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HB 1233, Engrossed 1

2003 Legislature

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:

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



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59-1794, 59-1796, 61-2760, 65-2187, 80-598, 87-510, and 96-461, Laws of Florida, are codified, reenacted, amended, and repealed as provided herein.

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

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

Beginning at the Northeast corner of Section 3, Township 34 South, Range 40 East; thence West to the Northwest corner of Section 3, Township 34 South, Range 38 East; thence South to the Southwest corner of Section 34, Township 34 South, Range 38 East; thence East to the Southwest corner of Section 36, Township 34 South, Range 38 East; thence South to the Southeast corner of Northeast $\frac{1}{4}$ of Section 11, Township 36 South, Range 38 East; thence West to the Northwest corner of the Southeast $\frac{1}{4}$ of Section 11, Township 36 South, Range 38 East; thence South to the Southwest corner of the Southeast $\frac{1}{4}$ of Section 11, Township 36 South, Range 38 East; thence East to the Southwest corner of Section 10, Township 36 South, Range 39 East; thence South to the Southwest corner of Section 34, Township 37 South, Range 39 East; thence East to the Southeast corner of Section 36, Township 37 South, Range 40 East; thence North to the Southwest corner of



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

AND

A parcel of land of land lying in Sections 4, 5, 8, 9, 10, 16 and 17, Township 37 South, Range 39 East, and Section 33, Township 36 South, Range 39 East, St. Lucie County, Florida, said parcel being more particularly described as follows:

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



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



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minutes 30 seconds West; a distance of 853.63 feet;
thence North 03 degrees 34 minutes 36 seconds East, a
distance of 264.67 feet; thence North 11 degrees 39
minutes 14 seconds East, a distance of 299.59 feet;
thence North 05 degrees 52 minutes 55 seconds East, a
distance of 655.21 feet; thence North 13 degrees 31
minutes 07 seconds East, a distance of 422.94 feet;
thence departing said Grove No. 3, continue North 13
degrees 31 minutes 07 seconds East, a distance of
51.88 feet; thence North 74 degrees 14 minutes 30
seconds East; a distance of 2525.46 feet; thence North
76 degrees 04 minutes 00 seconds East, a distance of
1244.50 feet; thence North 65 degrees 11 minutes 40
seconds East, a distance of 178.59 feet; thence North
59 degrees 06 minutes 39 seconds East, a distance of
424.13 feet; thence North 73 degrees 43 minutes 15
seconds East, a distance of 14.12 feet; thence South
50 degrees 55 minutes 52 seconds East, a distance of
7.43 feet; thence North 56 degrees 01 minutes 38
seconds East, a distance of 31.64 feet; thence North
33 degrees 56 minutes 01 seconds East, a distance of
30.15 feet; thence North 54 degrees 34 minutes 18
seconds East, a distance of 298.73 feet; thence North
85 degrees 53 minutes 58 seconds East, a distance of
132.02 feet; thence North 70 degrees 54 minutes 26
seconds East, a distance of 143.67 feet; thence North
56 degrees 25 minutes 29 seconds East, a distance of
121.35 feet; thence North 66 degrees 21 minutes 07



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seconds East, a distance of 557.84 feet; thence South 00 degrees 35 minutes 12 seconds West along the northerly prolongation of the East line of the northeast quarter of said Section 4, a distance of 271.44 feet to the northeast corner of Section 4; thence continue South 00 degrees 35 minutes 12 seconds West, along the East line of said Section 4, a distance of 2833.04 feet to the East quarter corner of said Section 4; thence South 00 degrees 36 minutes 27 seconds West, a distance of 2651.97 feet to the northwest corner of Section 10; thence North 89 degrees 54 minutes 10 seconds East along the North line of said Section 10, a distance of 1793.84 feet; to a point of intersection with the westerly Right-of-Way line of said I-95 and the said westerly line of the lands described in the Order of Taking dated July 24, 1979 and recorded in Official Record Book 311 at Pages 2946 through 2952, inclusive, and with a non-tangent curve, concave easterly, having a radius of 5983.58 feet and central angle of 23 degrees 41 minutes 41 seconds, thence along the westerly line of said I-95 Right-of-Way and along the said westerly line of the lands described in the Order of Taking, dated July 24, 1979, the following courses and distance: thence southerly along the arc of said curve to the left, a distance of 2474.52 feet, said arc subtended by a chord which bears South 06 degrees 56 minutes 28 seconds East, a distance of 2456.92 feet to



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the curves end; thence South 18 degrees 47 minutes 19 seconds East, a distance of 714.03 feet; thence South 14 degrees 47 minutes 19 seconds East, a distance of 510.88 feet; thence South 07 degrees 32 minutes 07 seconds East, a distance of 374.37 feet; thence South 06 degrees 58 minutes 16 seconds West, a distance of 373.49 feet; thence South 15 degrees 33 minutes 28 seconds West, a distance of 491.49 feet; thence South 34 degrees 39 minutes 50 seconds West, a distance of 207.78 feet; thence South 70 degrees 02 minutes 50 seconds West, a distance of 289.50 feet; thence South 00 degrees 01 minutes 45 seconds West, a distance of 64.09 feet; thence South 82 degrees 24 minutes 53 seconds West, a distance of 317.56 feet; thence North 89 degrees 58 minutes 15 seconds West, a distance of 372.63 feet; thence North 89 degrees 58 minutes 15 seconds West, a distance of 262.61 feet; thence South 00 degrees 01 minutes 45 seconds West, a distance of 100.00 feet, to the Point of Beginning.

AND

A parcel of land of land lying in Section 16, 20, 21, 28, 29 and 33, Township 36 South, Range 39 East, St. Lucie County, Florida, said parcel being more particularly described as follows:

Begin at the intersection of the Southeasterly right of way line of the FEC Railroad and the Northeasterly right of way line of the SFWMD Canal C-24; thence Southeasterly along said Northeasterly right of way



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

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

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

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

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



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

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

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



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



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

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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

Section 20. Change in District Boundaries.--

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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

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