

CHAPTER 2011-243

Committee Substitute for House Bill No. 555

An act relating to Indian River Mosquito Control District, Indian River County; amending chapter 2006-344, Laws of Florida; revising the powers of the board of commissioners relating to the employment of certain persons; specifying the provisions of law governing the election of commissioners and removing obsolete provisions for the staggering of initial terms; requiring the district to pay for the surety bonds required of commissioners before they assume office; requiring commissioners to elect a secretary/treasurer for the board; revising per diem and travel expense provisions for commissioners and employees; revising powers of the board relating to the control of mosquitoes and sandflies and deleting the power of the board to eliminate all species of mosquitoes and sandflies in the district; revising provisions relating to the board's purchasing, borrowing, and insurance requirements; providing an effective date.

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

Section 1. Sections 2, 3, 4, 5, 7, 9, 10, and 11 of section 3 of chapter 2006-344, Laws of Florida, are amended to read:

Section 2. The governing body of said Indian River Mosquito Control District shall be known and designated as the "Board of Commissioners of Indian River Mosquito Control District." Said governing body shall be composed of three members and 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 said board may deem proper to carry out the purposes of this act; to employ ~~appoint~~ a director ~~chief engineer, a consulting engineer, and an attorney~~ for said board and such other experts, consultants, agents, and employees as said board may require; to borrow money and to issue negotiable promissory notes or bonds therefor; and to enable it to carry out the provisions of this act. The commissioners shall be elected in a nonpartisan election for 4-year terms pursuant to section 189.405, Florida Statutes, and consistent with the Florida Election Code ~~so that one commissioner is elected at one general election by the highest number of votes cast and two commissioners are elected by the first and second highest number of votes cast at the next ensuing general election.~~

Section 3. Each commissioner under this act, before he or she assumes office, shall be required to give to Indian River Mosquito Control District a good and sufficient surety bond in the sum of \$5,000, conditioned for the faithful performance of the duties of his or her office, said bond to be approved by and filed with the Clerk of the Circuit Court of Indian River County and the expense of said bond to be borne by the Indian River Mosquito Control District. Said bond shall also be recorded in the minutes of said Board of

Commissioners of said Indian River Mosquito Control District. The failure of any person so elected as commissioner of Indian River Mosquito Control District within 30 days after his or her election to give bond shall create a vacancy as to such commissioner, and such vacancy shall be filled by the Governor appointing a person duly qualified to hold such office, which manner of filling such office shall obtain in the case of resignation, death, or removal from said district of any commissioner during his or her term of office. No person shall be qualified to hold office as a commissioner under this act unless such person shall be a duly qualified elector of said district.

Section 4. As soon as practicable after each general election, the commissioners of Indian River Mosquito Control District, after their qualification as such, shall meet and organize by the election, from among their number, of a chair, a vice chair, and a secretary/treasurer secretary. Two members of the board shall constitute a quorum. The vote of two members shall be necessary to transact business. The chair and vice chair shall vote at all meetings of the board.

Section 5. The commissioners and employees under this act shall be paid ~~for each day's service and for each mile actually traveled in going to and from the office of the Board of Commissioners of Indian River Mosquito Control District~~ according to per diem compensation expense and mileage rates established from time to time for officials and employees of the state pursuant to section 112.061, Florida Statutes. The per diem herein provided for shall apply to services rendered for inspection of work performed for the district or other services under this act. Additionally, commissioners shall be compensated for regular duties, as provided by general law or special act, at the rate of \$400 per month or such greater amount as may be permitted by general law or special act.

Section 7. Said board is hereby authorized and empowered to do any and all things necessary for the control ~~and complete elimination of all species of~~ mosquitoes and sandflies and diseases transmitted by the same in said district and, for this purpose, is hereby authorized and empowered to construct and thereafter to maintain canals, ditches, drains, and dikes; to fill in all depressions, lakes, and ponds or marshes that are the breeding places of mosquitoes and sandflies, insofar as said work does not interfere with the water supply of any city or community; and to employ engineers, scientists, helpers, and all other contractors ~~servants~~, agents, and employees as may be necessary for the purpose of controlling and ~~eliminating all species of~~ mosquitoes and sandflies in said district. Said board is hereby authorized and empowered to spray or otherwise disburse, or cause to be sprayed or otherwise disbursed, chemicals, substances, and materials of every nature upon and over the area of said district as shall be deemed necessary or desirable for the purpose of controlling ~~and eliminating all species of~~ mosquitoes and sandflies in said district and, for such purposes, may contract for and purchase such chemicals, substances, and materials and may contract for the spraying or disbursing thereof over the area of said district or may employ such agents, entities ~~servants~~, and employees for such purpose as the commissioners of said district may deem necessary or

advisable; to do any and all things that may be necessary from the standpoint of public health and comfort to control ~~or eliminate~~ mosquitoes and sandflies or their larvae in said district; and to promulgate such rules and regulations not inconsistent with the provisions of this act and with any of the laws of said state which, in their judgment, may be necessary for the proper carrying into effect and enforcement of this act.

Section 9. Said board is hereby authorized and empowered to purchase goods, supplies, equipment, or material for the use of said district without the necessity of advertising any notice or calling for bids regarding said purchase when the amount to be paid therefor by said district does not exceed category two of the purchasing category thresholds pursuant to chapter 287, Florida Statutes ~~\$10,000 or when the goods, supplies, or materials to be purchased are obtainable from only one source or supplier.~~

Section 10. Said board is hereby authorized and empowered to levy upon all the real and personal taxable property in said district a special tax not exceeding 10 mills on the dollar for the year 1947 and for each and every year thereafter, to be used solely in carrying out the purposes of this act. Said levy shall be made not later than the 15th of July of each year by resolution of said board, or a majority thereof, duly entered at large upon its minutes. A certified copy of such resolution executed in the name of said board by its chair and secretary/treasurer ~~secretary~~ and under its corporate seals shall be delivered or transmitted to the Board of County Commissioners of Indian River County, and a copy shall be transmitted by mail to the Chief Financial Officer not later than August 1 of each year. It shall be the duty of the Board of County Commissioners of Indian River County to order the property appraiser of said county to assess and the collector of said county to collect the amount of said tax so assessed by the Board of Commissioners of said district upon all the taxable property, real or personal, in said district at the rate of taxation adopted by said board for said year, but not exceeding 10 mills on the dollar and as specified in said resolution, and said levy shall be included in the warrant to the tax collector and the property appraiser which is attached to the assessment roll of taxes for said county each year. The property appraiser shall make such assessment and the tax collector shall collect such taxes so levied in the manner as other taxes are assessed and collected and shall pay the same when collected, within the time and in the manner prescribed by law for the payment of other taxes, to the secretary/treasurer ~~secretary~~ of said Board of Commissioners. It shall be the duty of said Chief Financial Officer to assess and levy on all the railroad lines and railroad property, telegraph lines and telegraph property, and telephone lines and telephone property the amount of every such levy herewith provided in this section, and as in the case of other state and county taxes, and said taxes so levied by the Chief Financial Officer shall be collected as provided for other similar taxes, and the proceeds thereof shall be remitted to the secretary/treasurer ~~secretary~~ of said board in the same manner as such remittances are made in the collection of other taxes. If any such taxes so assessed are not paid, the said property shall be sold by said tax collector and certificates issued and tax deeds issued in the same manner and

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

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

Approved by the Governor June 2, 2011.

Filed in Office Secretary of State June 2, 2011.