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HB 1153

2005 Legislature

1 A bill to be entitled
 2 An act relating to Pasco County Mosquito Control District,
 3 Pasco County; ratifying and confirming the creation of
 4 Pasco County Mosquito Control District pursuant to chapter
 5 390, Florida Statutes (1951), as an independent mosquito
 6 control district; providing for a special act charter for
 7 the district pursuant to section 189.429, Florida
 8 Statutes; providing legislative intent; providing for
 9 applicability of chapters 388 and 189, Florida Statutes,
 10 and other general laws; providing for district boundaries;
 11 providing for officers, powers, rules, and a district
 12 budget; providing for liability and group insurance;
 13 providing construction; providing for severability;
 14 repealing chapter 71-839, Laws of Florida, relating to
 15 salary of board members; providing an effective date.

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

18
 19 Section 1. Creation and intent.--Upon this act becoming
 20 law, the creation of Pasco County Mosquito Control District,
 21 formerly West Pasco County Mosquito Control District, as an
 22 independent special district pursuant to chapter 390, Florida
 23 Statutes (1951), shall be ratified and confirmed. It is the
 24 intent of the Legislature in enacting this law to provide a
 25 single, codified, comprehensive special act charter for the
 26 district in accordance with section 189.429, Florida Statutes.
 27 The district shall operate as an independent special district
 28 pursuant to this special act and the provisions of chapter 388,
 29 Florida Statutes, and all other general law applicable to

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30 independent special districts. It is the intent of this act to
 31 preserve all existing district authority as it may be modified
 32 pursuant to the provisions of chapter 388, Florida Statutes,
 33 this act, and applicable general law.

34 Section 2. The charter for Pasco County Mosquito Control
 35 District is re-created and reenacted to read:

36 Section 1. Minimum charter requirements.--In accordance
 37 with section 189.404(3), Florida Statutes, the following
 38 subsections shall comprise the minimum required charter
 39 provisions for Pasco County Mosquito Control District:

40 (1) The district is organized and exists for all purposes
 41 set forth in this act and chapter 388, Florida Statutes.

42 (2) The powers, functions, and duties of the district
 43 regarding ad valorem taxation, non-ad valorem assessments, bond
 44 issuance, other revenue-raising capabilities, budget preparation
 45 and approval, liens, foreclosure of liens, use of tax deeds and
 46 tax certificates, and contractual agreements shall be as set
 47 forth in chapters 170, 189, 197, 200, and 388, Florida Statutes,
 48 this act, or any other applicable general or special law.

49 (3) The district was created by the petition process
 50 formerly provided for in chapter 390, Florida Statutes (1951),
 51 and now continued in chapter 388, Florida Statutes.

52 (4) The district's charter may be amended only by special
 53 act of the Legislature, unless otherwise provided by chapter 189
 54 or chapter 388, Florida Statutes.

55 (5) In accordance with section 388.101(1), Florida
 56 Statutes, the district is governed by a three-member board. By
 57 resolution dated March 8, 1993, the board elected to stagger the
 58 members' terms of office pursuant to section 388.101(3), Florida

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59 Statutes. Therefore, upon this act becoming law, one board
 60 member shall be elected in the 2006 general election and two
 61 board members in the 2008 general election. Thereafter, each
 62 election shall be for a term of 4 years. The membership and
 63 organization of the board shall be as set forth in this act and
 64 chapter 388, Florida Statutes.

65 (6) Board members may be paid a salary in accordance with
 66 this act and chapter 388, Florida Statutes. Pursuant to section
 67 112.08, Florida Statutes, board members may receive benefits,
 68 such as medical insurance or accidental death and dismemberment
 69 insurance, in addition to the maximum salary allowed under
 70 general law. Each additional benefit shall be granted by
 71 unanimous resolution of the district with all members present.

72 (7) The administrative duties of the board of
 73 commissioners shall be as set forth in this act and chapter 388,
 74 Florida Statutes.

75 (8) Requirements for financial disclosure, meeting
 76 notices, reporting, public records maintenance, and per diem
 77 expenses for officers and employees shall be as set forth in
 78 chapters 112, 189, 286, and 388, Florida Statutes.

79 (9) The procedures and requirements governing the issuance
 80 of bonds, notes, and other evidence of indebtedness by the
 81 district shall be as set forth in chapters 189 and 388, Florida
 82 Statutes, and applicable general laws.

83 (10) The procedures for conducting district elections and
 84 for qualification of electors shall be pursuant to chapters 189
 85 and 388, Florida Statutes, and applicable general laws.

86 (11) The district may be financed by any method
 87 established in this act, chapter 189 or chapter 388, Florida

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88 Statutes, or any applicable general laws.

89 (12) Pursuant to section 388.221, Florida Statutes, the
 90 district's authority to levy upon all of the personal and real
 91 taxable property in the district a special tax during each year
 92 as maintenance tax is preserved.

93 (13) The method for collecting non-ad valorem assessments,
 94 fees, service charges, or state matching funds shall be as set
 95 forth in chapters 170, 197, and 388, Florida Statutes.

96 (14) The district's planning requirements shall be as set
 97 forth in chapters 189 and 388, Florida Statutes.

98 (15) The district's geographic boundary limitations shall
 99 be coterminous with the boundaries of Pasco County as defined in
 100 section 7.51, Florida Statutes, and may be amended pursuant to
 101 section 388.211, Florida Statutes.

102 Section 2. Officers; board compensation; bond; vacancies;
 103 meetings; director.--

104 (1) In accordance with section 388.121, Florida Statutes,
 105 the elected members of the board shall meet as soon as
 106 practicable after their election and shall organize by electing
 107 from among their number a chair, a secretary, and a treasurer.
 108 Two members of the board shall constitute a quorum. The vote of
 109 two members shall be necessary to transact business.

110 (2) The commissioners shall receive reimbursement for
 111 actual expenses incurred while performing the duties of their
 112 offices in accordance with general law governing per diem for
 113 public officials.

114 (3) Pursuant to section 388.131, Florida Statutes, each
 115 commissioner may be required by the Department of Agriculture
 116 and Consumer Services to give a bond before he or she assumes

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117 office. The bond shall be conditioned upon the faithful
 118 performance of the duties of the commissioner's office.

119 (4) In accordance with section 388.111, Florida Statutes,
 120 a vacancy on the board shall be filled by appointment by the
 121 Commissioner of Agriculture for the unexpired term.

122 (5) Pursuant to section 388.151, Florida Statutes, the
 123 board shall hold, in the county courthouse or in the district
 124 offices, regular monthly meetings and special meetings as
 125 needed. The time and place of such regular meetings shall be on
 126 file in the office of the board.

127 (6) The district shall be administered by a qualified
 128 person who shall meet any minimum qualifications established by
 129 the Department of Agriculture and Consumer Services for such a
 130 position in accordance with section 388.162, Florida Statutes.

131 Section 3. Powers.--

132 (1) The board shall have all powers and duties set forth
 133 in this act and chapter 388, Florida Statutes. Such powers and
 134 duties include any and all things necessary for the control and
 135 elimination of all species of mosquitoes and other arthropods of
 136 public health importance, as well as all powers of a body
 137 corporate.

138 (2) The board may have any and all work performed by
 139 machinery, equipment, and labor employed directly by the board
 140 pursuant to sections 388.171 and 255.20, Florida Statutes.

141 (3) In accordance with section 388.191, Florida Statutes,
 142 the board may hold, control, and acquire by gift or purchase for
 143 the use of the district any real or personal property and may
 144 condemn any land or easements needed for the purposes of said
 145 district. The board may exercise the right of eminent domain and

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146 institute and maintain condemnation proceedings as provided in
 147 chapter 73, Florida Statutes.

148 Section 4. Rules.--Pursuant to section 388.161(2), Florida
 149 Statutes, the board shall adopt rules not inconsistent with this
 150 act or chapter 388, Florida Statutes, which in its judgment may
 151 be necessary for the proper enforcement of chapter 388, Florida
 152 Statutes, provided such rules are approved by the Department of
 153 Agriculture and Consumer Services.

154 Section 5. District budget.--For the purposes of carrying
 155 out this act, the board shall annually prepare, consider, and
 156 adopt a district budget pursuant to the applicable requirements
 157 of chapters 189 and 388, Florida Statutes.

158 Section 6. Liability insurance.--In addition to all other
 159 powers granted it by law, the Pasco County Mosquito Control
 160 District, acting by and through its duly qualified board of
 161 commissioners, shall have the power to purchase and pay for
 162 liability insurance as a legitimate public expenditure without,
 163 however, waiving its right to defend any action filed against it
 164 on the grounds of sovereign immunity should it choose to
 165 exercise such right.

166 Section 7. Group insurance.--

167 (1) Pasco County Mosquito Control District shall be and is
 168 hereby authorized, empowered, and permitted to provide for life,
 169 health, accident, hospitalization, or annuity insurance or all
 170 of any kinds of such insurance for the employees thereof upon a
 171 group insurance plan and to that end to enter into agreement
 172 with insurance companies to provide such insurance. The Pasco
 173 County Mosquito Control District shall be authorized to
 174 contribute to the cost of any such insurance.

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175 (2) The election to exercise such authority shall be
 176 evidenced by resolution duly recorded in the official minutes
 177 adopted by the board of the Pasco County Mosquito Control
 178 District.

179 (3) Upon the request in writing of any employee, the
 180 public officials of the Pasco County Mosquito Control District
 181 are hereby authorized and empowered to deduct from the wages of
 182 such employee periodically the amount of the premium which such
 183 employee has agreed to pay for such insurance and to pay or
 184 remit same directly to the insurance company issuing such group
 185 insurance.

186 (4) The participation in such group insurance by any
 187 employee shall be entirely voluntary at all times. Any employee
 188 may upon any payday withdraw or retire from such group insurance
 189 plan upon giving his or her employer written notice thereof and
 190 directing the discontinuance of deductions from wages in payment
 191 of such premiums.

192 Section 3. The provisions of this act shall be liberally
 193 construed in order to effectively carry out the purposes of this
 194 act in the interest of the public health, welfare, and safety of
 195 the citizens served by the district.

196 Section 4. It is declared to be the intent of the
 197 Legislature that if any section, subsection, sentence, clause,
 198 phrase, or portion of this act is for any reason held invalid or
 199 unconstitutional by any court of competent jurisdiction, such
 200 portion shall be deemed a separate, distinct, and independent
 201 provision, and such holding shall not affect the validity of the
 202 remaining portions hereof.

203 Section 5. Chapter 71-839, Laws of Florida, is repealed.

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