

House Bill No. 397

An act relating to Manatee County Mosquito Control District; codifying, reenacting, amending, and repealing special acts related to the district; providing a charter; providing for formation as an independent special district; providing boundaries of the district; providing for the election of commissioners and operation of the district in accordance with ch. 388, F.S.; providing for district powers, functions, and duties; providing for construction and effect; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Manatee County Mosquito Control District. It is the intent of the Legislature to provide a single, comprehensive special act charter for the district including all current legislative authority granted to the district by its several legislative enactments as herein provided, and any additional authority granted by this act and chapters 189 and 388, Florida Statutes, as the same may be amended from time to time. It is further the intent of this act to preserve all district authority, including the authority to annually assess and levy against the taxable property in the district a tax as provided by chapter 388, Florida Statutes.

Section 2. Chapters 24677 (1947), 57-1551, 63-1590, 67-1673, 69-1286, and 75-431, Laws of Florida, relating to the Manatee County Mosquito Control District, are codified, reenacted, amended, and repealed as provided herein.

Section 3. The Manatee County Mosquito Control District is re-created and reenacted to read:

Section 1. District formation ratified, restated, and approved.—The Manatee County Mosquito Control District as initially established pursuant to chapter 24677 (1947), Laws of Florida, and thereafter amended as provided by special acts of the Legislature, is ratified, confirmed, and approved.

Section 2. District boundaries.—The district's boundaries extend to and over all lands and waters lying within Manatee County, Florida, as follows:

Beginning on the south bank of Tampa Bay where the line between Townships 32 and 33 South strikes said bay; thence East on said township line to where same is intersected by the line dividing Ranges 22 and 23 East; thence South on said range line, known as the Washington line, to the southeast corner of Township 37 South, Range 22 East; thence West on the township line between Townships 37 and 38 South to the southwest corner of Township 37 South, Range 21 East; thence north on the range line between Ranges 20 and 21 East to the southeast corner of Township 35 South, Range 20 East; thence West on the township line between Townships 35 and 36 South to the Gulf of Mexico; thence

northward along the said gulf, including the waters of said gulf within the jurisdiction of the State of Florida, to a point midway between Egmont and Passage Keys; thence in a direct line to the place of beginning.

Section 3. Establishment.—The district, an independent special district, is established for all purposes set forth in this act and chapters 189 and 388, Florida Statutes, as the same may be amended from time to time. This charter may be amended only by special act of the Legislature.

Section 4. Governing board.—

(1) In accordance with sections 388.021(2) and 388.101, Florida Statutes, as the same may be amended from time to time, the business and affairs of the district shall be conducted and administered by a three-member board of commissioners elected pursuant to chapters 189 and 388, Florida Statutes, by the electors of the district in a nonpartisan election held at the time and in the manner prescribed for holding general elections in section 189.405(2)(a), Florida Statutes, as the same may be amended from time to time. Each member of the board shall be elected for a term of 4 years and shall serve until his or her successor assumes office.

(2) The office of each board member is designated as a seat on the board, distinguished from each of the other seats by a numeral: 1, 2, or 3. Each candidate must designate, at the time he or she qualifies, the seat on the board for which he or she is qualifying. The name of each candidate who qualifies shall be included on the ballot in a way that clearly indicates the seat for which he or she is a candidate. The candidate for each seat who receives the most votes shall be elected to the board.

(3) In accordance with section 189.4051, Florida Statutes, as the same may be amended from time to time, each member of the board shall be a registered elector, residing within the boundaries of the district at the time he or she qualifies and continually through his or her term.

(4) In accordance with section 388.101, Florida Statutes, as the same may be amended from time to time, each elected member shall assume office at the same time as do other county officers, on the first Tuesday after the first Monday in January following the member's election. Annually, at the first meeting after the newly elected members have taken office, the board shall organize by electing from its members a chair, a vice chair, and a secretary/treasurer.

(5) Two members of the board shall constitute a quorum. The affirmative vote of two members present and voting shall be necessary to transact business.

(6) Members of the board shall receive compensation as provided by section 388.141, Florida Statutes, as the same may be amended from time to time.

(7) If a vacancy occurs on the board due to any cause, the vacancy shall be filled in accordance with section 388.111, Florida Statutes, as the same

may be amended from time to time, by appointment by the Commissioner of Agriculture for the unexpired term, or as otherwise provided by general law.

(8) The procedures for conducting district elections or referenda and for qualification of electors shall be pursuant to chapters 189 and 388, Florida Statutes, as the same may be amended from time to time.

(9) The board shall have those administrative duties set forth in this act and chapters 189 and 388, Florida Statutes, as the same may be amended from time to time.

(10) The provisions of this act shall in no manner affect the present term of office of any of the three members of the board of commissioners.

Section 5. District powers.—In addition to any powers set forth in this act, the district shall likewise exercise such powers, functions, and duties as may be set forth in chapters 189 and 388, Florida Statutes, as the same may be amended from time to time, including, but not limited to, ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, and contractual agreements. The district may be financed by any method established in this act, chapter 189, Florida Statutes, or chapter 388, Florida Statutes, as the same may be amended from time to time, or any other applicable general or special law.

Section 6. Planning.—The district's planning requirements shall be as set forth in this act, chapters 189 and 388, Florida Statutes, as the same may be amended from time to time, and other applicable general or special laws.

Section 7. Disclosure and expenses.—Requirements for financial disclosure, meeting notices, public records maintenance, and per diem expenses for officers and employees shall be as set forth in chapters 112, 119, 189, 286, and 388, Florida Statutes, as the same may be amended from time to time.

Section 8. Bonds.—The procedures and requirements governing the issuance of bonds, notes, and other evidence of indebtedness by the district shall be as set forth in this act and chapter 189, Florida Statutes, as the same may be amended from time to time, and any other applicable general or special laws.

Section 4. This act shall be construed as remedial and shall be liberally construed to promote the purpose for which it is intended.

Section 5. In the event that any part of this act should be held void for any reason, such holding shall not affect any other part thereof.

Section 6. Chapters 24677 (1947), 57-1551, 63-1590, 67-1673, 69-1286, and 75-431, Laws of Florida, are repealed.

Section 7. This act shall take effect upon becoming a law.

Approved by the Governor April 16, 2002.

Filed in Office Secretary of State April 16, 2002.