

House Bill No. 1153

An act relating to Pasco County Mosquito Control District, Pasco County; ratifying and confirming the creation of Pasco County Mosquito Control District pursuant to chapter 390, Florida Statutes (1951), as an independent mosquito control district; providing for a special act charter for the district pursuant to section 189.429, Florida Statutes; providing legislative intent; providing for applicability of chapters 388 and 189, Florida Statutes, and other general laws; providing for district boundaries; providing for officers, powers, rules, and a district budget; providing for liability and group insurance; providing construction; providing for severability; repealing chapter 71-839, Laws of Florida, relating to salary of board members; providing an effective date.

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

Section 1. Creation and intent.—Upon this act becoming law, the creation of Pasco County Mosquito Control District, formerly West Pasco County Mosquito Control District, as an independent special district pursuant to chapter 390, Florida Statutes (1951), shall be ratified and confirmed. It is 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, and all other general law 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. The charter for Pasco County Mosquito Control District is recreated 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 Pasco County Mosquito Control District:

(1) The district is organized and exists for all purposes set forth in this act and chapter 388, Florida Statutes.

(2) 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.

(3) The district was created by the petition process formerly provided for in chapter 390, Florida Statutes (1951), and now continued in chapter 388, Florida Statutes.

(4) The district's charter may be amended only by special act of the Legislature, unless otherwise provided by chapter 189 or chapter 388, Florida Statutes.

(5) In accordance with section 388.101(1), Florida Statutes, the district is governed by a three-member board. By resolution dated March 8, 1993, the board elected to stagger the members' terms of office pursuant to section 388.101(3), Florida Statutes. Therefore, upon this act becoming law, one board member shall be elected in the 2006 general election and two board members in the 2008 general election. Thereafter, each election shall be for a term of 4 years. The membership and organization of the board shall be as set forth in this act and chapter 388, Florida Statutes.

(6) Board members may be paid a salary in accordance with this act and chapter 388, Florida Statutes. Pursuant to section 112.08, Florida Statutes, board members may receive benefits, such as medical insurance or accidental death and dismemberment insurance, in addition to the maximum salary allowed under general law. Each additional benefit shall be granted by unanimous resolution of the district with all members present.

(7) The administrative duties of the board of commissioners shall be as set forth in this act and chapter 388, Florida Statutes.

(8) 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.

(9) 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.

(10) 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.

(11) The district may be financed by any method established in this act, chapter 189 or chapter 388, Florida Statutes, or any applicable general laws.

(12) Pursuant to section 388.221, Florida Statutes, 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.

(13) 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.

(14) The district's planning requirements shall be as set forth in chapters 189 and 388, Florida Statutes.

(15) The district's geographic boundary limitations shall be coterminous with the boundaries of Pasco County as defined in section 7.51, Florida Statutes, and may be amended pursuant to section 388.211, Florida Statutes.

Section 2. Officers; board compensation; bond; vacancies; meetings; director.—

(1) In accordance with section 388.121, Florida Statutes, the elected members of the board shall meet as soon as practicable after their election and shall organize by electing from among their number a chair, a secretary, and a treasurer. Two members of the board shall constitute a quorum. The vote of two members shall be necessary to transact business.

(2) The commissioners shall receive reimbursement for actual expenses incurred while performing the duties of their offices in accordance with general law governing per diem for public officials.

(3) Pursuant to section 388.131, Florida Statutes, each commissioner may be required by the Department of Agriculture and Consumer Services to give a bond before he or she assumes office. The bond shall be conditioned upon the faithful performance of the duties of the commissioner's office.

(4) In accordance with section 388.111, Florida Statutes, a vacancy on the board shall be filled by appointment by the Commissioner of Agriculture for the unexpired term.

(5) Pursuant to section 388.151, Florida Statutes, the board shall hold, in the county courthouse or in the district offices, regular monthly meetings and special meetings as needed. The time and place of such regular meetings shall be on file in the office of the board.

(6) The district shall be administered by a qualified person who shall meet any minimum qualifications established by the Department of Agriculture and Consumer Services for such a position in accordance with section 388.162, Florida Statutes.

Section 3. Powers.—

(1) The board shall have all powers and duties set forth in this act and chapter 388, Florida Statutes. Such powers and duties include any and all things necessary for the control and elimination of all species of mosquitoes and other arthropods of public health importance, as well as all powers of a body corporate.

(2) The board may have any and all work performed by machinery, equipment, and labor employed directly by the board pursuant to sections 388.171 and 255.20, Florida Statutes.

(3) In accordance with section 388.191, Florida Statutes, the board 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. The board may exercise the right of eminent domain and institute and maintain condemnation proceedings as provided in chapter 73, Florida Statutes.

Section 4. Rules.—Pursuant to section 388.161(2), Florida Statutes, the board shall adopt rules not inconsistent with this act or chapter 388, Florida

Statutes, which in its judgment may be necessary for the proper enforcement of chapter 388, Florida Statutes, provided such rules are approved by the Department of Agriculture and Consumer Services.

Section 5. District budget.—For the purposes of carrying out this act, the board shall annually prepare, consider, and adopt a district budget pursuant to the applicable requirements of chapters 189 and 388, Florida Statutes.

Section 6. Liability insurance.—In addition to all other powers granted it by law, the Pasco County 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 choose to exercise such right.

Section 7. Group insurance.—

(1) Pasco County 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 to enter into agreement with insurance companies to provide such insurance. The Pasco County 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 Pasco County Mosquito Control District.

(3) Upon the request in writing of any employee, the public officials of the Pasco County 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 3. 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 4. 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 5. Chapter 71-839, Laws of Florida, is repealed.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor May 26, 2005.

Filed in Office Secretary of State May 26, 2005.