

West Villages Improvement District

Facts about the West Villages Improvement District

- In 2004, the Legislature created the West Villages Improvement District (“WVID”). WVID currently includes approximately 12,444 acres in the City of North Port (the “City”) and unincorporated Sarasota County (the “County”).
- WVID was created to manage, own, operate, construct, maintain, and finance capital infrastructure systems, facilities, and services benefitting lands within its jurisdictional boundary.
- WVID was a pioneer in that it was one of the first independent special districts established for master-planned development in the state, but as a result it contains a number of outdated and inefficient requirements in its Special Act.
- WVID is governed by a 5-member board. Presently 4 of the 5 Board members are elected on a one-acre one-vote basis by the landowners and the remaining Board member is elected pursuant to a general election.

What the bill does

- *Section 1:*
 - Updates outdated statutory references to Chapters 189 and 298, F.S. governing WVID’s actions.

- *Section 2:*
 - Eliminates the requirement that WVID obtain the written approval of the City or the County (as applicable) prior to its acquisition of any real property.
 - To our knowledge, no similar independent special districts established to facilitate master-planned development in the State of Florida have this requirement.
 - The current process is time-consuming, burdensome, and creates unnecessary costs to residents and landowners of the WVID, the City, and the County, and provides no meaningful review or oversight of WVID.

- *Section 3*
 - Revises the process for WVID Board transition from one-acre one-vote elections by landowners to general elections by qualified electors (i.e. Board turnover requirements).
 - Eliminates WVID’s current subjective calculation method, which has frustrated WVID landowners and residents alike, in favor of a turnover threshold formula that provides objective, defined turnover metrics.
 - A lawsuit has been filed in Circuit Court in Sarasota County which its attorney has publicly stated in media reports has been filed for the purposes of ensuring that WVID proceeds with these Board turnover revisions to its Special Act.
 - The turnover threshold formula included in draft legislation is consistent with the formula used for nearly every modern independent special district established to facilitate master-planned development in the State of Florida since 2005.
 - To our knowledge, all similar districts established since 2005 have used a defined

formula or calculation in lieu of the subjective standard that WVID is currently required to utilize.

- Increases governmental efficiency of WVID and Sarasota County allowing these entities to utilize the same definition of “qualified electors” as other special districts to determine when a turnover of a WVID Board seat is required.
 - Note: the Sarasota County Property Appraiser is able to run a simple tabulation of the number of registered electors in a special district/CDD under the revised process.
 - Expands resident representation by expanding the roster of persons eligible to vote at WVID Board general elections and eligible to be elected to the Board to include renters in addition to landowners.
 - Only landowners may vote/be eligible to be elected in a general election pursuant to the existing provisions of the Special Act.
 - Does not affect existing WVID residency requirement for Board members elected by general electors to ensure local representation.
- *Section 4:*
 - Eliminates the requirement that WVID obtain City or County (as applicable) consent to exercise the power of eminent domain *within* its jurisdictional boundary.
 - To our knowledge, no similar independent special districts established to facilitate master-planned development in the State of Florida have this requirement.
 - The legislation does not expand the limited purposes for which WVID can exercise the power of eminent domain.
 - The legislation does not affect the existing prohibition against WVID exercising its power of eminent domain *outside* of its boundaries.
 - See Section 3(2)(d) of the Special Act.
 - The legislation does not affect the existing prohibition against WVID exercising its power of eminent domain relative to property owned by the City, the County, the State, and the United States.
 - Eliminates a time-consuming, burdensome, and expensive process- that is ultimately borne by the residents and landowners of the WVID, the City, and the County (as applicable)- which provides no meaningful review or oversight of WVID as the City and County’s approval of WVID’s use of eminent domain cannot be unreasonably withheld pursuant to the existing provisions of the Special Act.
 - Ensures that tax-exempt bonds issued by WVID are not about to be later deemed as taxable due to recent IRS sentiment that tax-exempt issuers must have unfettered eminent domain rights within their jurisdictional boundaries.