

1 A bill to be entitled
 2 An act relating to the West Villages Improvement
 3 District, Sarasota County; amending chapter 2004-456,
 4 Laws of Florida, as amended; revising statutory
 5 references; removing a prohibition on the district
 6 obtaining fee simple title certain real property;
 7 revising board member election procedures; revising
 8 the district's right and power of eminent domain;
 9 providing an effective date.

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

12
 13 **Section 1. Subsection (3) of section 2, paragraph (d) of**
 14 **subsection (2) of section 3, subsection (4) of section 4, and**
 15 **section 12 of chapter 2004-456, Laws of Florida, as amended by**
 16 **chapters 2007-307 and 2006-355, Laws of Florida, are amended to**
 17 **read:**

18 Section 2. District; creation, jurisdiction, and purpose.—

19 (3) The district is created for all purposes as shall be
 20 liberally construed from and set forth in this act, under
 21 chapters 189 and sections 189.401-189.429, Florida Statutes,
 22 ~~provided that section 189.4045(2), Florida Statutes, is~~
 23 ~~specifically excluded and not applicable to the district or to~~
 24 ~~the City of North Port as to that portion of the district~~
 25 ~~located within the City of North Port jurisdictional boundaries,~~

26 | ~~or to Sarasota County as to that portion of the district located~~
27 | ~~within the unincorporated area, and chapter 298, Florida~~
28 | ~~Statutes, as the same may be amended from time to time, except~~
29 | ~~that an inconsistent provision in this act shall control, and~~
30 | ~~may perform such acts as shall be necessary, convenient,~~
31 | ~~incidental, or proper for the provision, acquisition,~~
32 | ~~development, operation, and maintenance of those public~~
33 | ~~infrastructure works and services authorized herein, including~~
34 | ~~all facilities necessary and incidental thereto.~~

35 | Section 3. District powers, functions, and duties.—

36 | (2) The district is hereby authorized and empowered as
37 | follows:

38 | (d) To acquire by grant, loan, purchase, gift, transfer,
39 | exchange, dedication, lease, devise, or, when reasonably
40 | necessary for the implementation of district-authorized public
41 | infrastructure works, facilities, or services by means of the
42 | exercise of the right of eminent domain pursuant to the laws of
43 | the state and in accordance with section 12 of this act, all
44 | property, real or personal, or any easement, license, estate, or
45 | interest therein necessary, desirable, or convenient for the
46 | purposes of this act, and to sell, convey, transfer, gift,
47 | lease, rent, dedicate, forfeit, abandon, exchange, or assign all
48 | or any part thereof to or with other entities, including
49 | governmental entities and agencies, and to exercise all of its
50 | powers and authority with respect thereto. The district shall

51 not have the right of eminent domain outside of the boundaries
52 of the district. ~~Notwithstanding anything contained herein, the~~
53 ~~district shall not obtain fee simple title to any real property~~
54 ~~within the district except as follows:~~

55 1. ~~As to that portion of the district located within the~~
56 ~~City of North Port jurisdictional boundaries, with the approval~~
57 ~~of the City of North Port Commission or its designee;~~

58 2. ~~As to that portion of the district located within the~~
59 ~~unincorporated area, with the approval of the Board of County~~
60 ~~Commissioners of Sarasota County or its designee; or~~

61 3. ~~As otherwise required by another governmental entity or~~
62 ~~agency.~~

63
64 Any property interests owned by the district which are used for
65 nonpublic or private commercial purposes shall be subject to all
66 ad valorem taxes, intangible personal property taxes, or non-ad
67 valorem assessments, as would be applicable if said property
68 were privately owned.

69 Section 4. Board of supervisors; election, organization,
70 powers, duties, and terms of office.—

71 (4) Each year during the month of June, beginning with
72 June of the second year following the first election, a
73 supervisor shall be elected, as hereinafter provided, by the
74 landowners of said district to take the place of the retiring
75 supervisor. All vacancies or expirations on said board shall be

76 filled as provided by this act. All supervisors of the district
77 shall be citizens of the United States. Following the initial
78 election of supervisors in order to be eligible for election, a
79 candidate for an office of supervisor shall be required to file
80 a written notice of intention to be a candidate in said office
81 of the district at least 30 calendar days but not earlier than
82 90 calendar days before but not including the day of the annual
83 meeting of the landowners. In case of a vacancy in the office of
84 any supervisor, the remaining supervisors within 90 calendar
85 days of the vacancy shall fill such vacancy until the expiration
86 of that seat's outstanding term when a successor shall be
87 elected by the landowners.

88 (a) Board members shall begin being elected by qualified
89 electors of the district as the district becomes populated with
90 qualified electors. "Qualified elector" means any person at
91 least 18 years of age who is a citizen of the United States and
92 a legal resident of the state and of the district and who
93 registers to vote with the Supervisor of Elections in Sarasota
94 County. The transition shall occur such that the composition of
95 the board, after the first general election following a trigger
96 of the qualified elector population thresholds set forth below,
97 shall be as follows:

98 1. One governing board member shall be a person who is a
99 qualified elector of the district and who was elected by the
100 qualified electors, and four governing board members shall be

101 persons who were elected by the landowners.

102 2. Once 22,854 qualified electors reside within the
103 district, two governing board members shall be persons who are
104 qualified electors of the district and who were elected by the
105 qualified electors, and three governing board members shall be
106 persons elected by the landowners.

107 3. Once 32,280 qualified electors reside within the
108 district, three governing board members shall be persons who are
109 qualified electors of the district and who were elected by the
110 qualified electors and two governing board members shall be
111 persons who were elected by the landowners.

112 4. Once 45,707 qualified electors reside within the
113 district, four governing board members shall be persons who are
114 qualified electors of the district and who were elected by the
115 qualified electors and one governing board member shall be a
116 person who was elected by the landowners.

117 5. Once 51,420 qualified electors reside within the
118 district, all five governing board members shall be persons who
119 are qualified electors of the district and who were elected by
120 the qualified electors.

121 Nothing in this sub-subparagraph is intended to require an
122 election prior to the expiration of an existing board member's
123 term.

124 (b) On or before June 1 of each election year, the board
125 shall determine the number of qualified electors in the district

126 as of the immediately preceding April 15. The board shall use
127 and rely upon the official records maintained by the supervisor
128 of elections and property appraiser or tax collector in Sarasota
129 County in making this determination. Such determination shall be
130 made at a properly noticed meeting of the board and shall become
131 a part of the official minutes of the district.

132 (c) All governing board members elected by qualified
133 electors shall be elected at large at an election occurring as
134 provided in subsection 4(3) and this Section.

135 (d) All governing board members elected by qualified
136 electors shall reside in the district.

137 (e) Once the district qualifies to have any of its board
138 members elected by the qualified electors of the district, the
139 initial and all subsequent elections by the qualified electors
140 of the district shall be held at the general election in
141 November. The board shall adopt a resolution, if necessary, to
142 implement this requirement. The transition process described
143 herein is intended to be in lieu of the process set forth in s.
144 189.041, Florida Statutes.

145 (f) Elections of board members by qualified electors held
146 pursuant to this subsection shall be nonpartisan and shall be
147 conducted in the manner prescribed by law for holding general
148 elections. Board members shall assume the office on the second
149 Tuesday following their election.

150 (g) Candidates seeking election to office by qualified

151 electors under this subsection shall conduct their campaigns in
152 accordance with the provisions of chapter 106, Florida Statutes,
153 and shall file qualifying papers and qualify for individual
154 seats in accordance with s. 99.061, Florida Statutes.

155 (h) The supervisor of elections shall appoint the
156 inspectors and clerks of elections, prepare and furnish the
157 ballots, designate polling places, and canvass the returns of
158 the election of board members by qualified electors. The county
159 canvassing board shall declare and certify the results of the
160 election. ~~If, on or before January 1 of any calendar year, there~~
161 ~~are 6,000 owners of real property in that portion of the~~
162 ~~district located within the City of North Port that are~~
163 ~~registered voters in the City of North Port, at least one~~
164 ~~supervisor elected at the next regularly scheduled election~~
165 ~~shall be a resident of and owner of real property in that~~
166 ~~portion of the district located within the City of North Port.~~
167 ~~If, on or before January 1 of any calendar year, there are 3,000~~
168 ~~owners of real property in that portion of the district located~~
169 ~~within the unincorporated area of Sarasota County that are~~
170 ~~registered voters of Sarasota County, at least one supervisor~~
171 ~~elected at the next regularly scheduled election shall be a~~
172 ~~resident of and owner of real property in that portion of the~~
173 ~~district located within unincorporated Sarasota County.~~

174 Section 12. Eminent domain.—The said board of supervisors
175 is hereby authorized and empowered, when reasonably necessary

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176 for the implementation of district authorized public
177 infrastructure works, facilities, or services, to exercise
178 within the district, with prior approval by resolution of the
179 governing body of the district, the right and power of eminent
180 domain, pursuant to the provisions of chapters 73 and 74,
181 Florida Statutes, over any property within the district ~~and the~~
182 ~~City of North Port or unincorporated Sarasota County,~~ except
183 municipal, county, state, and federal property, for the uses and
184 purposes of the district relating solely to water, sewer,
185 district roads, and water management, specifically including,
186 without limitation, the power for the taking of easements for
187 the drainage of the land of one person over and through the land
188 of another; ~~however, the exercise of any such power of eminent~~
189 ~~domain:~~

190 ~~(1) Within the territorial boundaries of the City of North~~
191 ~~Port, whether or not within the district boundaries, shall~~
192 ~~require the prior approval, by resolution, of the City of North~~
193 ~~Port City Commission (which approval shall not be unreasonably~~
194 ~~withheld); or~~

195 ~~(2) Within the unincorporated area, whether or not within~~
196 ~~the district boundaries, shall require the prior approval, by~~
197 ~~resolution, of the Board of County Commissioners of Sarasota~~
198 ~~County (which approval shall not be unreasonably withheld).~~

199 **Section 2.** This act shall take effect upon becoming law.