



HB 1233

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CHAMBER ACTION

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The Committee on Local Government & Veterans' Affairs recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to St. Lucie County Mosquito Control District; codifying, reenacting, amending, and repealing special acts related to the district; providing a charter; providing boundaries of the district; providing for a governing board and operation of the district in accordance with ch. 388, F.S.; providing for compensation; providing for district powers, functions, and duties; providing a public nuisance declaration; providing bond procedures; providing for ad valorem taxes; providing boundary revision procedures; providing for construction and effect; repealing chapters 29502 (1953), 59-1794, 59-1796, 61-2760, 65-2187, 80-598, 87-510, and 96-461, Laws of Florida; providing an effective date.

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



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28 Section 1. Pursuant to section 189.429, Florida Statutes,
29 this act constitutes the codification of all special acts
30 relating to the St. Lucie County Mosquito Control District. It
31 is the intent of the Legislature to provide a single,
32 comprehensive special act charter for the district including all
33 current legislative authority granted to the district by its
34 several legislative enactments and any additional authority
35 granted by this act, chapters 189 and 388, Florida Statutes, and
36 chapter 5E-13, Florida Administrative Code, as the same may be
37 amended from time to time. It is further the intent of this act
38 to preserve all district authority.

39 Section 2. Chapters 29502 (1953), 59-1794, 59-1796, 61-
40 2760, 65-2187, 80-598, 87-510, and 96-461, Laws of Florida, are
41 codified, reenacted, amended, and repealed as provided herein.

42 Section 3. The St. Lucie County Mosquito Control District
43 is re-created and the charter is re-created and reenacted to
44 read:

45 Section 1. District boundaries.--A special taxing
46 district, lying wholly in St. Lucie County, to be known as the
47 St. Lucie County Mosquito Control District, is described as
48 follows:

49 Beginning at the Northeast corner of Section 3,
50 Township 34 South, Range 40 East; thence West to the
51 Northwest corner of Section 3, Township 34 South,
52 Range 38 East; thence South to the Southwest corner of
53 Section 34, Township 34 South, Range 38 East; thence
54 East to the Southwest corner of Section 36, Township
55 34 South, Range 38 East; thence South to the Southeast



56 corner of Northeast ¼ of Section 11, Township 36
 57 South, Range 38 East; thence West to the Northwest
 58 corner of the Southeast ¼ of Section 11, Township 36
 59 South, Range 38 East; thence South to the Southwest
 60 corner of the Southeast ¼ of Section 11, Township 36
 61 South, Range 38 East; thence East to the Southwest
 62 corner of Section 10, Township 36 South, Range 39
 63 East; thence South to the Southwest corner of Section
 64 34, Township 37 South, Range 39 East; thence East to
 65 the Southeast corner of Section 36, Township 37 South,
 66 Range 40 East; thence North to the Southwest corner of
 67 Section 7, Township 37 South, Range 41 East; thence
 68 East following the Section lines to the water's edge
 69 of the Atlantic Ocean; thence meandering said water's
 70 edge Northwesterly to the point of beginning.

71 AND

72 A parcel of land of land lying in Sections 4, 5, 8, 9,
 73 10, 16 and 17, Township 37 South, Range 39 East, and
 74 Section 33, Township 36 South, Range 39 East, St.

75 Lucie County, Florida, said parcel being more
 76 particularly described as follows:

77 Begin at the intersection of the centerline of Gatlin
 78 Boulevard (also being the north line of Section 15)
 79 and the westerly limits of Gatlin Boulevard Right-of-
 80 Way and the westerly limits of those lands described
 81 in an Order of Taking dated July 24, 1979 and recorded
 82 in Official Record Book 311 at Pages 2946 through
 83 2952, inclusive, Public Records of St. Lucie County,



84 Florida, and as shown on the Florida Department of
 85 Transportation Right-of-Way maps for State Road #9.
 86 (I-95), Section 94001-2412, dated 6/2/77, with last
 87 revision of 9/11/79; thence South 89 degrees 57
 88 minutes 05 seconds West, a distance of 7702.12 feet;
 89 thence South 00 degrees 05 minutes 46 seconds West, a
 90 distance of 757.53 feet; thence South 89 degrees 57
 91 minutes 43 seconds West, a distance of 1159.20 feet;
 92 thence North 00 degrees 40 minutes 03 seconds East, a
 93 distance of 152.60 feet; thence North 54 degrees 52
 94 minutes 19 seconds East, a distance of 153.89 feet;
 95 thence North 11 degrees 24 minutes 07 seconds East, a
 96 distance of 156.51 feet; thence North 14 degrees 02
 97 minutes 38 seconds West, a distance of 439.20 feet; to
 98 the beginning of a curve concave southerly, having a
 99 radius of 200.00 feet and a central angle of 130
 100 degrees 29 minutes 58 seconds, thence northerly,
 101 westerly and finally southerly along the arc of said
 102 curve to the left, a distance of 455.53 feet to the
 103 curves end; thence South 35 degrees 27 minutes 24
 104 seconds West, a distance of 161.00 feet; thence South
 105 89 degrees 57 minutes 05 seconds West, a distance of
 106 1118.66 feet; thence North 43 degrees 15 minutes 34
 107 seconds West, a distance of 1.86 feet; thence North 09
 108 degrees 54 minutes 33 seconds East, a distance of
 109 528.17 feet; thence North 62 degrees 56 minutes 57
 110 seconds East, a distance of 710.69 feet; thence North
 111 39 degrees 35 minutes 38 seconds West, a distance of



112 373.81 feet; thence South 80 degrees 50 minutes 18
 113 seconds West, a distance of 92.33 feet; thence North
 114 00 degrees 09 minutes 21 seconds East, A distance of
 115 4587.82 feet; to the southeasterly line of Grove No.
 116 3, as recorded in O.R. Book 383, at Page 1059, St.
 117 Lucie County Public Records (Special Warranty Deed
 118 from A. Duda & Sons, Inc. to D & M Indian River
 119 Groves) thence along said southerly and easterly line
 120 of Grove No. 3 the following courses and distances:
 121 North 74 degrees 07 minutes 42 seconds East, a
 122 distance of 3624.15 feet; thence North 02 degrees 40
 123 minutes 30 seconds West; a distance of 853.63 feet;
 124 thence North 03 degrees 34 minutes 36 seconds East, a
 125 distance of 264.67 feet; thence North 11 degrees 39
 126 minutes 14 seconds East, a distance of 299.59 feet;
 127 thence North 05 degrees 52 minutes 55 seconds East, a
 128 distance of 655.21 feet; thence North 13 degrees 31
 129 minutes 07 seconds East, a distance of 422.94 feet;
 130 thence departing said Grove No. 3, continue North 13
 131 degrees 31 minutes 07 seconds East, a distance of
 132 51.88 feet; thence North 74 degrees 14 minutes 30
 133 seconds East; a distance of 2525.46 feet; thence North
 134 76 degrees 04 minutes 00 seconds East, a distance of
 135 1244.50 feet; thence North 65 degrees 11 minutes 40
 136 seconds East, a distance of 178.59 feet; thence North
 137 59 degrees 06 minutes 39 seconds East, a distance of
 138 424.13 feet; thence North 73 degrees 43 minutes 15
 139 seconds East, a distance of 14.12 feet; thence South



140 50 degrees 55 minutes 52 seconds East, a distance of
 141 7.43 feet; thence North 56 degrees 01 minutes 38
 142 seconds East, a distance of 31.64 feet; thence North
 143 33 degrees 56 minutes 01 seconds East, a distance of
 144 30.15 feet; thence North 54 degrees 34 minutes 18
 145 seconds East, a distance of 298.73 feet; thence North
 146 85 degrees 53 minutes 58 seconds East, a distance of
 147 132.02 feet; thence North 70 degrees 54 minutes 26
 148 seconds East, a distance of 143.67 feet; thence North
 149 56 degrees 25 minutes 29 seconds East, a distance of
 150 121.35 feet; thence North 66 degrees 21 minutes 07
 151 seconds East, a distance of 557.84 feet; thence South
 152 00 degrees 35 minutes 12 seconds West along the
 153 northerly prolongation of the East line of the
 154 northeast quarter of said Section 4, a distance of
 155 271.44 feet to the northeast corner of Section 4;
 156 thence continue South 00 degrees 35 minutes 12 seconds
 157 West, along the East line of said Section 4, a
 158 distance of 2833.04 feet to the East quarter corner of
 159 said Section 4; thence South 00 degrees 36 minutes 27
 160 seconds West, a distance of 2651.97 feet to the
 161 northwest corner of Section 10; thence North 89
 162 degrees 54 minutes 10 seconds East along the North
 163 line of said Section 10, a distance of 1793.84 feet;
 164 to a point of intersection with the westerly Right-of-
 165 Way line of said I-95 and the said westerly line of
 166 the lands described in the Order of Taking dated July
 167 24, 1979 and recorded in Official Record Book 311 at



168 Pages 2946 through 2952, inclusive, and with a non-
 169 tangent curve, concave easterly, having a radius of
 170 5983.58 feet and central angle of 23 degrees 41
 171 minutes 41 seconds, thence along the westerly line of
 172 said I-95 Right-of-Way and along the said westerly
 173 line of the lands described in the Order of Taking,
 174 dated July 24, 1979, the following courses and
 175 distance: thence southerly along the arc of said curve
 176 to the left, a distance of 2474.52 feet, said arc
 177 subtended by a chord which bears South 06 degrees 56
 178 minutes 28 seconds East, a distance of 2456.92 feet to
 179 the curves end; thence South 18 degrees 47 minutes 19
 180 seconds East, a distance of 714.03 feet; thence South
 181 14 degrees 47 minutes 19 seconds East, a distance of
 182 510.88 feet; thence South 07 degrees 32 minutes 07
 183 seconds East, a distance of 374.37 feet; thence South
 184 06 degrees 58 minutes 16 seconds West, a distance of
 185 373.49 feet; thence South 15 degrees 33 minutes 28
 186 seconds West, a distance of 491.49 feet; thence South
 187 34 degrees 39 minutes 50 seconds West, a distance of
 188 207.78 feet; thence South 70 degrees 02 minutes 50
 189 seconds West, a distance of 289.50 feet; thence South
 190 00 degrees 01 minutes 45 seconds West, a distance of
 191 64.09 feet; thence South 82 degrees 24 minutes 53
 192 seconds West, a distance of 317.56 feet; thence North
 193 89 degrees 58 minutes 15 seconds West, a distance of
 194 372.63 feet; thence North 89 degrees 58 minutes 15
 195 seconds West, a distance of 262.61 feet; thence South



196 00 degrees 01 minutes 45 seconds West, a distance of
 197 100.00 feet, to the Point of Beginning.
 198 AND
 199 A parcel of land of land lying in Section 16, 20, 21,
 200 28, 29 and 33, Township 36 South, Range 39 East, St.
 201 Lucie County, Florida, said parcel being more
 202 particularly described as follows:
 203 Begin at the intersection of the Southeasterly right
 204 of way line of the FEC Railroad and the Northeasterly
 205 right of way line of the SFWMD Canal C-24; thence
 206 Southeasterly along said Northeasterly right of way
 207 line of the C-24 to the intersection of the East Line
 208 of Section 33, Township36 South, Range 39 East; thence
 209 North along the East line of Sections 33, 28, 21 AND
 210 16, Township 36 South, Range 39 East to the
 211 intersection of the Southeasterly right of way line of
 212 the FEC Railroad; thence Southwesterly along said
 213 Southeasterly right of way line to the Point of
 214 Beginning.
 215 Section 2. Establishment; District Formation Ratified,
 216 Restated, and Approved.---
 217 (1) The district, a dependent special district, is
 218 established for all purposes set forth in this act, chapters 189
 219 and 388, Florida Statutes, and chapter 5E-13, Florida
 220 Administrative Code, as the same may be amended from time to
 221 time. This charter may be amended only by special act of the
 222 Legislature.



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223 (2) The St. Lucie County Mosquito Control District, as
224 initially established pursuant to chapter 29502 (1953), Laws of
225 Florida, and thereafter amended as provided by special acts of
226 the Legislature, is ratified, confirmed, and approved.

227 Section 3. Governing Board.--The governing body of the St.
228 Lucie County Mosquito Control District (the "district") shall be
229 the members of the Board of County Commissioners of St. Lucie
230 County. As soon as practicable after the County Commissioners
231 of St. Lucie County have assumed office, the commissioners shall
232 meet to organize as the governing board of the St. Lucie County
233 Mosquito Control District. The Clerk of the Circuit Court of
234 St. Lucie County shall act as secretary and treasurer without
235 right to vote as a member of the board or hold other office
236 thereon without additional compensation for his or her services,
237 exercising all powers and performing all duties as provided by
238 this act. At this meeting, the board shall elect a chair from
239 among their number.

240 Section 4. Compensation.--The members of the board of
241 county commissioners and the employees of said district when
242 traveling outside the boundaries of St. Lucie County whether
243 within or without the state, on official business duly
244 authorized in an open meeting, shall each be reimbursed for the
245 actual transportation expenses paid in accordance with the
246 provisions of section 112.061, Florida Statutes, as it may be
247 amended from time to time. In addition, they shall each be
248 reimbursed for meals and actual lodging expenses paid in
249 accordance with the provisions of section 112.061, Florida



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250 Statutes, said traveling expenses to be paid from the funds of
251 said district.

252 Section 5. District Powers.--The governing body of the
253 district (the "governing board" or the "board") shall have all
254 the powers of a body corporate, including the power to sue and
255 be sued as a corporation in the name of the district in any
256 court; to enter into contracts and purchase goods, supplies,
257 materials, and equipment pursuant to purchasing regulations
258 adopted by the board in accordance with applicable general law;
259 to purchase, hold, lease, and convey such real property as the
260 board may deem proper to carry out the purposes of this action;
261 to employ a director and such experts, agents, and employees as
262 the board may require; to borrow money; to issue negotiable
263 promissory notes and bonds as hereinafter provided; to withdraw
264 and disburse deposited funds of the district to enable it to
265 carry out the provisions of this act; to consider and approve or
266 deny petitions to amend the boundaries of the district; and to
267 carry liability insurance against tort actions and to pay from
268 the appropriate funds of the district the premiums on such
269 insurance. Such insurance may be carried in such amounts and
270 against such risks as the board, in its discretion, decides;
271 however, in consideration of the premium at which each policy
272 shall be written, it shall be a part of the policy contract
273 between the insurance company and the district that the company
274 shall not be entitled to the benefit or the defense of
275 governmental immunity of the district by reason of exercising a
276 governmental function in any suit brought against the district;
277 immunity of the district against liability for damages is waived



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278 only to the extent of liability insurance carried by the
279 district; and the Legislature hereby finds and determines that
280 the carrying of liability insurance as provided herein is for a
281 district purpose. In addition to any powers set forth in this
282 act, the district shall likewise exercise such powers,
283 functions, and duties as may be set forth in chapters 189 and
284 388, Florida Statutes, and chapter 5E-13, Florida Administrative
285 Code, as the same may be amended from time to time, including,
286 but not limited to, bond issuance, budget preparation and
287 approval, liens and foreclosure of liens, and contractual
288 agreements. The district may be financed by any method
289 established in this act, chapter 189, Florida Statutes, or
290 chapter 388, Florida Statutes, as the same may be amended from
291 time to time, or any other applicable general or special law.
292 The board shall have those administrative duties set forth in
293 this act and chapters 189 and 388, Florida Statutes, as the same
294 may be amended from time to time.

295 Section 6. Surety Bond.--The Clerk of the Circuit Court of
296 St. Lucie County shall be required by this act to give to the
297 governing board of said district a good and sufficient surety
298 bond in the sum of \$10,000 conditioned on his or her faithfully
299 performing the duties of his or her office and well and truly
300 accounting for all moneys of said district coming into his or
301 her custody or control. The premium of said bond shall be paid
302 out of the funds of the district. Said bond shall be approved
303 by the board and shall be filed in the office of the state
304 comptroller.



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305 Section 7. Meetings and Quorum.--The board shall determine
306 and fix the time of its meetings pursuant to chapters 189 and
307 388, Florida Statutes, as they may be amended from time to time.
308 Special meetings may be held at the call of the chair or any two
309 members of the board on 24 hours' notice to each member of said
310 board or, if all members are present, a special meeting may,
311 with their consent, be held without notice. Three members of
312 the board shall constitute a quorum to transact business and a
313 majority of members in attendance at any meeting, with the chair
314 voting, shall govern.

315 Section 8. Audits.--The books of said district shall be
316 audited by the same officers and in like manner as the books of
317 county officers pursuant to general law.

318 Section 9. District Budgets; Hearing.--Requirements for
319 the district's fiscal year and budget shall be as set forth in
320 section 388.201, Florida Statutes, and chapter 5E-13, Florida
321 Administrative Code, as they may be amended from time to time.

322 Section 10. Additional Powers.--The board shall have the
323 power and authority to hold, control, and acquire by gift or
324 purchase for the use of the district any real or personal
325 property and to condemn any lands or easements needed for the
326 purposes of said district. Said board is authorized to exercise
327 the right of eminent domain and institute and maintain
328 condemnation proceedings in the same manner as municipalities
329 under the laws of the state as provided for in chapters 388, 73,
330 and 74, Florida Statutes, and chapter 5E-13, Florida
331 Administrative Code, as they may be amended from time to time.



332 Section 11. Disposal and Packing Rules and
 333 Regulations.--Said board shall have the power and authority, by
 334 resolution, to prescribe rules and regulations governing the
 335 disposal within the district of all cull citrus fruits and
 336 vegetables, and packing house and canning plant refuse, which
 337 rules and regulations shall be enforced by the duly authorized
 338 peace officers of St. Lucie County. Any person, firm, or
 339 corporation who violates such rules and regulations shall be
 340 punished as provided in the general law for punishment of a
 341 misdemeanor.

342 Section 12. Power to do all Things Necessary.--The
 343 district is hereby fully authorized to do and perform all things
 344 necessary to carry out the intent and purposes of chapter 388,
 345 Florida Statutes, and chapter 5E-13, Florida Administrative
 346 Code, as they may be amended from time to time.

347 Section 13. Public Nuisance Declaration.--All depressions,
 348 marshes, ponds, lakes, lagoons, ditches, and other places in the
 349 district wherein mosquitoes and said flies incubate or hatch are
 350 hereby declared to be public nuisances, as harmful or inimical
 351 to the comfort, health, and welfare of the inhabitants thereof,
 352 and to be abated as hereinafter provided.

353 Section 14. Additional Powers.--The board is authorized to
 354 cooperate with any board or boards created in adjacent districts
 355 or counties for similar purposes. It is authorized to accept
 356 donations from individuals or property owners for the purposes
 357 of this act. If the board shall determine that the proceeds of
 358 the bond issue hereinafter provided for, together with any
 359 donations, are sufficient to eliminate mosquito, house fly, sand



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360 fly, or other arthropod incubating or breeding areas from the
361 entire district, then the board is authorized to have the
362 election called as hereinafter provided.

363 Section 15. Bonds.--The procedures and requirements
364 governing the issuance of bonds, notes, and other evidences of
365 indebtedness by the district shall be as set forth in this act
366 and chapter 189, Florida Statutes, as the same may be amended
367 from time to time, and any other applicable general or special
368 laws.

369 Section 16. Ad Valorem Taxes.--The district's current ad
370 valorem levy is hereby confirmed and ratified. The procedures
371 and requirements governing the levy of ad valorem taxes by the
372 district shall be as set forth in this act and section 388.221,
373 Florida Statutes, as the same may be amended from time to time,
374 and any other applicable general or special laws.

375 Section 17. Power to Perform Work.--The board may have any
376 and all work performed by contract with or without
377 advertisement, or without contract, by machinery, equipment, and
378 labor employed directly by the board.

379 Section 18. Damage or Obstruction.--Whoever shall
380 willfully damage any of the property of the district created
381 under this act or any works constructed, maintained, or
382 controlled by said district, or shall obstruct or cause to be
383 obstructed any of the operations of said district, shall be
384 punished as provided in the general law for punishment of a
385 misdemeanor.

386 Section 19. Disclosure and Expenses.--Requirements for
387 financial disclosure, meeting notices, public records



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388 maintenance, and per diem expenses for officers and employees
389 shall be as set forth in chapters 112, 119, 189, 286, and 388,
390 Florida Statutes, as the same may be amended from time to time.

391 Section 20. Change in District Boundaries.--

392 (1) Any property owner owning real property within St.
393 Lucie County may petition the board to amend the boundaries of
394 the district to include his or her property. The property owner
395 shall file a petition to amend the district boundaries with the
396 secretary of the board. A petitioner must own property within
397 the area he or she seeks to have added to the district.

398 (2) In reviewing petitions for amendment of the boundaries
399 of the district, the board shall consider whether the property
400 to be included in the district is contiguous to the boundaries
401 of the district or, if the property is not contiguous to the
402 boundaries of the district, whether the property is of such
403 existing or planned development to warrant inclusion in the
404 district.

405 (3) The petition to amend the district boundaries shall be
406 available from the secretary of the board and shall include, but
407 not be limited to, the following information: the petitioner's
408 name and address, the proposed amendment to the district
409 boundaries, a statement that petitioner owns real property lying
410 within the area he or she seeks to have added to the district, a
411 legal description of the petitioner's property lying within the
412 area he or she seeks to have added to the district, and a
413 statement describing why the district boundaries should be so
414 amended.



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415 (4) When the secretary of the board determines that a
416 completed petition to amend the district boundaries has been
417 filed, he or she shall notify the board so that a public hearing
418 may be set and notice given. Upon notification by the
419 secretary, the board shall place the petition on the agenda of a
420 regular meeting for public hearing. The board shall then
421 publish notice of the public hearing on the petition twice in a
422 newspaper of general circulation in St. Lucie County not more
423 than 30 days or less than 15 days before the date of the
424 hearing, excluding Sundays and legal holidays. A copy of the
425 notice of public hearing shall be available in the office of the
426 secretary of the board during regular business hours.

427 (5) Any time after the publication of notice, any person,
428 upon reasonable request, may examine the petition in question,
429 and any material submitted in support of opposition to the
430 petition, in the office of the secretary of the board during
431 regular office hours. Any person shall be entitled to obtain
432 copies of the petition and other materials upon reasonable
433 request and payment of a fee to cover the actual costs of
434 providing such copies.

435 (6) Any person may appear at the public hearing or may be
436 represented by counsel or agent and may submit documents,
437 materials, and other written or oral testimony either
438 individually or as a representative of an organization.

439 (7) At the time and place specified in the notice of
440 hearing, the board shall conduct a public hearing on the
441 petition. Within a reasonable time after the public hearing,
442 the board shall approve or disapprove the petition. However, if



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443 the petition is approved, the property described in the petition
444 may be added to the district only upon approval by a majority
445 vote of qualified electors of the area proposed to be added
446 voting in a referendum called for such purpose.

447 (8) Notification of the results of the referendum shall be
448 mailed to the petitioner, and a copy of the notification shall
449 be filed in the office of the secretary of the board.

450 (9) If the amendment to the district boundaries is
451 approved, the secretary of the board shall file notification of
452 the final decision, including the boundaries as amended, with
453 the Department of Agriculture and Consumer Services and the St.
454 Lucie County Property Appraiser.

455 (10) Ad valorem taxes of property added to the district
456 shall be initially imposed no earlier than January 1 subsequent
457 to the approval of the petition.

458 Section 4. This act shall be construed as remedial and
459 shall be liberally construed to promote the purpose for which it
460 is intended.

461 Section 5. In the event that any part of this act should
462 be held void for any reason, such holding shall not affect any
463 other part thereof.

464 Section 6. Chapters 29502 (1953), 59-1794, 59-1796, 61-
465 2760, 65-2187, 80-598, 87-510, and 96-461, Laws of Florida, are
466 repealed.

467 Section 7. This act shall take effect upon becoming a law.
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469