

HB 1257

2010

1 A bill to be entitled
2 An act relating to Indian River Mosquito Control District,
3 Indian River County; amending chapter 2006-344, Laws of
4 Florida; revising the powers of the board of commissioners
5 relating to the employment of certain persons; specifying
6 the provisions of law governing the election of
7 commissioners and removing obsolete provisions for the
8 staggering of initial terms; requiring the district to pay
9 for the surety bonds required of commissioners prior to
10 their assuming office; requiring commissioners to elect a
11 treasurer for the board; revising per diem and travel
12 expense provisions for commissioners and employees;
13 revising powers of the board relating to the control of
14 mosquitoes and sandflies and deleting the power of the
15 board to eliminate all species of mosquitoes and sandflies
16 in the district; revising provisions relating to the
17 board's purchasing, borrowing, and insurance requirements;
18 providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Sections 2, 3, 4, 5, 7, 9, 10, and 11 of
23 section 3 of chapter 2006-344, Laws of Florida, are amended to
24 read:

25 Section 2. The governing body of said Indian River
26 Mosquito Control District shall be known and designated as the
27 "Board of Commissioners of Indian River Mosquito Control
28 District." Said governing body shall be composed of three

29 members and shall have all the powers of a body corporate,
 30 including the power to sue and be sued as a corporation in said
 31 name in any court; to contract; to adopt and use a common seal
 32 and alter the same at pleasure; to purchase, hold, lease, and
 33 convey such real estate and personal property as said board may
 34 deem proper to carry out the purposes of this act; to employ
 35 ~~appoint a director chief engineer, a consulting engineer, and an~~
 36 ~~attorney~~ for said board and such other experts, consultants,
 37 agents, and employees as said board may require; to borrow money
 38 and to issue negotiable promissory notes or bonds therefor; and
 39 to enable it to carry out the provisions of this act. The
 40 commissioners shall be elected in a nonpartisan election for 4-
 41 year terms pursuant to section 189.405, Florida Statutes, and
 42 consistent with the Florida Election Code ~~so that one~~
 43 ~~commissioner is elected at one general election by the highest~~
 44 ~~number of votes cast and two commissioners are elected by the~~
 45 ~~first and second highest number of votes cast at the next~~
 46 ~~ensuing general election.~~

47 Section 3. Each commissioner under this act, before he or
 48 she assumes office, shall be required to give to Indian River
 49 Mosquito Control District a good and sufficient surety bond in
 50 the sum of \$5,000, conditioned for the faithful performance of
 51 the duties of his or her office, said bond to be approved by and
 52 filed with the Clerk of the Circuit Court of Indian River County
 53 and the expense of said bond to be borne by the Indian River
 54 Mosquito Control District. Said bond shall also be recorded in
 55 the minutes of said Board of Commissioners of said Indian River
 56 Mosquito Control District. The failure of any person so elected

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57 as commissioner of Indian River Mosquito Control District within
58 30 days after his or her election to give bond shall create a
59 vacancy as to such commissioner, and such vacancy shall be
60 filled by the Governor appointing a person duly qualified to
61 hold such office, which manner of filling such office shall
62 obtain in the case of resignation, death, or removal from said
63 district of any commissioner during his or her term of office.
64 No person shall be qualified to hold office as a commissioner
65 under this act unless such person shall be a duly qualified
66 elector of said district.

67 Section 4. As soon as practicable after each general
68 election, the commissioners of Indian River Mosquito Control
69 District, after their qualification as such, shall meet and
70 organize by the election, from among their number, of a chair, a
71 vice chair, a treasurer, and a secretary. Two members of the
72 board shall constitute a quorum. The vote of two members shall
73 be necessary to transact business. The chair and vice chair
74 shall vote at all meetings of the board.

75 Section 5. The commissioners and employees under this act
76 shall be paid ~~for each day's service and for each mile actually~~
77 ~~traveled in going to and from the office of the Board of~~
78 ~~Commissioners of Indian River Mosquito Control District~~
79 according to per diem compensation expense and mileage rates
80 established from time to time for officials and employees of the
81 state pursuant to section 112.061, Florida Statutes. The per
82 diem herein provided for shall apply to services rendered for
83 inspection of work performed for the district or other services
84 under this act. Additionally, commissioners shall be compensated

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

88 | Section 7. Said board is hereby authorized and empowered
89 | to do any and all things necessary for the control ~~and complete~~
90 | ~~elimination of all species~~ of mosquitoes and sandflies and
91 | diseases transmitted by the same in said district and, for this
92 | purpose, is hereby authorized and empowered to construct and
93 | thereafter to maintain canals, ditches, drains, and dikes; to
94 | fill in all depressions, lakes, and ponds or marshes that are
95 | the breeding places of mosquitoes and sandflies, insofar as said
96 | work does not interfere with the water supply of any city or
97 | community; and to employ engineers, scientists, helpers, and all
98 | other contractors ~~servants~~, agents, and employees as may be
99 | necessary for the purpose of controlling ~~and eliminating all~~
100 | ~~species of~~ mosquitoes and sandflies in said district. Said board
101 | is hereby authorized and empowered to spray or otherwise
102 | disburse, or cause to be sprayed or otherwise disbursed,
103 | chemicals, substances, and materials of every nature upon and
104 | over the area of said district as shall be deemed necessary or
105 | desirable for the purpose of controlling ~~and eliminating all~~
106 | ~~species of~~ mosquitoes and sandflies in said district and, for
107 | such purposes, may contract for and purchase such chemicals,
108 | substances, and materials and may contract for the spraying or
109 | disbursing thereof over the area of said district or may employ
110 | such agents, entities ~~servants~~, and employees for such purpose
111 | as the commissioners of said district may deem necessary or
112 | advisable; to do any and all things that may be necessary from

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113 | the standpoint of public health and comfort to control ~~or~~
 114 | ~~eliminate~~ mosquitoes and sandflies or their larvae in said
 115 | district; and to promulgate such rules and regulations not
 116 | inconsistent with the provisions of this act and with any of the
 117 | laws of said state which, in their judgment, may be necessary
 118 | for the proper carrying into effect and enforcement of this act.

119 | Section 9. Said board is hereby authorized and empowered
 120 | to purchase goods, supplies, or material for the use of said
 121 | district without the necessity of advertising any notice or
 122 | calling for bids regarding said purchase when the amount to be
 123 | paid therefor by said district does not exceed the competitive
 124 | bid and advertising requirement amounts pursuant to chapter 287,
 125 | Florida Statutes \$10,000 ~~or when the goods, supplies, or~~
 126 | ~~materials to be purchased are obtainable from only one source or~~
 127 | ~~supplier.~~

128 | Section 10. Said board is hereby authorized and empowered
 129 | to levy upon all the real and personal taxable property in said
 130 | district a special tax not exceeding 10 mills on the dollar for
 131 | the year 1947 and for each and every year thereafter, to be used
 132 | solely in carrying out the purposes of this act. Said levy shall
 133 | be made not later than the 15th of July of each year by
 134 | resolution of said board, or a majority thereof, duly entered at
 135 | large upon its minutes. A certified copy of such resolution
 136 | executed in the name of said board by its chair and secretary
 137 | and under its corporate seals shall be delivered or transmitted
 138 | to the Board of County Commissioners of Indian River County, and
 139 | a copy shall be transmitted by mail to the Chief Financial
 140 | Officer not later than August 1 of each year. It shall be the

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141 duty of the Board of County Commissioners of Indian River County
142 to order the property appraiser of said county to assess and the
143 collector of said county to collect the amount of said tax so
144 assessed by the Board of Commissioners of said district upon all
145 the taxable property, real or personal, in said district at the
146 rate of taxation adopted by said board for said year, but not
147 exceeding 10 mills on the dollar and as specified in said
148 resolution, and said levy shall be included in the warrant to
149 the tax collector and the property appraiser which is attached
150 to the assessment roll of taxes for said county each year. The
151 property appraiser shall make such assessment and the tax
152 collector shall collect such taxes so levied in the manner as
153 other taxes are assessed and collected and shall pay the same
154 when collected, within the time and in the manner prescribed by
155 law for the payment of other taxes, to the secretary of said
156 Board of Commissioners. It shall be the duty of said Chief
157 Financial Officer to assess and levy on all the railroad lines
158 and railroad property, telegraph lines and telegraph property,
159 and telephone lines and telephone property the amount of every
160 such levy herewith provided in this section, and as in the case
161 of other state and county taxes, and said taxes so levied by the
162 Chief Financial Officer shall be collected as provided for other
163 similar taxes, and the proceeds thereof shall be remitted to the
164 secretary of said board in the same manner as such remittances
165 are made in the collection of other taxes. If any such taxes so
166 assessed are not paid, the said property shall be sold by said
167 tax collector and certificates issued and tax deeds issued in
168 the same manner and under the same laws relating to the sales,

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169 issuance of certificates, and deeds with reference to all other
 170 state and county taxes. The Board of Commissioners of the Indian
 171 River Mosquito Control District is herewith authorized to borrow
 172 in any one tax year a sum not to exceed 80 percent of the
 173 estimated taxes to be collected on behalf of said district
 174 within such year and issue negotiable promissory notes and bonds
 175 or such necessary instruments to secure said loan to enable the
 176 board to carry out the provisions of this act ~~to evidence such~~
 177 ~~loan made to said district by its tax anticipation note or notes~~
 178 ~~bearing interest at a rate not to exceed 10 percent per annum,~~
 179 ~~and which notes shall be payable at a time not greater than 1~~
 180 ~~year from the date of the borrowing of such moneys; the sums so~~
 181 ~~borrowed shall be repaid out of the next taxes collected by said~~
 182 ~~district to the extent necessary for the repayment thereof,~~
 183 ~~together with such interest at a rate not to exceed 6 percent~~
 184 ~~per annum; and no sums shall be borrowed as herewith provided in~~
 185 any subsequent year unless all moneys so borrowed in any
 186 preceding year shall have been entirely paid as to both
 187 principal and interest.

188 Section 11. In addition to all other powers granted to the
 189 district by law, the Indian River Mosquito Control District,
 190 acting by and through its duly qualified board of commissioners,
 191 shall have the power to purchase and pay for insurance as a
 192 legitimate public expenditure without waiving its right to
 193 defend any action filed against it on the grounds of sovereign
 194 immunity while reserving all rights and defenses available ~~Said~~
 195 ~~board is hereby required to secure and keep in force in~~
 196 ~~companies duly authorized to do business in Florida insurance~~

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197 ~~covering liability for property damage or bodily injury or death~~
198 ~~resulting therefrom to all persons and property by reason of the~~
199 ~~ownership, maintenance, operation, or use of any vehicle,~~
200 ~~dragline, dredge, tractor, and related equipment being used for~~
201 ~~and in the interest of the purpose of said board in amounts not~~
202 ~~less than \$50,000 for bodily injury or death resulting therefrom~~
203 ~~to any one person, and not less than \$100,000 for bodily injury~~
204 ~~or death resulting therefrom for any one accident, and not less~~
205 ~~than \$25,000 for damage to property.~~

206 Section 2. This act shall take effect July 1, 2010.