

HB 1207

2006
CS

CHAMBER ACTION

1 The Finance & Tax Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to Indian River Mosquito Control District,
7 Indian River County; codifying, amending, reenacting, and
8 repealing special acts relating to the district; fixing
9 and prescribing the boundaries of said district; providing
10 for the government and administration of the district;
11 providing and defining the powers and purposes of such
12 district and of the board of commissioners thereof;
13 authorizing and empowering said board to construct and
14 maintain canals, ditches, drains, and dikes and to fill
15 depressions, lakes, ponds, or marshes in order to
16 eliminate breeding places of mosquitoes and sandflies and
17 to control and eradicate mosquitoes and sandflies;
18 providing for spraying or otherwise disbursing substances
19 and materials over the area of such district for the
20 purpose of controlling and eradicating mosquitoes and
21 sandflies and diseases transmitted by the same;
22 authorizing said board to do any and all acts or things
23 necessary for the control and complete elimination of

HB 1207

2006
CS

24 mosquitoes and sandflies in said district; authorizing and
25 providing for the levy and collection of taxes upon all
26 the real and personal taxable property in said district
27 for carrying out the purposes of this act; authorizing the
28 borrowing by the board of commissioners of said district
29 in any one tax year of a sum not to exceed 80 percent of
30 the estimated taxes to be collected on behalf of said
31 district within such year and to evidence the indebtedness
32 represented by any money so borrowed by written obligation
33 of the district and providing for the payment of interest
34 thereon and for the repayment thereof prior to the
35 borrowing of any further sums in any subsequent year;
36 limiting the amount of taxes that may be so levied by said
37 board upon the taxable property within such district;
38 prohibiting injury to any works controlled under or in
39 pursuance of this act, to be punishable as provided by
40 general law; legalizing and validating the acts of the
41 Indian River Mosquito Control District herewith abolished
42 and making all contracts of said Indian River Mosquito
43 Control District so abolished binding upon the new Indian
44 River Mosquito Control District; authorizing and
45 prescribing generally the powers and duties of the Board
46 of Commissioners of said new Indian River Mosquito Control
47 District; providing for severability; providing an
48 effective date.

49
50 Be It Enacted by the Legislature of the State of Florida:
51

HB 1207

2006
CS

52 Section 1. (1) The reenactment of existing law in this
 53 act shall not be construed as a grant of additional authority to
 54 nor to supersede the authority of the district pursuant to law.
 55 Exceptions to law contained in any special act that are
 56 reenacted pursuant to this act shall continue to apply.

57 (2) The reenactment of existing law in this act shall not
 58 be construed to modify, amend, or alter any covenants,
 59 contracts, or other obligations of the district with respect to
 60 bonded indebtedness. Nothing pertaining to the reenactment of
 61 existing law in this act shall be construed to affect the
 62 ability of the district to levy and collect taxes, assessments,
 63 fees, or charges for the purpose of redeeming or servicing
 64 bonded indebtedness of the district.

65 Section 2. Chapters 11128 (1925), 14381 (1929), 20114
 66 (1939), 20494 (1941), 21048 (1941), 24600 (1947), 61-2278, 63-
 67 1433, 73-497, 76-388, 78-531, and 91-337, Laws of Florida, are
 68 codified, reenacted, amended, and repealed as provided in this
 69 act.

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

73 Section 1. The Indian River Mosquito Control District is
 74 re-created, and the special taxing district now existing and
 75 known and designated as Indian River Mosquito Control District,
 76 as created and incorporated by chapter 11128 (1925), Laws of
 77 Florida, as amended, is hereby abolished, and a new special
 78 taxing district in Indian River County, to be known and
 79 designated as Indian River Mosquito Control District, is hereby

HB 1207

2006
CS

80 created, established, and incorporated to succeed said former
 81 special taxing district known and designated as Indian River
 82 Mosquito Control District, and which new special taxing district
 83 hereby created and incorporated, to be known as Indian River
 84 Mosquito Control District, shall embrace and include all that
 85 territory and area situated and being in Indian River County,
 86 within the following territorial boundaries, to wit:

87
 88 All that part of Indian River County, Florida, lying
 89 East of the following described line:

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

HB 1207

2006
CS

108 Unsurveyed Township 32 South, Range 37 East, as
 109 recorded in Plat Book 2, Page 8, St. Lucie County
 110 Public Records; thence run North along said East
 111 right-of-way of Lateral "S" Canal to the intersection
 112 of the North boundary line of said Indian River County
 113 and the point of ending.

114
 115 All of which lands hereinabove described and the owners thereof
 116 shall be entitled to all benefits and subject to all burdens and
 117 obligations as prescribed and set forth herein.

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

HB 1207

2006
CS

136 second highest number of votes cast at the next ensuing general
137 election.

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

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

HB 1207

2006
CS

163 to transact business. The chair and vice chair shall vote at all
 164 meetings of the board.

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

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

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

HB 1207

2006
CS

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

211 Section 8. Said board shall have power and authority to
212 hold, control, and acquire by gift or purchase such real or
213 personal property, and to condemn such lands or easements, as
214 may be necessary for the carrying out of any of the purposes of
215 this act or for the material to be used for any of said purposes
216 and for the preservation of the works constructed or to be
217 constructed by said board under this act. Said board is
218 authorized to exercise the right of eminent domain for the use

HB 1207

2006
CS

219 of said district, in the manner prescribed by law, over such
220 lands, easements, rights-of-way, riparian rights, and personal
221 property that may be necessary for the purpose of said board in
222 said construction, and the only prerequisite for the exercise of
223 said power of eminent domain shall be the adoption by said board
224 of a resolution specifying the property sought to be condemned
225 and the purpose for which it is to be used. Said board is
226 authorized to sell any real or personal property acquired or
227 owned by it when the same shall be determined to be no longer
228 useful to or suitable for the purposes of said board.

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

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

HB 1207

2006
CS

247 a copy shall be transmitted by mail to the Chief Financial
248 Officer not later than August 1 of each year. It shall be the
249 duty of the Board of County Commissioners of Indian River County
250 to order the property appraiser of said county to assess and the
251 collector of said county to collect the amount of said tax so
252 assessed by the Board of Commissioners of said district upon all
253 the taxable property, real or personal, in said district at the
254 rate of taxation adopted by said board for said year, but not
255 exceeding 10 mills on the dollar and as specified in said
256 resolution, and said levy shall be included in the warrant to
257 the tax collector and the property appraiser which is attached
258 to the assessment roll of taxes for said county each year. The
259 property appraiser shall make such assessment and the tax
260 collector shall collect such taxes so levied in the manner as
261 other taxes are assessed and collected and shall pay the same
262 when collected, within the time and in the manner prescribed by
263 law for the payment of other taxes, to the secretary of said
264 Board of Commissioners. It shall be the duty of said Chief
265 Financial Officer to assess and levy on all the railroad lines
266 and railroad property, telegraph lines and telegraph property,
267 and telephone lines and telephone property the amount of every
268 such levy herewith provided in this section, and as in the case
269 of other state and county taxes, and said taxes so levied by the
270 Chief Financial Officer shall be collected as provided for other
271 similar taxes, and the proceeds thereof shall be remitted to the
272 secretary of said board in the same manner as such remittances
273 are made in the collection of other taxes. If any such taxes so
274 assessed are not paid, the said property shall be sold by said

Page 10 of 14

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

hb1207-01-c1

HB 1207

2006
CS

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

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

HB 1207

2006
CS

302 \$100,000 for bodily injury or death resulting therefrom for any
 303 one accident, and not less than \$25,000 for damage to property.

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

322 Section 13. Whoever shall willfully damage any ditch,
 323 canal, drain, dike, or other work established or constructed
 324 under this act or who shall willfully interfere with or injure
 325 any property, work, or facility established or constructed under
 326 this act or who shall willfully interfere with the acts of any
 327 commissioner of said district or any person lawfully authorized
 328 or employed by the Board of Commissioners of this district in
 329 carrying out the provisions of this act commits a misdemeanor

HB 1207

2006
CS

330 and, upon conviction thereof, shall be punished as provided by
331 general law.

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

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

353 (3) The participation in such insurance by any employee,
354 director or assistant director, or member of said board shall be
355 entirely voluntary at all times. Any enrolled member of such
356 insurance plan may, upon any pay day, withdraw or retire from
357 such plan upon giving the Board of Commissioners written notice

HB 1207

2006
CS

358 | thereof and directing the discontinuance of deductions from
 359 | wages in payment of such premiums.

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

369 | Section 4. Chapters 11128 (1925), 14381 (1929), 20114
 370 | (1939), 20494 (1941), 21048 (1941), 24600 (1947), 61-2278, 63-
 371 | 1433, 73-497, 76-388, 78-531, and 91-337, Laws of Florida, are
 372 | repealed.

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