

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

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29 to evidence the indebtedness represented by any money so
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. (1) The reenactment of existing law in this
50 act shall not be construed as a grant of additional authority to
51 nor to supersede the authority of the district pursuant to law.
52 Exceptions to law contained in any special act that are
53 reenacted pursuant to this act shall continue to apply.

54 (2) The reenactment of existing law in this act shall not
55 be construed to modify, amend, or alter any covenants,
56 contracts, or other obligations of the district with respect to

57 bonded indebtedness. Nothing pertaining to the reenactment of
 58 existing law in this act shall be construed to affect the
 59 ability of the district to levy and collect taxes, assessments,
 60 fees, or charges for the purpose of redeeming or servicing
 61 bonded indebtedness of the district.

62 Section 2. Chapters 11128 (1925), 14381 (1929), 20114
 63 (1939), 20494 (1941), 21048 (1941), 24600 (1947), 61-2278, 63-
 64 1433, 73-497, 76-388, 78-531, and 91-337, Laws of Florida, are
 65 codified, reenacted, amended, and repealed as provided in this
 66 act.

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

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

84

85 All that part of Indian River County, Florida, lying
 86 East of the following described line:
 87
 88 Beginning at the South one-quarter corner of Section
 89 36, Township 33 South, Range 36 East, said point lying
 90 on the South Township line and the South boundary line
 91 of Indian River County, a political subdivision of the
 92 State of Florida; thence run North along the one-
 93 quarter Section lines of Sections 36 and 25, Township
 94 33 South, Range 36 East to the North line of Section
 95 25, Township 33 South, Range 36 East; thence run East
 96 along said North line of Section 25, Township 33
 97 South, Range 36 East to the Northeast corner of
 98 Section 25, said point lying on the Range line of
 99 Ranges 36 and 37; thence run North along the Range
 100 line to the intersection of the North right-of-way of
 101 State Road 60; thence run East along the said North
 102 right-of-way a distance of 732.15 feet to the East
 103 right-of-way of Lateral "S" Canal as shown on the plat
 104 of the Fellsmere Farms Company Subdivision of the
 105 Unsurveyed Township 32 South, Range 37 East, as
 106 recorded in Plat Book 2, Page 8, St. Lucie County
 107 Public Records; thence run North along said East
 108 right-of-way of Lateral "S" Canal to the intersection
 109 of the North boundary line of said Indian River County
 110 and the point of ending.
 111
 112 All of which lands hereinabove described and the owners thereof

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113 shall be entitled to all benefits and subject to all burdens and
114 obligations as prescribed and set forth herein.

115 Section 2. The governing body of said Indian River
116 Mosquito Control District shall be known and designated as the
117 "Board of Commissioners of Indian River Mosquito Control
118 District." Said governing body shall be composed of three
119 members, and, until the next election, the following named
120 persons shall be and are hereby designated to compose the Board
121 of Commissioners of said Indian River Mosquito Control District:
122 Janice Broda, David Foster, and Keith D. Hedin. Said governing
123 body shall have all the powers of a body corporate, including
124 the power to sue and be sued as a corporation in said name in
125 any court; to contract; to adopt and use a common seal and alter
126 the same at pleasure; to purchase, hold, lease, and convey such
127 real estate and personal property as said board may deem proper
128 to carry out the purposes of this act; to appoint a chief
129 engineer, a consulting engineer, and an attorney for said board
130 and such other agents and employees as said board may require;
131 to borrow money and to issue negotiable promissory notes or
132 bonds therefor; and to enable it to carry out the provisions of
133 this act. The persons herein named and designated shall serve as
134 commissioners of said Indian River Mosquito Control District
135 until their successors are elected and qualified. After 2000,
136 and in subsequent general elections, the commissioners shall be
137 elected in a nonpartisan election for 4-year terms so that one
138 commissioner is elected at one general election by the highest
139 number of votes cast and two commissioners are elected by the
140 first and second highest number of votes cast at the next

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141 ensuing general election.

142 Section 3. Each commissioner under this act, before he or
143 she assumes office, shall be required to give to Indian River
144 Mosquito Control District a good and sufficient surety bond in
145 the sum of \$5,000, conditioned for the faithful performance of
146 the duties of his or her office, said bond to be approved by and
147 filed with the Clerk of the Circuit Court of Indian River
148 County. Said bond shall also be recorded in the minutes of said
149 Board of Commissioners of said Indian River Mosquito Control
150 District. The failure of any person so elected as commissioner
151 of Indian River Mosquito Control District within 30 days after
152 his or her election to give bond shall create a vacancy as to
153 such commissioner, and such vacancy shall be filled by the
154 Governor appointing a person duly qualified to hold such office,
155 which manner of filling such office shall obtain in the case of
156 resignation, death, or removal from said district of any
157 commissioner during his or her term of office. No person shall
158 be qualified to hold office as a commissioner under this act
159 unless such person shall be a duly qualified elector of said
160 district.

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

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169 Section 5. The commissioners under this act shall be paid
170 for each day's service and for each mile actually traveled in
171 going to and from the office of the Board of Commissioners of
172 Indian River Mosquito Control District according to per diem
173 compensation expense and mileage rates established from time to
174 time for officials and employees of the state. The per diem
175 herein provided for shall apply to services rendered for
176 inspection of work performed for the district or other services
177 under this act. Additionally, commissioners shall be compensated
178 for regular duties, as provided by general law or special act,
179 at the rate of \$400 per month or such greater amount as may be
180 permitted by general law or special act.

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

184 Section 7. Said board is hereby authorized and empowered
185 to do any and all things necessary for the control and complete
186 elimination of all species of mosquitoes and sandflies and
187 diseases transmitted by the same in said district and, for this
188 purpose, is hereby authorized and empowered to construct and
189 thereafter to maintain canals, ditches, drains, and dikes; to
190 fill in all depressions, lakes, and ponds or marshes that are
191 the breeding places of mosquitoes and sandflies, insofar as said
192 work does not interfere with the water supply of any city or
193 community; and to employ engineers, scientists, helpers, and all
194 other servants, agents, and employees as may be necessary for
195 the purpose of controlling and eliminating all species of
196 mosquitoes and sandflies in said district. Said board is hereby

197 authorized and empowered to spray or otherwise disburse, or
 198 cause to be sprayed or otherwise disbursed, chemicals,
 199 substances, and materials of every nature upon and over the area
 200 of said district as shall be deemed necessary or desirable for
 201 the purpose of controlling and eliminating all species of
 202 mosquitoes and sandflies in said district and, for such
 203 purposes, may contract for and purchase such chemicals,
 204 substances, and materials and may contract for the spraying or
 205 disbursing thereof over the area of said district or may employ
 206 such agents, servants, and employees for such purpose as the
 207 commissioners of said district may deem necessary or advisable;
 208 to do any and all things that may be necessary from the
 209 standpoint of public health and comfort to control or eliminate
 210 mosquitoes and sandflies or their larvae in said district; and
 211 to promulgate such rules and regulations not inconsistent with
 212 the provisions of this act and with any of the laws of said
 213 state which, in their judgment, may be necessary for the proper
 214 carrying into effect and enforcement of this act.

215 Section 8. Said board shall have power and authority to
 216 hold, control, and acquire by gift or purchase such real or
 217 personal property, and to condemn such lands or easements, as
 218 may be necessary for the carrying out of any of the purposes of
 219 this act or for the material to be used for any of said purposes
 220 and for the preservation of the works constructed or to be
 221 constructed by said board under this act. Said board is
 222 authorized to exercise the right of eminent domain for the use
 223 of said district, in the manner prescribed by law, over such
 224 lands, easements, rights-of-way, riparian rights, and personal

225 property that may be necessary for the purpose of said board in
 226 said construction, and the only prerequisite for the exercise of
 227 said power of eminent domain shall be the adoption by said board
 228 of a resolution specifying the property sought to be condemned
 229 and the purpose for which it is to be used. Said board is
 230 authorized to sell any real or personal property acquired or
 231 owned by it when the same shall be determined to be no longer
 232 useful to or suitable for the purposes of said board.

233 Section 9. Said board is hereby authorized and empowered
 234 to purchase goods, supplies, or material for the use of said
 235 district without the necessity of advertising any notice or
 236 calling for bids regarding said purchase when the amount to be
 237 paid therefor by said district does not exceed \$10,000 or when
 238 the goods, supplies, or materials to be purchased are obtainable
 239 from only one source or supplier.

240 Section 10. Said board is hereby authorized and empowered
 241 to levy upon all the real and personal taxable property in said
 242 district a special tax not exceeding 10 mills on the dollar for
 243 the year 1947 and for each and every year thereafter, to be used
 244 solely in carrying out the purposes of this act. Said levy shall
 245 be made not later than the 15th of July of each year by
 246 resolution of said board, or a majority thereof, duly entered at
 247 large upon its minutes. A certified copy of such resolution
 248 executed in the name of said board by its chair and secretary
 249 and under its corporate seals shall be delivered or transmitted
 250 to the Board of County Commissioners of Indian River County, and
 251 a copy shall be transmitted by mail to the Chief Financial
 252 Officer not later than August 1 of each year. It shall be the

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253 duty of the Board of County Commissioners of Indian River County
254 to order the property appraiser of said county to assess and the
255 collector of said county to collect the amount of said tax so
256 assessed by the Board of Commissioners of said district upon all
257 the taxable property, real or personal, in said district at the
258 rate of taxation adopted by said board for said year, but not
259 exceeding 10 mills on the dollar and as specified in said
260 resolution, and said levy shall be included in the warrant to
261 the tax collector and the property appraiser which is attached
262 to the assessment roll of taxes for said county each year. The
263 property appraiser shall make such assessment and the tax
264 collector shall collect such taxes so levied in the manner as
265 other taxes are assessed and collected and shall pay the same
266 when collected, within the time and in the manner prescribed by
267 law for the payment of other taxes, to the secretary of said
268 Board of Commissioners. It shall be the duty of said Chief
269 Financial Officer to assess and levy on all the railroad lines
270 and railroad property, telegraph lines and telegraph property,
271 and telephone lines and telephone property the amount of every
272 such levy herewith provided in this section, and as in the case
273 of other state and county taxes, and said taxes so levied by the
274 Chief Financial Officer shall be collected as provided for other
275 similar taxes, and the proceeds thereof shall be remitted to the
276 secretary of said board in the same manner as such remittances
277 are made in the collection of other taxes. If any such taxes so
278 assessed are not paid, the said property shall be sold by said
279 tax collector and certificates issued and tax deeds issued in
280 the same manner and under the same laws relating to the sales,

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281 issuance of certificates, and deeds with reference to all other
282 state and county taxes. The Board of Commissioners of the Indian
283 River Mosquito Control District is herewith authorized to borrow
284 in any one tax year a sum not to exceed 80 percent of the
285 estimated taxes to be collected on behalf of said district
286 within such year and to evidence such loan made to said district
287 by its tax anticipation note or notes bearing interest at a rate
288 not to exceed 10 percent per annum, and which notes shall be
289 payable at a time not greater than 1 year from the date of the
290 borrowing of such moneys; the sums so borrowed shall be repaid
291 out of the next taxes collected by said district to the extent
292 necessary for the repayment thereof, together with such interest
293 at a rate not to exceed 6 percent per annum; and no sums shall
294 be borrowed as herewith provided in any subsequent year unless
295 all moneys so borrowed in any preceding year shall have been
296 entirely paid as to both principal and interest.

297 Section 11. Said board is hereby required to secure and
298 keep in force in companies duly authorized to do business in
299 Florida insurance covering liability for property damage or
300 bodily injury or death resulting therefrom to all persons and
301 property by reason of the ownership, maintenance, operation, or
302 use of any vehicle, dragline, dredge, tractor, and related
303 equipment being used for and in the interest of the purpose of
304 said board in amounts not less than \$50,000 for bodily injury or
305 death resulting therefrom to any one person, and not less than
306 \$100,000 for bodily injury or death resulting therefrom for any
307 one accident, and not less than \$25,000 for damage to property.

308 Section 12. The title to and jurisdiction over all

309 property of Indian River Mosquito Control District herewith
 310 abolished, of every kind, nature, or description, is herewith
 311 transferred to and vested in the new Indian River Mosquito
 312 Control District herewith created. All lawful debts or
 313 obligations of the old Indian River Mosquito Control District
 314 herewith abolished are herewith made the debts and obligations
 315 of the new district herewith created, and all claims, demands,
 316 or credits held by said old district are herewith transferred to
 317 and made the claims, demands, and credits of said new district.
 318 No obligation or contract of said old district shall be impaired
 319 by this act, but rather all obligations or contracts of said old
 320 district are herewith made the obligations and contracts of the
 321 new district herewith created. All acts of the Board of
 322 Commissioners of the old Indian River Mosquito Control District
 323 herewith abolished and of the agents, servants, and employees of
 324 said Board of Commissioners of said old district and of said
 325 district are herewith ratified and confirmed.

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

336 Section 14. (1) The Board of Commissioners of the Indian

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

349 (2) The Board of Commissioners of Indian River Mosquito
 350 Control District is authorized to budget from and pay out of
 351 appropriate funds any portion of the cost of such insurance and
 352 to deduct from the wages of employees, the director and
 353 assistant director, and the members of the board who in writing
 354 make request for such insurance the balance of such cost and to
 355 pay or remit the same directly to the insurance company issuing
 356 such insurance.

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

364 Section 15. In case any one or more of the sections or

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

373 Section 4. Chapters 11128 (1925), 14381 (1929), 20114
374 (1939), 20494 (1941), 21048 (1941), 24600 (1947), 61-2278, 63-
375 1433, 73-497, 76-388, 78-531, and 91-337, Laws of Florida, are
376 repealed.

377 Section 5. This act shall take effect July 1, 2006.