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CS/HB 4061

2025 Legislature

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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 to 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:

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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 2006-355 and 2007-307, 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,~~

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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

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

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

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

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

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

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

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

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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

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persons who were elected by the landowners.

2. Once 17,598 qualified electors reside within the district, two governing board members shall be persons who are qualified electors of the district and who were elected by the qualified electors and three governing board members shall be persons elected by the landowners.

3. Once 26,397 qualified electors reside within the district, three governing board members shall be persons who are qualified electors of the district and who were elected by the qualified electors and two governing board members shall be persons who were elected by the landowners.

4. Once 35,196 qualified electors reside within the district, four governing board members shall be persons who are qualified electors of the district and who were elected by the qualified electors and one governing board member shall be a person who was elected by the landowners.

5. Once 39,595 qualified electors reside within the district, all five governing board members shall be persons who are qualified electors of the district and who were elected by the qualified electors.

Nothing in this paragraph is intended to require an election prior to the expiration of an existing board member's term.

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

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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 (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

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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 a law.