

ORDINANCE NO.: 2011 - 11

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES TO PROVIDE FINANCING FOR INTEGRATED ARTHROPOD CONTROL SERVICES; SETTING FORTH FINDINGS OF FACT AND PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE CREATION OF THE HERNANDO COUNTY MOSQUITO CONTROL MUNICIPAL SERVICE TAXING UNIT; ESTABLISHING CONDITIONS FOR THE PROVISION OF SERVICES OUTSIDE THE TAXING UNIT'S JURISDICTIONAL TERRITORY; PROVIDING FOR THE ADMINISTRATION OF THE TAXING UNIT; SETTING FORTH THE POWERS AND DUTIES OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR APPLICATION OF ORDINANCE IN MUNICIPALITIES UPON THEIR CONSENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

2011 JUN 27 AM 11:38
FILED
DORIS J. HARRIS
TALAMON, CLERK
HERNANDO COUNTY
FLORIDA

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY:

Section 1. Findings of fact and purpose.

Pursuant to Fla. Stat. § 388.0101, it is declared to be the public policy of the Board of County Commissioners of Hernando County, Florida, to achieve and maintain such levels of arthropod control as will protect human health and safety and foster the quality of life of the people, promote

the economic development of Hernando County, and facilitate the enjoyment of its natural attractions by reducing the number of pestiferous and disease-carrying arthropods. It is further declared to be the policy of the Board of County Commissioners of Hernando County, Florida, to conduct arthropod control in a manner consistent with protection of the environmental and ecological integrity of all lands and waters throughout Hernando County.

Section 2. Definitions.

As used in this Ordinance:

(a) “Arthropod” means those insects of public health or nuisance importance, including all mosquitoes, midges, sand flies, dog flies, yellow flies, and house flies.

(b) “County” means Hernando County, Florida.

(c) “Integrated arthropod control” means the implementation of arthropod control measures, including, but not limited to, the use of pesticides and biological control agents and source reduction, to control arthropods without an unreasonable adverse effect on the environment. Pursuant to Fla. Stat. § 388.021(2), the provision of integrated arthropod control services constitutes a “municipal service.”

(d) “Mosquito Control” means integrated arthropod control measures.

(e) “MSTU” means the “Hernando County Mosquito Control Municipal Service Taxing Unit.”

(f) “Nuisance” means a condition in which pestiferous arthropods occur in such numbers as to be annoying, obnoxious, or inimical to human comfort.

(g) “Source reduction” means the physical land or water management of arthropod breeding areas to reduce the area's suitability for arthropod breeding.

Section 3. Creation of Unit; Hernando County Mosquito Control Municipal Service Taxing Unit; Service Outside Jurisdictional Territory.

(a) Pursuant to Fla. Stat. §§ 125.01(q) and 388.021(2), there is hereby created a municipal service taxing unit to be known as the “Hernando County Mosquito Control Municipal Service Taxing Unit.”

(b) The geographic boundaries of the MSTU shall include all of the unincorporated lands that are situated within the boundaries of Hernando County, Florida.

(c) The MSTU shall exist solely to finance the provision of integrated arthropod control services by the County. Except as provided for herein, the MSTU shall have no independent existence apart from that of the County.

(d) The MSTU shall also be empowered to provide integrated arthropod control services outside its jurisdictional territory upon authorization of the Board of County Commissioners, provided that those services are funded by sources other than properties contained within the jurisdictional boundaries of the MSTU. Under no circumstances shall properties within the MSTU be assessed to finance integrated arthropod control services provided to areas outside its territory.

Section 4. Administration.

(a) The governing body of the MSTU shall be the Board of County Commissioners of the County.

(b) The MSTU shall be administered in accordance with the policies and procedures adopted by the Board of County Commissioners for the administration of all County departments, divisions and operations.

(c) The County Administrator shall be responsible for the day-to-day administration of the MSTU and shall be responsible for the implementation of this Ordinance.

(d) The MSTU is specifically made subject to all applicable federal, state, and county laws.

Section 5. Powers and Duties of the Board of County Commissioners.

(a) The Board of County Commissioners shall have the authority to fund integrated arthropod control services within the MSTU through a levy of such amounts of ad valorem tax not exceeding one-tenth of one mil (.1).

(b) The Board of County Commissioners shall annually adopt a budget for the MSTU pursuant to chapter 129 and chapter 200, Florida Statutes.

(c) The Board of County Commissioners is empowered to set up reserves in the MSTU's budget in excess of the MSTU's estimated expenditures for the ensuing fiscal year, for the purpose of creating reasonable reserves for the purchase of equipment and making other necessary capital expenditures.

Section 6. Consent of Municipalities.

The provisions of this ordinance creating a MSTU shall not be effective within any municipality in Hernando County unless and until such municipality consents by ordinance in

accordance with the provisions of Section 125.01(1)(q), Florida Statutes, as it may be amended from time to time, to the imposition of the MSTU within the municipality.

Section 7. Severability.

It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

Section 8. Inclusion in the Code.

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the section of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section, "article", or other appropriate designation.

Section 9. Effective Date.

This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

BE IT ORDAINED AND ADOPTED BY THE BOARD OF COUNTY
COMMISSIONERS OF HERNANDO COUNTY in Regular Session this 14th day of
June, 2011.



Attest: Karen Nicolai
KAREN NICOLAI
Clerk

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By: James E. Adkins
JAMES E. ADKINS
Chairman

Approved for Form and Legal Sufficiency

[Signature]
Assistant County Attorney