

By Representative Sorensen

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 said
 10 district; dividing said district into areas and
 11 establishing boundaries of said 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 said members;
 17 providing for the method and time of elections;
 18 prescribing the powers of said board;
 19 establishing the duties of said board;
 20 establishing the organization of said board;
 21 setting the compensation of said 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 said board the
 26 power of eminent domain; granting said board
 27 the power to tax; providing for the employment
 28 of a director and for the advertisement of
 29 certain contracts; providing for the penalty
 30 for damage to property; setting out the purpose
 31 for said district; providing for the duties of

1 the 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.

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

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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 herein provided.

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

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1 Section 1. Establishing a mosquito control district;
2 fixing boundaries.--There is hereby created and established a
3 mosquito control district for Monroe County, to be known as
4 the "Florida Keys Mosquito Control District." Said 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 said 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 shall
28 qualify in the primaries and general elections which primaries
29 and general elections shall be conducted in accordance with
30 the existing election laws of the state. The terms of the
31 newly elected commissioners shall begin on the day of the

1 first meeting in January following said election and shall
2 extend for 4 years, or until his or her successor shall have
3 been duly elected and qualified. Each member of the board
4 shall, before assuming office, be required to make and execute
5 to the Governor a good and sufficient surety bond in the
6 amount of not less than \$2,000 conditioned on the faithful
7 performance of the duties of his or her office and the bond
8 shall be approved by and filed with the Clerk of the Circuit
9 Court of Monroe County, the expense of said bond to be borne
10 by the Florida Keys Mosquito Control District. If any person
11 so elected or appointed fails to make and file a surety bond
12 within 60 days after his or her election or appointment, his
13 or her office shall become vacant and such vacancy shall be
14 filled by the Governor for the unexpired term. Vacancies
15 created by the resignation, death, or removal from said 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 said 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 said name in any court; to contract; to adopt
28 and use a common seal and alter the same at pleasure; to
29 purchase, hold, lease, and convey such real estate and
30 personal property as a majority of the board may deem proper
31 to carry out the purposes of this act; to prescribe rules and

1 regulations for the marking of such property; to employ a
2 director and such experts, agents, and employees as the board
3 may require; to participate with employees in a group
4 hospitalization insurance plan providing the entire cost of
5 such a plan; to contract and cooperate with county, state, and
6 other 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 said 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 may be 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 shall
30 constitute 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 shall 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 duly recorded in the minutes of
21 proceedings of the board. However, total payment to each
22 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 may
27 authorize 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. Provided
31 further, that total payments for such official travel made by

1 members of the board in addition to travel for attendance at
2 board 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, said 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 shall 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 shall appear
29 not less than 1 nor more than 2 weeks prior to the date set by
30 the board for the hearing on the budget.

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1 (4) The hearing shall be by and before the board of
2 commissioners of the district on a date to be fixed by said
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 give consideration to objections filed
8 against adoption of the budget and in its discretion, may
9 amend, modify, or change the tentative detailed work plan
10 budget, and shall, by the following September 15, adopt and
11 execute on a form furnished by the state board a certified
12 budget for the district, which shall be the operating and
13 fiscal guide for the district. Certified copies of this budget
14 shall be submitted by September 15 to the state board for
15 approval.

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

23 Section 13. Tax levy.--The board of commissioners of
24 the mosquito control district may levy upon all of the taxable
25 property in said district a tax not exceeding 1 1/2 mills on
26 the dollar during each year solely for the purposes authorized
27 and prescribed by this act. Said levy shall be made each year
28 not later than July 1 by resolution of the board or a majority
29 thereof, duly entered upon its minutes. Certified copies of
30 such resolution executed in the name of the board by the chair
31 and secretary-treasurer and under its corporate seal shall be

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

26 Section 14. Director; advertisement of contracts.--All
27 work done under the provisions of this act, both in
28 construction and maintenance, shall be carried on under the
29 supervision of a competent entomologist, or person qualified
30 under the provisions of chapter 388, Florida Statutes, to be
31 employed by the board. The board may contract and purchase

1 property or equipment without formal bids in any amount not to
2 exceed \$4,000. All contracts or purchases in excess of \$4,000
3 shall be by competitive, sealed bids, after advertisement,
4 pursuant to rules and regulations established by the board.

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

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

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

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

1 Section 19. Public distribution of mix.--The board of
2 commissioners of the mosquito control district shall have the
3 authority to set up and maintain a properly controlled public
4 mix program providing for the alleviation of mosquito and
5 other arthropod infestations throughout the district. Any
6 program established pursuant to this section shall provide the
7 following restrictions:

8 (1) The mix shall be provided to persons for
9 residential use only.

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

13 (3) Any person seeking to obtain mix shall provide the
14 container therefor.

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

19 Section 4. Chapters 26042 (1949), 29295 (1953), 31009
20 (1955), 31013 (1955), 57-1591, 57-2067, 59-1584, 61-2508,
21 63-1639, 63-1640, 65-1913, 65-1915, 67-1726, 70-816, 74-537,
22 76-440, 83-469, 88-548, and 98-518, Laws of Florida, are
23 repealed.

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

28 Section 6. This act shall be construed liberally.

29 Section 7. It is declared to be the legislative intent
30 that if any section, subsection, sentence, clause, or
31 provision or part thereof of this act is held invalid,

1 unenforceable, or unconstitutional, it shall not affect the
2 remainder of the act and the remainder of the act shall remain
3 in force and effect as if the invalid portions of the act had
4 not been enacted.

5 Section 8. This act shall take effect upon becoming a
6 law.

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