



1 A bill to be entitled

2 An act relating to St. Lucie County Mosquito Control  
3 District; codifying, reenacting, amending, and repealing  
4 special acts related to the district; providing a charter;  
5 providing boundaries of the district; providing for a  
6 governing board and operation of the district in  
7 accordance with ch. 388, F.S.; providing for compensation;  
8 providing for district powers, functions, and duties;  
9 providing a public nuisance declaration; providing bond  
10 procedures; providing for ad valorem taxes; providing  
11 boundary revision procedures; providing for construction  
12 and effect; repealing chapters 29502 (1953), 59-1794, 59-  
13 1796, 61-2760, 65-2187, 80-598, 87-510, and 96-461, Laws  
14 of Florida; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Pursuant to section 189.429, Florida Statutes,  
19 this act constitutes the codification of all special acts  
20 relating to the St. Lucie County Mosquito Control District. It  
21 is the intent of the Legislature to provide a single,  
22 comprehensive special act charter for the district including all  
23 current legislative authority granted to the district by its  
24 several legislative enactments and any additional authority  
25 granted by this act, chapters 189 and 388, Florida Statutes, and  
26 chapter 5E-13, Florida Administrative Code, as the same may be  
27 amended from time to time. It is further the intent of this act  
28 to preserve all district authority.



29           Section 2. Chapters 29502 (1953), 59-1794, 59-1796, 61-  
30 2760, 65-2187, 80-598, 87-510, and 96-461, Laws of Florida, are  
31 codified, reenacted, amended, and repealed as provided herein.

32           Section 3. The St. Lucie County Mosquito Control District  
33 is re-created and the charter is re-created and reenacted to  
34 read:

35           Section 1. District boundaries.--A special taxing  
36 district, lying wholly in St. Lucie County, to be known as the  
37 St. Lucie County Mosquito Control District, is described as  
38 follows:

39           Beginning at the Northeast corner of Section 3,  
40 Township 34 South, Range 40 East; thence West to the  
41 Northwest corner of Section 3, Township 34 South,  
42 Range 38 East; thence South to the Southwest corner of  
43 Section 34, Township 34 South, Range 38 East; thence  
44 East to the Southwest corner of Section 36, Township  
45 34 South, Range 38 East; thence South to the Southeast  
46 corner of Northeast ¼ of Section 11, Township 36  
47 South, Range 38 East; thence West to the Northwest  
48 corner of the Southeast ¼ of Section 11, Township 36  
49 South, Range 38 East; thence South to the Southwest  
50 corner of the Southeast ¼ of Section 11, Township 36  
51 South, Range 38 East; thence East to the Southwest  
52 corner of Section 10, Township 36 South, Range 39  
53 East; thence South to the Southwest corner of Section  
54 34, Township 37 South, Range 39 East; thence East to  
55 the Southeast corner of Section 36, Township 37 South,  
56 Range 40 East; thence North to the Southwest corner of



57 Section 7, Township 37 South, Range 41 East; thence  
 58 East following the Section lines to the water's edge  
 59 of the Atlantic Ocean; thence meandering said water's  
 60 edge Northwesterly to the point of beginning.

61 AND

62 A parcel of land of land lying in Sections 4, 5, 8, 9,  
 63 10, 16 and 17, Township 37 South, Range 39 East, and  
 64 Section 33, Township 36 South, Range 39 East, St.

65 Lucie County, Florida, said parcel being more  
 66 particularly described as follows:

67 Begin at the intersection of the centerline of Gatlin  
 68 Boulevard (also being the north line of Section 15)  
 69 and the westerly limits of Gatlin Boulevard Right-of-  
 70 Way and the westerly limits of those lands described  
 71 in an Order of Taking dated July 24, 1979 and recorded  
 72 in Official Record Book 311 at Pages 2946 through  
 73 2952, inclusive, Public Records of St. Lucie County,  
 74 Florida, and as shown on the Florida Department of  
 75 Transportation Right-of-Way maps for State Road #9.  
 76 (I-95), Section 94001-2412, dated 6/2/77, with last  
 77 revision of 9/11/79; thence South 89 degrees 57  
 78 minutes 05 seconds West, a distance of 7702.12 feet;  
 79 thence South 00 degrees 05 minutes 46 seconds West, a  
 80 distance of 757.53 feet; thence South 89 degrees 57  
 81 minutes 43 seconds West, a distance of 1159.20 feet;  
 82 thence North 00 degrees 40 minutes 03 seconds East, a  
 83 distance of 152.60 feet; thence North 54 degrees 52  
 84 minutes 19 seconds East, a distance of 153.89 feet;



85 thence North 11 degrees 24 minutes 07 seconds East, a  
 86 distance of 156.51 feet; thence North 14 degrees 02  
 87 minutes 38 seconds West, a distance of 439.20 feet; to  
 88 the beginning of a curve concave southerly, having a  
 89 radius of 200.00 feet and a central angle of 130  
 90 degrees 29 minutes 58 seconds, thence northerly,  
 91 westerly and finally southerly along the arc of said  
 92 curve to the left, a distance of 455.53 feet to the  
 93 curves end; thence South 35 degrees 27 minutes 24  
 94 seconds West, a distance of 161.00 feet; thence South  
 95 89 degrees 57 minutes 05 seconds West, a distance of  
 96 1118.66 feet; thence North 43 degrees 15 minutes 34  
 97 seconds West, a distance of 1.86 feet; thence North 09  
 98 degrees 54 minutes 33 seconds East, a distance of  
 99 528.17 feet; thence North 62 degrees 56 minutes 57  
 100 seconds East, a distance of 710.69 feet; thence North  
 101 39 degrees 35 minutes 38 seconds West, a distance of  
 102 373.81 feet; thence South 80 degrees 50 minutes 18  
 103 seconds West, a distance of 92.33 feet; thence North  
 104 00 degrees 09 minutes 21 seconds East, A distance of  
 105 4587.82 feet; to the southeasterly line of Grove No.  
 106 3, as recorded in O.R. Book 383, at Page 1059, St.  
 107 Lucie County Public Records (Special Warranty Deed  
 108 from A. Duda & Sons, Inc. to D & M Indian River  
 109 Groves) thence along said southerly and easterly line  
 110 of Grove No. 3 the following courses and distances:  
 111 North 74 degrees 07 minutes 42 seconds East, a  
 112 distance of 3624.15 feet; thence North 02 degrees 40



113 minutes 30 seconds West; a distance of 853.63 feet;  
114 thence North 03 degrees 34 minutes 36 seconds East, a  
115 distance of 264.67 feet; thence North 11 degrees 39  
116 minutes 14 seconds East, a distance of 299.59 feet;  
117 thence North 05 degrees 52 minutes 55 seconds East, a  
118 distance of 655.21 feet; thence North 13 degrees 31  
119 minutes 07 seconds East, a distance of 422.94 feet;  
120 thence departing said Grove No. 3, continue North 13  
121 degrees 31 minutes 07 seconds East, a distance of  
122 51.88 feet; thence North 74 degrees 14 minutes 30  
123 seconds East; a distance of 2525.46 feet; thence North  
124 76 degrees 04 minutes 00 seconds East, a distance of  
125 1244.50 feet; thence North 65 degrees 11 minutes 40  
126 seconds East, a distance of 178.59 feet; thence North  
127 59 degrees 06 minutes 39 seconds East, a distance of  
128 424.13 feet; thence North 73 degrees 43 minutes 15  
129 seconds East, a distance of 14.12 feet; thence South  
130 50 degrees 55 minutes 52 seconds East, a distance of  
131 7.43 feet; thence North 56 degrees 01 minutes 38  
132 seconds East, a distance of 31.64 feet; thence North  
133 33 degrees 56 minutes 01 seconds East, a distance of  
134 30.15 feet; thence North 54 degrees 34 minutes 18  
135 seconds East, a distance of 298.73 feet; thence North  
136 85 degrees 53 minutes 58 seconds East, a distance of  
137 132.02 feet; thence North 70 degrees 54 minutes 26  
138 seconds East, a distance of 143.67 feet; thence North  
139 56 degrees 25 minutes 29 seconds East, a distance of  
140 121.35 feet; thence North 66 degrees 21 minutes 07



141 seconds East, a distance of 557.84 feet; thence South  
142 00 degrees 35 minutes 12 seconds West along the  
143 northerly prolongation of the East line of the  
144 northeast quarter of said Section 4, a distance of  
145 271.44 feet to the northeast corner of Section 4;  
146 thence continue South 00 degrees 35 minutes 12 seconds  
147 West, along the East line of said Section 4, a  
148 distance of 2833.04 feet to the East quarter corner of  
149 said Section 4; thence South 00 degrees 36 minutes 27  
150 seconds West, a distance of 2651.97 feet to the  
151 northwest corner of Section 10; thence North 89  
152 degrees 54 minutes 10 seconds East along the North  
153 line of said Section 10, a distance of 1793.84 feet;  
154 to a point of intersection with the westerly Right-of-  
155 Way line of said I-95 and the said westerly line of  
156 the lands described in the Order of Taking dated July  
157 24, 1979 and recorded in Official Record Book 311 at  
158 Pages 2946 through 2952, inclusive, and with a non-  
159 tangent curve, concave easterly, having a radius of  
160 5983.58 feet and central angle of 23 degrees 41  
161 minutes 41 seconds, thence along the westerly line of  
162 said I-95 Right-of-Way and along the said westerly  
163 line of the lands described in the Order of Taking,  
164 dated July 24, 1979, the following courses and  
165 distance: thence southerly along the arc of said curve  
166 to the left, a distance of 2474.52 feet, said arc  
167 subtended by a chord which bears South 06 degrees 56  
168 minutes 28 seconds East, a distance of 2456.92 feet to



169 the curves end; thence South 18 degrees 47 minutes 19  
170 seconds East, a distance of 714.03 feet; thence South  
171 14 degrees 47 minutes 19 seconds East, a distance of  
172 510.88 feet; thence South 07 degrees 32 minutes 07  
173 seconds East, a distance of 374.37 feet; thence South  
174 06 degrees 58 minutes 16 seconds West, a distance of  
175 373.49 feet; thence South 15 degrees 33 minutes 28  
176 seconds West, a distance of 491.49 feet; thence South  
177 34 degrees 39 minutes 50 seconds West, a distance of  
178 207.78 feet; thence South 70 degrees 02 minutes 50  
179 seconds West, a distance of 289.50 feet; thence South  
180 00 degrees 01 minutes 45 seconds West, a distance of  
181 64.09 feet; thence South 82 degrees 24 minutes 53  
182 seconds West, a distance of 317.56 feet; thence North  
183 89 degrees 58 minutes 15 seconds West, a distance of  
184 372.63 feet; thence North 89 degrees 58 minutes 15  
185 seconds West, a distance of 262.61 feet; thence South  
186 00 degrees 01 minutes 45 seconds West, a distance of  
187 100.00 feet, to the Point of Beginning.

188 AND

189 A parcel of land of land lying in Section 16, 20, 21,  
190 28, 29 and 33, Township 36 South, Range 39 East, St.  
191 Lucie County, Florida, said parcel being more  
192 particularly described as follows:  
193 Begin at the intersection of the Southeasterly right  
194 of way line of the FEC Railroad and the Northeasterly  
195 right of way line of the SFWMD Canal C-24; thence  
196 Southeasterly along said Northeasterly right of way



197 line of the C-24 to the intersection of the East Line  
198 of Section 33, Township36 South, Range 39 East; thence  
199 North along the East line of Sections 33, 28, 21 AND  
200 16, Township 36 South, Range 39 East to the  
201 intersection of the Southeasterly right of way line of  
202 the FEC Railroad; thence Southwesterly along said  
203 Southeasterly right of way line to the Point of  
204 Beginning.

205 Section 2. Establishment; District Formation Ratified,  
206 Restated, and Approved.---

207 (1) The district, a dependent special district, is  
208 established for all purposes set forth in this act, chapters 189  
209 and 388, Florida Statutes, and chapter 5E-13, Florida  
210 Administrative Code, as the same may be amended from time to  
211 time. This charter may be amended only by special act of the  
212 Legislature.

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

217 Section 3. Governing Board.--The governing body of the St.  
218 Lucie County Mosquito Control District (the "district") shall be  
219 the members of the Board of County Commissioners of St. Lucie  
220 County. As soon as practicable after the County Commissioners  
221 of St. Lucie County have assumed office, the commissioners shall  
222 meet to organize as the governing board of the St. Lucie County  
223 Mosquito Control District. The Clerk of the Circuit Court of  
224 St. Lucie County shall act as secretary and treasurer without





225 right to vote as a member of the board or hold other office  
226 thereon without additional compensation for his or her services,  
227 exercising all powers and performing all duties as provided by  
228 this act. At this meeting, the board shall elect a chair from  
229 among their number.

230 Section 4. Compensation.--The members of the board of  
231 county commissioners and the employees of said district when  
232 traveling outside the boundaries of St. Lucie County whether  
233 within or without the state, on official business duly  
234 authorized in an open meeting, shall each be reimbursed for the  
235 actual transportation expenses paid in accordance with the  
236 provisions of section 112.061, Florida Statutes, as it may be  
237 amended from time to time. In addition, they shall each be  
238 reimbursed for meals and actual lodging expenses paid in  
239 accordance with the provisions of section 112.061, Florida  
240 Statutes, said traveling expenses to be paid from the funds of  
241 said district.

242 Section 5. District Powers.--The governing body of the  
243 district (the "governing board" or the "board") shall have all  
244 the powers of a body corporate, including the power to sue and  
245 be sued as a corporation in the name of the district in any  
246 court; to enter into contracts and purchase goods, supplies,  
247 materials, and equipment pursuant to purchasing regulations  
248 adopted by the board in accordance with applicable general law;  
249 to purchase, hold, lease, and convey such real property as the  
250 board may deem proper to carry out the purposes of this action;  
251 to employ a director and such experts, agents, and employees as  
252 the board may require; to borrow money; to issue negotiable



253 promissory notes and bonds as hereinafter provided; to withdraw  
254 and disburse deposited funds of the district to enable it to  
255 carry out the provisions of this act; to consider and approve or  
256 deny petitions to amend the boundaries of the district; and to  
257 carry liability insurance against tort actions and to pay from  
258 the appropriate funds of the district the premiums on such  
259 insurance. Such insurance may be carried in such amounts and  
260 against such risks as the board, in its discretion, decides;  
261 however, in consideration of the premium at which each policy  
262 shall be written, it shall be a part of the policy contract  
263 between the insurance company and the district that the company  
264 shall not be entitled to the benefit or the defense of  
265 governmental immunity of the district by reason of exercising a  
266 governmental function in any suit brought against the district;  
267 immunity of the district against liability for damages is waived  
268 only to the extent of liability insurance carried by the  
269 district; and the Legislature hereby finds and determines that  
270 the carrying of liability insurance as provided herein is for a  
271 district purpose. In addition to any powers set forth in this  
272 act, the district shall likewise exercise such powers,  
273 functions, and duties as may be set forth in chapters 189 and  
274 388, Florida Statutes, and chapter 5E-13, Florida Administrative  
275 Code, as the same may be amended from time to time, including,  
276 but not limited to, bond issuance, budget preparation and  
277 approval, liens and foreclosure of liens, and contractual  
278 agreements. The district may be financed by any method  
279 established in this act, chapter 189, Florida Statutes, or  
280 chapter 388, Florida Statutes, as the same may be amended from



281 time to time, or any other applicable general or special law.  
282 The board shall have those administrative duties set forth in  
283 this act and chapters 189 and 388, Florida Statutes, as the same  
284 may be amended from time to time.

285 Section 6. Surety Bond.--The Clerk of the Circuit Court of  
286 St. Lucie County shall be required by this act to give to the  
287 governing board of said district a good and sufficient surety  
288 bond in the sum of \$10,000 conditioned on his or her faithfully  
289 performing the duties of his or her office and well and truly  
290 accounting for all moneys of said district coming into his or  
291 her custody or control. The premium of said bond shall be paid  
292 out of the funds of the district. Said bond shall be approved  
293 by the board and shall be filed in the office of the state  
294 comptroller.

295 Section 7. Meetings and Quorum.--The board shall determine  
296 and fix the time of its meetings pursuant to chapters 189 and  
297 388, Florida Statutes, as they may be amended from time to time.  
298 Special meetings may be held at the call of the chair or any two  
299 members of the board on 24 hours' notice to each member of said  
300 board or, if all members are present, a special meeting may,  
301 with their consent, be held without notice. Three members of  
302 the board shall constitute a quorum to transact business and a  
303 majority of members in attendance at any meeting, with the chair  
304 voting, shall govern.

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



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

312        Section 10. Additional Powers.--The board shall have the  
 313 power and authority to hold, control, and acquire by gift or  
 314 purchase for the use of the district any real or personal  
 315 property and to condemn any lands or easements needed for the  
 316 purposes of said district. Said board is authorized to exercise  
 317 the right of eminent domain and institute and maintain  
 318 condemnation proceedings in the same manner as municipalities  
 319 under the laws of the state as provided for in chapters 388, 73,  
 320 and 74, Florida Statutes, and chapter 5E-13, Florida  
 321 Administrative Code, as they may be amended from time to time.

322        Section 11. Disposal and Packing Rules and  
 323 Regulations.--Said board shall have the power and authority, by  
 324 resolution, to prescribe rules and regulations governing the  
 325 disposal within the district of all cull citrus fruits and  
 326 vegetables, and packing house and canning plant refuse, which  
 327 rules and regulations shall be enforced by the duly authorized  
 328 peace officers of St. Lucie County. Any person, firm, or  
 329 corporation who violates such rules and regulations shall be  
 330 punished as provided in the general law for punishment of a  
 331 misdemeanor.

332        Section 12. Power to do all Things Necessary.--The  
 333 district is hereby fully authorized to do and perform all things  
 334 necessary to carry out the intent and purposes of chapter 388,



335 Florida Statutes, and chapter 5E-13, Florida Administrative  
 336 Code, as they may be amended from time to time.

337 Section 13. Public Nuisance Declaration.--All depressions,  
 338 marshes, ponds, lakes, lagoons, ditches, and other places in the  
 339 district wherein mosquitoes and said flies incubate or hatch are  
 340 hereby declared to be public nuisances, as harmful or inimical  
 341 to the comfort, health, and welfare of the inhabitants thereof,  
 342 and to be abated as hereinafter provided.

343 Section 14. Additional Powers.--The board is authorized to  
 344 cooperate with any board or boards created in adjacent districts  
 345 or counties for similar purposes. It is authorized to accept  
 346 donations from individuals or property owners for the purposes  
 347 of this act. If the board shall determine that the proceeds of  
 348 the bond issue hereinafter provided for, together with any  
 349 donations, are sufficient to eliminate mosquito, house fly, sand  
 350 fly, or other arthropod incubating or breeding areas from the  
 351 entire district, then the board is authorized to have the  
 352 election called as hereinafter provided.

353 Section 15. Bonds.--The procedures and requirements  
 354 governing the issuance of bonds, notes, and other evidences of  
 355 indebtedness by the district shall be as set forth in this act  
 356 and chapter 189, Florida Statutes, as the same may be amended  
 357 from time to time, and any other applicable general or special  
 358 laws.

359 Section 16. Ad Valorem Taxes.--The district's current ad  
 360 valorem levy is hereby confirmed and ratified. The procedures  
 361 and requirements governing the levy of ad valorem taxes by the  
 362 district shall be as set forth in this act and section 388.221,



363 Florida Statutes, as the same may be amended from time to time,  
 364 and any other applicable general or special laws.

365 Section 17. Power to Perform Work.--The board may have any  
 366 and all work performed by contract with or without  
 367 advertisement, or without contract, by machinery, equipment, and  
 368 labor employed directly by the board.

369 Section 18. Damage or Obstruction.--Whoever shall  
 370 willfully damage any of the property of the district created  
 371 under this act or any works constructed, maintained, or  
 372 controlled by said district, or shall obstruct or cause to be  
 373 obstructed any of the operations of said district, shall be  
 374 punished as provided in the general law for punishment of a  
 375 misdemeanor.

376 Section 19. Disclosure and Expenses.--Requirements for  
 377 financial disclosure, meeting notices, public records  
 378 maintenance, and per diem expenses for officers and employees  
 379 shall be as set forth in chapters 112, 119, 189, 286, and 388,  
 380 Florida Statutes, as the same may be amended from time to time.

381 Section 20. Change in District Boundaries.--

382 (1) Any property owner owning real property within St.  
 383 Lucie County may petition the board to amend the boundaries of  
 384 the district to include his or her property. The property owner  
 385 shall file a petition to amend the district boundaries with the  
 386 secretary of the board. A petitioner must own property within  
 387 the area he or she seeks to have added to the district.

388 (2) In reviewing petitions for amendment of the boundaries  
 389 of the district, the board shall consider whether the property  
 390 to be included in the district is contiguous to the boundaries



391 of the district or, if the property is not contiguous to the  
392 boundaries of the district, whether the property is of such  
393 existing or planned development to warrant inclusion in the  
394 district.

395 (3) The petition to amend the district boundaries shall be  
396 available from the secretary of the board and shall include, but  
397 not be limited to, the following information: the petitioner's  
398 name and address, the proposed amendment to the district  
399 boundaries, a statement that petitioner owns real property lying  
400 within the area he or she seeks to have added to the district, a  
401 legal description of the petitioner's property lying within the  
402 area he or she seeks to have added to the district, and a  
403 statement describing why the district boundaries should be so  
404 amended.

405 (4) When the secretary of the board determines that a  
406 completed petition to amend the district boundaries has been  
407 filed, he or she shall notify the board so that a public hearing  
408 may be set and notice given. Upon notification by the  
409 secretary, the board shall place the petition on the agenda of a  
410 regular meeting for public hearing. The board shall then  
411 publish notice of the public hearing on the petition twice in a  
412 newspaper of general circulation in St. Lucie County not more  
413 than 30 days or less than 15 days before the date of the  
414 hearing, excluding Sundays and legal holidays. A copy of the  
415 notice of public hearing shall be available in the office of the  
416 secretary of the board during regular business hours.

417 (5) Any time after the publication of notice, any person,  
418 upon reasonable request, may examine the petition in question,



419 and any material submitted in support of opposition to the  
420 petition, in the office of the secretary of the board during  
421 regular office hours. Any person shall be entitled to obtain  
422 copies of the petition and other materials upon reasonable  
423 request and payment of a fee to cover the actual costs of  
424 providing such copies.

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

429 (7) At the time and place specified in the notice of  
430 hearing, the board shall conduct a public hearing on the  
431 petition. Within a reasonable time after the public hearing,  
432 the board shall approve or disapprove the petition. However, if  
433 the petition is approved, the property described in the petition  
434 may be added to the district only upon approval by a majority  
435 vote of qualified electors of the area proposed to be added  
436 voting in a referendum called for such purpose.

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

440 (9) If the amendment to the district boundaries is  
441 approved, the secretary of the board shall file notification of  
442 the final decision, including the boundaries as amended, with  
443 the Department of Agriculture and Consumer Services and the St.  
444 Lucie County Property Appraiser.





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

448           Section 4. This act shall be construed as remedial and  
449 shall be liberally construed to promote the purpose for which it  
450 is intended.

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

454           Section 6. Chapters 29502 (1953), 59-1794, 59-1796, 61-  
455 2760, 65-2187, 80-598, 87-510, and 96-461, Laws of Florida, are  
456 repealed.

457           Section 7. This act shall take effect upon becoming a law.  
458  
459