

CHAPTER 2002-346

House Bill No. 937

An act relating to the Monroe County Mosquito Control District; changing its name to the "Florida Keys Mosquito Control District"; codifying, amending, reenacting, and repealing special acts relating to the Monroe County Mosquito Control District; creating and establishing a mosquito control district in Monroe County; fixing the boundaries of said district; dividing said district into areas and establishing boundaries of said areas for purposes of selecting members of the board of commissioners; providing for the present members of the board of commissioners to continue their present terms of office; providing qualifications for said members; providing for the method and time of elections; prescribing the powers of said board; establishing the duties of said board; establishing the organization of said board; setting the compensation of said board; providing for meetings of the board; providing books to be audited and for the keeping of such books as public records; providing for the adoption of a budget; granting said board the power of eminent domain; granting said board the power to tax; providing for the employment of a director and for the advertisement of certain contracts; providing for the penalty for damage to property; setting out the purpose for said district; providing for the duties of the director of the Monroe County health unit; setting out an alternate plan discretionary with the board of commissioners for relieving the board of commissioners of the duty; providing for the public distribution of mix; repealing all conflicting laws; granting to the district such powers as are provided for mosquito control districts under the laws of this state; providing for liberal construction; providing for severability; providing an effective date.

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

Section 1. Pursuant to chapter 97-255, Laws of Florida, this act constitutes the codification of all special acts relating to the Monroe County Mosquito Control District. It is the intent of the Legislature in enacting this law 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 and any additional authority granted by this act.

Section 2. Chapters 26042 (1949), 29295 (1953), 31009 (1955), 31013 (1955), 57-1591, 57-2067, 59-1584, 61-2508, 63-1639, 63-1640, 65-1913, 65-1915, 67-1726, 70-816, 74-537, 76-440, 83-469, 88-548, and 98-518, Laws of Florida, relating to the Monroe County Mosquito Control District, are codified, reenacted, amended, and repealed as herein provided.

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

Section 1. Establishing a mosquito control district; fixing boundaries.—There is hereby created and established a mosquito control district for Mon-

roe County, to be known as the "Florida Keys Mosquito Control District."
Said district shall encompass all the territory in Monroe County.

Section 2. Division of the Florida Keys Mosquito Control District into areas or districts.—For the purpose of selecting commissioners, the county commission districts of Monroe County as the same may now or hereafter be described shall also be commissioner districts of the Florida Keys Mosquito Control District.

Section 3. Board of commissioners; election; terms of office; qualification.—

(1) The Florida Keys Mosquito Control District shall be governed by a board of commissioners which shall consist of five members and there shall be one member from each of the five districts named and defined in section 2 of this act.

(2) The board of commissioners shall be composed of the present members duly elected under chapter 65-1915, Laws of Florida, who shall continue to serve their regular terms. Members of said board shall thereafter be elected for terms of 4 years each by a vote of the district at large at an election to be held on the date set for the general election of each year in which a general election is held.

(3) Members of the board shall be residents and registered electors of the area from which they are elected and represent. Candidates or incumbents of the office shall qualify in the primaries and general elections which primaries and general elections shall be conducted in accordance with the existing election laws of the state. The terms of the newly elected commissioners shall begin on the day of the first meeting in January following said election and shall extend for 4 years, or until his or her successor shall have been duly elected and qualified. Each member of the board shall, before assuming office, be required to make and execute to the Governor a good and sufficient surety bond in the amount of not less than \$2,000 conditioned on the faithful performance of the duties of his or her office and the bond shall be approved by and filed with the Clerk of the Circuit Court of Monroe County, the expense of said bond to be borne by the Florida Keys Mosquito Control District. If any person so elected or appointed fails to make and file a surety bond within 60 days after his or her election or appointment, his or her office shall become vacant and such vacancy shall be filled by the Governor for the unexpired term. Vacancies created by the resignation, death, or removal from said board of commissioners shall also be filled by appointment by the Governor.

Section 4. Election; ballots.—The Board of County Commissioners of Monroe County shall make the necessary arrangements for setting up the elections of the Board of Commissioners of the Florida Keys Mosquito Control District and shall supply the necessary ballots and do all other things necessary for said elections.

Section 5. Powers of the board of commissioners.—The board of commissioners shall have all the powers of a body corporate, including the power to sue and be sued as a corporation in said name in any court; to contract;

to adopt and use a common seal and alter the same at pleasure; to purchase, hold, lease, and convey such real estate and personal property as a majority of the board may deem proper to carry out the purposes of this act; to prescribe rules and regulations for the marking of such property; to employ a director and such experts, agents, and employees as the board may require; to participate with employees in a group hospitalization insurance plan providing the entire cost of such a plan; to contract and cooperate with county, state, and other governmental agencies in regard to mosquito control or suppression; to borrow money in an amount not to exceed \$150,000 for a period of time not to exceed 2 years; and to issue negotiable promissory notes and bonds or such necessary instruments to secure said loan to enable it to carry out the provisions of this act.

Section 6. Duties of the board.—The Board of Commissioners of the Florida Keys Mosquito Control District shall perform all duties necessary for the control and elimination of mosquitoes and other arthropods of public health importance in the county, and the board is authorized to provide for the construction of canals, ditches, drains, dikes, fills, and other necessary works, and to install and maintain pumps, excavators, and other machinery and equipment, and may also employ oils and chemicals and all other means and methods, and do any and all things that may be necessary to eliminate and control mosquitoes and other arthropods in Monroe County at the discretion of the board.

Section 7. Organization of the board.—As soon as is practicable after the commissioners have been appointed or elected and have qualified, they shall meet and organize by electing one of their members as chair, one of their members as vice chair, and one of their members as secretary-treasurer. In all meetings three members shall constitute a quorum in order to transact business.

Section 8. Salary and expenses of the board.—The board of commissioners shall have authority to establish the amount of compensation by way of salaries that shall be paid to the individual commissioners of the Florida Keys Mosquito Control District. The commissioners who are selected to serve as chair and secretary-treasurer, respectively, of the Florida Keys Mosquito Control District shall be paid compensation in addition to their regular salary as compensation for their services as chair and secretary-treasurer, respectively, of the board, which additional compensation shall be set by the board. All commissioners may be reimbursed from time to time for any moneys expended by them personally in official travel for the district at the rate authorized under the provisions of section 112.061(7)(d), Florida Statutes, insofar as those provisions relate to the allowable amount of payment per mile of travel. All commissioners shall be paid \$20 for attendance for each day of each regular or special commission meeting. Authority for payment of mileage and for attendance at each meeting or official travel shall be by a majority approval of the board of commissioners and duly recorded in the minutes of proceedings of the board. However, total payment to each commissioner for any meeting shall not exceed the mileage figure authorized under the provisions of section 112.061(7)(d), Florida Statutes, and \$20 for each meeting per day. Official travel in addition to attendance at board meetings is defined as such necessary travel as the board may

authorize in connection with meetings of scientists, associations, or groups engaged in mosquito control work, inspection of district activities and projects, and other travel necessary in the conduct of district business. Provided further, that total payments for such official travel made by members of the board in addition to travel for attendance at board meetings shall not exceed 2 percent of the total budget derived from local moneys for any 1 year.

Section 9. Meetings of the board.—The board of commissioners of the district shall hold monthly meetings which shall be open to the public. Special meetings may be called upon the request of any three commissioners but shall not be held within less than 24 hours after notice to each of the commissioners unless a written waiver is obtained from the commissioners who cannot attend such special meetings.

Section 10. Audit, books, and records to be public record.—The books and accounts of said Florida Keys Mosquito Control District shall be audited annually or by the same officers and in like manner as books of other county officers are audited. All books and records of the district created by chapter 26042, Laws of Florida, shall become a part of the records of the district created by this act.

Section 11. District budgets and hearings.—

(1) The fiscal year of the Florida Keys Mosquito Control District shall be the 12-month period extending from October 1 each year through September 30 of the following year. At the discretion of the board, the governing body of the district shall, before June 30, complete the preparation of a detailed work plan budget covering its proposed operations and requirements for arthropod measures during the ensuing fiscal year, and for the purposes of determining eligibility for state aid, shall submit copies by July 1 to the State Board of Health for review and approval. The detailed work plan budget shall set forth, classified by account number, title, and program items, and by the fund from which to be paid, the proposed expenditures of the district for construction, for acquisition of land and other purposes, for the operation and maintenance of the district's works, and for the conduct of the district generally, to which may be added an amount to be held as a reserve.

(2) The detailed work plan budget shall also show the estimated amount which will appear at the beginning of the fiscal year as obligated upon commitments made but incomplete. There shall be shown the estimated unobligated or net balance which will be on hand at the beginning of the fiscal year, and the estimated amount to be raised by district taxes and from any and all other sources for meeting the district's requirements.

(3) On the date to be fixed by the board of commissioners, said board shall publish a notice of its intent to adopt the budget or as the same may be amended for the district for the ensuing fiscal year. The notice shall set forth the total amount of funds budgeted under each title classification of the budget, subtotals by fund under each title classification, and grand totals. The notice shall advise all owners of property subject to the district taxes that on a date, time, and place specified in the notice, opportunity will be afforded to such owners, and their attorney or agent, to appear before the

board, examine the work plan and detailed work plan budget if desired, and to show their objections to adoption of the proposed budget. The notice shall be published for 2 consecutive weeks, at not less than 7-day intervals, in a newspaper of general circulation published in Monroe County. The last insertion shall appear not less than 1 nor more than 2 weeks prior to the date set by the board for the hearing on the budget.

(4) The hearing shall be by and before the board of commissioners of the district on a date to be fixed by said board not earlier than 1 week and not later than 2 weeks after the date of the last publication of notice of intent to adopt the budget, and may be continued from day to day until terminated by the board. Promptly thereafter, the board of commissioners shall give consideration to objections filed against adoption of the budget and in its discretion, may amend, modify, or change the tentative detailed work plan budget, and shall, by the following September 15, adopt and execute on a form furnished by the state board a certified budget for the district, which shall be the operating and fiscal guide for the district. Certified copies of this budget shall be submitted by September 15 to the state board for approval.

Section 12. Eminent domain.—The board of commissioners may hold, control, and acquire by gift or purchase for the use of the district any real or personal property, and may condemn any land or easements needed for the purposes of said district. Said board may exercise the right of eminent domain and institute and maintain condemnation proceedings as provided in chapter 73, Florida Statutes.

Section 13. Tax levy.—The board of commissioners of the mosquito control district may levy upon all of the taxable property in said district a tax not exceeding 1½ mills on the dollar during each year solely for the purposes authorized and prescribed by this act. Said levy shall be made each year not later than July 1 by resolution of the board or a majority thereof, duly entered upon its minutes. Certified copies of such resolution executed in the name of the board by the chair and secretary-treasurer and under its corporate seal shall be made and delivered to the Board of County Commissioners of Monroe County and to the Comptroller, not later than July 15 of such year. The board of county commissioners shall order the assessor of the county to assess and the collector of the county to collect the amount of taxes so assessed and levied by the board of commissioners of said mosquito control district upon all of the taxable property in the district at the rate of taxation adopted by the board for the year and included in the resolution, and the levy shall be included in the warrants of the tax assessor and attached to the assessment roll of taxes for the county each year. The tax collector shall collect such taxes so levied by the board in the same manner as other taxes are collected and shall pay the same within the time and in the manner prescribed by law to the secretary-treasurer of the board. The Comptroller shall assess and levy on all the railroad lines and railroad property and telegraph and telephone lines and telegraph and telephone property situated in the county in the amount of each such levy as in the case of other state and county taxes, and collect the taxes thereon in the same manner as he or she is required by law to assess and collect taxes for state and county purposes, and remit the same to the secretary-treasurer of the

board. All such taxes shall be held by the secretary-treasurer for the credit of the board and paid out as ordered by the board.

Section 14. Director; advertisement of contracts.—All work done under the provisions of this act, both in construction and maintenance, shall be carried on under the supervision of a competent entomologist, or person qualified under the provisions of chapter 388, Florida Statutes, to be employed by the board. The board may contract and purchase property or equipment without formal bids in any amount not to exceed \$4,000. All contracts or purchases in excess of \$4,000 shall be by competitive, sealed bids, after advertisement, pursuant to rules and regulations established by the board.

Section 15. Penalty for damage to property.—Whoever shall willfully damage any property of the mosquito control district created under this act or any works constructed, maintained, or controlled by the mosquito control district or who shall obstruct or cause to be obstructed any of the operations of the district shall upon conviction thereof be punished as provided by the laws of the state.

Section 16. Purpose.—The abatement and control of mosquitoes and other arthropods within Monroe County is advisable and necessary for the maintenance and improvement of the health, comfort, welfare, and prosperity of the people thereof, and is found and declared to be for public health and other public purposes.

Section 17. Director, duties of Monroe County health unit.—The Monroe County health unit, also referred to and known as the "Monroe County Health Department," established by the board of county commissioners is charged with the responsibility of abating or suppressing mosquitoes in Monroe County. The director of said health unit or health department shall cause to be done any and all work and all things necessary for the control and elimination of mosquitoes in the county wherever such work is necessary and he or she is empowered to use such means, physical or chemical, as may be necessary to accomplish the objects of this act. All employees engaged in such work shall be considered employees of the Florida Keys Mosquito Control District, and regardless of the fact that the determination as to who is to be employed and the wages or salaries to be paid is made by the Board of Commissioners of the Florida Keys Mosquito Control District, and the records are kept by said board.

Section 18. Alternate plan.—The purpose of the foregoing section 17 is to coordinate certain activities between the Monroe County health unit or health department and the Florida Keys Mosquito Control District in an effort to best serve the interest and welfare of the Florida Keys Mosquito Control District and the property owners and residents thereof. If the Board of Commissioners of the Florida Keys Mosquito Control District should make a study or, by reason of the experience in handling the affairs of said district, determine that it is not in the best interest of the Florida Keys Mosquito Control District and the property owners and residents thereof to continue in the Monroe County health unit or health department the responsibilities, powers, duties, and authority and that the continuation of the

responsibilities, powers, duties, and authority in such unit or department is not advantageous to the Florida Keys Mosquito Control District, it is declared to be the legislative intent that the Board of Commissioners of the Florida Keys Mosquito Control District may pass a resolution as determining and finding and, upon the passage of such resolution, any and all such powers, duties, responsibilities, and authority given to the Monroe County health unit or health department shall immediately vest in the Florida Keys Mosquito Control District and the employees shall become the employees of the Florida Keys Mosquito Control District and the provisions of section 17 shall, insofar as they or any of them relate to Monroe County health unit or health department, be of no further force and effect.

Section 19. Public distribution of mix.—The board of commissioners of the mosquito control district shall have the authority to set up and maintain a properly controlled public mix program providing for the alleviation of mosquito and other arthropod infestations throughout the district. Any program established pursuant to this section shall provide the following restrictions:

- (1) The mix shall be provided to persons for residential use only.
- (2) No person may obtain more than 1 gallon of mix at any one time nor may any person obtain more than 2 gallons of mix during any month.
- (3) Any person seeking to obtain mix shall provide the container therefor.

The board may establish a fee schedule or provide mix to the public free of charge. The board shall maintain records of all distribution or sales of mix under its program.

Section 4. Chapters 26042 (1949), 29295 (1953), 31009 (1955), 31013 (1955), 57-1591, 57-2067, 59-1584, 61-2508, 63-1639, 63-1640, 65-1913, 65-1915, 67-1726, 70-816, 74-537, 76-440, 83-469, 88-548, and 98-518, Laws of Florida, are repealed.

Section 5. The district created by this act and the board of commissioners shall have the right to use any and all privileges or powers which are granted to mosquito control districts under the general laws of this state.

Section 6. This act shall be construed liberally.

Section 7. It is declared to be the legislative intent that if any section, subsection, sentence, clause, or provision or part thereof of this act is held invalid, unenforceable, or unconstitutional, it shall not affect the remainder of the act and the remainder of the act shall remain in force and effect as if the invalid portions of the act had not been enacted.

Section 8. This act shall take effect upon becoming a law.

Approved by the Governor May 13, 2002.

Filed in Office Secretary of State May 13, 2002.