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CS/HB 555

2011 Legislature

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

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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, 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

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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, 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 category two
124 of the purchasing category thresholds 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
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

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

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