

By Senator Jones

40-1012-02

See HB

1                                   A bill to be entitled  
2           An act relating to the Monroe County Mosquito  
3           Control District; changing its name to the  
4           "Florida Keys Mosquito Control District";  
5           codifying, amending, reenacting, and repealing  
6           special acts relating to the Monroe County  
7           Mosquito Control District; creating and  
8           establishing a mosquito control district in  
9           Monroe County; fixing the boundaries of the  
10          district; dividing the district into areas and  
11          establishing boundaries of those areas for  
12          purposes of selecting members of the board of  
13          commissioners; providing for the present  
14          members of the board of commissioners to  
15          continue their present terms of office;  
16          providing qualifications for the members;  
17          providing for the method and time of elections;  
18          prescribing the powers of the board;  
19          establishing the duties of the board;  
20          establishing the organization of the board;  
21          setting the compensation of the board;  
22          providing for meetings of the board; providing  
23          books to be audited and for the keeping of such  
24          books as public records; providing for the  
25          adoption of a budget; granting the board the  
26          power of eminent domain; granting the board the  
27          power to tax; providing for the employment of a  
28          director and for the advertisement of certain  
29          contracts; providing for the penalty for damage  
30          to property; setting out the purpose for the  
31          district; providing for the duties of the

1 director of the Monroe County health unit;  
2 setting out an alternate plan discretionary  
3 with the board of commissioners for relieving  
4 the board of commissioners of the duty;  
5 providing for the public distribution of mix;  
6 repealing all conflicting laws; granting to the  
7 district such powers as are provided for  
8 mosquito control districts under the laws of  
9 this state; providing for liberal construction;  
10 providing for severability; providing an  
11 effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Pursuant to chapter 97-255, Laws of  
16 Florida, this act constitutes the codification of all special  
17 acts relating to the Monroe County Mosquito Control District.  
18 It is the intent of the Legislature in enacting this law to  
19 provide a single, comprehensive special act charter for the  
20 district, including all current legislative authority granted  
21 to the district by its several legislative enactments and any  
22 additional authority granted by this act.

23 Section 2. Chapters 26042 (1949), 29295 (1953), 31009  
24 (1955), 31013 (1955), 57-1591, 57-2067, 59-1584, 61-2508,  
25 63-1639, 63-1640, 65-1913, 65-1915, 67-1726, 70-816, 74-537,  
26 76-440, 83-469, 88-548, and 98-518, Laws of Florida, relating  
27 to the Monroe County Mosquito Control District, are codified,  
28 reenacted, amended, and repealed as provided in this act.

29 Section 3. The Charter of the Monroe County Mosquito  
30 Control District is re-created and reenacted to read:

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1           Section 1. Establishing a mosquito control district;  
2 fixing boundaries.--There is created and established a  
3 mosquito control district for Monroe County, to be known as  
4 the "Florida Keys Mosquito Control District." The district  
5 shall encompass all the territory in Monroe County.

6           Section 2. Division of the Florida Keys Mosquito  
7 Control District into areas or districts.--For the purpose of  
8 selecting commissioners, the county commission districts of  
9 Monroe County as the same may now or hereafter be described  
10 shall also be commissioner districts of the Florida Keys  
11 Mosquito Control District.

12           Section 3. Board of commissioners; election; terms of  
13 office; qualification.--

14           (1) The Florida Keys Mosquito Control District shall  
15 be governed by a board of commissioners which shall consist of  
16 five members, and there shall be one member from each of the  
17 five districts named and defined in section 2 of this act.

18           (2) The board of commissioners shall be composed of  
19 the present members duly elected under chapter 65-1915, Laws  
20 of Florida, who shall continue to serve their regular terms.  
21 Members of the board shall thereafter be elected for terms of  
22 4 years each by a vote of the district at large at an election  
23 to be held on the date set for the general election of each  
24 year in which a general election is held.

25           (3) Members of the board shall be residents and  
26 registered electors of the area from which they are elected  
27 and represent. Candidates or incumbents of the office must  
28 qualify in the primaries and general elections, which  
29 primaries and general elections are to be conducted in  
30 accordance with the election laws of the state. The terms of  
31 each newly elected commissioner shall begin on the day of the

1 first meeting in January following his or her election and  
2 shall extend for 4 years, or until his or her successor has  
3 been duly elected and qualified. Each member of the board  
4 must, before assuming office, make and execute to the Governor  
5 a good and sufficient surety bond in the amount of not less  
6 than \$2,000 conditioned on the faithful performance of the  
7 duties of his or her office, and the bond must be approved by  
8 and filed with the Clerk of the Circuit Court of Monroe  
9 County, the expense of the bond to be borne by the Florida  
10 Keys Mosquito Control District. If any person so elected or  
11 appointed fails to make and file a surety bond within 60 days  
12 after his or her election or appointment, his or her office  
13 shall become vacant, and such vacancy shall be filled by  
14 appointment by the Governor for the unexpired term. Vacancies  
15 created by the resignation, death, or removal from the board  
16 of commissioners shall also be filled by appointment by the  
17 Governor.

18 Section 4. Election; ballots.--The Board of County  
19 Commissioners of Monroe County shall make the necessary  
20 arrangements for setting up the elections of the Board of  
21 Commissioners of the Florida Keys Mosquito Control District  
22 and shall supply the necessary ballots and do all other things  
23 necessary for those elections.

24 Section 5. Powers of the board of commissioners.--The  
25 board of commissioners shall have all the powers of a body  
26 corporate, including the power to sue and be sued as a  
27 corporation in any court; to contract; to adopt and use a  
28 common seal and alter the same at pleasure; to purchase, hold,  
29 lease, and convey such real estate and personal property as a  
30 majority of the board deems proper to carry out the purposes  
31 of this act; to prescribe rules and regulations for the

1 marking of such property; to employ a director and such  
2 experts, agents, and employees as the board requires; to  
3 participate with employees in a group hospitalization  
4 insurance plan and pay for the entire cost of such a plan; to  
5 contract and cooperate with county, state, and other  
6 governmental agencies in regard to mosquito control or  
7 suppression; to borrow money in an amount not to exceed  
8 \$150,000 for a period of time not to exceed 2 years; and to  
9 issue negotiable promissory notes and bonds or such necessary  
10 instruments to secure any loan to enable it to carry out the  
11 provisions of this act.

12 Section 6. Duties of the board.--The Board of  
13 Commissioners of the Florida Keys Mosquito Control District  
14 shall perform all duties necessary for the control and  
15 elimination of mosquitoes and other arthropods of public  
16 health importance in the county, and the board is authorized  
17 to provide for the construction of canals, ditches, drains,  
18 dikes, fills, and other necessary works, and to install and  
19 maintain pumps, excavators, and other machinery and equipment,  
20 and may also employ oils and chemicals and all other means and  
21 methods, and do any and all things that are necessary to  
22 eliminate and control mosquitoes and other arthropods in  
23 Monroe County at the discretion of the board.

24 Section 7. Organization of the board.--As soon as is  
25 practicable after the commissioners have been appointed or  
26 elected and have qualified, they shall meet and organize by  
27 electing one of their members as chair, one of their members  
28 as vice chair, and one of their members as  
29 secretary-treasurer. In all meetings three members constitute  
30 a quorum in order to transact business.

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1           Section 8. Salary and expenses of the board.--The  
2 board of commissioners shall have authority to establish the  
3 amount of compensation by way of salaries that is to be paid  
4 to the individual commissioners of the Florida Keys Mosquito  
5 Control District. The commissioners who are selected to serve  
6 as chair and secretary-treasurer, respectively, of the Florida  
7 Keys Mosquito Control District shall be paid compensation in  
8 addition to their regular salary as compensation for their  
9 services as chair and secretary-treasurer, respectively, of  
10 the board, which additional compensation shall be set by the  
11 board. All commissioners may be reimbursed from time to time  
12 for any moneys expended by them personally in official travel  
13 for the district at the rate authorized under the provisions  
14 of section 112.061(7)(d), Florida Statutes, insofar as those  
15 provisions relate to the allowable amount of payment per mile  
16 of travel. All commissioners shall be paid \$20 for attendance  
17 for each day of each regular or special commission meeting.  
18 Authority for payment of mileage and for attendance at each  
19 meeting or official travel shall be by a majority approval of  
20 the board of commissioners and shall be duly recorded in the  
21 minutes of proceedings of the board. However, total payment to  
22 each commissioner for any meeting shall not exceed the mileage  
23 figure authorized under the provisions of section  
24 112.061(7)(d), Florida Statutes, and \$20 for each meeting per  
25 day. Official travel in addition to attendance at board  
26 meetings is defined as such necessary travel as the board  
27 authorizes in connection with meetings of scientists,  
28 associations, or groups engaged in mosquito control work,  
29 inspection of district activities and projects, and other  
30 travel necessary in the conduct of district business. However,  
31 the total payments for such official travel made by members of

1 the board in addition to travel for attendance at board  
2 meetings shall not exceed 2 percent of the total budget  
3 derived from local moneys for any 1 year.

4 Section 9. Meetings of the board.--The board of  
5 commissioners of the district shall hold monthly meetings,  
6 which shall be open to the public. Special meetings may be  
7 called upon the request of any three commissioners, but shall  
8 not be held within less than 24 hours after notice to each of  
9 the commissioners unless a written waiver is obtained from the  
10 commissioners who cannot attend such special meetings.

11 Section 10. Audit, books, and records to be public  
12 record.--The books and accounts of said Florida Keys Mosquito  
13 Control District shall be audited annually or by the same  
14 officers and in like manner as books of other county officers  
15 are audited. All books and records of the district created by  
16 chapter 26042, Laws of Florida, shall become a part of the  
17 records of the district created by this act.

18 Section 11. District budgets and hearings.--

19 (1) The fiscal year of the Florida Keys Mosquito  
20 Control District shall be the 12-month period extending from  
21 October 1 each year through September 30 of the following  
22 year. At the discretion of the board, the governing body of  
23 the district shall, before June 30, complete the preparation  
24 of a detailed work plan budget covering its proposed  
25 operations and requirements for arthropod measures during the  
26 ensuing fiscal year, and, for the purposes of determining  
27 eligibility for state aid, shall submit copies by July 1 to  
28 the State Board of Health for review and approval. The  
29 detailed work plan budget shall set forth, classified by  
30 account number, title, and program items, and by the fund from  
31 which to be paid, the proposed expenditures of the district

1 for construction, for acquisition of land and other purposes,  
2 for the operation and maintenance of the district's works, and  
3 for the conduct of the district generally, to which may be  
4 added an amount to be held as a reserve.

5 (2) The detailed work plan budget shall also show the  
6 estimated amount which will appear at the beginning of the  
7 fiscal year as obligated upon commitments made but incomplete.  
8 There shall be shown the estimated unobligated or net balance  
9 which will be on hand at the beginning of the fiscal year, and  
10 the estimated amount to be raised by district taxes and from  
11 any and all other sources for meeting the district's  
12 requirements.

13 (3) On the date to be fixed by the board of  
14 commissioners, the board shall publish a notice of its intent  
15 to adopt the budget or as the same may be amended for the  
16 district for the ensuing fiscal year. The notice shall set  
17 forth the total amount of funds budgeted under each title  
18 classification of the budget, subtotals by fund under each  
19 title classification, and grand totals. The notice shall  
20 advise all owners of property subject to the district taxes  
21 that on a date, time, and place specified in the notice,  
22 opportunity will be afforded to such owners, and their  
23 attorney or agent, to appear before the board, examine the  
24 work plan and detailed work plan budget if desired, and to  
25 show their objections to adoption of the proposed budget. The  
26 notice must be published for 2 consecutive weeks, at not less  
27 than 7-day intervals, in a newspaper of general circulation  
28 published in Monroe County. The last insertion must appear not  
29 less than 1 nor more than 2 weeks prior to the date set by the  
30 board for the hearing on the budget.

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1           (4) The hearing shall be held by the board of  
2 commissioners of the district on a date to be fixed by the  
3 board not earlier than 1 week and not later than 2 weeks after  
4 the date of the last publication of notice of intent to adopt  
5 the budget, and may be continued from day to day until  
6 terminated by the board. Promptly thereafter, the board of  
7 commissioners shall consider objections filed against adoption  
8 of the budget and, in its discretion, may amend, modify, or  
9 change the tentative detailed work plan budget, and shall, by  
10 the following September 15, adopt and execute on a form  
11 furnished by the state board a certified budget for the  
12 district, which shall be the operating and fiscal guide for  
13 the district. Certified copies of this budget shall be  
14 submitted by September 15 to the state board for approval.

15           Section 12. Eminent domain.--The board of  
16 commissioners may hold, control, and acquire by gift or  
17 purchase for the use of the district any real or personal  
18 property, and may condemn any land or easements needed for the  
19 purposes of the district. The board may exercise the right of  
20 eminent domain and institute and maintain condemnation  
21 proceedings as provided in chapter 73, Florida Statutes.

22           Section 13. Tax levy.--The board of commissioners of  
23 the mosquito control district may levy upon all of the taxable  
24 property in the district a tax not exceeding 1.5 mills on the  
25 dollar during each year solely for the purposes authorized and  
26 prescribed by this act. The levy shall be made each year not  
27 later than July 1 by resolution of the board or a majority  
28 thereof, duly entered upon its minutes. Certified copies of  
29 such resolution executed in the name of the board by the chair  
30 and secretary-treasurer and under its corporate seal shall be  
31 made and delivered to the Board of County Commissioners of

1 Monroe County and to the Department of Revenue, not later than  
2 July 15 of such year. The board of county commissioners shall  
3 order the assessor of the county to assess and the collector  
4 of the county to collect the amount of taxes so assessed and  
5 levied by the board of commissioners of the district upon all  
6 of the taxable property in the district at the rate of  
7 taxation adopted by the board for the year and included in the  
8 resolution, and the levy shall be included in the warrants of  
9 the tax assessor and attached to the assessment roll of taxes  
10 for the county each year. The tax collector shall collect such  
11 taxes so levied by the board in the same manner as other taxes  
12 are collected and shall pay the same within the time and in  
13 the manner prescribed by law to the secretary-treasurer of the  
14 board. The Department of Revenue shall assess and levy on all  
15 the railroad lines and railroad property and telegraph and  
16 telephone lines and telegraph and telephone property situated  
17 in the county in the amount of each such levy as in the case  
18 of other state and county taxes, and collect the taxes thereon  
19 in the same manner as he or she is required by law to assess  
20 and collect taxes for state and county purposes, and remit the  
21 same to the secretary-treasurer of the board. All such taxes  
22 shall be held by the secretary-treasurer for the credit of the  
23 board and paid out as ordered by the board.

24 Section 14. Director; advertisement of contracts.--All  
25 work done under the provisions of this act, both in  
26 construction and maintenance, shall be carried on under the  
27 supervision of a competent entomologist, or person qualified  
28 under the provisions of chapter 388, Florida Statutes, to be  
29 employed by the board. The board may contract and purchase  
30 property or equipment without formal bids in any amount not to  
31 exceed \$4,000. All contracts or purchases in excess of \$4,000

1 shall be by competitive, sealed bids, after advertisement,  
2 pursuant to rules and regulations established by the board.

3 Section 15. Penalty for damage to property.--Whoever  
4 shall willfully damage any property of the mosquito control  
5 district created under this act or any works constructed,  
6 maintained, or controlled by the mosquito control district or  
7 who shall obstruct or cause to be obstructed any of the  
8 operations of the district shall upon conviction thereof be  
9 punished as provided by the laws of the state.

10 Section 16. Purpose.--The abatement and control of  
11 mosquitoes and other arthropods within Monroe County is  
12 advisable and necessary for the maintenance and improvement of  
13 the health, comfort, welfare, and prosperity of the people  
14 thereof, and is found and declared to be for public health and  
15 other public purposes.

16 Section 17. Director, duties of Monroe County health  
17 unit.--The Monroe County health unit, also referred to and  
18 known as the "Monroe County Health Department," established by  
19 the board of county commissioners is charged with the  
20 responsibility of abating or suppressing mosquitoes in Monroe  
21 County. The director of the health unit or health department  
22 shall cause to be done any and all work and all things  
23 necessary for the control and elimination of mosquitoes in the  
24 county wherever such work is necessary and he or she is  
25 empowered to use such means, physical or chemical, as are  
26 necessary to accomplish the objects of this act. All employees  
27 engaged in such work shall be considered employees of the  
28 Florida Keys Mosquito Control District, and regardless of the  
29 fact that the determination as to who is to be employed and  
30 the wages or salaries to be paid is made by the Board of

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1 Commissioners of the Florida Keys Mosquito Control District,  
2 and the records are kept by the board.

3 Section 18. Alternative plan.--The purpose of section  
4 17 is to coordinate certain activities between the Monroe  
5 County health unit or health department and the Florida Keys  
6 Mosquito Control District in an effort to best serve the  
7 interest and welfare of the Florida Keys Mosquito Control  
8 District and the property owners and residents thereof. If the  
9 Board of Commissioners of the Florida Keys Mosquito Control  
10 District makes a study determining, or by reason of the  
11 experience in handling the affairs of the district determines,  
12 that it is not in the best interest of the Florida Keys  
13 Mosquito Control District and the property owners and  
14 residents thereof to continue in the Monroe County health unit  
15 or health department the responsibilities, powers, duties, and  
16 authority and that the continuation of the responsibilities,  
17 powers, duties, and authority in such unit or department is  
18 not advantageous to the Florida Keys Mosquito Control  
19 District, it is declared to be the legislative intent that the  
20 Board of Commissioners of the Florida Keys Mosquito Control  
21 District may pass a resolution making such determination and  
22 finding, and, upon the passage of such resolution, any and all  
23 such powers, duties, responsibilities, and authority given to  
24 the Monroe County health unit or health department shall  
25 immediately vest in the Florida Keys Mosquito Control District  
26 and the employees shall become the employees of the Florida  
27 Keys Mosquito Control District; and the provisions of section  
28 17 shall, insofar as they relate to Monroe County health unit  
29 or health department, be of no further force and effect.

30 Section 19. Public distribution of mix.--The board of  
31 commissioners of the mosquito control district shall have the

1 authority to set up and maintain a properly controlled public  
2 mix program providing for the alleviation of mosquito and  
3 other arthropod infestations throughout the district. Any  
4 program established pursuant to this section must provide the  
5 following restrictions:

6 (1) The mix must be provided to persons for  
7 residential use only.

8 (2) No person may obtain more than 1 gallon of mix at  
9 any one time nor may any person obtain more than 2 gallons of  
10 mix during any month.

11 (3) Any person seeking to obtain mix must provide the  
12 container therefor.

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14 The board may establish a fee schedule or provide mix to the  
15 public free of charge. The board shall maintain records of all  
16 distribution or sales of mix under its program.

17 Section 4. Chapters 26042 (1949), 29295 (1953), 31009  
18 (1955), 31013 (1955), 57-1591, 57-2067, 59-1584, 61-2508,  
19 63-1639, 63-1640, 65-1913, 65-1915, 67-1726, 70-816, 74-537,  
20 76-440, 83-469, 88-548, and 98-518, Laws of Florida, are  
21 repealed.

22 Section 5. The district created by this act and the  
23 board of commissioners shall have the right to use any and all  
24 privileges or powers that are granted to mosquito control  
25 districts under the general laws of this state.

26 Section 6. This act shall be construed liberally.

27 Section 7. It is declared to be the legislative intent  
28 that if any section, subsection, sentence, clause, or  
29 provision or part thereof of this act is held invalid,  
30 unenforceable, or unconstitutional, it shall not affect the  
31 remainder of the act and the remainder of the act shall remain

1 in force and effect as if the invalid portions of the act had  
2 not been enacted.

3           Section 8. This act shall take effect upon becoming a  
4 law.

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