

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 providing and defining the powers and purposes of such
8 district and of the board of commissioners thereof;
9 authorizing and empowering said board to construct and
10 maintain canals, ditches, drains, and dikes and to fill
11 depressions, lakes, ponds, or marshes in order to
12 eliminate breeding places of mosquitoes and sandflies and
13 to control and eradicate mosquitoes and sandflies;
14 providing for spraying or otherwise disbursing substances
15 and materials over the area of such district for the
16 purpose of controlling and eradicating mosquitoes and
17 sandflies and diseases transmitted by the same;
18 authorizing said board to do any and all acts or things
19 necessary for the control and complete elimination of
20 mosquitoes and sandflies in said district; authorizing and
21 providing for the levy and collection of taxes upon all
22 the real and personal taxable property in said district
23 for carrying out the purposes of this act; authorizing the
24 borrowing by the board of commissioners of said district
25 in any one tax year of a sum not to exceed 80 percent of
26 the estimated taxes to be collected on behalf of said
27 district within such year and to evidence the indebtedness

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

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

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

53 (2) The reenactment of existing law in this act shall not
54 be construed to modify, amend, or alter any covenants,

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

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

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

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

81 territory and area situated and being in Indian River County,
82 within the following territorial boundaries, to wit:

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84 All that part of Indian River County, Florida, lying
85 East of the following described line:

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

108 of the North boundary line of said Indian River County
109 and the point of ending.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

289 Section 11. Said board is hereby required to secure and
290 keep in force in companies duly authorized to do business in
291 Florida insurance covering liability for property damage or
292 bodily injury or death resulting therefrom to all persons and
293 property by reason of the ownership, maintenance, operation, or
294 use of any vehicle, dragline, dredge, tractor, and related
295 equipment being used for and in the interest of the purpose of

296 said board in amounts not less than \$50,000 for bodily injury or
297 death resulting therefrom to any one person, and not less than
298 \$100,000 for bodily injury or death resulting therefrom for any
299 one accident, and not less than \$25,000 for damage to property.

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

318 Section 13. Whoever shall willfully damage any ditch,
319 canal, drain, dike, or other work established or constructed
320 under this act or who shall willfully interfere with or injure
321 any property, work, or facility established or constructed under
322 this act or who shall willfully interfere with the acts of any

323 commissioner of said district or any person lawfully authorized
324 or employed by the Board of Commissioners of this district in
325 carrying out the provisions of this act commits a misdemeanor
326 and, upon conviction thereof, shall be punished as provided by
327 general law.

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

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

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

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

365 Section 4. Chapters 11128 (1925), 14381 (1929), 20114
366 (1939), 20494 (1941), 21048 (1941), 24600 (1947), 61-2278, 63-
367 1433, 73-497, 76-388, 78-531, and 91-337, Laws of Florida, are
368 repealed.

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