

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends
2 the following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the Lake Region Lakes Management
8 District, Polk County; codifying, reenacting, and amending
9 the district's special acts; specifying purpose and
10 territorial boundaries of the district; providing for
11 election of a board of commissioners; providing powers and
12 duties of the board; providing oath of office; providing
13 for filling of vacancies; providing for compensation of
14 the board; providing for officers; providing for levy of
15 ad valorem taxes by the district; specifying duties of
16 county and state officers; providing for collection of
17 taxes; authorizing the district to obtain loans with
18 maturities of up to 5 years for purposes of paying other
19 outstanding indebtedness, meeting extraordinary expenses,
20 funding temporary budget deficits, or implementing the
21 general powers and authority of the district board of
22 commissioners; providing for issuance of revenue bonds,
23 general obligation bonds, and other indebtedness;

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24 providing for refunding bonds; providing for planning;
 25 providing for certain disclosures and notices; providing
 26 for liability insurance; specifying use of tax receipts
 27 and bond proceeds; providing for a district manager;
 28 providing for rules regulating the use of district
 29 property; prohibiting certain discharges into waters or
 30 interference with waters; providing penalties; providing
 31 qualifications of electors; providing severability;
 32 providing for dissolution and amendment; limiting extra-
 33 territorial authority of the district; providing for
 34 immunity from liability; repealing chapters 8378 (1919),
 35 23491 (1945), 31189 (1955), 65-2134, 84-517, 90-499, 97-
 36 344, and 2000-407, Laws of Florida, relating to the
 37 district; providing an effective date.

38

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

40

41 Section 1. Pursuant to section 189.429, Florida Statutes,
 42 this act constitutes the codification of all special acts
 43 relating to the Lake Region Lakes Management District. It is the
 44 intent of the Legislature in enacting this law to provide a
 45 single, comprehensive special act charter for the district,
 46 including all current legislative authority granted to the
 47 district by its several legislative enactments and any
 48 additional authority granted by this act. It is further the
 49 intent to preserve all district authority, including the
 50 authority to increase the short-term borrowing listed in section

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51 10 from 2 years to 5 years for the added purpose of implementing
 52 those existing general powers and authority of the district.

53 Section 2. Chapters 8378 (1919), 23491 (1945), 31189
 54 (1955), 65-2134, 84-517, 90-499, 97-344, and 2000-407, Laws of
 55 Florida, relating to the Lake Region Lakes Management District,
 56 are codified, reenacted, amended, and repealed as provided in
 57 this act.

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

60 Section 1. Purpose and territorial boundaries.--That for
 61 the purpose of acquiring, constructing, operating, maintaining,
 62 and protecting a system of boat canals, drainage canals, dams,
 63 locks, and other proper and necessary works in connection
 64 therewith, for the purpose of aiding in flood control, lake
 65 level management, and protecting, maintaining, and improving the
 66 water quality in the lakes and canals in conjunction with state,
 67 county, and city agencies, for the purpose of connecting the
 68 lakes within or adjacent to the boundaries hereinafter
 69 prescribed, and for moving waters out of such lakes, and for the
 70 purpose of promoting access to the lakes and the public
 71 convenience, utility, and welfare, the Lake Region Lakes
 72 Management District (the "district"), in Polk County has been
 73 created and established, and is hereby confirmed, as an
 74 independent special district, the territorial boundaries of
 75 which are as follows, to wit:

76
 77 Beginning at the center of east line of section 2, or
 78 township twenty-eight (28) south, of range twenty-six

79 | (26) east; thence south with section line between
 80 | section one (1) and two (2), eleven (11) and twelve
 81 | (12), thirteen (13) and fourteen (14), twenty-three
 82 | (23) and twenty-four (24), to the northeast corner of
 83 | section twenty-six (26) said township and range;
 84 | Thence east on section line to northeast corner of
 85 | northwest quarter of section twenty-five (25), thence
 86 | south with the half section line to the center of
 87 | section thirteen (13), township 29 south, range 26
 88 | east; Thence west on the half section line to the
 89 | southwest corner of the northwest quarter of section
 90 | line to the southwest corner of the northwest quarter
 91 | of section sixteen (16) said township and range;
 92 | Thence north with section line to the northwest corner
 93 | of the southwest quarter of section four (4), said
 94 | township and range; Thence west with the half section
 95 | line to center of section six (6) said township and
 96 | range; Thence north with half section line to the
 97 | northwest corner of northeast quarter (NE 1/4) of
 98 | section thirty-one (31), township 28 south, range 26
 99 | east; Thence west with section line to southeast
 100 | corner of section twenty-five (25), township 28 south,
 101 | range 25 east; Thence north with the section line to
 102 | the northeast corner of section twenty-four (24), said
 103 | township and range; Thence west to center of north
 104 | line of section twenty-four(24); thence north with
 105 | half section line to center of section one (1),
 106 | township 28, range 25; Thence east with the half

107 | section line to the northeast corner of southeast
 108 | quarter (SE 1/4) of section two (2), township 28
 109 | south, range 26 east, the point of beginning;
 110 | embracing within said district the following lands,
 111 | viz; The south half of sections two, three, four, five
 112 | and six and all of sections seven, eight, nine, ten,
 113 | eleven, fourteen, fifteen, sixteen, seventeen,
 114 | eighteen, nineteen, twenty, twenty-one, twenty-two,
 115 | twenty-three, twenty-six, twenty-seven, twenty-eight,
 116 | twenty-nine, thirty, thirty-two, thirty-three, thirty-
 117 | four, and thirty-five and the west half of sections
 118 | twenty-five and thirty-six and the east half of
 119 | section thirty-one in township 28 south, range 26 east
 120 | and all of sections two, three, four, nine, ten and
 121 | eleven, and the west half of sections one and twelve
 122 | and the north half of sections five, fourteen, fifteen
 123 | and sixteen and the northeast quarter of section six
 124 | and the northwest quarter of section thirteen in
 125 | township 29 south, range 26 east, and the east half of
 126 | sections twelve and thirteen, and the southeast
 127 | quarter of section one in township 28 south, range 25
 128 | east.

129 |
 130 | And:

131 |
 132 | Beginning at the Northwest corner of Section 2,
 133 | Township 28 South, Range 26 East, Polk County,
 134 | Florida;

135
 136 Run thence Easterly, along the north line thereof, to
 137 the Northeast corner of the West one-half of the
 138 Northeast quarter of said Section 2;
 139
 140 Thence Southerly, along said east line of the west
 141 one-half of the Northeast quarter of said Section 2,
 142 to the Southeast corner thereof;
 143
 144 Thence Westerly, along the south line of the west one-
 145 half of the Northeast quarter and the south line of
 146 the Northwest quarter of said Section 2, to the
 147 Southeast corner of the north one-half of Section 3,
 148 Township 28 South, Range 26 East;
 149
 150 Thence continue Westerly, along the south line of the
 151 North one-half of said Section 3, to the southeast
 152 corner of the north one-half of Section 4, 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 4, to the southeast
 157 corner of the north one-half of Section 5, 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 5, to the southeast

162 | corner of the north one-half of Section 6, Township 28
 163 | South, Range 26 East;

164 |
 165 | Thence continue Westerly, along the south line of the
 166 | north one-half of said Section 6, to the southeast
 167 | corner of the Northeast quarter of Section 1, Township
 168 | 28 South, Range 25 East;

169 |
 170 | Thence continue Westerly, along the south line of the
 171 | Northeast quarter and the south line of the Northwest
 172 | quarter of said Section 1, to the southwest corner of
 173 | the East one-half of the Northwest quarter of said
 174 | Section 1;

175 |
 176 | Thence Northerly, along the west line of the East one-
 177 | half of the Northwest quarter of said Section 1, to
 178 | the northwest corner thereof;

179 |
 180 | Thence Easterly, along the north line of the East one-
 181 | half of the Northwest quarter of said Section 1, to
 182 | the southwest corner of the South one-half of the
 183 | Southeast quarter of Section 36, Township 27 South,
 184 | Range 25 East;

185 |
 186 | Thence Northerly, along the west line of the South
 187 | one-half of the Southeast quarter of said Section 36,
 188 | to the northwest corner thereof;

189 |

190 Thence Easterly, along the north line of the South
 191 one-half of the Southeast quarter of said Section 36,
 192 to the northeast corner thereof, also being a point on
 193 the westerly line of Section 31, Township 27 South,
 194 Range 26 East;

195
 196 Thence Northerly, along the west line of said Section
 197 31, to the southwest corner of Section 30, Township 27
 198 South, Range 26 East;

199
 200 Thence continue Northerly, along the west line of said
 201 Section 30, to the southwest corner of Section 19,
 202 Township 27 South, Range 26 East;

203
 204 Thence continue Northerly, along the west line of said
 205 Section 19, to the northwest corner thereof;

206
 207 Thence Easterly, along the north line of said Section
 208 19, to the northwest corner of Section 20, Township 27
 209 South, Range 26 East;

210
 211 Thence continue Easterly, along the north line of said
 212 Section 20, to the southwest corner of the Southeast
 213 quarter of the Southeast quarter of Section 17,
 214 Township 27 South, Range 26 East;

215

216 Thence Northerly, along the west line of the Southeast
 217 quarter of the Southeast quarter of said Section 17,
 218 to the northwest corner thereof;

219
 220 Thence Easterly, along the north line of the Southeast
 221 quarter of the Southeast quarter of said Section 17,
 222 to the northeast corner thereof;

223
 224 Thence Southerly, along the east line of the Southeast
 225 quarter of the Southeast quarter of said Section 17,
 226 to the Northwest corner of Section 21, Township 27
 227 South, Range 26 East;

228
 229 Thence Easterly, along the north line of said Section
 230 21, to the northeast corner thereof;

231
 232 Thence Southerly, along the east line of said Section
 233 21, to the northwest corner of the Southwest quarter
 234 of Section 22, Township 27 South, Range 26 East;

235
 236 Thence Easterly, along the north line of the Southwest
 237 quarter of said Section 22, to the northeast corner
 238 thereof;

239
 240 Thence Southerly, along the east line of the Southwest
 241 quarter of said Section 22, to the southeast corner
 242 thereof, also being a point on the north line of
 243 Section 27, Township 27 South, Range 26 East;

244
245 Thence Easterly, along the north line of said Section
246 27, to the northeast corner thereof;

247
248 Thence Southerly, along the east line of said Section
249 27, to the northeast corner of Section 34, Township 27
250 South, Range 26 East;

251
252 Thence continue Southerly, along the east line of said
253 Section 34, to the southeast corner thereof and the
254 Point of Beginning.

255
256 All of the above lands lying in Polk County, Florida.

257
258 Section 2. Elections.--The governing body of the district
259 shall consist of three commissioners who shall be qualified
260 electors residing within said district and they shall be known
261 and designated as the "Board of Commissioners of the Lake Region
262 Lakes Management District." The board of commissioners shall be
263 the governing body of the district, whose duty, authority, and
264 power shall be as provided in this act. For the purposes of
265 qualification and running for office in 1990 and thereafter,
266 commission seats shall be designated as seat 1, seat 2, and seat
267 3. Members elected to seats 1 and 3 at the 1990 general election
268 shall hold office for a period of 4 years until the general
269 election in 1994. The member elected to seat 2 shall hold office
270 for a period of 2 years until the general election of 1992
271 whereupon the member elected for that seat in 1992 shall hold

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272 office for a period of 4 years. Thereafter, all commissioners
 273 shall hold office for terms of 4 years each. At the general
 274 election every 4 years, a qualified elector shall be elected by
 275 the electors of the district. Members shall be elected in a
 276 nonpartisan fashion with no political party affiliation shown on
 277 the ballot, and must receive a majority vote of those electors
 278 voting in the election. Election of members shall be held at the
 279 same time as the first primary election as provided by law. If
 280 no candidate receives a majority of the votes cast in such
 281 primary, a runoff election of the two candidates receiving the
 282 greatest number of votes will be held at the same time as the
 283 general election. Elected commissioners shall take office on the
 284 first Tuesday following the first Monday in January following
 285 their election.

286 Section 3. General powers and authority.--

287 (1) The board of commissioners is authorized and
 288 empowered:

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

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

292 (c) To purchase, lease, sell, exchange, or otherwise
 293 acquire or dispose of real property and rights-of-way and to
 294 construct, reconstruct, improve, extend, enlarge, relocate,
 295 equip, operate, repair, and maintain such boat canals and
 296 drainage canals, dams, locks, canal banks, lake shores, water
 297 control structures, stormwater control and treatment facilities,
 298 and other facilities necessary or proper to further the purposes
 299 of this act. However, any such stormwater control or treatment

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300 facility project shall be undertaken only with the concurrence
 301 of the governing body having jurisdiction over the area
 302 involved.

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

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

315 (f) To take those measures necessary for the control of
 316 undesirable aquatic and canal bank plants or pests, as
 317 determined by the board of commissioners, using best management
 318 practices.

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

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

326 (i) To sue and be sued.

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

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

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

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

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

352 (2) The construction and maintenance of canals connecting
 353 and managing the lakes, the development and maintenance of areas
 354 adjoining the lakes and canals within the district, the

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355 construction of stormwater control and treatment facilities, the
 356 construction and operation of water control structures as needed
 357 within canals affecting lakes within the district, and other
 358 works of the district in connection therewith, are hereby found
 359 to be of great importance, benefit, and utility to the
 360 inhabitants of the district. The district is specifically
 361 authorized and empowered to exercise the powers granted under
 362 this section outside the geographical limits of the district,
 363 but within the drainage basins containing the lakes within the
 364 district, when such exercise is necessary or convenient to
 365 further the purposes of the district and upon the concurrence of
 366 the governing body having jurisdiction over the area involved.

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

383 Section 5. Compensation.--

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

392 (2) The commissioners shall be entitled to receive per
 393 diem and travel expense reimbursement as provided by general
 394 law.

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

411 additionally designate, by resolution, such additional offices
 412 and officers, who need not be members of the board, as may be
 413 necessary or convenient. Only duly elected commissioners shall
 414 have the right to vote.

415 Section 7. Duties of board.--It shall be the duty of the
 416 board of commissioners to:

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

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

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

427 (4) Coordinate and cooperate with all other public
 428 agencies having jurisdiction over the lakes located within the
 429 district boundaries in the enforcement by those agencies of all
 430 duly promulgated laws and regulations.

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

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

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

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438 Ethics for Public Officers and Employees, part III of chapter
 439 112, Florida Statutes, as amended from time to time.

440 Section 8. Taxes.--

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

459 (2) The levy of said tax shall be made not later than the
 460 first day of September of each year by resolution of said board
 461 or a majority thereof duly entered at large upon its minutes.
 462 For the purpose of such levy the assessment roll made by the
 463 property appraiser for said county and as returned to the Chief
 464 Financial Officer of the state for each year shall be used; the
 465 value of the property of railroads and telephone companies

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

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

491 (4) It shall be the duty of the Chief Financial Officer of
 492 the state to assess and levy on all the railroad lines and
 493 railroad property, and telephone lines and telephone property,

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

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

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

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

536 Section 11. Bonds of the district.--

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

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550 easements, and franchises required; financing charges, interest,
 551 and debt service prior to, during, and for a reasonable period
 552 after construction; the cost of plans and specifications;
 553 services and estimates of costs and of revenues; costs of
 554 engineering and legal services; all expenses necessary or
 555 incident to determining the feasibility or practicability of
 556 such acquisitions or constructions; administrative expenses and
 557 rebate obligations, if any, payable to the United States
 558 Treasury; and such other expenses as may be necessary or
 559 incidental to the acquisition or construction or the financing
 560 herein authorized.

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

577 (3) Bonds shall be authorized by resolution of the board
 578 of commissioners and shall bear such date or dates, mature at
 579 such time or times, not exceeding 40 years from their respective
 580 dates, bear interest at a rate or rates as the board of
 581 commissioners may determine in compliance with section 215.84,
 582 Florida Statutes, as amended from time to time, be in such
 583 denominations, be in such form, either coupon or registered, or
 584 both, carry such registration, exchangeability, and
 585 interchangeability privileges, be payable in such medium of
 586 payment and at such place or places, be subject to such terms of
 587 redemption and be entitled to such priorities of lien on the
 588 revenues and other available moneys as such resolution or any
 589 resolution subsequent thereto may provide. The bonds shall be
 590 executed either by manual or facsimile signature by such
 591 officers as the district shall determine, provided such bonds
 592 shall bear at least one signature of an authenticated agent of
 593 the district or of an officer of the district which is manually
 594 executed thereon. The coupons attached to such bonds, if any,
 595 shall bear the facsimile signature or signatures of such officer
 596 or officers as shall be designated by the district. Such bonds
 597 shall have the seal of the district affixed, imprinted,
 598 reproduced, or lithographed thereon. Any resolution authorizing
 599 the issuance of bonds may contain such covenants as the board of
 600 commissioners may deem advisable and all such covenants shall
 601 constitute valid and legally binding and enforceable contracts
 602 between the district and the bondholders. The bonds may be sold
 603 at public sale or at a negotiated sale after such advertisement,
 604 if any, deemed advisable by the board of commissioners, at such

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605 price or prices as the board of commissioners may determine to
 606 be in the best interest of the district.

607 (4) Pending the sale of bonds which have been authorized
 608 by resolution of the board of commissioners, bond anticipation
 609 notes may be issued, on such terms and conditions as the
 610 district may determine, to lenders or purchasers of such notes
 611 and pending the preparation of definitive bonds, temporary bonds
 612 or interim certificates may be issued to the purchaser or
 613 purchasers of such bonds and may contain such terms and
 614 conditions as the district may determine.

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

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

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

633 municipality therein, and a statement to that effect shall be
 634 recited on the face of the bonds.

635 (8) The bonds issued under authority of this act shall not
 636 be invalid for any irregularity or defect in the proceedings for
 637 the issuance and sale thereof and shall be incontestable in the
 638 hands of bona fide purchasers for value. Any owner or holder of
 639 said bonds or coupons may, either at law or in equity, by suit,
 640 action, or mandamus, enforce and compel the performance of any
 641 of the duties required by this act or any of the officers or
 642 persons mentioned herein in relation to said bonds, or the levy,
 643 collection, enforcement, and application of the taxes, revenues,
 644 or moneys available or pledged for the payment thereof.

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

653 (10) Bonds issued pursuant to this act, including the
 654 refunding bonds authorized pursuant to section 12, are hereby
 655 made securities in which all public officers and public bodies
 656 of the state and its political subdivisions, all insurance
 657 companies, trust companies, banking associations, investment
 658 companies, executors, administrators, trustees, and other
 659 fiduciaries may properly and legally invest funds, including
 660 capital in their control or belonging to them. Such bonds are

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661 hereby made securities which may properly and legally be
 662 deposited with and received by any state or municipal officer or
 663 any agency or political subdivision of the state for any purpose
 664 for which the deposit of bonds or obligations of the state is
 665 now or may hereafter be authorized by law.

666 Section 12. Refunding bonds.--The district is authorized,
 667 without prior referendum, to provide by resolution for the
 668 issuance from time to time of bonds for the purpose of refunding
 669 any bonds outstanding. The authorization, sale, and issuance of
 670 such obligations, the maturities and details thereof, the rights
 671 and remedies of the holders thereof, and the rights, powers,
 672 privileges, duties, and obligations of the district with respect
 673 to the same shall be governed by the provisions of section 11
 674 insofar as the same may be applicable. It is the express
 675 intention of this act that outstanding bonds may be refunded and
 676 retired by and upon the issuance of bonds notwithstanding that
 677 all or a portion of such outstanding bonds will not mature or
 678 become redeemable until after the date of issuance of such
 679 refunding bonds, and the issuance of such advance refunding
 680 bonds shall comply with the provisions of the Advance Refunding
 681 Law, sections 132.33-132.47, Florida Statutes, as amended from
 682 time to time.

683 Section 13. Planning.--In addition to other planning
 684 responsibilities that may be imposed on the district by general
 685 law, the board of commissioners shall each year, prior to the
 686 passage of the tax levy resolution referred to in section 8,
 687 review the long-range lakes management plan of the district
 688 established by resolution to promote the purposes of this act.

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689 Not less than 90 days prior to the passage of said tax levy, the
 690 board of commissioners shall hold a public hearing for the
 691 purpose of examining, updating, and/or revising the long-range
 692 lakes management plan and for receiving public input related
 693 thereto.

694 Section 14. Disclosure, notice, and reporting.--In
 695 carrying out its activities hereunder, the board of
 696 commissioners and the district shall comply with all applicable
 697 disclosure, notice, and reporting procedures required by general
 698 law.

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

708 Section 16. Application of taxes and investment of
 709 funds.--It shall be the duty of said board of commissioners out
 710 of the proceeds of the taxes levied, imposed, and collected by
 711 or pursuant to the provisions of this act, which moneys so far
 712 as necessary are hereby set apart for the purpose, to apply said
 713 moneys and pay the interest on said bonds as the same fall due,
 714 and at the maturity of said bonds of said moneys to pay the
 715 principal thereof. Any funds of the district, including, without
 716 limitation, bond proceeds, may be deposited in any bank or trust

717 company organized under the laws of the United States or the
 718 State of Florida and may be invested and reinvested by the board
 719 in obligations authorized by general law for the investment of
 720 public funds. Funds of the district shall be disbursed only upon
 721 the warrant or order of the board of commissioners signed by the
 722 secretary/treasurer and countersigned by the chair of the board.

723 Section 17. District manager.--All work done under the
 724 provisions of this act and the general operations of the
 725 district shall be carried on under the supervision of a
 726 competent district manager to be employed by the board of
 727 commissioners. The district manager may be employed pursuant to
 728 an employment agreement or may serve at the pleasure of the
 729 board, as the board may determine. Without limitation, the
 730 district manager shall be responsible for the preparation of a
 731 proposed annual budget to be approved by the board, for the
 732 hiring and firing of regular employees of the district, for
 733 reporting to the board of commissioners at their regular and
 734 special meetings, and for implementing and enforcing policies
 735 established by the board.

736 Section 18. Rules regulating district property.--The
 737 district shall have the right to make all such proper and
 738 reasonable rules and regulations for the care, protection, and
 739 use of the boat canals and drainage canals, water control
 740 structures, berms, locks, docks, and other facilities and
 741 property of the district, as may be prescribed by the board of
 742 commissioners; and to charge and collect for the use of the
 743 canals, structures, locks, docks, and for other services and
 744 facilities constructed and maintained or furnished and rendered

745 by the district, such reasonable fees, rates, and charges as
 746 shall from time to time be fixed and established by said board,
 747 and all funds so collected shall be deposited into the treasury
 748 and used for any and all purposes of the district. All rules and
 749 regulations of the district shall be adopted pursuant to the
 750 procedures set forth in chapter 120, Florida Statutes, the
 751 Administrative Procedure Act, as amended from time to time.
 752 Notwithstanding the above, the district shall make no rule or
 753 regulation that would require any person to obtain the
 754 permission of the district or a permit from the district prior
 755 to the performance of an otherwise lawful act or an act that is
 756 otherwise regulated by other federal, state, or local agencies
 757 or governmental entities.

758 Section 19. Enforcement.--Whoever shall willfully damage
 759 the quality of water by dumping trash, garbage, or other
 760 pollutants or by discharge or allowing the discharge therein of
 761 any liquids or other matter that could lower the quality of lake
 762 water or damage plant life or cause damage to any canal, water
 763 control structure, lock, levy, jetty, berm, dock, or other works
 764 established or constructed under this act or property otherwise
 765 covered by this act, or who shall fill or obstruct the flow of
 766 water in or the passage of boats through any drainage canal or
 767 boat canal, remove any stone or earth or other material from any
 768 boat canal, drainage canal, water control structure, berm, levy,
 769 locks, jetty, dock, or other work, without having first obtained
 770 permission in writing from said board to remove such material,
 771 or who shall willfully violate the reasonable rules and
 772 regulations established by the board of commissioners, is guilty

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773 of a misdemeanor of the second degree, punishable as provided in
 774 section 775.082 or section 775.083, Florida Statutes. This
 775 section shall not apply to any properly authorized activities
 776 engaged in by a governmental authority having jurisdiction.
 777 Neither shall this section apply to any properly authorized
 778 activities authorized by a governmental authority having
 779 jurisdiction if the activity does not affect a public canal,
 780 water control structure, berm, dam, lock, or canal bank.

781 Section 20. Qualifications of an elector of the
 782 district.--Electors, qualified pursuant to general laws of the
 783 State of Florida, residing within said district, shall be
 784 qualified electors at any election held under this act. Each
 785 qualified elector shall be properly registered pursuant to the
 786 procedures provided by general law and by Polk County.

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

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

798 Section 23. Jurisdictional conflict.--No capital
 799 improvement shall be constructed by the district outside the
 800 territorial boundaries of the district as described in section

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801 1, and no rule of the district shall be enforced outside said
 802 territorial boundaries, without the formal concurrence of the
 803 affected jurisdiction. In addition, nothing contained herein
 804 shall be construed to exempt the district from securing any
 805 permits, authorizations, or development approvals, including,
 806 without limitation, zoning approvals, required by a governmental
 807 entity having jurisdiction. The district shall not have the
 808 authority to mandate the expenditure of funds by any local
 809 government.

810 Section 24. Immunity from liability.--No action shall be
 811 brought against the district, or any agents or employees of the
 812 district, for the recovery of damages caused by the partial or
 813 total failure of any water management structure, dam, canal,
 814 levee, dock, or other works upon the ground that the district is
 815 liable by virtue of its control, operation, or regulation of
 816 such works, or measures taken to protect against the failure of
 817 such works during an emergency.

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

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