

HB 555

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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 before they  
10          assume office; requiring commissioners to elect a  
11          secretary/treasurer for the board; revising per diem and  
12          travel 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

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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

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, and a secretary/treasurer ~~secretary~~. Two members of  
72 | the board shall constitute a quorum. The vote of two members  
73 | shall be necessary to transact business. The chair and vice  
74 | chair 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

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, equipment, or material for the use  
 121 | of said district without the necessity of advertising any notice  
 122 | or calling for bids regarding said purchase when the amount to  
 123 | be paid therefor by said district does not exceed the  
 124 | competitive bid and advertising requirement amounts pursuant to  
 125 | chapter 287, Florida Statutes \$10,000 or when the goods,  
 126 | ~~supplies, or materials to be purchased are obtainable from only~~  
 127 | ~~one source or 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  
 137 | secretary/treasurer ~~secretary~~ and under its corporate seals  
 138 | shall be delivered or transmitted to the Board of County  
 139 | Commissioners of Indian River County, and a copy shall be  
 140 | transmitted by mail to the Chief Financial Officer not later

141 | than August 1 of each year. It shall be the duty of the Board of  
 142 | County Commissioners of Indian River County to order the  
 143 | property appraiser of said county to assess and the collector of  
 144 | said county to collect the amount of said tax so assessed by the  
 145 | Board of Commissioners of said district upon all the taxable  
 146 | property, real or personal, in said district at the rate of  
 147 | taxation adopted by said board for said year, but not exceeding  
 148 | 10 mills on the dollar and as specified in said resolution, and  
 149 | said levy shall be included in the warrant to the tax collector  
 150 | and the property appraiser which is attached to the assessment  
 151 | roll of taxes for said county each year. The property appraiser  
 152 | shall make such assessment and the tax collector shall collect  
 153 | such taxes so levied in the manner as other taxes are assessed  
 154 | and collected and shall pay the same when collected, within the  
 155 | time and in the manner prescribed by law for the payment of  
 156 | other taxes, to the secretary/treasurer ~~secretary~~ of said Board  
 157 | of Commissioners. It shall be the duty of said Chief Financial  
 158 | Officer to assess and levy on all the railroad lines and  
 159 | railroad property, telegraph lines and telegraph property, and  
 160 | telephone lines and telephone property the amount of every such  
 161 | levy herewith provided in this section, and as in the case of  
 162 | other state and county taxes, and said taxes so levied by the  
 163 | Chief Financial Officer shall be collected as provided for other  
 164 | similar taxes, and the proceeds thereof shall be remitted to the  
 165 | secretary/treasurer ~~secretary~~ of said board in the same manner  
 166 | as such remittances are made in the collection of other taxes.  
 167 | If any such taxes so assessed are not paid, the said property  
 168 | shall be sold by said tax collector and certificates issued and

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

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

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

207 Section 2. This act shall take effect July 1, 2011.