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A bill to be entitled

An act relating to the Lake Region Lakes Management District, Polk County; codifying, reenacting, and amending the district's special acts; specifying purpose and territorial boundaries of the district; providing for election of a board of commissioners; providing powers and duties of the board; providing oath of office; providing for filling of vacancies; providing for compensation of the board; providing for officers; providing for levy of ad valorem taxes by the district; specifying duties of county and state officers; providing for collection of taxes; authorizing the district to obtain loans with maturities of up to 5 years for purposes of paying other outstanding indebtedness, meeting extraordinary expenses, funding temporary budget deficits, or implementing the general powers and authority of the district board of commissioners; providing for issuance of revenue bonds, general obligation bonds, and other indebtedness; providing for refunding bonds; providing for planning; providing for certain disclosures and notices; providing for liability insurance; specifying use of tax receipts and bond proceeds; providing for a district manager; providing for rules regulating the use of district property; prohibiting certain discharges into waters or interference with waters; providing penalties; providing qualifications of electors; providing severability; providing for dissolution and amendment; limiting extra-territorial authority of the district; providing for immunity from liability; repealing chapters 8378 (1919),

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30 23491 (1945), 31189 (1955), 65-2134, 84-517, 90-499, 97-
 31 344, and 2000-407, Laws of Florida, relating to the
 32 district; providing an effective date.

33

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

35

36 Section 1. Pursuant to section 189.429, Florida Statutes,
 37 this act constitutes the codification of all special acts
 38 relating to the Lake Region Lakes Management District. It is the
 39 intent of the Legislature in enacting this law to provide a
 40 single, comprehensive special act charter for the district,
 41 including all current legislative authority granted to the
 42 district by its several legislative enactments and any
 43 additional authority granted by this act. It is further the
 44 intent to preserve all district authority, including the
 45 authority to increase the short-term borrowing listed in section
 46 10 from 2 years to 5 years for the added purpose of implementing
 47 those existing general powers and authority of the district.

48 Section 2. Chapters 8378 (1919), 23491 (1945), 31189
 49 (1955), 65-2134, 84-517, 90-499, 97-344, and 2000-407, Laws of
 50 Florida, relating to the Lake Region Lakes Management District,
 51 are codified, reenacted, amended, and repealed as provided in
 52 this act.

53 Section 3. The charter for the Lake Region Lakes
 54 Management District is re-created and reenacted to read:

55 Section 1. Purpose and territorial boundaries.--That for
 56 the purpose of acquiring, constructing, operating, maintaining,
 57 and protecting a system of boat canals, drainage canals; dams,
 58 locks, and other proper and necessary works in connection

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59 therewith, for the purpose of aiding in flood control, lake
60 level management, and protecting, maintaining, and improving the
61 water quality in the lakes and canals in conjunction with state,
62 county, and city agencies, for the purpose of connecting the
63 lakes within or adjacent to the boundaries hereinafter
64 prescribed, and for moving waters out of such lakes, and for the
65 purpose of promoting access to the lakes and the public
66 convenience, utility, and welfare, the Lake Region Lakes
67 Management District (the "district"), in Polk County has been
68 created and established, and is hereby confirmed, as an
69 independent special district, the territorial boundaries of
70 which are as follows, to wit:

71
72 Beginning at the center of east line of section 2, or
73 township twenty-eight (28) south, of range twenty-six
74 (26) east; thence south with section line between
75 section one (1) and two (2), eleven (11) and twelve
76 (12), thirteen (13) and fourteen (14), twenty-three
77 (23) and twenty-four (24), to the northeast corner of
78 section twenty-six (26) said township and range;
79 Thence east on section line to northeast corner of
80 northwest quarter of section twenty-five (25), thence
81 south with the half section line to the center of
82 section thirteen (13), township 29 south, range 26
83 east; Thence west on the half section line to the
84 southwest corner of the northwest quarter of section
85 line to the southwest corner of the northwest quarter
86 of section sixteen (16) said township and range;
87 Thence north with section line to the northwest corner

88 of the southwest quarter of section four (4), said
 89 township and range; Thence west with the half section
 90 line to center of section six (6) said township and
 91 range; Thence north with half section line to the
 92 northwest corner of northeast quarter (NE 1/4) of
 93 section thirty-one (31), township 28 south, range 26
 94 east; Thence west with section line to southeast
 95 corner of section twenty-five (25), township 28 south,
 96 range 25 east; Thence north with the section line to
 97 the northeast corner of section twenty-four (24), said
 98 township and range; Thence west to center of north
 99 line of section twenty-four(24); thence north with
 100 half section line to center of section one (1),
 101 township 28, range 25; Thence east with the half
 102 section line to the northeast corner of southeast
 103 quarter (SE 1/4) of section two (2), township 28
 104 south, range 26 east, the point of beginning;
 105 embracing within said district the following lands,
 106 viz; The south half of sections two, three, four, five
 107 and six and all of sections seven, eight, nine, ten,
 108 eleven, fourteen, fifteen, sixteen, seventeen,
 109 eighteen, nineteen, twenty, twenty-one, twenty-two,
 110 twenty-three, twenty-six, twenty-seven, twenty-eight,
 111 twenty-nine, thirty, thirty-two, thirty-three, thirty-
 112 four, and thirty-five and the west half of sections
 113 twenty-five and thirty-six and the east half of
 114 section thirty-one in township 28 south, range 26 east
 115 and all of sections two, three, four, nine, ten and
 116 eleven, and the west half of sections one and twelve

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117 and the north half of sections five, fourteen, fifteen
 118 and sixteen and the northeast quarter of section six
 119 and the northwest quarter of section thirteen in
 120 township 29 south, range 26 east, and the east half of
 121 sections twelve and thirteen, and the southeast
 122 quarter of section one in township 28 south, range 25
 123 east.

124
 125 And:

126
 127 Beginning at the Northwest corner of Section 2,
 128 Township 28 South, Range 26 East, Polk County,
 129 Florida;

130
 131 Run thence Easterly, along the north line thereof, to
 132 the Northeast corner of the West one-half of the
 133 Northeast quarter of said Section 2;

134
 135 Thence Southerly, along said east line of the west
 136 one-half of the Northeast quarter of said Section 2,
 137 to the Southeast corner thereof;

138
 139 Thence Westerly, along the south line of the west one-
 140 half of the Northeast quarter and the south line of
 141 the Northwest quarter of said Section 2, to the
 142 Southeast corner of the north one-half of Section 3,
 143 Township 28 South, Range 26 East;

144
 145 Thence continue Westerly, along the south line of the

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146 North one-half of said Section 3, to the southeast
 147 corner of the north one-half of Section 4, Township 28
 148 South, Range 26 East;

149
 150 Thence continue Westerly, along the south line of the
 151 north one-half of said Section 4, to the southeast
 152 corner of the north one-half of Section 5, Township 28
 153 South, Range 26 East;

154
 155 Thence continue Westerly, along the south line of the
 156 north one-half of said Section 5, to the southeast
 157 corner of the north one-half of Section 6, Township 28
 158 South, Range 26 East;

159
 160 Thence continue Westerly, along the south line of the
 161 north one-half of said Section 6, to the southeast
 162 corner of the Northeast quarter of Section 1, Township
 163 28 South, Range 25 East;

164
 165 Thence continue Westerly, along the south line of the
 166 Northeast quarter and the south line of the Northwest
 167 quarter of said Section 1, to the southwest corner of
 168 the East one-half of the Northwest quarter of said
 169 Section 1;

170
 171 Thence Northerly, along the west line of the East one-
 172 half of the Northwest quarter of said Section 1, to
 173 the northwest corner thereof;

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175 Thence Easterly, along the north line of the East one-
 176 half of the Northwest quarter of said Section 1, to
 177 the southwest corner of the South one-half of the
 178 Southeast quarter of Section 36, Township 27 South,
 179 Range 25 East;

181 Thence Northerly, along the west line of the South
 182 one-half of the Southeast quarter of said Section 36,
 183 to the northwest corner thereof;

185 Thence Easterly, along the north line of the South
 186 one-half of the Southeast quarter of said Section 36,
 187 to the northeast corner thereof, also being a point on
 188 the westerly line of Section 31, Township 27 South,
 189 Range 26 East;

191 Thence Northerly, along the west line of said Section
 192 31, to the southwest corner of Section 30, Township 27
 193 South, Range 26 East;

195 Thence continue Northerly, along the west line of said
 196 Section 30, to the southwest corner of Section 19,
 197 Township 27 South, Range 26 East;

199 Thence continue Northerly, along the west line of said
 200 Section 19, to the northwest corner thereof;

202 Thence Easterly, along the north line of said Section
 203 19, to the northwest corner of Section 20, Township 27

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204 South, Range 26 East;
 205
 206 Thence continue Easterly, along the north line of said
 207 Section 20, to the southwest corner of the Southeast
 208 quarter of the Southeast quarter of Section 17,
 209 Township 27 South, Range 26 East;
 210
 211 Thence Northerly, along the west line of the Southeast
 212 quarter of the Southeast quarter of said Section 17,
 213 to the northwest corner thereof;
 214
 215 Thence Easterly, along the north line of the Southeast
 216 quarter of the Southeast quarter of said Section 17,
 217 to the northeast corner thereof;
 218
 219 Thence Southerly, along the east line of the Southeast
 220 quarter of the Southeast quarter of said Section 17,
 221 to the Northwest corner of Section 21, Township 27
 222 South, Range 26 East;
 223
 224 Thence Easterly, along the north line of said Section
 225 21, to the northeast corner thereof;
 226
 227 Thence Southerly, along the east line of said Section
 228 21, to the northwest corner of the Southwest quarter
 229 of Section 22, Township 27 South, Range 26 East;
 230
 231 Thence Easterly, along the north line of the Southwest
 232 quarter of said Section 22, to the northeast corner

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233 thereof;

234
 235 Thence Southerly, along the east line of the Southwest
 236 quarter of said Section 22, to the southeast corner
 237 thereof, also being a point on the north line of
 238 Section 27, Township 27 South, Range 26 East;

239
 240 Thence Easterly, along the north line of said Section
 241 27, to the northeast corner thereof;

242
 243 Thence Southerly, along the east line of said Section
 244 27, to the northeast corner of Section 34, Township 27
 245 South, Range 26 East;

246
 247 Thence continue Southerly, along the east line of said
 248 Section 34, to the southeast corner thereof and the
 249 Point of Beginning.

250
 251 All of the above lands lying in Polk County, Florida.

252
 253 Section 2. Elections.--The governing body of the district
 254 shall consist of three commissioners who shall be qualified
 255 electors residing within said district and they shall be known
 256 and designated as the "Board of Commissioners of the Lake Region
 257 Lakes Management District." The board of commissioners shall be
 258 the governing body of the district, whose duty, authority, and
 259 power shall be as provided in this act. Each present
 260 commissioner shall continue to hold office until his or her
 261 current term expires in 1990. For the purposes of qualification

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262 and running for office in 1990 and thereafter, commission seats
 263 shall be designated as seat 1, seat 2, and seat 3. Members
 264 elected to seats 1 and 3 at the 1990 general election shall hold
 265 office for a period of 4 years until the general election in
 266 1994. The member elected to seat 2 shall hold office for a
 267 period of 2 years until the general election of 1992 whereupon
 268 the member elected for that seat in 1992 shall hold office for a
 269 period of 4 years. Thereafter, all commissioners shall hold
 270 office for terms of 4 years each. At the general election every
 271 4 years, a successor shall be elected by the electors of the
 272 district. Members shall be elected in a nonpartisan fashion with
 273 no political party affiliation shown on the ballot, and must
 274 receive a majority vote of those electors voting in the
 275 election. Election of members shall be held at the same time as
 276 the first primary election as provided by law. If no candidate
 277 receives a majority of the votes cast in such primary, a runoff
 278 election of the two candidates receiving the greatest number of
 279 votes will be held at the same time as the general election.
 280 Elected commissioners shall take office on the first Tuesday
 281 following the first Monday in January following their election.

282 Section 3. General powers and authority.--

283 (1) The board of commissioners is authorized and
 284 empowered:

285 (a) To adopt bylaws, rules, and regulations for the
 286 administration of its affairs and the conduct of its business.

287 (b) To adopt and alter an official seal.

288 (c) To purchase, lease, sell, exchange, or otherwise
 289 acquire or dispose of real property and rights-of-way and to
 290 construct, reconstruct, improve, extend, enlarge, relocate,

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291 equip, operate, repair, and maintain such boat canals and
 292 drainage canals, dams, locks, canal banks, lake shores, water
 293 control structures, stormwater control and treatment facilities,
 294 and other facilities necessary or proper to further the purposes
 295 of this act. However, any such stormwater control or treatment
 296 facility project shall be undertaken only with the concurrence
 297 of the governing body having jurisdiction over the area
 298 involved.

299 (d) To beautify and maintain the rights-of-way, canal
 300 banks and berms, lakes, public lake shores, and other property
 301 of the district as may enhance the appearance thereof and be
 302 beneficial to the property of the district. To the extent this
 303 work takes place on property owned by private entities or other
 304 public agencies, the prior permissions of such entities or
 305 agencies shall be required.

306 (e) To construct and maintain boat ramps, boat landings,
 307 and launching basins and bases and any and all other works
 308 necessary or proper for the purpose of maintaining or providing
 309 access to the canals and lakes and any and all other property
 310 and facilities of the district.

311 (f) To take those measures necessary for the control of
 312 undesirable aquatic and canal bank plants or pests, as
 313 determined by the board of commissioners, using best management
 314 practices.

315 (g) To take all measures as may be conducive to the
 316 conservation of water, to the protection and improvement of
 317 water quality, and to the maintenance of navigable water levels
 318 in the lakes and canals within or adjacent to the district.

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319 (h) To borrow money and issue bonds and other certificates
 320 of indebtedness pursuant to the terms of this act as hereinafter
 321 set forth.

322 (i) To sue and be sued.

323 (j) To make and enter into all contracts and agreements
 324 necessary or incidental to the performance of the duties imposed
 325 and execution of the powers granted under this act, and to
 326 employ a district manager and such engineers, attorneys,
 327 accountants, employees, and agents as may, in the judgment of
 328 the board of commissioners, be deemed necessary or convenient,
 329 and to fix their compensation.

330 (k) To cooperate with and contract with the government of
 331 the United States or the state or any agency or instrumentality
 332 of either thereof, or with any municipality, district, private
 333 corporation, partnership, association, or individual providing
 334 for, relating to, or affecting publicly owned canals, dams, boat
 335 ramps, public access, parks, locks, lakes, stormwater control
 336 and treatment facilities, and water quality within the district,
 337 or the issuance of bonds or other indebtedness relating thereto.

338 (l) To prepare and adopt a long-range lakes management
 339 plan as set forth in section 13.

340 (m) To exercise the power of eminent domain, pursuant to
 341 chapters 73 and 74, Florida Statutes, as amended from time to
 342 time, for the purposes of reconstructing, improving, extending,
 343 enlarging, equipping, repairing, and maintaining existing dams,
 344 locks, public canals, and administrative facilities of the
 345 district.

346 (n) To do all acts or things necessary or convenient to
 347 carry out the powers expressly granted in this act.

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348 (2) The construction and maintenance of canals connecting
 349 and managing the lakes, the development and maintenance of areas
 350 adjoining the lakes and canals within the district, the
 351 construction of stormwater control and treatment facilities, the
 352 construction and operation of water control structures as needed
 353 within canals affecting lakes within the district, and other
 354 works of the district in connection therewith, are hereby found
 355 to be of great importance, benefit, and utility to the
 356 inhabitants of the district. The district is specifically
 357 authorized and empowered to exercise the powers granted under
 358 this section outside the geographical limits of the district,
 359 but within the drainage basins containing the lakes within the
 360 district, when such exercise is necessary or convenient to
 361 further the purposes of the district and upon the concurrence of
 362 the governing body having jurisdiction over the area involved.

363 Section 4. Oath of office and vacancy.--Each commissioner
 364 under this act, before he or she assumes the duties of such
 365 office, shall take and prescribe to an oath, before an officer
 366 authorized to administer oaths, that he or she will honestly,
 367 faithfully, and impartially perform the duties devolving upon
 368 him or her as commissioner of said district and that he or she
 369 will not neglect any of the duties imposed upon him or her by
 370 this act. The failure of any person elected as commissioner to
 371 take such oath prior to the appointed time for their taking
 372 office shall create a vacancy and such vacancy, and any vacancy
 373 caused by the death, resignation, or removal from said district
 374 of any commissioner, shall be filled by appointment by the
 375 Governor of a person who shall be a resident and duly qualified
 376 elector of said district. Such appointee shall serve for the

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377 balance of the term until his or her successor is elected and
 378 qualifies.

379 Section 5. Compensation.--

380 (1) Each commissioner shall receive, from the funds of the
 381 district, compensation for his or her services as established by
 382 resolution of the board in the amount not to exceed \$300 per
 383 month, except that the chair of the board of commissioners may
 384 be paid an additional sum of not more than \$100 per month for
 385 his or her services. The board may establish compensation
 386 greater than \$300 per month if approved by referendum held in
 387 accordance with general law.

388 (2) The commissioners shall be entitled to receive per
 389 diem and travel expense reimbursement as provided by general
 390 law.

391 Section 6. Organization.--As soon as possible after a
 392 newly elected commissioner takes office, the board of
 393 commissioners shall elect one of its members as chair, one as
 394 vice chair, and one as secretary/treasurer. Such officers shall
 395 serve for a term of 1 year and until their successors are
 396 elected and qualified. The secretary/treasurer of the district,
 397 prior to entering upon his or her duties as such officer, or any
 398 other officer or employee designated by the commission, shall
 399 execute a surety bond in an amount to be determined by the board
 400 of commissioners and conditioned upon the faithful performance
 401 of the duties of the office or employment, such bond to be
 402 signed by a surety company authorized to do business in Florida
 403 and approved by the board of commissioners, and thereafter filed
 404 with the Clerk of the Circuit Court of Polk County. A majority
 405 of the board shall constitute a quorum for the transaction of

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406 any business of the district. The board of commissioners may
 407 additionally designate, by resolution, such additional offices
 408 and officers, who need not be members of the board, as may be
 409 necessary or convenient. Only duly elected commissioners shall
 410 have the right to vote.

411 Section 7. Duties of board.--It shall be the duty of the
 412 board of commissioners to:

413 (1) Cause to be kept a complete record of all its acts and
 414 district affairs and make such record available to the general
 415 public in accordance with general law.

416 (2) Employ a district manager and other employees of the
 417 district and see that their duties are properly performed.

418 (3) Approve an annual budget for the district and make
 419 appropriations for each fiscal year which, in any one year,
 420 shall not exceed the amounts available from current income and
 421 other revenue sources and unexpended funds from prior fiscal
 422 years.

423 (4) Coordinate and cooperate with all other public
 424 agencies having jurisdiction over the lakes located within the
 425 district boundaries in the enforcement by those agencies of all
 426 duly promulgated laws and regulations.

427 (5) Cooperate and provide information to Polk County, the
 428 City of Winter Haven, and other appropriate governmental
 429 agencies to assist them with long-range comprehensive planning
 430 which would affect the lakes within the district.

431 (6) Otherwise manage the affairs of the district.

432 (7) Commissioners and all employees of the district shall
 433 be guided in their conduct of district business by the Code of

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434 Ethics for Public Officers and Employees, part III of chapter
 435 112, Florida Statutes, as amended from time to time.

436 Section 8. Taxes.--

437 (1) The board of commissioners is hereby authorized and
 438 empowered to levy upon all of the real and personal taxable
 439 property in said district a special tax of such amount as may be
 440 necessary, for the current year and for each and every year
 441 thereafter, to pay the interest becoming due and payable
 442 annually upon any general obligation bonds issued or money
 443 borrowed by said district, and also to create a sinking fund for
 444 the payment of the principal thereof at maturity, and also to
 445 pay the notes or other obligations coming due, and to annually
 446 levy a tax upon all of the real and personal taxable property in
 447 the district not exceeding 1 mill for the purpose of paying the
 448 expenses incurred in performing its duties and in carrying into
 449 effect the purposes of this act and all amendments thereto. The
 450 board of commissioners shall have the power to make such levy
 451 for the purpose of providing a surplus or accumulation of funds
 452 prior to creating indebtedness so that the same will be
 453 available for discharging or paying for the indebtedness
 454 whenever the same may be created.

455 (2) The levy of said tax shall be made not later than the
 456 first day of September of each year by resolution of said board
 457 or a majority thereof duly entered at large upon its minutes.
 458 For the purpose of such levy the assessment roll made by the
 459 property appraiser for said county and as returned to the
 460 Comptroller of the state for each year shall be used; the value
 461 of the property of railroads, telegraphs, and telephone
 462 companies shall, as assessed for state and county purposes, be

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463 the basis upon which said levy shall be made. Said levy shall be
 464 certified in the name of said board by its chair and
 465 secretary/treasurer and under its corporate seal to the property
 466 appraiser and the Board of County Commissioners of Polk County,
 467 and to the Comptroller of the state, not later than the 15th day
 468 of September of each and every year. It shall be the duty of the
 469 board of county commissioners to order the property appraiser to
 470 assess, and the tax collector to collect the amount of tax
 471 levied upon the property within said district, at the rate of
 472 millage designated by the board of commissioners of said
 473 district.

474 (3) It shall be the duty of the county property appraiser
 475 to assess against the property within said district the taxes so
 476 levied and certified by said board of commissioners of said
 477 district, and to extend same upon the assessment roll in a
 478 column for that purpose, and said levy shall be included in the
 479 warrant of the property appraiser attached to the assessment
 480 roll of taxes for said Polk County each year. It shall be the
 481 duty of the Tax Collector of Polk County to collect such taxes
 482 so levied, and assessed in the manner and at the same time as
 483 state and county taxes are collected, and he or she shall pay
 484 the same to the secretary/treasurer of the district within the
 485 time prescribed by law for the payment of state and county
 486 taxes.

487 (4) It shall be the duty of the Comptroller of the state
 488 to assess and levy on all the railroad lines and railroad
 489 property, telegraph lines and telegraph property, and telephone
 490 lines and telephone property, situated in said district, the
 491 amount of each such levy as in cases of state and county and

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492 other special district taxes, and to collect the said taxes
 493 thereon in the same manner as he or she is required by law to
 494 assess and collect taxes for state and county purposes and to
 495 remit the same to the secretary/treasurer of said district. All
 496 said taxes shall be held by said secretary/treasurer for the
 497 credit of said district, and shall be paid out by him or her as
 498 provided herein.

499 Section 9. Collection of taxes.--The taxes levied and
 500 assessed by the district upon the taxable property within said
 501 district shall be and become delinquent if not paid on or before
 502 the date on which other ad valorem taxes levied by the county
 503 shall be delinquent, shall thereafter bear the same penalties,
 504 and the payment thereof be enforced by the tax collector in the
 505 same manner and at the same time as the county taxes upon said
 506 property, and said property appraiser and tax collector shall
 507 have and receive the same compensation for said assessment and
 508 collection of said taxes as provided by general law for the
 509 assessment and collection of a special tax which shall be
 510 allowed and paid out of the taxes so collected for said
 511 district.

512 Section 10. Short-term borrowing.--The district at any
 513 time may obtain loans with maturities of up to 5 years, in such
 514 amounts and on such terms and conditions as the board of
 515 commissioners may approve, for the purposes of paying other
 516 outstanding indebtedness, meeting extraordinary expenses,
 517 funding temporary budget deficits, or implementing those items
 518 included under section 3, which loans shall bear such interest
 519 as the board of commissioners may determine in compliance with
 520 section 215.84, Florida Statutes, as amended from time to time,

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521 and may be payable from and secured by the full faith and credit
 522 of the district or a pledge of particular funds, revenues,
 523 taxes, and moneys available to the district. For such purposes,
 524 the district may issue negotiable notes, warrants, or other
 525 evidences of indebtedness to be payable at such times, to bear
 526 such interest as the board of commissioners may determine in
 527 compliance with section 215.84, Florida Statutes, as amended
 528 from time to time, and to be sold at such price or prices and on
 529 such terms as the board of commissioners may deem advisable. The
 530 prior approval of the electors residing in the district shall
 531 not be necessary to issue such short-term indebtedness, unless
 532 so required by the Constitution of the State of Florida.

533 Section 11. Bonds of the district.--

534 (1) The district shall have the power and is hereby
 535 authorized from time to time to issue revenue bonds, general
 536 obligation bonds, notes, or certificates of indebtedness
 537 (hereinafter "bonds"), in such principal amount as, in the
 538 opinion of the district, shall be necessary to provide
 539 sufficient moneys for achieving its purposes, including, without
 540 limitation, the cost of construction, reconstruction,
 541 improvement, extension, repair, and relocation of canals, locks,
 542 stormwater control and treatment facilities, and such other
 543 improvements as may be deemed necessary or desirable for
 544 carrying out the purposes and objects of the district. As used
 545 herein, the word "costs" includes the cost of labor, materials,
 546 and equipment; the cost of all lands, property rights,
 547 easements, and franchises required; financing charges, interest,
 548 and debt service prior to, during, and for a reasonable period
 549 after construction; the cost of plans and specifications;

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550 services and estimates of costs and of revenues; costs of
 551 engineering and legal services; all expenses necessary or
 552 incident to determining the feasibility or practicability of
 553 such acquisitions or constructions; administrative expenses and
 554 rebate obligations, if any, payable to the United States
 555 Treasury; and such other expenses as may be necessary or
 556 incidental to the acquisition or construction or the financing
 557 herein authorized.

558 (2) No bonds may be issued pursuant to this section unless
 559 the question of the issuance of such bonds shall be submitted to
 560 and approved at a referendum held in accordance with the
 561 requirements for such referendum as prescribed by general law. A
 562 referendum shall be called by the Board of County Commissioners
 563 for Polk County upon the request of the board of commissioners.
 564 The expenses of calling and holding a referendum shall be borne
 565 by the district, and the district shall reimburse the county for
 566 any expenses incurred in calling or holding the referendum. If
 567 the board of commissioners shall determine to issue bonds for
 568 more than one purpose, the approval of the issuance of the bonds
 569 for each and all such purposes may be submitted to the electors
 570 on one and the same ballot. The failure of the electors to
 571 approve the issuance of bonds for any one or more purposes shall
 572 not defeat the approval of bonds for any purpose which shall be
 573 approved by the electors.

574 (3) Bonds shall be authorized by resolution of the board
 575 of commissioners and shall bear such date or dates, mature at
 576 such time or times, not exceeding 40 years from their respective
 577 dates, bear interest at a rate or rates as the board of
 578 commissioners may determine in compliance with section 215.84,

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579 Florida Statutes, as amended from time to time, be in such
580 denominations, be in such form, either coupon or registered, or
581 both, carry such registration, exchangeability, and
582 interchangeability privileges, be payable in such medium of
583 payment and at such place or places, be subject to such terms of
584 redemption and be entitled to such priorities of lien on the
585 revenues and other available moneys as such resolution or any
586 resolution subsequent thereto may provide. The bonds shall be
587 executed either by manual or facsimile signature by such
588 officers as the district shall determine, provided such bonds
589 shall bear at least one signature of an authenticated agent of
590 the district or of an officer of the district which is manually
591 executed thereon. The coupons attached to such bonds, if any,
592 shall bear the facsimile signature or signatures of such officer
593 or officers as shall be designated by the district. Such bonds
594 shall have the seal of the district affixed, imprinted,
595 reproduced, or lithographed thereon. Any resolution authorizing
596 the issuance of bonds may contain such covenants as the board of
597 commissioners may deem advisable and all such covenants shall
598 constitute valid and legally binding and enforceable contracts
599 between the district and the bondholders. The bonds may be sold
600 at public sale or at a negotiated sale after such advertisement,
601 if any, deemed advisable by the board of commissioners, at such
602 price or prices as the board of commissioners may determine to
603 be in the best interest of the district.

604 (4) Pending the sale of bonds which have been authorized
605 by resolution of the board of commissioners, bond anticipation
606 notes may be issued, on such terms and conditions as the
607 district may determine, to lenders or purchasers of such notes

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608 and pending the preparation of definitive bonds, temporary bonds
 609 or interim certificates may be issued to the purchaser or
 610 purchasers of such bonds and may contain such terms and
 611 conditions as the district may determine.

612 (5) All bonds issued under the provisions of this act
 613 shall be and have, and are hereby declared to be and have, all
 614 the qualities and incidents of negotiable instruments under the
 615 Uniform Commercial Code-Investment Securities Law of the state.

616 (6) The district may enter into any deeds of trust,
 617 indentures, or other agreements with any bank or trust company
 618 within or without the state, as security for such bonds, and
 619 may, under such agreements, assign and pledge all or any of the
 620 revenues and other available moneys pursuant to the terms of
 621 this act.

622 (7) The bonds issued under this section shall recite that
 623 they are issued under the authority of this act. Neither the
 624 board of commissioners nor any person executing the bonds shall
 625 be liable personally on the bonds or be subject to any personal
 626 liability or accountability by reason of the issuance thereof.
 627 Bonds issued under the provisions of this act shall not
 628 constitute a debt of Polk County or any municipality therein or
 629 a pledge of the full faith and credit of Polk County or any
 630 municipality therein, and a statement to that effect shall be
 631 recited on the face of the bonds.

632 (8) The bonds issued under authority of this act shall not
 633 be invalid for any irregularity or defect in the proceedings for
 634 the issuance and sale thereof and shall be incontestable in the
 635 hands of bona fide purchasers for value. Any owner or holder of
 636 said bonds or coupons may, either at law or in equity, by suit,

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637 action, or mandamus, enforce and compel the performance of any
 638 of the duties required by this act or any of the officers or
 639 persons mentioned herein in relation to said bonds, or the levy,
 640 collection, enforcement, and application of the taxes, revenues,
 641 or moneys available or pledged for the payment thereof.

642 (9) This act constitutes full and complete authority for
 643 the issuance of bonds and exercise of powers of the district
 644 provided herein. No procedures or proceedings, publications,
 645 notices, consents, approvals, orders, acts, or things by the
 646 board of commissioners or any board, officers, commission,
 647 department, agency, or instrumentality of the district, other
 648 than those required by this act, shall be required to issue
 649 bonds under this act.

650 (10) Bonds issued pursuant to this act, including the
 651 refunding bonds authorized pursuant to section 12, are hereby
 652 made securities in which all public officers and public bodies
 653 of the state and its political subdivisions, all insurance
 654 companies, trust companies, banking associations, investment
 655 companies, executors, administrators, trustees, and other
 656 fiduciaries may properly and legally invest funds, including
 657 capital in their control or belonging to them. Such bonds are
 658 hereby made securities which may properly and legally be
 659 deposited with and received by any state or municipal officer or
 660 any agency or political subdivision of the state for any purpose
 661 for which the deposit of bonds or obligations of the state is
 662 now or may hereafter be authorized by law.

663 Section 12. Refunding bonds.--The district is authorized,
 664 without prior referendum, to provide by resolution for the
 665 issuance from time to time of bonds for the purpose of refunding

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666 any bonds outstanding. The authorization, sale, and issuance of
667 such obligations, the maturities and details thereof, the rights
668 and remedies of the holders thereof, and the rights, powers,
669 privileges, duties, and obligations of the district with respect
670 to the same shall be governed by the provisions of section 11
671 insofar as the same may be applicable. It is the express
672 intention of this act that outstanding bonds may be refunded and
673 retired by and upon the issuance of bonds notwithstanding that
674 all or a portion of such outstanding bonds will not mature or
675 become redeemable until after the date of issuance of such
676 refunding bonds, and the issuance of such advance refunding
677 bonds shall comply with the provisions of the Advance Refunding
678 Law, sections 132.33-132.47, Florida Statutes, as amended from
679 time to time.

680 Section 13. Planning.--In addition to other planning
681 responsibilities that may be imposed on the district by general
682 law, the board of commissioners shall each year, prior to the
683 passage of the tax levy resolution referred to in section 8,
684 review the long-range lakes management plan of the district
685 established by resolution to promote the purposes of this act.
686 Not less than 90 days prior to the passage of said tax levy, the
687 board of commissioners shall hold a public hearing for the
688 purpose of examining, updating, and/or revising the long-range
689 lakes management plan and for receiving public input related
690 thereto.

691 Section 14. Disclosure, notice, and reporting.--In
692 carrying out its activities hereunder, the board of
693 commissioners and the district shall comply with all applicable

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694 disclosure, notice, and reporting procedures required by general
 695 law.

696 Section 15. Liability insurance.--The board of
 697 commissioners may secure and keep in force in amounts they may
 698 determine, in companies duly authorized to do business in
 699 Florida, liability insurance covering vehicles, properties,
 700 premises, and legal liability. The board of commissioners,
 701 however, may purchase such insurance from companies not duly
 702 authorized to do business in Florida if equivalent insurance
 703 coverage is not available from companies duly authorized to do
 704 business in Florida.

705 Section 16. Application of taxes and investment of
 706 funds.--It shall be the duty of said board of commissioners out
 707 of the proceeds of the taxes levied, imposed, and collected by
 708 or pursuant to the provisions of this act, which moneys so far
 709 as necessary are hereby set apart for the purpose, to apply said
 710 moneys and pay the interest on said bonds as the same fall due,
 711 and at the maturity of said bonds of said moneys to pay the
 712 principal thereof. Any funds of the district, including, without
 713 limitation, bond proceeds, may be deposited in any bank or trust
 714 company organized under the laws of the United States for the
 715 State of Florida and may be invested and reinvested by the board
 716 in obligations authorized by general law for the investment of
 717 public funds. Funds of the district shall be disbursed only upon
 718 the warrant or order of the board of commissioners signed by the
 719 secretary/treasurer and countersigned by the chair of the board.

720 Section 17. District manager.--All work done under the
 721 provisions of this act and the general operations of the
 722 district shall be carried on under the supervision of a

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723 competent district manager to be employed by the board of
724 commissioners. The district manager may be employed pursuant to
725 an employment agreement or may serve at the pleasure of the
726 board, as the board may determine. Without limitation, the
727 district manager shall be responsible for the preparation of a
728 proposed annual budget to be approved by the board, for the
729 hiring and firing of regular employees of the district, for
730 reporting to the board of commissioners at their regular and
731 special meetings, and for implementing and enforcing policies
732 established by the board.

733 Section 18. Rules regulating district property.--The
734 district shall have the right to make all such proper and
735 reasonable rules and regulations for the care, protection, and
736 use of the boat canals and drainage canals, water control
737 structures, berms, locks, docks, and other facilities and
738 property of the district, as may be prescribed by the board of
739 commissioners; and to charge and collect for the use of the
740 canals, structures, locks, docks, and for other services and
741 facilities constructed and maintained or furnished and rendered
742 by the district, such reasonable fees, rates, and charges as
743 shall from time to time be fixed and established by said board,
744 and all funds so collected shall be deposited into the treasury
745 and used for any and all purposes of the district. All rules and
746 regulations of the district shall be adopted pursuant to the
747 procedures set forth in chapter 120, Florida Statutes, the
748 Administrative Procedure Act, as amended from time to time.
749 Notwithstanding the above, the district shall make no rule or
750 regulation that would require any person to obtain the
751 permission of the district or a permit from the district prior

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752 to the performance of an otherwise lawful act or an act that is
 753 otherwise regulated by other federal, state, or local agencies
 754 or governmental entities.

755 Section 19. Enforcement.--Whoever shall willfully damage
 756 the quality of water by dumping trash, garbage, or other
 757 pollutants or by discharge or allowing the discharge therein of
 758 any liquids or other matter that could lower the quality of lake
 759 water or damage plant life or cause damage to any canal, water
 760 control structure, lock, levy, jetty, berm, dock, or other works
 761 established or constructed under this act or property otherwise
 762 covered by this act, or who shall fill or obstruct the flow of
 763 water in or the passage of boats through any drainage canal or
 764 boat canal, remove any stone or earth or other material from any
 765 boat canal, drainage canal, water control structure, berm, levy,
 766 locks, jetty, dock, or other work, without having first obtained
 767 permission in writing from said board to remove such material,
 768 or who shall willfully violate the reasonable rules and
 769 regulations established by the board of commissioners, is guilty
 770 of a misdemeanor of the second degree, punishable as provided in
 771 section 775.082 or section 775.083, Florida Statutes. This
 772 section shall not apply to any properly authorized activities
 773 engaged in by a governmental authority having jurisdiction.
 774 Neither shall this section apply to any properly authorized
 775 activities authorized by a governmental authority having
 776 jurisdiction if the activity does not affect a public canal,
 777 water control structure, berm, dam, lock, or canal bank.

778 Section 20. Qualifications of an elector of the
 779 district.--Electors, qualified pursuant to general laws of the
 780 State of Florida, residing within said district, shall be

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781 qualified electors at any election held under this act. Each
 782 qualified elector shall be properly registered pursuant to the
 783 procedures provided by general law and by Polk County.

784 Section 21. Invalidation and severability.--Any section,
 785 portion, or clause of this act which for any reason may be
 786 declared invalid may be severed therefrom, and the remaining
 787 portions thereof shall be in remaining force and be valid as if
 788 such clause, section, or invalid portion had not been
 789 incorporated herein.

790 Section 22. Dissolution of district and amendment of
 791 charter.--The district may be dissolved only by special act of
 792 the Legislature or by special dissolution procedures established
 793 by general law. This act may be amended only by special act of
 794 the Legislature.

795 Section 23. Jurisdictional conflict.--No capital
 796 improvement shall be constructed by the district outside the
 797 territorial boundaries of the district as described in section
 798 1, and no rule of the district shall be enforced outside said
 799 territorial boundaries, without the formal concurrence of the
 800 affected jurisdiction. In addition, nothing contained herein
 801 shall be construed to exempt the district from securing any
 802 permits, authorizations, or development approvals, including,
 803 without limitation, zoning approvals, required by a governmental
 804 entity having jurisdiction. The district shall not have the
 805 authority to mandate the expenditure of funds by any local
 806 government.

807 Section 24. Immunity from liability.--No action shall be
 808 brought against the district, or any agents or employees of the
 809 district, for the recovery of damages caused by the partial or

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810 total failure of any water management structure, dam, canal,
 811 levee, dock, or other works upon the ground that the district is
 812 liable by virtue of its control, operation, or regulation of
 813 such works, or measures taken to protect against the failure of
 814 such works during an emergency.

815 Section 4. Chapters 8378 (1919), 23491 (1945), 31189
 816 (1955), 65-2134, 84-517, 90-499, 97-344, and 2000-407, Laws of
 817 Florida, are repealed. Such repeal does not affect the
 818 prosecution of any cause of action that accrued before the
 819 effective date of the repeal and does not affect rules,
 820 policies, actions, decisions, contracts, agreements,
 821 obligations, or properties of the district existing prior to the
 822 effective date of this act. This act does not repeal, abrogate,
 823 impair, or adversely affect the rights and remedies of the
 824 holders of any obligations of the district issued pursuant to
 825 the existing acts or any other applicable provision of law.

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