

House Bill No. 775

An act relating to Collier Mosquito Control District, an independent special tax district in Collier County, Florida; ratifying and confirming the creation of Collier Mosquito Control District pursuant to chapter 390, F.S. (1949), as an independent mosquito control district; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S.; providing legislative intent; providing for applicability of chapters 388 and 189, F.S., and other general laws; providing a district charter; providing for amended district boundaries on October 1, 2001; providing for liability and group insurance; providing for repeal of prior special acts related to Collier Mosquito Control District; providing an effective date.

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

Section 1. Upon this act becoming law, the creation of Collier Mosquito Control District, formerly Naples Mosquito Control District, as an independent special district pursuant to chapter 390, Florida Statutes, 1949, shall be ratified and confirmed. It is further the intent of the Legislature in enacting this law to provide a single, codified, comprehensive special act charter for the District in accordance with section 189.429, Florida Statutes. The District shall operate as an independent special district pursuant to this special act and the provisions of chapter 388, Florida Statutes, as it may be amended from time to time, and all other general laws applicable to independent special districts. It is the intent of this act to preserve all existing District authority as it may be modified pursuant to the provisions of chapter 388, Florida Statutes, this act, and applicable general law.

Section 2. Chapters 63-1234, 70-640, 71-591, and 76-351, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The charter for the Collier County Mosquito Control District is re-created and reenacted to read:

Section 1. Minimum charter requirements.—In accordance with section 189.404(3), Florida Statutes, the following subsections shall comprise the minimum required charter provisions for Collier Mosquito Control District:

(a) The District is organized and exists for all purposes set forth in this act and chapter 388, Florida Statutes, as they may be amended from time to time.

(b) The powers, functions, and duties of the District regarding ad valorem taxation, non-ad valorem assessments, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens, foreclosure of liens, use of tax deeds and tax certificates, and contractual agreements shall be as set forth in chapters 170, 189, 197, 200, and 388, Florida Statutes, this act, or any other applicable general or special law, as they may be amended from time to time.

(c) The District was created by the petition process formerly contained in chapter 390, Florida Statutes, 1949.

(d) The District's charter may be amended only by special act of the Legislature, unless otherwise provided by chapter 189, Florida Statutes, or chapter 388, Florida Statutes, as amended from time to time.

(e) In accordance with section 388.101(2), Florida Statutes, the District is governed by a five-member board. The membership and organization of the board shall be as set forth in this act and chapter 388, Florida Statutes, as they may be amended from time to time.

(f) Board members may be paid a salary in accordance with this act and chapter 388, Florida Statutes, as they may be amended from time to time.

(g) The administrative duties of the Board of Commissioners shall be as set forth in this act and chapter 388, Florida Statutes, as they may be amended from time to time.

(h) Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for officers and employees shall be as set forth in chapters 112, 189, 286, and 388, Florida Statutes, as they may be amended from time to time.

(i) The procedures and requirements governing the issuance of bonds, notes, and other evidence of indebtedness by the District shall be as set forth in chapters 189 and 388, Florida Statutes, and applicable general laws, as they may be amended from time to time.

(j) The procedures for conducting District elections and for qualification of electors shall be pursuant to chapters 189 and 388, Florida Statutes, and applicable general laws, as they may be amended from time to time.

(k) The District may be financed by any method established in this act, chapter 189, Florida Statutes, or chapter 388, Florida Statutes, or any applicable general laws, as they may be amended from time to time.

(l) Pursuant to section 388.221, Florida Statutes, as it may be amended from time to time, the District's authority to levy upon all of the personal and real taxable property in the District a special tax during each year as maintenance tax is preserved.

(m) The method for collecting non-ad valorem assessments, fees, service charges, or state matching funds shall be as set forth in chapters 170, 197, and 388, Florida Statutes, as they may be amended from time to time.

(n) The District's planning requirements shall be as set forth in chapters 189 and 388, Florida Statutes, as they may be amended from time to time.

(o) The District's geographic boundary limitations shall be as follows and may be amended pursuant to section 388.211, Florida Statutes, as amended from time to time:

Beginning where the north line to Township 48S Range 25E extended westerly intersects the western boundary of the State of Florida in the

waters of the Gulf of Mexico; thence easterly along said Township line to the northeast corner of Section 5, Township 48S Range 25E; thence southerly along the easterly Section line of 5 to the southeast corner of Section 5 Township 48S Range 25E, also known as the northwest corner of Section 9, Township 48S Range 25E; thence easterly along the north lines of Sections 9, 10, 11 and 12 to the northeast corner of Section 12, Township 48S Range 25E, also known as the northwest corner of Section 7, Township 48S Range 26E; continue easterly along the north lines of Sections 7, 8, 9, 10, 11 and 12 to the northeast corner of Section 12, Township 48S Range 26E, also known as the northwest corner of Section 7, Township 48S Range 27E; continue easterly along the north lines of Sections 7, 8, 9, 10 and 11 to the northeast corner of Section 11, Township 48S Range 27E, thence continue easterly along the north line of Section 12 to the northeast corner of Golden Gate Estates Unit 59 (as Recorded in Plat Book 7 Page 61); thence southerly along the east line of said Unit 59 to the southeast corner of said Unit 59; thence westerly along the south line of said Unit 59 to the intersection of the east line of Section 11, Township 48S Range 27E; thence southerly along the east section line to the southeast corner of Section 11, Township 48S Range 27E, also known as the northeast corner of Section 14, Township 48S Range 27E; thence southerly along the east lines of Sections 14 and 23 to the intersection of the north line of Golden Gate Estates Unit 24 (as Recorded in Plat Book 7 Page 11); thence easterly along the north line of said Unit 24 to the northeast corner of said Unit 24; thence southerly along the east line of said Unit 24 to the southeast corner of said Unit 24, also known as the northeast corner of Golden Gate Estates Unit 17 (as Recorded in Plat Book 7 Page 5) continue southerly along the east line of said Unit 17 to the southeast corner of said Unit 17, also known as northeast corner of Golden Gate Estates Unit 49 (as Recorded in Plat Book 5 Page 80); continue southerly along the east line of said Unit 49 to the southeast corner of said Unit 49, also known as the northeast corner of Golden Gate Estates Unit 48 (as Recorded in Plat Book 5 Page 78); continue southerly along east line of said Unit 48 to the southeast corner of said Unit 48 and the intersection of the north line of Section 14, Township 49S Range 27E; thence easterly along the north line of Section 14 to the northeast corner of Section 14, Township 49S Range 27E; thence southerly along the east lines of Sections 14, 23, 26 and 35 to the southeast corner of Section 35, Township 49S Range 27E; thence westerly along the south lines of Sections 35, 34, 33, 32 and 31 to the southwest corner Section 31, Township 49S Range 27E, also known as the southeast corner Section 36, Township 49S Range 26E; thence westerly along the south line of Section 36 to the southwest corner of Section 36, Township 49S Range 26E, also known as the northeast corner of Section 2, Township 50S Range 26E; thence southerly along the east lines of Sections 2, 11, 14, 23, 26 and 35 to the southeast corner of Section 35, Township 50S Range 26E, also known as the northeast corner of Section 2, Township 51S Range 26E; thence southerly along the east line of Section 2 to the southeast corner of Section 2, Township 51S Range 26E, also known as the northwest corner of Section 12, Township 51S Range 26E; thence easterly along the north line of Section 12 to the northeast corner of Section 12, Township 51S Range 26E, also known as the northwest

corner of Section 7, Township 51S Range 27E; continue easterly along the north lines of Sections 7 and 8 to the northeast corner of Section 8, Township 51S Range 27E; thence southerly along the east lines of Sections 8, 17, 20, 29 and 32 to the southeast corner of Section 32, Township 51S Range 27E; thence westerly along the south line of Section 32 to the intersection of the westerly right of way of State Road 92; thence southwesterly along the westerly right of way State Road 92 through Section 5 and 8 to the intersection of west line Section 8, Township 52S Range 27E; thence southerly along west lines of Sections 8 and 17 to the southwest corner of Section 17, Township 52S Range 27E also known as the southeast corner of Section 18, Township 52S Range 26E; thence westerly along the south line of Section 18 to the intersection of Goodland; thence southerly and westerly along the southerly boundary of Goodland, to the intersection with the east line of Section 24 Township 52S Range 26E; thence southerly along the east line of Section 24 to the southeast corner of Section 24, Township 52S Range 26E; thence westerly along the south lines of Section 24, 23, 22, 21, 20 and 19 to where that line extended intersects the western boundary of the State of Florida in the waters of the Gulf of Mexico; thence northwesterly along the waters of the Gulf of Mexico, to the Point of Beginning;

LESS AND EXCEPT the publicly owned, tax exempt property within the boundaries of Rookery Bay National Estuarine Research Reserve and Corkscrew Regional Ecosystem Watershed as they may be amended from time to time.

Section 2. Liability insurance.—In addition to all other powers granted it by law, the Collier Mosquito Control District, acting by and through its duly qualified board of commissioners, shall have the power to purchase and pay for liability insurance as a legitimate public expenditure without, however, waiving its right to defend any action filed against it on the grounds of sovereign immunity should it so choose to exercise such right.

Section 3. Group insurance.—

(1) Collier Mosquito Control District shall be and is hereby authorized, empowered, and permitted to provide for life, health, accident, hospitalization, or annuity insurance or all of any kinds of such insurance for the employees thereof upon a group insurance plan, and to that end enter into agreement with insurance companies to provide such insurance. The Collier Mosquito Control District shall be authorized to contribute to the cost of any such insurance.

(2) The election to exercise such authority shall be evidenced by resolution duly recorded in the official minutes adopted by the board of the Collier Mosquito Control District.

(3) Upon the request in writing of any employee, the public officials of the Collier Mosquito Control District are hereby authorized and empowered to deduct from the wages of such employee periodically the amount of the premium which such employee has agreed to pay for such insurance and to pay or remit same directly to the insurance company issuing such group insurance.

(4) The participation in such group insurance by any employee shall be entirely voluntary at all times. Any employee may upon any payday withdraw or retire from such group insurance plan upon giving his or her employer written notice thereof and directing the discontinuance of deductions from wages in payment of such premiums.

Section 4. Chapters 63-1234, 70-640, 71-591, and 76-351, Laws of Florida, are repealed.

Section 5. The provisions of this act shall be liberally construed in order to effectively carry out the purposes of this act in the interest of the public health, welfare, and safety of the citizens served by the district.

Section 6. It is declared to be the intent of the Legislature that if any section, subsection, sentence, clause, phrase, or portion of this act is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 7. This act shall take effect October 1, 2001.

Approved by the Governor May 29, 2001.

Filed in Office Secretary of State May 29, 2001.