

FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

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BILL #: [CS/CS/HB 4091](#)

TITLE: Sarasota and Manatee Counties

SPONSOR(S): Conerly

COMPANION BILL: None

LINKED BILLS: None

RELATED BILLS: None

FINAL HOUSE FLOOR ACTION: 110 Y's 0 N's

GOVERNOR'S ACTION: Pending

SUMMARY

Effect of the Bill:

The bill creates the University Town Center Improvement District (District), an independent special district in Sarasota and Manatee Counties, to install, operate, and maintain stormwater and flood control facilities.

Fiscal or Economic Impact:

The Economic Impact Statement submitted for the bill projects the District will spend \$440,000 in its first fiscal year, primarily on engineering costs, and \$2 million in its second fiscal year, primarily on infrastructure enhancements.

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ANALYSIS

EFFECT OF THE BILL:

The bill creates the University Town Center Improvement District (District), an independent [special district](#) in Sarasota and Manatee Counties, and provides a charter for the District. The District's purpose is to install, operate, and maintain stormwater and flood control facilities.

Legislative Findings and Intent

The bill provides legislative findings and intent, stating the area has experienced unprecedented growth as a hub for commercial, sports, and tourism activity and generates a significant amount of economic activity and employment for both the region and the state. (Section [1](#))

The bill states the property owners within the District have developed the area subject to a comprehensive water control plan that provides drainage and water control infrastructure and protection to the commercial properties in the area, and also the surrounding adjacent commercial and residential properties, as well as constructed and maintained infrastructure to connect attractions within the District and facilitated numerous regional and seasonal entertainment attractions. The bill states the property owners within the District seek an ongoing funding source for the continuation of a comprehensive stormwater and flood control management program. (Section [1](#))

The bill provides that the District is created to provide the aforementioned program. (Section [2](#))

District Charter

The bill [creates the District](#) as an independent special district in Sarasota and Manatee Counties possessing all powers provided by the bill, as well as powers granted by general law to special districts generally. The bill provides that the District may exercise most powers granted to [water control districts](#) by general law. (Sections [3](#) and [4](#))

The bill provides a metes-and-bounds legal description of the District, describing an area of approximately 1,470 acres. The bill provides that if any acreage in the District is converted from commercial or multi-family acreage to residential condominium usage, such acreage must be contracted from the boundaries of the District. The contraction occurs when the residential conversion is recorded with the applicable county clerk of court and the

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District's board approves the boundary contraction by a supermajority vote. The bill prohibits the annexation of any portion of the District by a municipality. (Section [4](#))

Powers of the District

The bill grants the District the power to construct, operate, and maintain:

- Works for water management, flood and drainage control purposes;
- Pumps, plants, and pumping systems for water management, flood, and drainage control purposes;
- Irrigation works, machinery, and plants;
- Facilities for the control and elimination of mosquitoes and other arthropods of public health importance;
- and
- Systems and facilities for conservation areas, mitigation areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property. (Section [4](#))

The bill also authorizes the District to:

- Levy non-ad valorem assessments and establish and collect fees and other charges for the use of facilities and services furnished by the district;
- Provide for the discontinuance of service and reasonable penalties, including attorney's fees, against any user or property for any fees or other charges that become delinquent;
- Enter into agreements to provide the facilities and services provided for in the bill;
- Borrow money and issue negotiable or other bonds and to pledge the District's revenues to secure such debt;
- Receive grants and contributions from public and private sources;
- Conduct business on behalf of the District, including suing or being sued, adopting a seal, and acquiring and disposing of property;
- Acquire real and personal property, within or without the district, and to convey and dispose of such real and personal property, as may be necessary or convenient to carry out the purposes of chapter 298, F.S.;
- and
- Exercise powers necessary and proper for fulfilling the special and limited purpose of the District as authorized by this act. (Section [4](#))

The bill explicitly states the District does not have the power of condemnation. (Section [4](#))

Governing Board

The bill provides that the District is governed by a five-member board (Board) elected by the landowners of the District on a one-acre, one-vote basis in the same manner as the board of a water control district. At the initial landowners meeting, the landowners of the District elect one member to a one-year term, two members to a two-year term, and two members to a three-year term. All members elected thereafter will serve a three-year term. Each Board member must be a Florida resident and United States citizen. (Section [4](#))

The bill provides that members of the Board may be compensated in the same manner as members of a water control district's governing board and must meet all financial disclosure, meeting notice, reporting, public records, and per diem expense requirements as provided by general law. (Section [4](#))

Landowner Meeting

The bill provides that landowner meetings must be held in June of each year for the purpose of electing Board members and hearing reports from the Board concerning work undertaken by the District and the District's finances. Landowners representing a majority of the taxable acreage of the District must attend the meeting or be represented by a proxy for the meeting to have a quorum. (Section [4](#))

Bonds and Financing

The bill authorizes the Board to issue bond anticipation notes, refunding bonds, revenue bonds, and general obligation bonds. (Section [4](#))

The bill authorizes the Board to collect non-ad valorem assessments for the construction, operation, or maintenance of District facilities, services, and operations. Non-ad valorem assessments are to be levied on a per-acre basis, with parcels of less than one acre assessed as a full acre and any fractional acres rounded to the nearest whole number. (Section [4](#))

The bill provides for the collection and enforcement of all assessments levied by the District in the same manner as county taxes and that such assessments are a lien on the assessed property until paid. (Section [4](#))

Severability

The bill provides for severability in the event that any of its provisions are held invalid. (Section [4](#))

Initial Procedures

The bill provides that, if approved by the landowners of the District who are present at the meeting establishing the District, the landowners must conduct a subsequent landowner meeting to elect the District's board. (Section [5](#))

Effective Date

Subject to the Governor's veto powers, the effective date of sections 1, 2, and 6 of this bill are upon becoming a law; however, the other sections of the bill only take effect upon approval by a majority vote of landowners in the proposed District who are not exempt or immune from taxation voting in a referendum to be within 20 days of the bill becoming a law. (Section [6](#))

FISCAL OR ECONOMIC IMPACT:**LOCAL GOVERNMENT:**

The Economic Impact Statement submitted for the bill projects the District will spend \$440,000 in its first fiscal year, primarily on engineering cots, and \$2 million in its second fiscal year, primarily on infrastructure enhancements.

RELEVANT INFORMATION**SUBJECT OVERVIEW:****Special Districts**

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.¹ Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.² A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.³ Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.⁴

¹ See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

² See [ss. 189.02\(1\)](#), [189.031\(3\)](#), and [190.005\(1\)](#), F.S. See generally [s. 189.012\(6\)](#), F.S.

³ Intergovernmental Affairs Subcommittee, *Local Government Formation Manual*, p. 56 (last visited Jan. 25, 2026).

⁴ The method of financing a district must be stated in its charter. [Ss. 189.02\(4\)\(g\)](#) and [189.031\(3\)](#), F.S. Independent special districts may be authorized to impose ad valorem taxes as well as non-ad valorem special assessments in the special acts comprising their charters. See, e.g., [ch. 2023-335, s. 1\(6\)](#), Laws of Fla. (East River Ranch Stewardship District). See also, e.g., [ss. 190.021](#), F.S. (community development districts), [191.009](#), F.S. (independent fire control districts), [197.3631](#), F.S. (non-ad

Special districts may be classified as dependent or independent based on their relationship with local general-purpose governments. A special district is classified as “dependent” if the governing body of a single county or municipality:

- Serves as governing body of the district;
- Appoints the governing body of the district;
- May remove members of the district’s governing body at-will during their unexpired terms; or
- Approves or can veto the budget of the district.⁵

A district is classified as “independent” if it does not meet any of the above criteria or is located in more than one county, unless the district lies entirely within the boundaries of single municipality.⁶

Special districts are governed generally by the Uniform Special District Accountability Act (USDAA).⁷ The USDAA centralizes provisions governing special districts and applies to the formation,⁸ governance,⁹ administration,¹⁰ supervision,¹¹ merger,¹² and dissolution¹³ of special districts, unless otherwise expressly provided in law.¹⁴ The USDAA requires notice and publication of tentative budgets and final budgets.¹⁵ Certain budget amendments are allowed up to 60 days following the end of the fiscal year.¹⁶

Special districts do not possess “home rule” powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.¹⁷

Formation and Charter of an Independent Special District

With the exception of community development districts (CDDs),¹⁸ the charter for any new independent special district must include the minimum elements required by ch. 189, F.S.¹⁹ Special laws or general laws of local application relating to any special district may not:

- Create a special district with a district charter that does not conform to certain minimum requirements;²⁰
- Exempt district elections from the requirements of [s. 189.04, F.S.](#);²¹
- Exempt a district from the requirements for bond referenda in [s. 189.042, F.S.](#);²²

valorem assessments), [298.305, F.S.](#) (water control districts), and [388.221, F.S.](#) (mosquito control). See also ch. 2004-397, s. 3(27), Laws of Fla. (South Broward Hospital District). *See also* and [ch. 2004-397, s. 3\(27\), Laws of Fla.](#) (South Broward Hospital District)

⁵ [S. 189.012\(2\), F.S.](#)

⁶ [S. 189.012\(3\), F.S.](#)

⁷ [S. 189.01, F.S.](#), *but see* ch. 190, F.S. (community development districts), ch. 191, F.S. (independent special fire control districts), ch. 298, F.S. (water control districts), ch. 388, F.S. (mosquito control districts), and ch. 582, F.S. (soil and water conservation districts).

⁸ *See* [ss. 189.02](#) (creation of dependent special districts) and [189.031, F.S.](#) (creation of independent special districts).

⁹ *See* [s. 189.0311, F.S.](#) (charter requirements for independent special districts).

¹⁰ *See* [s. 189.019, F.S.](#) (requiring codification of charters incorporating all special acts for the district).

¹¹ *See* [s. 189.0651, F.S.](#) (oversight for special districts created by special act of the Legislature).

¹² [Ss. 189.071](#) and [189.074, F.S.](#)

¹³ [Ss. 189.071](#) and [189.072, F.S.](#)

¹⁴ *See, e.g.,* [s. 190.004, F.S.](#) (Ch. 190, F.S. as “sole authorization” for creation of community development districts).

¹⁵ [S. 189.016\(4\), F.S.](#)

¹⁶ [S. 189.016\(6\), F.S.](#)

¹⁷ *See, e.g.,* [ch. 2006-354, Laws of Fla.](#) (Argyle Fire District may impose special assessments, but has no ad valorem tax authority).

¹⁸ [S. 189.0311, F.S.](#) *See* [s. 190.004, F.S.](#) (providing that ch. 190, F.S., governs the functions and powers of independent CDDs).

¹⁹ [S. 189.031\(1\)](#) and [\(3\), F.S.](#)

²⁰ [S. 189.031\(2\)\(a\), F.S.](#)

²¹ [S. 189.031\(2\)\(b\), F.S.](#)

²² [S. 189.031\(2\)\(c\), F.S.](#)

- Exempt a district from certain requirements relating to²³ issuing bonds if no referendum is required,²⁴ requiring special district reports on public facilities,²⁵ notice and reports of special district public meetings,²⁶ or required reports, budgets, and audits;²⁷ or
- Create a district for which a statement documenting specific required matters is not submitted to the Legislature. The statement must include:
 - The purpose of the proposed district;
 - The authority of the proposed district;
 - An explanation of why the district is the best alternative; and
 - A resolution or official statement from the local general-government jurisdiction where the proposed district will be located stating the proposed district is consistent with approved local government plans and the local government does not object to creation of the district.²⁸

The charter of a newly created district must state whether it is dependent or independent.²⁹ The charters of independent special districts must address and include the:

- Purpose of the district;
- Powers and duties of the district concerning ad valorem taxation, debt issuance, budget preparation and approval, liens, the use of tax deeds and tax certificates for non-ad valorem assessments, and contractual agreements;
- Method by which the district is established and for amending the district's charter;
- Membership, organization, maximum compensation, and administrative duties of the district's governing body;
- Applicable financial disclosure, noticing, and reporting requirements;
- Procedures and requirements for issuing bonds, if a district has authority to issue bonds;
- Procedures for conducting required elections and referenda, as well as the qualifications for electors;
- Methods of financing the district;
- Maximum millage rate the district may levy, if the district is authorized to levy ad valorem taxes;
- Methods used by the district for collecting non-ad valorem assessments, fees, or service charges;
- Planning requirements for the district; and
- Geographic boundaries of the district.³⁰

Water Control Districts

Chapter 298, F.S., governs the creation and operation of water control districts (WCD). A WCD has authority and responsibility to construct, complete, operate, maintain, repair, and replace any and all works and improvements necessary to execute the water control plan adopted by that district.³¹ A WCD may build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of said district. A WCD also may acquire, construct, operate, maintain, use, purchase, sell, lease, convey, or transfer real or personal property, including pumping stations, pumping machinery, motive equipment, electric lines and all appurtenant or auxiliary machines, devices, or equipment.³²

Most WCDs are governed by a three-member board composed of landowners within the district who are also residents of the county where the district is located.³³ A landowner meeting to elect the initial board must be

²³ [S. 189.031\(2\)\(d\), F.S.](#)

²⁴ [S. 189.051, F.S.](#)

²⁵ [S. 189.08, F.S.](#)

²⁶ [S. 189.015, F.S.](#)

²⁷ [S. 189.016, F.S.](#)

²⁸ [S. 189.031\(2\)\(e\), F.S.](#)

²⁹ [S. 189.031\(5\), F.S.](#)

³⁰ [S. 189.031\(3\), F.S.](#)

³¹ [S. 298.22, F.S.](#)

³² [S. 298.22\(3\), F.S.](#)

³³ [S. 298.11\(1\), F.S.](#)

noticed within 20 days after the effective date of the special act creating the district. The notice must be published at least once a week for two consecutive weeks in a newspaper of general circulation in each county in which the district is located and the last publication must be no less than 10 and no more than 15 days before the date of the meeting.

Landowners vote for the governing board of the district on a one-acre/one-vote basis, with the three people receiving the highest number of votes elected in the initial election.³⁴ Landowners may vote in person or by a signed proxy that complies with the requirements of [s. 607.0722, F.S.](#) The landowners at the initial election determine the length of the term of office for the initial board, selecting one member to serve a one-, two-, or three-year term, respectively. All members subsequently elected serve a three-year term, with one member of the board elected by the landowners each year.³⁵

WCDs are generally financed by special assessments.³⁶ The assessment represents the parcel's pro-rata share of the cost of executing the water control plan, as well as the costs of administering and maintaining the district.³⁷ WCDs are also authorized to levy a "maintenance tax" which is assessed based on the net benefits provided to the property by the improvements constructed by the district.³⁸

A WCD may not be given additional authority, powers, rights, or privileges by special act or a general law of local application unless such act is approved a three-fifths vote of the membership of the Legislature.³⁹

Local Bill Forms

The Florida Constitution prohibits the passage of any special act unless a notice of intention to seek enactment of the bill has been published as provided by general law or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.⁴⁰ A legal advertisement of the proposed bill must be placed in a newspaper of general circulation or published on a publicly accessible website⁴¹ at least 30 days prior to the introduction of the local bill in the House or Senate.⁴² The bill was noticed in the [Sarasota Herald-Tribune on October 9, 2025](#).

The House local bill policy requires a completed and signed Local Bill Certification Form and Economic Impact Statement Form be filed with the Clerk of the House at the time the local bill is filed or as soon thereafter as possible.⁴³ Under the policy, a committee or subcommittee may not consider a local bill unless these forms have been filed. The following forms have been submitted for the bill:

- [Local Bill Certification Form](#)
- [Economic Impact Statement Form](#)

³⁴ [S. 298.11\(2\), F.S.](#) Landowners who own less than one acre receive one vote, while landowners who own more than one acre are entitled to additional votes for any fraction of an acre greater than one-half owned in addition to votes equal to the number of whole acres owned.

³⁵ [S. 298.12\(1\), F.S.](#)

³⁶ [Ss. 298.36\(1\)](#) and [298.54, F.S.](#)

³⁷ *See. e.g.*, Pal Mar Water Control District, [WCD FAQ's](#) (last visited Jan. 25, 2026).

³⁸ [S. 298.54, F.S.](#)

³⁹ [S. 298.76\(1\), F.S.](#), and [Art. III, s. 11\(a\)\(21\), Fla. Const.](#) (providing that no special law or general law of local application pertaining to any subject when prohibited by general law passed by a three-fifths vote of the membership of each house unless such law is amended or repealed by like vote).

⁴⁰ [Art. III, s. 10, Fla. Const.](#)

⁴¹ [S. 50.0311\(2\), F.S.](#)

⁴² [S. 11.02, F.S.](#) If there is no newspaper circulated throughout or published in the county and no publicly accessible website has been designated, notice must be posted for at least 30 days in at least three public places in the county, one of which must be at the courthouse.

⁴³ Intergovernmental Affairs Subcommittee, [Local Bill Policies and Procedures Manual](#), p. 11 (last visited Jan. 25, 2026).