

House Bill No. 1105

An act relating to the Anastasia Mosquito Control District, St. Johns County; codifying the District's charter; eliminating obsolete provisions pertaining to the appointment and election of the initial board of commissioners; providing for formation of District; providing District boundaries; eliminating the requirement that members of the board be freeholders; eliminating the requirement for petitions by candidates for the office of commissioner; providing that the terms of office of the commissioners shall be staggered; amending the voting requirements for the board of commissioners; providing for the election of commissioners and operation of the district in accordance with chapter 388, Florida Statutes (1997), as the same may be amended from time to time; amending the provisions on expense reimbursement for commissioners; requiring an election for a change in boundaries of the district; repealing chapter 61-2745, Laws of Florida, chapter 73-609, Laws of Florida, chapter 73-611, Laws of Florida, and chapter 80-597, Laws of Florida; providing an effective date.

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

Section 1. Pursuant to chapter 98-320, Laws of Florida, this act constitutes the codification of all special acts relating to the Anastasia Mosquito Control District of St. Johns County. 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. 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. The Anastasia Mosquito Control District of St. Johns County is declared to be an independent special district.

Section 2. Chapter 61-2745, Laws of Florida, as amended, relating to the Anastasia Mosquito Control District of St. Johns County, is codified, reenacted, amended, and repealed as herein provided.

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

Section 1. District Formation ratified, restated, and approved.—The Anastasia Mosquito Control District established pursuant to chapter 390 (1941), approved by referendum on December 7, 1948, and ordered by the Board of County Commissioners of St. Johns County at a meeting of said Board held December 13, 1948, as the same appears of record in County Commissioners Minute Book "L", at pages 226 and 227, public records of St. Johns County, Florida, are ratified, confirmed, and approved.

Section 2. District Boundaries.—Beginning at a point on the shores of the Atlantic Ocean on the boundary line between St. Johns County and Duval

County, at a point where the section line between ten and fifteen, in township three south of range twenty-nine east, intersects the said shores of the Atlantic Ocean; thence west along the St. Johns County boundary on the said section line to a point where said section line would intersect the range line between ranges twenty-eight and twenty-nine east; thence south on said range line to a point where said range line intersects the township line between townships four and five south; thence west on the township line between townships four and five south, in range twenty-eight east, to a point where said township line intersects the range line between ranges twenty-seven and twenty-eight east; thence north on said range line to where the same intersects Durbin Creek; thence along the south bank of Durbin Creek to Julington Creek; thence along the thread of Julington Creek to the mouth thereof; thence due west to the west margin of the main channel of the St. Johns River and the boundary line of St. Johns County; thence southwardly along the west margin of the main channel of said river and the boundary of St. Johns County to a point due west of the mouth of Toco Creek; thence leaving the St. Johns County boundary line go due east to the mouth of Toco Creek; thence easterly and northeasterly along Toco Creek following the center of said creek to the centerline of the powerlines which run north/south and are 8,000 feet west of County Road 13A; thence northerly along the centerline of the powerlines to the northerly line of Census Block 150; thence easterly along said line to County Road 13A; thence southerly along county Road 13A to Sawdust Road; thence easterly along Sawdust Road to Poa Boy road; thence southerly along Poa Boy Road to County Road 214; thence easterly along County Road 214 to the west boundary lines of sections twenty-nine and thirty-two, in township seven south, range twenty-nine east; thence south along the west boundary lines of said sections twenty-nine and thirty-two and the west boundary lines of sections five, eight, seventeen, and twenty, in township eight south, range twenty-nine east, to the south boundary line of said section twenty; thence east along the south boundary lines of sections twenty, twenty-one, and twenty-two, in township eight south, range twenty-nine east, to I-95; thence southerly along I-95 to the boundary line between St. Johns County and Flagler County; thence easterly along the St. Johns County boundary line to the shores of the Atlantic Ocean; thence northwardly along the shores of the Atlantic Ocean to the point of beginning.

Section 3. Governing board.—The board of commissioners of the Anastasia Mosquito Control District of St. Johns County shall consist of five (5) members, each of whom shall be a registered elector, residing within the boundaries of the district.

Section 4. Election of commissioners.—The provisions of this act shall in no manner affect the present term of office of any of the five (5) members of the board of commissioners of the Anastasia Mosquito Control District of St. Johns County. The terms of the office of the members of the board of commissioners shall be staggered. Three persons shall be elected to serve 4 years in the general election in 2000. Two persons shall be elected to serve 4 years in the general election in 2002. Thereafter, each commissioner shall be elected to a 4-year term of office. The election of commissioners shall be in accordance with chapter 388, Florida Statutes, as the same may be amended from time to time.

Section 5. Voting requirements.—Three members of the board shall constitute a quorum. The affirmative vote of a majority of those members present and voting shall be necessary to transact business.

Section 6. District powers.—The provisions of chapter 388, Florida Statutes (1997), entitled “Mosquito Control,” as the same may be amended from time to time, shall govern the functions of the Anastasia Mosquito Control District of St. Johns County, except where the same is inconsistent with the provisions of this act.

Section 7. Expenses.—The members of the board of commissioners of the Anastasia Mosquito Control District of St. Johns County shall be paid for expenses for travel, meetings, and for other expenses in connection with their duties within the district the lump sum of \$100 per month. However, during any one year, said total expense paid shall not exceed \$1,200.

Section 8. Limitations on expenses.—Payments made pursuant to this act shall be deemed reimbursement for expenses and shall not be construed as salary. Said lump sum monthly reimbursement shall not be paid in any month that compensation is received pursuant to s. 388.141, Florida Statutes.

Section 9. Change of district boundaries.—The board of commissioners of the Anastasia Mosquito Control District of St. Johns County may, for and on behalf of the district or the qualified electors within or without the district, file a petition with the Board of County Commissioners of St. Johns County requesting it to call an election to determine whether or not the boundaries of the district shall be extended to include lands described in the petition. When such a petition is filed, the board of county commissioners shall call an election to be held at the next general election of the qualified electors residing in the district, and the qualified electors residing in the territory proposed to be added to the district, to determine by the majority of votes cast in the district, and by the majority of the votes cast in the territory proposed to be added to the district, whether said territory will be added to the district. Notice of the election shall be given in accordance with s. 100.342, Florida Statutes, as the same may be amended from time to time. If either a majority of the votes cast in the district or a majority of the votes cast in the area proposed to be added to the district are not in favor of adding the territory, then the area shall not be added to the district. If the results of an election favor a change in boundary, the board of county commissioners shall amend its order creating the district to include the change in boundary. The same procedure shall be followed for the removal of any territory from the district. The expenses of holding any election shall be paid by the Anastasia Mosquito Control District of St. Johns County.

Section 4. Chapter 61-2745, Laws of Florida, Chapter 73-609, Laws of Florida, Chapter 73-611, Laws of Florida, and Chapter 80-597, Laws of Florida, are hereby repealed 10 days after the effective date of this act; provided the authority to levy and assess an ad valorem tax as provided by chapter 388, Florida Statutes, as the same may be amended from time to time, shall not be repealed.

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor June 4, 1999.

Filed in Office Secretary of State June 4, 1999.