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1 A bill to be entitled

2 An act relating to Indian River Mosquito Control District,
3 Indian River County; codifying, amending, reenacting, and
4 repealing special acts relating to the district; fixing
5 and prescribing the boundaries of said district; providing
6 for the government and administration of the district;
7 naming the commissioners thereof and providing for
8 election of their successors; providing and defining the
9 powers and purposes of such district and of the board of
10 commissioners thereof; authorizing and empowering said
11 board to construct and maintain canals, ditches, drains,
12 and dikes and to fill depressions, lakes, ponds, or
13 marshes in order to eliminate breeding places of
14 mosquitoes and sandflies and to control and eradicate
15 mosquitoes and sandflies; providing for spraying or
16 otherwise disbursing substances and materials over the
17 area of such district for the purpose of controlling and
18 eradicating mosquitoes and sandflies and diseases
19 transmitted by the same; authorizing said board to do any
20 and all acts or things necessary for the control and
21 complete elimination of mosquitoes and sandflies in said
22 district; authorizing and providing for the levy and
23 collection of taxes upon all the real and personal taxable
24 property in said district for carrying out the purposes of
25 this act; authorizing the borrowing by the board of
26 commissioners of said district in any one tax year of a
27 sum not to exceed 80 percent of the estimated taxes to be
28 collected on behalf of said district within such year and
29 to evidence the indebtedness represented by any money so

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30 | borrowed by written obligation of the district and
 31 | providing for the payment of interest thereon and for the
 32 | repayment thereof prior to the borrowing of any further
 33 | sums in any subsequent year; limiting the amount of taxes
 34 | that may be so levied by said board upon the taxable
 35 | property within such district; prohibiting injury to any
 36 | works controlled under or in pursuance of this act, to be
 37 | punishable as provided by general law; legalizing and
 38 | validating the acts of the Indian River Mosquito Control
 39 | District herewith abolished and making all contracts of
 40 | said Indian River Mosquito Control District so abolished
 41 | binding upon the new Indian River Mosquito Control
 42 | District; authorizing and prescribing generally the powers
 43 | and duties of the Board of Commissioners of said new
 44 | Indian River Mosquito Control District; providing for
 45 | severability; providing an effective date.

46 |
 47 | Be It Enacted by the Legislature of the State of Florida:
 48 |

49 | Section 1. Pursuant to section 189.429, Florida Statutes,
 50 | this act constitutes the codification of all special acts
 51 | relating to the Indian River Mosquito Control District
 52 | ("district"), together with the decree creating and
 53 | incorporating the district. It is the intent of the Legislature
 54 | in enacting this law to provide a single, comprehensive special
 55 | act charter for the district, including all current legislative
 56 | authority granted to the district by its several legislative
 57 | enactments, any additional authority granted by this act, and
 58 | authority granted by applicable general law.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 Section 2. Chapters 11128 (1925), 14381 (1929), 20114
 60 (1939), 20494 (1941), 21048 (1941), 24600 (1947), 61-2278, 63-
 61 1433, 73-497, 76-388, 78-531, and 91-337, Laws of Florida, are
 62 codified, reenacted, amended, and repealed as provided in this
 63 act.

64 Section 3. The Indian River Mosquito Control District is
 65 re-created, and the charter for such district is re-created and
 66 reenacted to read:

67 Section 1. The Indian River Mosquito Control District is
 68 re-created, and the special taxing district now existing and
 69 known and designated as Indian River Mosquito Control District,
 70 as created and incorporated by chapter 11128 (1925), Laws of
 71 Florida, as amended, is hereby abolished, and a new special
 72 taxing district in Indian River County, to be known and
 73 designated as Indian River Mosquito Control District, is hereby
 74 created, established, and incorporated to succeed said former
 75 special taxing district known and designated as Indian River
 76 Mosquito Control District, and which new special taxing district
 77 hereby created and incorporated, to be known as Indian River
 78 Mosquito Control District, shall embrace and include all that
 79 territory and area situated and being in Indian River County,
 80 within the following territorial boundaries, to wit:

81
 82 All that part of Indian River County, Florida, lying
 83 East of the following described line:

84
 85 Beginning at the South one-quarter corner of Section
 86 36, Township 33 South, Range 36 East, said point lying
 87 on the South Township line and the South boundary line

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88 of Indian River County, a political subdivision of the
 89 State of Florida; thence run North along the one-
 90 quarter Section lines of Sections 36 and 25, Township
 91 33 South, Range 36 East to the North line of Section
 92 25, Township 33 South, Range 36 East; thence run East
 93 along said North line of Section 25, Township 33
 94 South, Range 36 East to the Northeast corner of
 95 Section 25, said point lying on the Range line of
 96 Ranges 36 and 37; thence run North along the Range
 97 line to the intersection of the North right-of-way of
 98 State Road 60; thence run East along the said North
 99 right-of-way a distance of 732.15 feet to the East
 100 right-of-way of Lateral "S" Canal as shown on the plat
 101 of the Fellsmere Farms Company Subdivision of the
 102 Unsurveyed Township 32 South, Range 37 East, as
 103 recorded in Plat Book 2, Page 8, St. Lucie County
 104 Public Records; thence run North along said East
 105 right-of-way of Lateral "S" Canal to the intersection
 106 of the North boundary line of said Indian River County
 107 and the point of ending.

108
 109 All of which lands hereinabove described and the owners thereof
 110 shall be entitled to all benefits and subject to all burdens and
 111 obligations as prescribed and set forth herein.

112 Section 2. The governing body of said Indian River
 113 Mosquito Control District shall be known and designated as the
 114 "Board of Commissioners of Indian River Mosquito Control
 115 District." Said governing body shall be composed of three
 116 members, and, until the next election, the following named

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117 persons shall be and are hereby designated to compose the Board
 118 of Commissioners of said Indian River Mosquito Control District:
 119 Janice Broda, Helen Glenn, and Keith D. Hedin. Said governing
 120 body shall have all the powers of a body corporate, including
 121 the power to sue and be sued as a corporation in said name in
 122 any court; to contract; to adopt and use a common seal and alter
 123 the same at pleasure; to purchase, hold, lease, and convey such
 124 real estate and personal property as said board may deem proper
 125 to carry out the purposes of this act; to appoint a chief
 126 engineer, a consulting engineer, and an attorney for said board
 127 and such other agents and employees as said board may require;
 128 to borrow money and to issue negotiable promissory notes or
 129 bonds therefor; and to enable it to carry out the provisions of
 130 this act. The persons herein named and designated shall serve as
 131 commissioners of said Indian River Mosquito Control District
 132 until their successors are elected and qualified. After 2000,
 133 and in subsequent general elections, the commissioners shall be
 134 elected in a nonpartisan election for 4-year terms so that one
 135 commissioner is elected at one general election by the highest
 136 number of votes cast and two commissioners are elected by the
 137 first and second highest number of votes cast at the next
 138 ensuing general election.

139 Section 3. Each commissioner under this act, before he or
 140 she assumes office, shall be required to give to Indian River
 141 Mosquito Control District a good and sufficient surety bond in
 142 the sum of \$5,000, conditioned for the faithful performance of
 143 the duties of his or her office, said bond to be approved by and
 144 filed with the Clerk of the Circuit Court of Indian River
 145 County. Said bond shall also be recorded in the minutes of said

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146 Board of Commissioners of said Indian River Mosquito Control
 147 District. The failure of any person so elected as commissioner
 148 of Indian River Mosquito Control District within 30 days after
 149 his or her election to give bond shall create a vacancy as to
 150 such commissioner, and such vacancy shall be filled by the
 151 Governor appointing a person duly qualified to hold such office,
 152 which manner of filling such office shall obtain in the case of
 153 resignation, death, or removal from said district of any
 154 commissioner during his or her term of office. No person shall
 155 be qualified to hold office as a commissioner under this act
 156 unless such person shall be a duly qualified elector of said
 157 district.

158 Section 4. As soon as practicable after each general
 159 election, the commissioners of Indian River Mosquito Control
 160 District, after their qualification as such, shall meet and
 161 organize by the election, from among their number, of a chair, a
 162 vice chair, and a secretary. Two members of the board shall
 163 constitute a quorum. The vote of two members shall be necessary
 164 to transact business. The chair and vice chair shall vote at all
 165 meetings of the board.

166 Section 5. The commissioners under this act shall be paid
 167 for each day's service and for each mile actually traveled in
 168 going to and from the office of the Board of Commissioners of
 169 Indian River Mosquito Control District according to per diem
 170 compensation expense and mileage rates established from time to
 171 time for officials and employees of the state. The per diem
 172 herein provided for shall apply to services rendered for
 173 inspection of work performed for the district or other services
 174 under this act. Additionally, commissioners shall be compensated

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175 for regular duties, as provided by general law or special act,
 176 at the rate of \$400 per month or such greater amount as may be
 177 permitted by general law or special act.

178 Section 6. The board is hereby authorized to invest its
 179 funds from time to time in interest-bearing depositories as
 180 prescribed by Florida law.

181 Section 7. Said board is hereby authorized and empowered
 182 to do any and all things necessary for the control and complete
 183 elimination of all species of mosquitoes and sandflies and
 184 diseases transmitted by the same in said district, and for this
 185 purpose is hereby authorized and empowered to construct and
 186 thereafter to maintain canals, ditches, drains, and dikes, and
 187 to fill in all depressions, lakes, and ponds or marshes that are
 188 the breeding places of mosquitoes and sandflies, insofar as said
 189 work does not interfere with the water supply of any city or
 190 community, and to employ engineers, scientists, helpers, and all
 191 other servants, agents, and employees as may be necessary for
 192 the purpose of controlling and eliminating all species of
 193 mosquitoes and sandflies in said district. Said board is hereby
 194 authorized and empowered to spray or otherwise disburse, or
 195 cause to be sprayed or otherwise disbursed, chemicals,
 196 substances, and materials of every nature upon and over the area
 197 of said district as shall be deemed necessary or desirable for
 198 the purpose of controlling and eliminating all species of
 199 mosquitoes and sandflies in said district, and for such purposes
 200 may contract for and purchase such chemicals, substances, and
 201 materials and may contract for the spraying or disbursing
 202 thereof over the area of said district or may employ such
 203 agents, servants, and employees for such purpose as the

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204 commissioners of said district may deem necessary or advisable;
 205 to do any and all things that may be necessary from the
 206 standpoint of public health and comfort to control or eliminate
 207 mosquitoes and sandflies or their larvae in said district; and
 208 to promulgate such rules and regulations not inconsistent with
 209 the provisions of this act and with any of the laws of said
 210 state which, in their judgment, may be necessary for the proper
 211 carrying into effect and enforcement of this act.

212 Section 8. Said board shall have power and authority to
 213 hold, control, and acquire by gift or purchase such real or
 214 personal property, and to condemn such lands or easements, as
 215 may be necessary for the carrying out of any of the purposes of
 216 this act or for the material to be used for any of said
 217 purposes, and for the preservation of the works constructed or
 218 to be constructed by said board under this act. Said board is
 219 authorized to exercise the right of eminent domain for the use
 220 of said district, in the manner prescribed by law, over such
 221 lands, easements, rights-of-way, riparian rights, and personal
 222 property, whether public or private, that may be necessary for
 223 the purpose of said board in said construction, and the only
 224 prerequisite for the exercise of said power of eminent domain
 225 shall be the adoption by said board of a resolution specifying
 226 the property sought to be condemned and the purpose for which it
 227 is to be used. Said board is authorized to sell any real or
 228 personal property acquired or owned by it when the same shall be
 229 determined to be no longer useful to or suitable for the
 230 purposes of said board.

231 Section 9. Said board is hereby authorized and empowered
 232 to purchase goods, supplies, or material for the use of said

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233 district without the necessity of advertising any notice or
 234 calling for bids regarding said purchase when the amount to be
 235 paid therefor by said district does not exceed \$10,000, or when
 236 the goods, supplies, or materials to be purchased are obtainable
 237 from only one source or supplier.

238 Section 10. Said board is hereby authorized and empowered
 239 to levy upon all the real and personal taxable property in said
 240 district a special tax not exceeding 10 mills on the dollar for
 241 the year 1947 and for each and every year thereafter, to be used
 242 solely in carrying out the purposes of this act. Said levy shall
 243 be made not later than the 15th of July of each year by
 244 resolution of said board, or a majority thereof, duly entered at
 245 large upon its minutes. A certified copy of such resolution
 246 executed in the name of said board by its chair and secretary
 247 and under its corporate seals shall be delivered or transmitted
 248 to the Board of County Commissioners of Indian River County, and
 249 a copy shall be transmitted by mail to the Chief Financial
 250 Officer not later than August 1 of each year. It shall be the
 251 duty of the Board of County Commissioners of Indian River County
 252 to order the property appraiser of said county to assess and the
 253 collector of said county to collect the amount of said tax so
 254 assessed by the Board of Commissioners of said district upon all
 255 the taxable property, real or personal, in said district at the
 256 rate of taxation adopted by said board for said year, but not
 257 exceeding 10 mills on the dollar and as specified in said
 258 resolution, and said levy shall be included in the warrant to
 259 the tax collector and the property appraiser which is attached
 260 to the assessment roll of taxes for said county each year. The
 261 property appraiser shall make such assessment and the tax

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262 collector shall collect such taxes so levied in the manner as
 263 other taxes are assessed and collected and shall pay the same
 264 when collected, within the time and in the manner prescribed by
 265 law for the payment of other taxes, to the secretary of said
 266 Board of Commissioners. It shall be the duty of said Chief
 267 Financial Officer to assess and levy on all the railroad lines
 268 and railroad property, telegraph lines and telegraph property,
 269 and telephone lines and telephone property the amount of every
 270 such levy herewith provided in this section, and as in the case
 271 of other state and county taxes, and said taxes so levied by the
 272 Chief Financial Officer shall be collected as provided for other
 273 similar taxes, and the proceeds thereof shall be remitted to the
 274 secretary of said board in the same manner as such remittances
 275 are made in the collection of other taxes. If any such taxes so
 276 assessed are not paid, the said property shall be sold by said
 277 tax collector and certificates issued and tax deeds issued in
 278 the same manner and under the same laws relating to the sales,
 279 issuance of certificates, and deeds with reference to all other
 280 state and county taxes. The Board of Commissioners of the Indian
 281 River Mosquito Control District is herewith authorized to borrow
 282 in any one tax year a sum not to exceed 80 percent of the
 283 estimated taxes to be collected on behalf of said district
 284 within such year and to evidence such loan made to said district
 285 by its tax anticipation note or notes bearing interest at a rate
 286 not to exceed 10 percent per annum, and which notes shall be
 287 payable at a time not greater than 1 year from the date of the
 288 borrowing of such moneys; the sums so borrowed shall be repaid
 289 out of the next taxes collected by said district to the extent
 290 necessary for the repayment thereof, together with such interest

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291 at a rate not to exceed 6 percent per annum; and no sums shall
 292 be borrowed as herewith provided in any subsequent year unless
 293 all moneys so borrowed in any preceding year shall have been
 294 entirely paid as to both principal and interest.

295 Section 11. Said board is hereby required to secure and
 296 keep in force in companies duly authorized to do business in
 297 Florida insurance covering liability for property damage or
 298 bodily injury or death resulting therefrom to all persons and
 299 property by reason of the ownership, maintenance, operation, or
 300 use of any vehicle, dragline, dredge, tractor, and related
 301 equipment being used for and in the interest of the purpose of
 302 said board in amounts not less than \$50,000 for bodily injury or
 303 death resulting therefrom to any one person, and not less than
 304 \$100,000 for bodily injury or death resulting therefrom for any
 305 one accident, and not less than \$25,000 for damage to property.

306 Section 12. The title to and jurisdiction over all
 307 property of Indian River Mosquito Control District herewith
 308 abolished, of every kind, nature, or description, is herewith
 309 transferred to and vested in the new Indian River Mosquito
 310 Control District herewith created. All lawful debts or
 311 obligations of the old Indian River Mosquito Control District
 312 herewith abolished are herewith made the debts and obligations
 313 of the new district herewith created and all claims, demands, or
 314 credits held by said old district are herewith transferred to
 315 and made the claims, demands, and credits of said new district.
 316 No obligation or contract of said old district shall be impaired
 317 by this act, but rather all obligations or contracts of said old
 318 district are herewith made the obligations and contracts of the
 319 new district herewith created. All acts of the Board of

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320 Commissioners of the old Indian River Mosquito Control District
 321 herewith abolished and of the agents, servants, and employees of
 322 said Board of Commissioners of said old district and of said
 323 district are herewith ratified and confirmed.

324 Section 13. Whoever shall willfully damage any ditch,
 325 canal, drain, dike, or other work established or constructed
 326 under this act or who shall willfully interfere with or injure
 327 any property, work, or facility established or constructed under
 328 this act or who shall willfully interfere with the acts of any
 329 commissioner of said district or any person lawfully authorized
 330 or employed by the Board of Commissioners of this district in
 331 carrying out the provisions of this act commits a misdemeanor
 332 and, upon conviction thereof, shall be punished as provided by
 333 general law.

334 Section 14. (1) The Board of Commissioners of the Indian
 335 River Mosquito Control District is hereby authorized, empowered,
 336 and permitted to provide for life, health, accident, and
 337 hospitalization insurance, or an annuity insurance, or all or
 338 any of such insurance for employees of said district, for the
 339 director or assistant director, or for members of said board, or
 340 for the families of such employees, for the family of the
 341 director or assistant director, or for the families of the
 342 members of the board, and to that end to enter into agreements
 343 with insurance companies to provide such insurance. The election
 344 to exercise the authority granted by this act shall be evidenced
 345 by resolution duly recorded in the minutes of the Board of
 346 Commissioners of Indian River Mosquito Control District.

347 (2) The Board of Commissioners of Indian River Mosquito
 348 Control District is authorized to budget from and pay out of

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349 appropriate funds any portion of the cost of such insurance and
 350 to deduct from the wages of employees, the director and
 351 assistant director, and the members of the board who in writing
 352 make request for such insurance the balance of such cost and to
 353 pay or remit the same directly to the insurance company issuing
 354 such insurance.

355 (3) The participation in such insurance by any employee,
 356 director or assistant director, or member of said board shall be
 357 entirely voluntary at all times. Any enrolled member of such
 358 insurance plan may, upon any pay day, withdraw or retire from
 359 such plan upon giving the Board of Commissioners written notice
 360 thereof and directing the discontinuance of deductions from
 361 wages in payment of such premiums.

362 Section 15. In case any one or more of the sections or
 363 provisions of this act or the application of such sections or
 364 provisions to any situation, circumstance, or person shall for
 365 any reason be held to be unconstitutional, such
 366 unconstitutionality shall not affect any other sections or
 367 provisions to any other situation, circumstance, or person, and
 368 it is intended that this law shall be construed and applied as
 369 if such section or provision had not been included herein for
 370 any unconstitutional application.

371 Section 4. Chapters 11128 (1925), 14381 (1929), 20114
 372 (1939), 20494 (1941), 21048 (1941), 24600 (1947), 61-2278, 63-
 373 1433, 73-497, 76-388, 78-531, and 91-337, Laws of Florida, are
 374 repealed.

375 Section 5. This act shall take effect July 1, 2005.