



City of North Port

RESOLUTION NO. 2024-R-59

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, STATING THAT THE CITY HAS NO OBJECTION TO PROPOSED LEGISLATION AMENDING CHAPTER 2004-456, LAWS OF FLORIDA, WHICH CREATES AND GOVERNS THE WEST VILLAGES IMPROVEMENT DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the West Villages Improvement District (“District”) is created and governed by Chapter 2004-456, Laws of Florida, as amended by Chapters 2006-355, 2007-307, 2008-284, and 2022-241, Laws of Florida; and

WHEREAS, the District has presented proposed legislation to amend Chapter 2004-456, Laws of Florida; and

WHEREAS, the City has no objection to the proposed legislation, which among other changes, refines aspects of the District’s governance and authority, removes the requirement that the City consent to the District’s acquisition of real property within the City’s municipal boundaries, and removes the requirement that the City consent to the District’s use of eminent domain within the City’s municipal boundaries; and

WHEREAS, the City Commission finds that its action serves the public health, safety, and welfare of the citizens of the City of North Port, Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – FINDINGS

1.01 The above recitals are true and correct and are incorporated in this resolution by reference.

SECTION 2 – NO OBJECTION

2.01 The City of North Port has no objection to the amendment of the West Villages Improvement District’s governing legislation, as set forth in the proposed legislation, attached as Exhibit A.

2.02 All identified exhibits are incorporated in this resolution by reference.

SECTION 3 – CONFLICTS

3.01 In the event of any conflict between the provisions of this resolution and any other resolution, in whole or in part, the provisions of this resolution will prevail to the extent of the conflict.

SECTION 4 – SEVERABILITY

4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this resolution is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the resolution.

SECTION 5 – EFFECTIVE DATE

5.01 This resolution takes effect immediately.

ADOPTED by the City Commission of the City of North Port, Florida, in public session on October 22, 2024.

CITY OF NORTH PORT, FLORIDA

ALICE WHITE
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND
CORRECTNESS

MICHAEL GOLEN, CPM
INTERIM CITY ATTORNEY

1 A bill to be entitled

2 An act relating to the West Villages Improvement
3 District, City of North Port, Sarasota County;
4 amending ch. 2004-456, Laws of Florida, as amended;
5 revising statutory references; revising the board
6 member election procedures; providing an effective
7 date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Section 2 of chapter 2004-456, Laws of Florida,
12 as amended by chapters 2006-355, 2007-307, 2008-284, and 2022-
13 241 Laws of Florida, is amended to read:

14
15 Section 2. District; creation, jurisdiction, and purpose.-

16 (3) The district is created for all purposes as shall
17 be liberally construed from and set forth in this act, under
18 ~~sections 189.401-189.429, Florida Statutes, provided that~~
19 ~~sections 189.4045(2), Florida Statutes, is specifically excluded~~
20 ~~and not applicable to the district or the City of North Port as~~
21 ~~to that portion of the district located within the City of North~~
22 ~~Port jurisdictional boundaries, or to Sarasota County as to that~~
23 ~~portion of the district located within the unincorporated area,~~
24 ~~and chapter 189 and 298, Florida Statutes, as the same may be~~
25 amended from time to time, except that an inconsistent provision
26 in this act shall control, and may perform such acts as shall
27 be necessary, convenient, incidental, or proper for the

28 provision, acquisition, development, operation, and maintenance
29 of those public infrastructure works and services authorized
30 herein, including all facilities necessary and incidental
31 thereto.

32
33 Section 2. Section 3 of chapter 2004-456, Laws of Florida,
34 as amended by chapters 2006-355, 2007-307, 2008-284, and 2022-
35 241 Laws of Florida, is amended to read:

36
37 Section 3. District powers, functions, and duties.-
38

39 (2) (d) To acquire by grant, loan, purchase, gift,
40 transfer, exchange, dedication, lease, devise, or, when
41 reasonably necessary for the implementation of district-
42 authorized public infrastructure works, facilities, or
43 services by means of the exercise of the right of eminent
44 domain pursuant to the laws of the state and in accordance
45 with section 12 of this act, all property, real or personal,
46 or any easement, license, estate, or interest therein
47 necessary, desirable, or convenient for the purposes of this
48 act, and to sell, convey, transfer, gift, lease, rent,
49 dedicate, forfeit, abandon, exchange, or assign all or any
50 part thereof to or with other entities, including governmental
51 entities and agencies, and to exercise all of its powers and
52 authority with respect thereto. The district shall not have
53 the right of eminent domain outside of the boundaries of the
54 district. ~~Notwithstanding anything contained herein, the~~

55 ~~district shall not obtain fee simple title to any real~~
56 ~~property within the district except as follows:~~

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

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

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

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

70
71 Section 3. Section 4 of chapter 2004-456, Laws of Florida,
72 as amended by chapters 2006-355, 2007-307, 2008-284, and 2022-
73 241 Laws of Florida, is amended to read:

74
75 Section 4. Board of supervisors; election, organization,
76 powers, duties, and terms of office.—

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

82 filled as provided by this act. All supervisors of the district
83 shall be citizens of the United States. Following the initial
84 election of supervisors in order to be eligible for election, a
85 candidate for an office of supervisor shall be required to file
86 a written notice of intention to be a candidate in said office
87 of the district at least 30 calendar days but not earlier than
88 90 calendar days before but not including the day of the annual
89 meeting of the landowners. In case of a vacancy in the office
90 of any supervisor, the remaining supervisors within 90 calendar
91 days of the vacancy shall fill such vacancy until the expiration
92 of that seat's outstanding term when a successor shall be elected
93 by the landowners. ~~If, on or before January 1 of any calendar~~
94 ~~year, there are 6,000 owners of real property in that portion~~
95 ~~of the district located within the City of North Port that are~~
96 ~~registered voters in the City of North Port, at least one~~
97 ~~supervisor elected at the next regularly scheduled election~~
98 ~~shall be a resident of and owner of real property in that portion~~
99 ~~of the district located within the City of North Port. If, on~~
100 ~~or before January 1 of any calendar year, there are 3,000 owners~~
101 ~~of real property in that portion of the district located within~~
102 ~~the unincorporated area of Sarasota County that are registered~~
103 ~~voters of Sarasota County, at least one supervisor elected at~~
104 ~~the next regularly scheduled election shall be a resident of and~~
105 ~~owner of real property in that portion of the district located~~
106 ~~within unincorporated Sarasota County.~~

107 (a) board members shall begin being elected by
108 qualified electors of the district as the district becomes

109 populated with qualified electors. "Qualified elector" means
110 any person at least 18 years of age who is a citizen of the
111 United States and a legal resident of the state and of the
112 district and who registers to vote with the Supervisor of
113 Elections in Sarasota County. The transition shall occur such
114 that the composition of the board, after the first general
115 election following a trigger of the qualified elector
116 population thresholds set forth below, shall be as follows:

117 (I) one governing board member shall be a person who
118 is a qualified elector of the district and who was elected by
119 the qualified electors, and four governing board members shall
120 be persons who were elected by the landowners.

121 (II) Once 22,854 qualified electors reside within the
122 district, two governing board members shall be persons who are
123 qualified electors of the district and who were elected by the
124 qualified electors, and three governing board members shall be
125 persons elected by the landowners.

126 (III) Once 32,280 qualified electors reside within the
127 district, three governing board members shall be persons who
128 are qualified electors of the district and who were elected by

129 the qualified electors and two governing board members shall
130 be persons who were elected by the landowners.

131 (IV) Once 45,707 qualified electors reside within the
132 district, four governing board members shall be persons who
133 are qualified electors of the district and who were elected by
134 the qualified electors and one governing board member shall be
135 a person who was elected by the landowners.

136 (V) Once 51,420 qualified electors reside within the
137 district, all five governing board members shall be persons
138 who are qualified electors of the district and who were
139 elected by the qualified electors.

140 Nothing in this sub-subparagraph is intended to require an
141 election prior to the expiration of an existing board member's
142 term.

143 (b) On or before June 1 of each election year, the
144 board shall determine the number of qualified electors in the
145 district as of the immediately preceding April 15. The board
146 shall use and rely upon the official records maintained by the
147 supervisor of elections and property appraiser or tax
148 collector in Sarasota County in making this determination.

149 Such determination shall be made at a properly noticed meeting

150 of the board and shall become a part of the official minutes
151 of the district.

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

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

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

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

170 (g) Candidates seeking election to office by qualified
171 electors under this subsection shall conduct their campaigns
172 in accordance with the provisions of chapter 106, Florida
173 Statutes, and shall file qualifying papers and qualify for
174 individual seats in accordance with s. 99.061, Florida
175 Statutes.

176 (h) The supervisor of elections shall appoint the
177 inspectors and clerks of elections, prepare and furnish the
178 ballots, designate polling places, and canvass the returns of
179 the election of board members by qualified electors. The
180 county canvassing board shall declare and certify the results
181 of the election.

182
183 Section 4. Section 12 of chapter 2004-456, Laws of Florida,
184 as amended by chapters 2006-355, 2007-307, 2008-284, and 2022-
185 241 Laws of Florida, is amended to read:

186
187 Section 12. Eminent domain.— The said board of supervisors
188 is hereby authorized and empowered when reasonably necessary for
189 the implementation of district authorized public infrastructure
190 works, facilities, or services, to exercise within the district
191 with prior approval by resolution of the governing body of the
192 district, the right and power of eminent domain, pursuant to the

193 provisions of chapters 73 and 74, Florida Statutes, over any
194 property within the district ~~and the City of North Port or~~
195 ~~unincorporated Sarasota County~~, except municipal, county, state,
196 and federal property, for the uses and purposes of the district
197 relating solely to water, sewer, district roads, and water
198 management, specifically including, without limitation, the
199 power for the taking of easements for the drainage of the land
200 of one person over and through the land of another; ~~however, the~~
201 ~~exercise of any such power of eminent domain:~~

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

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

211

212 Section 5. This act shall take effect upon becoming law.