60 days after becoming law, in which a majority vote of the acreage cast of all landowners (including those within the current District and those in the proposed expanded boundaries) is required to add the new territory. The referendum is to be held on a one-acre, one-vote basis at the expense of the District.

C. SECTION DIRECTORY:

Section 1: Amends section 17 of ch. 2004-456, L.O.F., as amended by ch. 2006-355, L.O.F., expanding the territorial boundaries of the West Villages Improvement District.

Section 2: Provides for a referendum.

Section 3: Provides an effective date of upon approval by a majority of those qualified landowners for s. 1, and upon becoming law for ss. 2 and 3.

¹ December 21, 2007 Consent to Inclusion of Real Property Within the West Villages Improvement District by River Road Office Park, Inc.

² December 21, 2007 Consent to Inclusion of Real Property Within the West Villages Improvement District by Sarasota Memorial Health Care System.

³ October 23, 2007 Agreement between Fourth Quarter Properties XXXII, LLC and the Board of County Commissioners of Sarasota County for the addition and deletion of land in the District.

⁴ See *supra* note 3.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 9, 2007.

WHERE? In the *Sarasota Herald-Tribune*, a daily newspaper published in Sarasota County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? Within 60 days after the effective date of the bill.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No
None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Section 4 of the Special Act provides that “[a]ny expansion of the powers or the boundaries of the district within the City of North Port shall require prior approval of the City of North Port Commission or its designee. Any expansion of the powers or the boundaries of the district within the unincorporated area of Sarasota County shall require prior approval of the Board of County Commissioners of Sarasota County or its designee.” Therefore, it would appear that before the expansion is effective, the approval of the affected local governments is required.

D. STATEMENT OF THE SPONSOR

No sponsor statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES