

By Senator Saunders

25-1618-01

See HB 775

1                                   A bill to be entitled  
2           An act relating to Collier Mosquito Control  
3           District, an independent special tax district  
4           in Collier County, Florida; ratifying and  
5           confirming the creation of Collier Mosquito  
6           Control District pursuant to chapter 390, F.S.  
7           (1949), as an independent mosquito control  
8           district; providing for codification of special  
9           laws regarding special districts pursuant to s.  
10          189.429, F.S.; providing legislative intent;  
11          providing for applicability of chapters 388 and  
12          189, F.S., and other general laws; providing a  
13          district charter; providing for amended  
14          district boundaries on October 1, 2001;  
15          providing for liability and group insurance;  
16          providing for repeal of prior special acts  
17          related to Collier Mosquito Control District;  
18          providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

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22           Section 1. Upon this act becoming law, the creation of  
23 Collier Mosquito Control District, formerly Naples Mosquito  
24 Control District, as an independent special district pursuant  
25 to chapter 390, Florida Statutes, 1949, shall be ratified and  
26 confirmed. It is further the intent of the Legislature in  
27 enacting this law to provide a single, codified, comprehensive  
28 special act charter for the District in accordance with  
29 section 189.429, Florida Statutes. The District shall operate  
30 as an independent special district pursuant to this special  
31 act and the provisions of chapter 388, Florida Statutes, as it

1 may be amended from time to time, and all other general laws  
2 applicable to independent special districts. It is the intent  
3 of this act to preserve all existing District authority as it  
4 may be modified pursuant to the provisions of chapter 388,  
5 Florida Statutes, this act, and applicable general law.

6 Section 2. Chapters 63-1234, 70-640, 71-591, and  
7 76-351, Laws of Florida, are codified, reenacted, amended, and  
8 repealed as herein provided.

9 Section 3. The charter for the Collier County Mosquito  
10 Control District is re-created and reenacted to read:

11 Section 1. Minimum charter requirements.--In  
12 accordance with section 189.404(3), Florida Statutes, the  
13 following subsections shall comprise the minimum required  
14 charter provisions for Collier Mosquito Control District:

15 (a) The District is organized and exists for all  
16 purposes set forth in this act and chapter 388, Florida  
17 Statutes, as they may be amended from time to time.

18 (b) The powers, functions, and duties of the District  
19 regarding ad valorem taxation, non-ad valorem assessments,  
20 bond issuance, other revenue-raising capabilities, budget  
21 preparation and approval, liens, foreclosure of liens, use of  
22 tax deeds and tax certificates, and contractual agreements  
23 shall be as set forth in chapters 170, 189, 197, 200, and 388,  
24 Florida Statutes, this act, or any other applicable general or  
25 special law, as they may be amended from time to time.

26 (c) The District was created by the petition process  
27 formerly contained in chapter 390, Florida Statutes, 1949.

28 (d) The District's charter may be amended only by  
29 special act of the Legislature, unless otherwise provided by  
30 chapter 189, Florida Statutes, or chapter 388, Florida  
31 Statutes, as amended from time to time.

1           (e) In accordance with section 388.101(2), Florida  
2 Statutes, the District is governed by a five-member board. The  
3 membership and organization of the board shall be as set forth  
4 in this act and chapter 388, Florida Statutes, as they may be  
5 amended from time to time.

6           (f) Board members may be paid a salary in accordance  
7 with this act and chapter 388, Florida Statutes, as they may  
8 be amended from time to time.

9           (g) The administrative duties of the Board of  
10 Commissioners shall be as set forth in this act and chapter  
11 388, Florida Statutes, as they may be amended from time to  
12 time.

13           (h) Requirements for financial disclosure, meeting  
14 notices, reporting, public records maintenance, and per diem  
15 expenses for officers and employees shall be as set forth in  
16 chapters 112, 189, 286, and 388, Florida Statutes, as they may  
17 be amended from time to time.

18           (i) The procedures and requirements governing the  
19 issuance of bonds, notes, and other evidence of indebtedness  
20 by the District shall be as set forth in chapters 189 and 388,  
21 Florida Statutes, and applicable general laws, as they may be  
22 amended from time to time.

23           (j) The procedures for conducting District elections  
24 and for qualification of electors shall be pursuant to  
25 chapters 189 and 388, Florida Statutes, and applicable general  
26 laws, as they may be amended from time to time.

27           (k) The District may be financed by any method  
28 established in this act, chapter 189, Florida Statutes, or  
29 chapter 388, Florida Statutes, or any applicable general laws,  
30 as they may be amended from time to time.

31

1           (l) Pursuant to section 388.221, Florida Statutes, as  
2 it may be amended from time to time, the District's authority  
3 to levy upon all of the personal and real taxable property in  
4 the District a special tax during each year as maintenance tax  
5 is preserved.

6           (m) The method for collecting non-ad valorem  
7 assessments, fees, service charges, or state matching funds  
8 shall be as set forth in chapters 170, 197, and 388, Florida  
9 Statutes, as they may be amended from time to time.

10           (n) The District's planning requirements shall be as  
11 set forth in chapters 189 and 388, Florida Statutes, as they  
12 may be amended from time to time.

13           (o) The District's geographic boundary limitations  
14 shall be as follows and may be amended pursuant to section  
15 388.211, Florida Statutes, as amended from time to time:

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17           Beginning where the north line to Township 48S  
18 Range 25E extended westerly intersects the  
19 western boundary of the State of Florida in the  
20 waters of the Gulf of Mexico; thence easterly  
21 along said Township line to the northeast  
22 corner of Section 5, Township 48S Range 25E;  
23 thence southerly along the easterly Section  
24 line of 5 to the southeast corner of Section 5  
25 Township 48S Range 25E, also known as the  
26 northwest corner of Section 9, Township 48S  
27 Range 25E; thence easterly along the north  
28 lines of Sections 9, 10, 11 and 12 to the  
29 northeast corner of Section 12, Township 48S  
30 Range 25E, also known as the northwest corner  
31 of Section 7, Township 48S Range 26E; continue

1 easterly along the north lines of Sections 7,  
2 8, 9, 10, 11 and 12 to the northeast corner of  
3 Section 12, Township 48S Range 26E, also known  
4 as the northwest corner of Section 7, Township  
5 48S Range 27E; continue easterly along the  
6 north lines of Sections 7, 8, 9, 10 and 11 to  
7 the northeast corner of Section 11, Township  
8 48S Range 27E, thence continue easterly along  
9 the north line of Section 12 to the northeast  
10 corner of Golden Gate Estates Unit 59 (as  
11 Recorded in Plat Book 7 Page 61); thence  
12 southerly along the east line of said Unit 59  
13 to the southeast corner of said Unit 59; thence  
14 westerly along the south line of said Unit 59  
15 to the intersection of the east line of Section  
16 11, Township 48S Range 27E; thence southerly  
17 along the east section line to the southeast  
18 corner of Section 11, Township 48S Range 27E,  
19 also known as the northeast corner of Section  
20 14, Township 48S Range 27E; thence southerly  
21 along the east lines of Sections 14 and 23 to  
22 the intersection of the north line of Golden  
23 Gate Estates Unit 24 (as Recorded in Plat Book  
24 7 Page 11); thence easterly along the north  
25 line of said Unit 24 to the northeast corner of  
26 said Unit 24; thence southerly along the east  
27 line of said Unit 24 to the southeast corner of  
28 said Unit 24, also known as the northeast  
29 corner of Golden Gate Estates Unit 17 (as  
30 Recorded in Plat Book 7 Page 5) continue  
31 southerly along the east line of said Unit 17

1        to the southeast corner of said Unit 17, also  
2        known as northeast corner of Golden Gate  
3        Estates Unit 49 (as Recorded in Plat Book 5  
4        Page 80); continue southerly along the east  
5        line of said Unit 49 to the southeast corner of  
6        said Unit 49, also known as the northeast  
7        corner of Golden Gate Estates Unit 48 (as  
8        Recorded in Plat Book 5 Page 78); continue  
9        southerly along east line of said Unit 48 to  
10       the southeast corner of said Unit 48 and the  
11       intersection of the north line of Section 14,  
12       Township 49S Range 27E; thence easterly along  
13       the north line of Section 14 to the northeast  
14       corner of Section 14, Township 49S Range 27E;  
15       thence southerly along the east lines of  
16       Sections 14, 23, 26 and 35 to the southeast  
17       corner of Section 35, Township 49S Range 27E;  
18       thence westerly along the south lines of  
19       Sections 35, 34, 33, 32 and 31 to the southwest  
20       corner of Section 31, Township 49S Range 27E,  
21       also known as the southeast corner of Section  
22       36, Township 49S Range 26E; thence westerly  
23       along the south line of Section 36 to the  
24       southwest corner of Section 36, Township 49S  
25       Range 26E, also known as the northeast corner  
26       of Section 2, Township 50S Range 26E; thence  
27       southerly along the east lines of Sections 2,  
28       11, 14, 23, 26 and 35 to the southeast corner  
29       of Section 35, Township 50S Range 26E, also  
30       known as the northeast corner of Section 2,  
31       Township 51S Range 26E; thence southerly along

1        the east line of Section 2 to the southeast  
2        corner of Section 2, Township 51S Range 26E,  
3        also known as the northwest corner of Section  
4        12, Township 51S Range 26E; thence easterly  
5        along the north line of Section 12 to the  
6        northeast corner of Section 12, Township 51S  
7        Range 26E, also known as the northwest corner  
8        of Section 7, Township 51S Range 27E; continue  
9        easterly along the north lines of Sections 7  
10       and 8 to the northeast corner of Section 8,  
11       Township 51S Range 27E; thence southerly along  
12       the east lines of Sections 8, 17, 20, 29 and 32  
13       to the southeast corner of Section 32, Township  
14       51S Range 27E; thence westerly along the south  
15       line of Section 32 to the intersection of the  
16       westerly right of way of State Road 92; thence  
17       southwesterly along the westerly right of way  
18       State Road 92 through Section 5 and 8 to the  
19       intersection of west line Section 8, Township  
20       52S Range 27E; thence southerly along west  
21       lines of Sections 8 and 17 to the southwest  
22       corner of Section 17, Township 52S Range 27E  
23       also known as the southeast corner of Section  
24       18, Township 52S Range 26E; thence westerly  
25       along the south line of Section 18 to the  
26       intersection of Goodland; thence southerly and  
27       westerly along the southerly boundary of  
28       Goodland, to the intersection with the east  
29       line of Section 24 Township 52S Range 26E;  
30       thence southerly along the east line of Section  
31       24 to the southeast corner of Section 24,

1           Township 52S Range 26E; thence westerly along  
2           the south lines of Section 24, 23, 22, 21, 20  
3           and 19 to where that line extended intersects  
4           the western boundary of the State of Florida in  
5           the waters of the Gulf of Mexico; thence  
6           northwesterly along the waters of the Gulf of  
7           Mexico, to the Point of Beginning;

8  
9           LESS AND EXCEPT the publicly owned, tax-exempt  
10          property within the boundaries of Rookery Bay  
11          National Estuarine Research Reserve and  
12          Corkscrew Regional Ecosystem Watershed as they  
13          may be amended from time to time.

14  
15          Section 2. Liability insurance.--In addition to all  
16          other powers granted it by law, the Collier Mosquito Control  
17          District, acting by and through its duly qualified board of  
18          commissioners, shall have the power to purchase and pay for  
19          liability insurance as a legitimate public expenditure  
20          without, however, waiving its right to defend any action filed  
21          against it on the grounds of sovereign immunity should it so  
22          choose to exercise such right.

23          Section 3. Group insurance.--

24          (1) Collier Mosquito Control District shall be and is  
25          hereby authorized, empowered, and permitted to provide for  
26          life, health, accident, hospitalization, or annuity insurance  
27          or all of any kinds of such insurance for the employees  
28          thereof upon a group insurance plan, and to that end enter  
29          into agreement with insurance companies to provide such  
30          insurance. The Collier Mosquito Control District shall be  
31          authorized to contribute to the cost of any such insurance.



1           (2) The election to exercise such authority shall be  
2 evidenced by resolution duly recorded in the official minutes  
3 adopted by the board of the Collier Mosquito Control District.

4           (3) Upon the request in writing of any employee, the  
5 public officials of the Collier Mosquito Control District are  
6 hereby authorized and empowered to deduct from the wages of  
7 such employee periodically the amount of the premium which  
8 such employee has agreed to pay for such insurance and to pay  
9 or remit same directly to the insurance company issuing such  
10 group insurance.

11           (4) The participation in such group insurance by any  
12 employee shall be entirely voluntary at all times. Any  
13 employee may upon any payday withdraw or retire from such  
14 group insurance plan upon giving his or her employer written  
15 notice thereof and directing the discontinuance of deductions  
16 from wages in payment of such premiums.

17           Section 4. Chapters 63-1234, 70-640, 71-591, and  
18 76-351, Laws of Florida, are repealed.

19           Section 5. The provisions of this act shall be  
20 liberally construed in order to effectively carry out the  
21 purposes of this act in the interest of the public health,  
22 welfare, and safety of the citizens served by the district.

23           Section 6. It is declared to be the intent of the  
24 Legislature that if any section, subsection, sentence, clause,  
25 phrase, or portion of this act is for any reason held invalid  
26 or unconstitutional by any court of competent jurisdiction,  
27 such portion shall be deemed a separate, distinct, and  
28 independent provision, and such holding shall not affect the  
29 validity of the remaining portions hereof.

30           Section 7. This act shall take effect October 1, 2001.  
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