

By Senator Fasano

11-1126-05

See HB 1153

1 A bill to be entitled

2 An act relating to Pasco County Mosquito

3 Control District, Pasco County; ratifying and

4 confirming the creation of Pasco County

5 Mosquito Control District pursuant to chapter

6 390, Florida Statutes (1951), as an independent

7 mosquito control district; providing for a

8 special act charter for the district pursuant

9 to section 189.429, Florida Statutes; providing

10 legislative intent; providing for applicability

11 of chapters 388 and 189, Florida Statutes, and

12 other general laws; providing for district

13 boundaries; providing for officers, powers,

14 rules, and a district budget; providing for

15 liability and group insurance; providing

16 construction; providing for severability;

17 repealing chapter 71-839, Laws of Florida,

18 relating to salary of board members; providing

19 an effective date.

20

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

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23 Section 1. Creation and intent.--Upon this act

24 becoming law, the creation of Pasco County Mosquito Control

25 District, formerly West Pasco County Mosquito Control

26 District, as an independent special district pursuant to

27 chapter 390, Florida Statutes (1951), shall be ratified and

28 confirmed. It is the intent of the Legislature in enacting

29 this law to provide a single, codified, comprehensive special

30 act charter for the district in accordance with section

31 189.429, Florida Statutes. The district shall operate as an

1 independent special district pursuant to this special act and
2 the provisions of chapter 388, Florida Statutes, and all other
3 general law applicable to independent special districts. It is
4 the intent of this act to preserve all existing district
5 authority as it may be modified pursuant to the provisions of
6 chapter 388, Florida Statutes, this act, and applicable
7 general law.

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

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

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

17 (2) The powers, functions, and duties of the district
18 regarding ad valorem taxation, non-ad valorem assessments,
19 bond issuance, other revenue-raising capabilities, budget
20 preparation and approval, liens, foreclosure of liens, use of
21 tax deeds and tax certificates, and contractual agreements
22 shall be as set forth in chapters 170, 189, 197, 200, and 388,
23 Florida Statutes, this act, or any other applicable general or
24 special law.

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

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

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1 (5) In accordance with section 388.101(1), Florida
2 Statutes, the district is governed by a three-member board. By
3 resolution dated March 8, 1993, the board elected to stagger
4 the members' terms of office pursuant to section 388.101(3),
5 Florida Statutes. Therefore, upon this act becoming law, one
6 board member shall be elected in the 2006 general election and
7 two board members in the 2008 general election. Thereafter,
8 each election shall be for a term of 4 years. The membership
9 and organization of the board shall be as set forth in this
10 act and chapter 388, Florida Statutes.

11 (6) Board members may be paid a salary in accordance
12 with this act and chapter 388, Florida Statutes. Pursuant to
13 section 112.08, Florida Statutes, board members may receive
14 benefits, such as medical insurance or accidental death and
15 dismemberment insurance, in addition to the maximum salary
16 allowed under general law. Each additional benefit shall be
17 granted by unanimous resolution of the district with all
18 members present.

19 (7) The administrative duties of the board of
20 commissioners shall be as set forth in this act and chapter
21 388, Florida Statutes.

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

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

30 (10) The procedures for conducting district elections
31 and for qualification of electors shall be pursuant to

1 chapters 189 and 388, Florida Statutes, and applicable general
2 laws.

3 (11) The district may be financed by any method
4 established in this act, chapter 189 or chapter 388, Florida
5 Statutes, or any applicable general laws.

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

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

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

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

20 Section 2. Officers; board compensation; bond;
21 vacancies; meetings; director.--

22 (1) In accordance with section 388.121, Florida
23 Statutes, the elected members of the board shall meet as soon
24 as practicable after their election and shall organize by
25 electing from among their number a chair, a secretary, and a
26 treasurer. Two members of the board shall constitute a quorum.
27 The vote of two members shall be necessary to transact
28 business.

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

3 (3) Pursuant to section 388.131, Florida Statutes,
4 each commissioner may be required by the Department of
5 Agriculture and Consumer Services to give a bond before he or
6 she assumes office. The bond shall be conditioned upon the
7 faithful performance of the duties of the commissioner's
8 office.

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

13 (5) Pursuant to section 388.151, Florida Statutes, the
14 board shall hold, in the county courthouse or in the district
15 offices, regular monthly meetings and special meetings as
16 needed. The time and place of such regular meetings shall be
17 on file in the office of the board.

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

23 Section 3. Powers.--

24 (1) The board shall have all powers and duties set
25 forth in this act and chapter 388, Florida Statutes. Such
26 powers and duties include any and all things necessary for the
27 control and elimination of all species of mosquitoes and other
28 arthropods of public health importance, as well as all powers
29 of a body corporate.

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

4 (3) In accordance with section 388.191, Florida
5 Statutes, the board may hold, control, and acquire by gift or
6 purchase for the use of the district any real or personal
7 property and may condemn any land or easements needed for the
8 purposes of said district. The board may exercise the right of
9 eminent domain and institute and maintain condemnation
10 proceedings as provided in chapter 73, Florida Statutes.

11 Section 4. Rules.--Pursuant to section 388.161(2),
12 Florida Statutes, the board shall adopt rules not inconsistent
13 with this act or chapter 388, Florida Statutes, which in its
14 judgment may be necessary for the proper enforcement of
15 chapter 388, Florida Statutes, provided such rules are
16 approved by the Department of Agriculture and Consumer
17 Services.

18 Section 5. District budget.--For the purposes of
19 carrying out this act, the board shall annually prepare,
20 consider, and adopt a district budget pursuant to the
21 applicable requirements of chapters 189 and 388, Florida
22 Statutes.

23 Section 6. Liability insurance.--In addition to all
24 other powers granted it by law, the Pasco County Mosquito
25 Control District, acting by and through its duly qualified
26 board of commissioners, shall have the power to purchase and
27 pay for liability insurance as a legitimate public expenditure
28 without, however, waiving its right to defend any action filed
29 against it on the grounds of sovereign immunity should it
30 choose to exercise such right.

31 Section 7. Group insurance.--

1 (1) Pasco County Mosquito Control District shall be
2 and is hereby authorized, empowered, and permitted to provide
3 for life, health, accident, hospitalization, or annuity
4 insurance or all of any kinds of such insurance for the
5 employees thereof upon a group insurance plan and to that end
6 to enter into agreement with insurance companies to provide
7 such insurance. The Pasco County Mosquito Control District
8 shall be authorized to contribute to the cost of any such
9 insurance.

10 (2) The election to exercise such authority shall be
11 evidenced by resolution duly recorded in the official minutes
12 adopted by the board of the Pasco County Mosquito Control
13 District.

14 (3) Upon the request in writing of any employee, the
15 public officials of the Pasco County Mosquito Control District
16 are hereby authorized and empowered to deduct from the wages
17 of such employee periodically the amount of the premium which
18 such employee has agreed to pay for such insurance and to pay
19 or remit same directly to the insurance company issuing such
20 group insurance.

21 (4) The participation in such group insurance by any
22 employee shall be entirely voluntary at all times. Any
23 employee may upon any payday withdraw or retire from such
24 group insurance plan upon giving his or her employer written
25 notice thereof and directing the discontinuance of deductions
26 from wages in payment of such premiums.

27 Section 3. The provisions of this act shall be
28 liberally construed in order to effectively carry out the
29 purposes of this act in the interest of the public health,
30 welfare, and safety of the citizens served by the district.

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1 Section 4. It is declared to be the intent of the
2 Legislature that if any section, subsection, sentence, clause,
3 phrase, or portion of this act is for any reason held invalid
4 or unconstitutional by any court of competent jurisdiction,
5 such portion shall be deemed a separate, distinct, and
6 independent provision, and such holding shall not affect the
7 validity of the remaining portions hereof.

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

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