

## CHAPTER 2025-246

### Committee Substitute for House Bill No. 4061

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

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

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

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

(3) The district is created for all purposes as shall be liberally construed from and set forth in this act, under chapters 189 and sections 189.401-189.429, Florida Statutes, ~~provided that section 189.4045(2), Florida Statutes, is specifically excluded and not applicable to the district or to the City of North Port as to that portion of the district located within the City of North Port jurisdictional boundaries, or to Sarasota County as to that portion of the district located within the unincorporated area, and chapter 298, Florida Statutes, as the same may be amended from time to time, except that an inconsistent provision in this act shall control~~, and may perform such acts as shall be necessary, convenient, incidental, or proper for the provision, acquisition, development, operation, and maintenance of those public infrastructure works and services authorized herein, including all facilities necessary and incidental thereto.

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

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

(d) To acquire by grant, loan, purchase, gift, transfer, exchange, dedication, lease, devise, or, when reasonably necessary for the implementation of district-authorized public infrastructure works, facilities, or services by means of the exercise of the right of eminent domain pursuant to the laws of the state and in accordance with section 12 of this act, all property, real or personal, or any easement, license, estate, or interest therein necessary, desirable, or convenient for the purposes of this act, and to sell, convey, transfer, gift, lease, rent, dedicate, forfeit, abandon, exchange, or assign all or any part thereof to or with other entities, including governmental entities and agencies, and to exercise all of its powers and authority with respect thereto. The district shall 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 filled as provided by this act. All supervisors of the district shall be citizens of the United States. Following the initial election of supervisors in order to be eligible for election, a candidate for an office of supervisor shall be required to file a written notice of intention to be a candidate in said office of the district at least 30 calendar days but not earlier than 90 calendar days before but not including the day of the annual meeting of the landowners. In case of a vacancy in the office of any supervisor, the remaining supervisors within 90 calendar days of the vacancy shall fill such vacancy until the expiration of that seat's outstanding term when a successor shall be elected by the landowners.

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

1. One governing board member shall be a person who is a qualified elector of the district and who was elected by the qualified electors and four governing board members shall be 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 as of the immediately preceding April 15. The board shall use and rely upon the official records maintained by the supervisor of elections and property appraiser or tax collector in Sarasota County in making this determination. Such determination shall be made at a properly noticed meeting of the board and shall become a part of the official minutes of the district.

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

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

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

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

(g) Candidates seeking election to office by qualified electors under this subsection shall conduct their campaigns in accordance with the provisions

of chapter 106, Florida Statutes, and shall file qualifying papers and qualify for individual seats in accordance with s. 99.061, Florida Statutes.

(h) The supervisor of elections shall appoint the inspectors and clerks of elections, prepare and furnish the ballots, designate polling places, and canvass the returns of the election of board members by qualified electors. The county canvassing board shall declare and certify the results of the election. If, on or before January 1 of any calendar year, there are 6,000 owners of real property in that portion of the district located within the City of North Port that are registered voters in the City of North Port, at least one supervisor elected at the next regularly scheduled election shall be a resident of and owner of real property in that portion of the district located within the City of North Port. If, on or before January 1 of any calendar year, there are 3,000 owners of real property in that portion of the district located within the unincorporated area of Sarasota County that are registered voters of Sarasota County, at least one supervisor elected at the next regularly scheduled election shall be a resident of and owner of real property in that portion of the district located within unincorporated Sarasota County.

Section 12. Eminent domain.—The said board of supervisors is hereby authorized and empowered, when reasonably necessary for the implementation of district authorized public infrastructure works, facilities, or services, to exercise within the district, with prior approval by resolution of the governing body of the district, the right and power of eminent domain, pursuant to the provisions of chapters 73 and 74, Florida Statutes, over any property within the district and the City of North Port or unincorporated Sarasota County, except municipal, county, state, and federal property, for the uses and purposes of the district relating solely to water, sewer, district roads, and water management, specifically including, without limitation, the power for the taking of easements for the drainage of the land of one person over and through the land of another; however, the exercise of any such power of eminent domain:

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

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

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 24, 2025.

Filed in Office Secretary of State June 24, 2025.