

By Senator Alexander

17-879B-04

See HB 1469

1 A bill to be entitled
2 An act relating to the Lake Region Lakes
3 Management District, Polk County; codifying,
4 reenacting, and amending the district's special
5 acts; specifying purpose and territorial
6 boundaries of the district; providing for
7 election of a board of commissioners; providing
8 powers and duties of the board; providing oath
9 of office; providing for filling of vacancies;
10 providing for compensation of the board;
11 providing for officers; providing for levy of
12 ad valorem taxes by the district; specifying
13 duties of county and state officers; providing
14 for collection of taxes; authorizing the
15 district to obtain loans with maturities of up
16 to 5 years for purposes of paying other
17 outstanding indebtedness, meeting extraordinary
18 expenses, funding temporary budget deficits, or
19 implementing the general powers and authority
20 of the district board of commissioners;
21 providing for issuance of revenue bonds,
22 general obligation bonds, and other
23 indebtedness; providing for refunding bonds;
24 providing for planning; providing for certain
25 disclosures and notices; providing for
26 liability insurance; specifying use of tax
27 receipts and bond proceeds; providing for a
28 district manager; providing for rules
29 regulating the use of district property;
30 prohibiting certain discharges into waters or
31 interference with waters; providing penalties;

1 providing qualifications of electors; providing
2 severability; providing for dissolution and
3 amendment; limiting extra-territorial authority
4 of the district; providing for immunity from
5 liability; repealing chapters 8378 (1919),
6 23491 (1945), 31189 (1955), 65-2134, 84-517,
7 90-499, 97-344, and 2000-407, Laws of Florida,
8 relating to the district; providing an
9 effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Pursuant to section 189.429, Florida
14 Statutes, this act constitutes the codification of all special
15 acts relating to the Lake Region Lakes Management District. It
16 is the intent of the Legislature in enacting this law to
17 provide a single, comprehensive special act charter for the
18 district, including all current legislative authority granted
19 to the district by its several legislative enactments and any
20 additional authority granted by this act. It is further the
21 intent to preserve all district authority, including the
22 authority to increase the short-term borrowing listed in
23 section 10 from 2 years to 5 years for the added purpose of
24 implementing those existing general powers and authority of
25 the district.

26 Section 2. Chapters 8378 (1919), 23491 (1945), 31189
27 (1955), 65-2134, 84-517, 90-499, 97-344, and 2000-407, Laws of
28 Florida, relating to the Lake Region Lakes Management
29 District, are codified, reenacted, amended, and repealed as
30 provided in this act.

31

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

3 Section 1. Purpose and territorial boundaries.--That
4 for the purpose of acquiring, constructing, operating,
5 maintaining, and protecting a system of boat canals, drainage
6 canals; dams, locks, and other proper and necessary works in
7 connection therewith, for the purpose of aiding in flood
8 control, lake level management, and protecting, maintaining,
9 and improving the water quality in the lakes and canals in
10 conjunction with state, county, and city agencies, for the
11 purpose of connecting the lakes within or adjacent to the
12 boundaries hereinafter prescribed, and for moving waters out
13 of such lakes, and for the purpose of promoting access to the
14 lakes and the public convenience, utility, and welfare, the
15 Lake Region Lakes Management District (the "district"), in
16 Polk County has been created and established, and is hereby
17 confirmed, as an independent special district, the territorial
18 boundaries of which are as follows, to wit:

19
20 Beginning at the center of east line of section
21 2, or township twenty-eight (28) south, of
22 range twenty-six (26) east; thence south with
23 section line between section one (1) and two
24 (2), eleven (11) and twelve (12), thirteen (13)
25 and fourteen (14), twenty-three (23) and
26 twenty-four (24), to the northeast corner of
27 section twenty-six (26) said township and
28 range; Thence east on section line to northeast
29 corner of northwest quarter of section
30 twenty-five (25), thence south with the half
31 section line to the center of section thirteen

1 (13), township 29 south, range 26 east; Thence
2 west on the half section line to the southwest
3 corner of the northwest quarter of section line
4 to the southwest corner of the northwest
5 quarter of section sixteen (16) said township
6 and range; Thence north with section line to
7 the northwest corner of the southwest quarter
8 of section four (4), said township and range;
9 Thence west with the half section line to
10 center of section six (6) said township and
11 range; Thence north with half section line to
12 the northwest corner of northeast quarter (NE
13 1/4) of section thirty-one (31), township 28
14 south, range 26 east; Thence west with section
15 line to southeast corner of section twenty-five
16 (25), township 28 south, range 25 east; Thence
17 north with the section line to the northeast
18 corner of section twenty-four (24), said
19 township and range; Thence west to center of
20 north line of section twenty-four(24); thence
21 north with half section line to center of
22 section one (1), township 28, range 25; Thence
23 east with the half section line to the
24 northeast corner of southeast quarter (SE 1/4)
25 of section two (2), township 28 south, range 26
26 east, the point of beginning; embracing within
27 said district the following lands, viz; The
28 south half of sections two, three, four, five
29 and six and all of sections seven, eight, nine,
30 ten, eleven, fourteen, fifteen, sixteen,
31 seventeen, eighteen, nineteen, twenty,

1 twenty-one, twenty-two, twenty-three,
2 twenty-six, twenty-seven, twenty-eight,
3 twenty-nine, thirty, thirty-two, thirty-three,
4 thirty-four, and thirty-five and the west half
5 of sections twenty-five and thirty-six and the
6 east half of section thirty-one in township 28
7 south, range 26 east and all of sections two,
8 three, four, nine, ten and eleven, and the west
9 half of sections one and twelve and the north
10 half of sections five, fourteen, fifteen and
11 sixteen and the northeast quarter of section
12 six and the northwest quarter of section
13 thirteen in township 29 south, range 26 east,
14 and the east half of sections twelve and
15 thirteen, and the southeast quarter of section
16 one in township 28 south, range 25 east.

17

18 And:

19

20 Beginning at the Northwest corner of Section 2,
21 Township 28 South, Range 26 East, Polk County,
22 Florida;

23

24 Run thence Easterly, along the north line
25 thereof, to the Northeast corner of the West
26 one-half of the Northeast quarter of said
27 Section 2;

28

29 Thence Southerly, along said east line of the
30 west one-half of the Northeast quarter of said
31 Section 2, to the Southeast corner thereof;

1
2 Thence Westerly, along the south line of the
3 west one-half of the Northeast quarter and the
4 south line of the Northwest quarter of said
5 Section 2, to the Southeast corner of the north
6 one-half of Section 3, Township 28 South, Range
7 26 East;
8
9 Thence continue Westerly, along the south line
10 of the North one-half of said Section 3, to the
11 southeast corner of the north one-half of
12 Section 4, Township 28 South, Range 26 East;
13
14 Thence continue Westerly, along the south line
15 of the north one-half of said Section 4, to the
16 southeast corner of the north one-half of
17 Section 5, Township 28 South, Range 26 East;
18
19 Thence continue Westerly, along the south line
20 of the north one-half of said Section 5, to the
21 southeast corner of the north one-half of
22 Section 6, Township 28 South, Range 26 East;
23
24 Thence continue Westerly, along the south line
25 of the north one-half of said Section 6, to the
26 southeast corner of the Northeast quarter of
27 Section 1, Township 28 South, Range 25 East;
28
29 Thence continue Westerly, along the south line
30 of the Northeast quarter and the south line of
31 the Northwest quarter of said Section 1, to the

1 southwest corner of the East one-half of the
2 Northwest quarter of said Section 1;
3
4 Thence Northerly, along the west line of the
5 East one-half of the Northwest quarter of said
6 Section 1, to the northwest corner thereof;
7
8 Thence Easterly, along the north line of the
9 East one-half of the Northwest quarter of said
10 Section 1, to the southwest corner of the South
11 one-half of the Southeast quarter of Section
12 36, Township 27 South, Range 25 East;
13
14 Thence Northerly, along the west line of the
15 South one-half of the Southeast quarter of said
16 Section 36, to the northwest corner thereof;
17
18 Thence Easterly, along the north line of the
19 South one-half of the Southeast quarter of said
20 Section 36, to the northeast corner thereof,
21 also being a point on the westerly line of
22 Section 31, Township 27 South, Range 26 East;
23
24 Thence Northerly, along the west line of said
25 Section 31, to the southwest corner of Section
26 30, Township 27 South, Range 26 East;
27
28 Thence continue Northerly, along the west line
29 of said Section 30, to the southwest corner of
30 Section 19, Township 27 South, Range 26 East;
31

1
2 Thence continue Northerly, along the west line
3 of said Section 19, to the northwest corner
4 thereof;
5
6 Thence Easterly, along the north line of said
7 Section 19, to the northwest corner of Section
8 20, Township 27 South, Range 26 East;
9
10 Thence continue Easterly, along the north line
11 of said Section 20, to the southwest corner of
12 the Southeast quarter of the Southeast quarter
13 of Section 17, Township 27 South, Range 26
14 East;
15
16 Thence Northerly, along the west line of the
17 Southeast quarter of the Southeast quarter of
18 said Section 17, to the northwest corner
19 thereof;
20
21 Thence Easterly, along the north line of the
22 Southeast quarter of the Southeast quarter of
23 said Section 17, to the northeast corner
24 thereof;
25
26 Thence Southerly, along the east line of the
27 Southeast quarter of the Southeast quarter of
28 said Section 17, to the Northwest corner of
29 Section 21, Township 27 South, Range 26 East;
30
31

1 Thence Easterly, along the north line of said
2 Section 21, to the northeast corner thereof;
3
4 Thence Southerly, along the east line of said
5 Section 21, to the northwest corner of the
6 Southwest quarter of Section 22, Township 27
7 South, Range 26 East;
8
9 Thence Easterly, along the north line of the
10 Southwest quarter of said Section 22, to the
11 northeast corner thereof;
12
13 Thence Southerly, along the east line of the
14 Southwest quarter of said Section 22, to the
15 southeast corner thereof, also being a point on
16 the north line of Section 27, Township 27
17 South, Range 26 East;
18
19 Thence Easterly, along the north line of said
20 Section 27, to the northeast corner thereof;
21
22 Thence Southerly, along the east line of said
23 Section 27, to the northeast corner of Section
24 34, Township 27 South, Range 26 East;
25
26 Thence continue Southerly, along the east line
27 of said Section 34, to the southeast corner
28 thereof and the Point of Beginning.
29
30 All of the above lands lying in Polk County,
31 Florida.

1
2 Section 2. Elections.--The governing body of the
3 district shall consist of three commissioners who shall be
4 qualified electors residing within said district and they
5 shall be known and designated as the "Board of Commissioners
6 of the Lake Region Lakes Management District." The board of
7 commissioners shall be the governing body of the district,
8 whose duty, authority, and power shall be as provided in this
9 act. Each present commissioner shall continue to hold office
10 until his or her current term expires in 1990. For the
11 purposes of qualification and running for office in 1990 and
12 thereafter, commission seats shall be designated as seat 1,
13 seat 2, and seat 3. Members elected to seats 1 and 3 at the
14 1990 general election shall hold office for a period of 4
15 years until the general election in 1994. The member elected
16 to seat 2 shall hold office for a period of 2 years until the
17 general election of 1992 whereupon the member elected for that
18 seat in 1992 shall hold office for a period of 4 years.
19 Thereafter, all commissioners shall hold office for terms of 4
20 years each. At the general election every 4 years, a successor
21 shall be elected by the electors of the district. Members
22 shall be elected in a nonpartisan fashion with no political
23 party affiliation shown on the ballot, and must receive a
24 majority vote of those electors voting in the election.
25 Election of members shall be held at the same time as the
26 first primary election as provided by law. If no candidate
27 receives a majority of the votes cast in such primary, a
28 runoff election of the two candidates receiving the greatest
29 number of votes will be held at the same time as the general
30 election. Elected commissioners shall take office on the first
31

1 Tuesday following the first Monday in January following their
2 election.

3 Section 3. General powers and authority.--

4 (1) The board of commissioners is authorized and
5 empowered:

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

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

9 (c) To purchase, lease, sell, exchange, or otherwise
10 acquire or dispose of real property and rights-of-way and to
11 construct, reconstruct, improve, extend, enlarge, relocate,
12 equip, operate, repair, and maintain such boat canals and
13 drainage canals, dams, locks, canal banks, lake shores, water
14 control structures, stormwater control and treatment
15 facilities, and other facilities necessary or proper to
16 further the purposes of this act. However, any such stormwater
17 control or treatment facility project shall be undertaken only
18 with the concurrence of the governing body having jurisdiction
19 over the area involved.

20 (d) To beautify and maintain the rights-of-way, canal
21 banks and berms, lakes, public lake shores, and other property
22 of the district as may enhance the appearance thereof and be
23 beneficial to the property of the district. To the extent this
24 work takes place on property owned by private entities or
25 other public agencies, the prior permissions of such entities
26 or agencies shall be required.

27 (e) To construct and maintain boat ramps, boat
28 landings, and launching basins and bases and any and all other
29 works necessary or proper for the purpose of maintaining or
30 providing access to the canals and lakes and any and all other
31 property and facilities of the district.

1 (f) To take those measures necessary for the control
2 of undesirable aquatic and canal bank plants or pests, as
3 determined by the board of commissioners, using best
4 management practices.

5 (g) To take all measures as may be conducive to the
6 conservation of water, to the protection and improvement of
7 water quality, and to the maintenance of navigable water
8 levels in the lakes and canals within or adjacent to the
9 district.

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

13 (i) To sue and be sued.

14 (j) To make and enter into all contracts and
15 agreements necessary or incidental to the performance of the
16 duties imposed and execution of the powers granted under this
17 act, and to employ a district manager and such engineers,
18 attorneys, accountants, employees, and agents as may, in the
19 judgment of the board of commissioners, be deemed necessary or
20 convenient, and to fix their compensation.

21 (k) To cooperate with and contract with the government
22 of the United States or the state or any agency or
23 instrumentality of either thereof, or with any municipality,
24 district, private corporation, partnership, association, or
25 individual providing for, relating to, or affecting publicly
26 owned canals, dams, boat ramps, public access, parks, locks,
27 lakes, stormwater control and treatment facilities, and water
28 quality within the district, or the issuance of bonds or other
29 indebtedness relating thereto.

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

1 (m) To exercise the power of eminent domain, pursuant
2 to chapters 73 and 74, Florida Statutes, as amended from time
3 to time, for the purposes of reconstructing, improving,
4 extending, enlarging, equipping, repairing, and maintaining
5 existing dams, locks, public canals, and administrative
6 facilities of the district.

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

9 (2) The construction and maintenance of canals
10 connecting and managing the lakes, the development and
11 maintenance of areas adjoining the lakes and canals within the
12 district, the construction of stormwater control and treatment
13 facilities, the construction and operation of water control
14 structures as needed within canals affecting lakes within the
15 district, and other works of the district in connection
16 therewith, are hereby found to be of great importance,
17 benefit, and utility to the inhabitants of the district. The
18 district is specifically authorized and empowered to exercise
19 the powers granted under this section outside the geographical
20 limits of the district, but within the drainage basins
21 containing the lakes within the district, when such exercise
22 is necessary or convenient to further the purposes of the
23 district and upon the concurrence of the governing body having
24 jurisdiction over the area involved.

25 Section 4. Oath of office and vacancy.--Each
26 commissioner under this act, before he or she assumes the
27 duties of such office, shall take and prescribe to an oath,
28 before an officer authorized to administer oaths, that he or
29 she will honestly, faithfully, and impartially perform the
30 duties devolving upon him or her as commissioner of said
31 district and that he or she will not neglect any of the duties

1 imposed upon him or her by this act. The failure of any person
2 elected as commissioner to take such oath prior to the
3 appointed time for their taking office shall create a vacancy
4 and such vacancy, and any vacancy caused by the death,
5 resignation, or removal from said district of any
6 commissioner, shall be filled by appointment by the Governor
7 of a person who shall be a resident and duly qualified elector
8 of said district. Such appointee shall serve for the balance
9 of the term until his or her successor is elected and
10 qualifies.

11 Section 5. Compensation.--

12 (1) Each commissioner shall receive, from the funds of
13 the district, compensation for his or her services as
14 established by resolution of the board in the amount not to
15 exceed \$300 per month, except that the chair of the board of
16 commissioners may be paid an additional sum of not more than
17 \$100 per month for his or her services. The board may
18 establish compensation greater than \$300 per month if approved
19 by referendum held in accordance with general law.

20 (2) The commissioners shall be entitled to receive per
21 diem and travel expense reimbursement as provided by general
22 law.

23 Section 6. Organization.--As soon as possible after a
24 newly elected commissioner takes office, the board of
25 commissioners shall elect one of its members as chair, one as
26 vice chair, and one as secretary/treasurer. Such officers
27 shall serve for a term of 1 year and until their successors
28 are elected and qualified. The secretary/treasurer of the
29 district, prior to entering upon his or her duties as such
30 officer, or any other officer or employee designated by the
31 commission, shall execute a surety bond in an amount to be

1 determined by the board of commissioners and conditioned upon
2 the faithful performance of the duties of the office or
3 employment, such bond to be signed by a surety company
4 authorized to do business in Florida and approved by the board
5 of commissioners, and thereafter filed with the Clerk of the
6 Circuit Court of Polk County. A majority of the board shall
7 constitute a quorum for the transaction of any business of the
8 district. The board of commissioners may additionally
9 designate, by resolution, such additional offices and
10 officers, who need not be members of the board, as may be
11 necessary or convenient. Only duly elected commissioners
12 shall have the right to vote.

13 Section 7. Duties of board.--It shall be the duty of
14 the board of commissioners to:

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

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

20 (3) Approve an annual budget for the district and make
21 appropriations for each fiscal year which, in any one year,
22 shall not exceed the amounts available from current income and
23 other revenue sources and unexpended funds from prior fiscal
24 years.

25 (4) Coordinate and cooperate with all other public
26 agencies having jurisdiction over the lakes located within the
27 district boundaries in the enforcement by those agencies of
28 all duly promulgated laws and regulations.

29 (5) Cooperate and provide information to Polk County,
30 the City of Winter Haven, and other appropriate governmental
31

1 agencies to assist them with long-range comprehensive planning
2 which would affect the lakes within the district.

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

4 (7) Commissioners and all employees of the district
5 shall be guided in their conduct of district business by the
6 Code of Ethics for Public Officers and Employees, part III of
7 chapter 112, Florida Statutes, as amended from time to time.

8 Section 8. Taxes.--

9 (1) The board of commissioners is hereby authorized
10 and empowered to levy upon all of the real and personal
11 taxable property in said district a special tax of such amount
12 as may be necessary, for the current year and for each and
13 every year thereafter, to pay the interest becoming due and
14 payable annually upon any general obligation bonds issued or
15 money borrowed by said district, and also to create a sinking
16 fund for the payment of the principal thereof at maturity, and
17 also to pay the notes or other obligations coming due, and to
18 annually levy a tax upon all of the real and personal taxable
19 property in the district not exceeding 1 mill for the purpose
20 of paying the expenses incurred in performing its duties and
21 in carrying into effect the purposes of this act and all
22 amendments thereto. The board of commissioners shall have the
23 power to make such levy for the purpose of providing a surplus
24 or accumulation of funds prior to creating indebtedness so
25 that the same will be available for discharging or paying for
26 the indebtedness whenever the same may be created.

27 (2) The levy of said tax shall be made not later than
28 the first day of September of each year by resolution of said
29 board or a majority thereof duly entered at large upon its
30 minutes. For the purpose of such levy the assessment roll made
31 by the property appraiser for said county and as returned to

1 the Comptroller of the state for each year shall be used; the
2 value of the property of railroads, telegraphs, and telephone
3 companies shall, as assessed for state and county purposes, be
4 the basis upon which said levy shall be made. Said levy shall
5 be certified in the name of said board by its chair and
6 secretary/treasurer and under its corporate seal to the
7 property appraiser and the Board of County Commissioners of
8 Polk County, and to the Comptroller of the state, not later
9 than the 15th day of September of each and every year. It
10 shall be the duty of the board of county commissioners to
11 order the property appraiser to assess, and the tax collector
12 to collect the amount of tax levied upon the property within
13 said district, at the rate of millage designated by the board
14 of commissioners of said district.

15 (3) It shall be the duty of the county property
16 appraiser to assess against the property within said district
17 the taxes so levied and certified by said board of
18 commissioners of said district, and to extend same upon the
19 assessment roll in a column for that purpose, and said levy
20 shall be included in the warrant of the property appraiser
21 attached to the assessment roll of taxes for said Polk County
22 each year. It shall be the duty of the Tax Collector of Polk
23 County to collect such taxes so levied, and assessed in the
24 manner and at the same time as state and county taxes are
25 collected, and he or she shall pay the same to the
26 secretary/treasurer of the district within the time prescribed
27 by law for the payment of state and county taxes.

28 (4) It shall be the duty of the Comptroller of the
29 state to assess and levy on all the railroad lines and
30 railroad property, telegraph lines and telegraph property, and
31 telephone lines and telephone property, situated in said

1 district, the amount of each such levy as in cases of state
2 and county and other special district taxes, and to collect
3 the said taxes thereon in the same manner as he or she is
4 required by law to assess and collect taxes for state and
5 county purposes and to remit the same to the
6 secretary/treasurer of said district. All said taxes shall be
7 held by said secretary/treasurer for the credit of said
8 district, and shall be paid out by him or her as provided
9 herein.

10 Section 9. Collection of taxes.--The taxes levied and
11 assessed by the district upon the taxable property within said
12 district shall be and become delinquent if not paid on or
13 before the date on which other ad valorem taxes levied by the
14 county shall be delinquent, shall thereafter bear the same
15 penalties, and the payment thereof be enforced by the tax
16 collector in the same manner and at the same time as the
17 county taxes upon said property, and said property appraiser
18 and tax collector shall have and receive the same compensation
19 for said assessment and collection of said taxes as provided
20 by general law for the assessment and collection of a special
21 tax which shall be allowed and paid out of the taxes so
22 collected for said district.

23 Section 10. Short-term borrowing.--The district at any
24 time may obtain loans with maturities of up to 5 years, in
25 such amounts and on such terms and conditions as the board of
26 commissioners may approve, for the purposes of paying other
27 outstanding indebtedness, meeting extraordinary expenses,
28 funding temporary budget deficits, or implementing those items
29 included under section 3, which loans shall bear such interest
30 as the board of commissioners may determine in compliance with
31 section 215.84, Florida Statutes, as amended from time to

1 time, and may be payable from and secured by the full faith
2 and credit of the district or a pledge of particular funds,
3 revenues, taxes, and moneys available to the district. For
4 such purposes, the district may issue negotiable notes,
5 warrants, or other evidences of indebtedness to be payable at
6 such times, to bear such interest as the board of
7 commissioners may determine in compliance with section 215.84,
8 Florida Statutes, as amended from time to time, and to be sold
9 at such price or prices and on such terms as the board of
10 commissioners may deem advisable. The prior approval of the
11 electors residing in the district shall not be necessary to
12 issue such short-term indebtedness, unless so required by the
13 Constitution of the State of Florida.

14 Section 11. Bonds of the district.--

15 (1) The district shall have the power and is hereby
16 authorized from time to time to issue revenue bonds, general
17 obligation bonds, notes, or certificates of indebtedness
18 (hereinafter "bonds"), in such principal amount as, in the
19 opinion of the district, shall be necessary to provide
20 sufficient moneys for achieving its purposes, including,
21 without limitation, the cost of construction, reconstruction,
22 improvement, extension, repair, and relocation of canals,
23 locks, stormwater control and treatment facilities, and such
24 other improvements as may be deemed necessary or desirable for
25 carrying out the purposes and objects of the district. As used
26 herein, the word "costs" includes the cost of labor,
27 materials, and equipment; the cost of all lands, property
28 rights, easements, and franchises required; financing charges,
29 interest, and debt service prior to, during, and for a
30 reasonable period after construction; the cost of plans and
31 specifications; services and estimates of costs and of

1 revenues; costs of engineering and legal services; all
2 expenses necessary or incident to determining the feasibility
3 or practicability of such acquisitions or constructions;
4 administrative expenses and rebate obligations, if any,
5 payable to the United States Treasury; and such other expenses
6 as may be necessary or incidental to the acquisition or
7 construction or the financing herein authorized.

8 (2) No bonds may be issued pursuant to this section
9 unless the question of the issuance of such bonds shall be
10 submitted to and approved at a referendum held in accordance
11 with the requirements for such referendum as prescribed by
12 general law. A referendum shall be called by the Board of
13 County Commissioners for Polk County upon the request of the
14 board of commissioners. The expenses of calling and holding a
15 referendum shall be borne by the district, and the district
16 shall reimburse the county for any expenses incurred in
17 calling or holding the referendum. If the board of
18 commissioners shall determine to issue bonds for more than one
19 purpose, the approval of the issuance of the bonds for each
20 and all such purposes may be submitted to the electors on one
21 and the same ballot. The failure of the electors to approve
22 the issuance of bonds for any one or more purposes shall not
23 defeat the approval of bonds for any purpose which shall be
24 approved by the electors.

25 (3) Bonds shall be authorized by resolution of the
26 board of commissioners and shall bear such date or dates,
27 mature at such time or times, not exceeding 40 years from
28 their respective dates, bear interest at a rate or rates as
29 the board of commissioners may determine in compliance with
30 section 215.84, Florida Statutes, as amended from time to
31 time, be in such denominations, be in such form, either coupon

1 or registered, or both, carry such registration,
2 exchangeability, and interchangeability privileges, be payable
3 in such medium of payment and at such place or places, be
4 subject to such terms of redemption and be entitled to such
5 priorities of lien on the revenues and other available moneys
6 as such resolution or any resolution subsequent thereto may
7 provide. The bonds shall be executed either by manual or
8 facsimile signature by such officers as the district shall
9 determine, provided such bonds shall bear at least one
10 signature of an authenticated agent of the district or of an
11 officer of the district which is manually executed thereon.
12 The coupons attached to such bonds, if any, shall bear the
13 facsimile signature or signatures of such officer or officers
14 as shall be designated by the district. Such bonds shall have
15 the seal of the district affixed, imprinted, reproduced, or
16 lithographed thereon. Any resolution authorizing the issuance
17 of bonds may contain such covenants as the board of
18 commissioners may deem advisable and all such covenants shall
19 constitute valid and legally binding and enforceable contracts
20 between the district and the bondholders. The bonds may be
21 sold at public sale or at a negotiated sale after such
22 advertisement, if any, deemed advisable by the board of
23 commissioners, at such price or prices as the board of
24 commissioners may determine to be in the best interest of the
25 district.

26 (4) Pending the sale of bonds which have been
27 authorized by resolution of the board of commissioners, bond
28 anticipation notes may be issued, on such terms and conditions
29 as the district may determine, to lenders or purchasers of
30 such notes and pending the preparation of definitive bonds,
31 temporary bonds or interim certificates may be issued to the

1 purchaser or purchasers of such bonds and may contain such
2 terms and conditions as the district may determine.

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

8 (6) The district may enter into any deeds of trust,
9 indentures, or other agreements with any bank or trust company
10 within or without the state, as security for such bonds, and
11 may, under such agreements, assign and pledge all or any of
12 the revenues and other available moneys pursuant to the terms
13 of this act.

14 (7) The bonds issued under this section shall recite
15 that they are issued under the authority of this act. Neither
16 the board of commissioners nor any person executing the bonds
17 shall be liable personally on the bonds or be subject to any
18 personal liability or accountability by reason of the issuance
19 thereof. Bonds issued under the provisions of this act shall
20 not constitute a debt of Polk County or any municipality
21 therein or a pledge of the full faith and credit of Polk
22 County or any municipality therein, and a statement to that
23 effect shall be recited on the face of the bonds.

24 (8) The bonds issued under authority of this act shall
25 not be invalid for any irregularity or defect in the
26 proceedings for the issuance and sale thereof and shall be
27 incontestable in the hands of bona fide purchasers for value.
28 Any owner or holder of said bonds or coupons may, either at
29 law or in equity, by suit, action, or mandamus, enforce and
30 compel the performance of any of the duties required by this
31 act or any of the officers or persons mentioned herein in

1 relation to said bonds, or the levy, collection, enforcement,
2 and application of the taxes, revenues, or moneys available or
3 pledged for the payment thereof.

4 (9) This act constitutes full and complete authority
5 for the issuance of bonds and exercise of powers of the
6 district provided herein. No procedures or proceedings,
7 publications, notices, consents, approvals, orders, acts, or
8 things by the board of commissioners or any board, officers,
9 commission, department, agency, or instrumentality of the
10 district, other than those required by this act, shall be
11 required to issue bonds under this act.

12 (10) Bonds issued pursuant to this act, including the
13 refunding bonds authorized pursuant to section 12, are hereby
14 made securities in which all public officers and public bodies
15 of the state and its political subdivisions, all insurance
16 companies, trust companies, banking associations, investment
17 companies, executors, administrators, trustees, and other
18 fiduciaries may properly and legally invest funds, including
19 capital in their control or belonging to them. Such bonds are
20 hereby made securities which may properly and legally be
21 deposited with and received by any state or municipal officer
22 or any agency or political subdivision of the state for any
23 purpose for which the deposit of bonds or obligations of the
24 state is now or may hereafter be authorized by law.

25 Section 12. Refunding bonds.--The district is
26 authorized, without prior referendum, to provide by resolution
27 for the issuance from time to time of bonds for the purpose of
28 refunding any bonds outstanding. The authorization, sale, and
29 issuance of such obligations, the maturities and details
30 thereof, the rights and remedies of the holders thereof, and
31 the rights, powers, privileges, duties, and obligations of the

1 district with respect to the same shall be governed by the
2 provisions of section 11 insofar as the same may be
3 applicable. It is the express intention of this act that
4 outstanding bonds may be refunded and retired by and upon the
5 issuance of bonds notwithstanding that all or a portion of
6 such outstanding bonds will not mature or become redeemable
7 until after the date of issuance of such refunding bonds, and
8 the issuance of such advance refunding bonds shall comply with
9 the provisions of the Advance Refunding Law, sections
10 132.33-132.47, Florida Statutes, as amended from time to time.

11 Section 13. Planning.--In addition to other planning
12 responsibilities that may be imposed on the district by
13 general law, the board of commissioners shall each year, prior
14 to the passage of the tax levy resolution referred to in
15 section 8, review the long-range lakes management plan of the
16 district established by resolution to promote the purposes of
17 this act. Not less than 90 days prior to the passage of said
18 tax levy, the board of commissioners shall hold a public
19 hearing for the purpose of examining, updating, and/or
20 revising the long-range lakes management plan and for
21 receiving public input related thereto.

22 Section 14. Disclosure, notice, and reporting.--In
23 carrying out its activities hereunder, the board of
24 commissioners and the district shall comply with all
25 applicable disclosure, notice, and reporting procedures
26 required by general law.

27 Section 15. Liability insurance.--The board of
28 commissioners may secure and keep in force in amounts they may
29 determine, in companies duly authorized to do business in
30 Florida, liability insurance covering vehicles, properties,
31 premises, and legal liability. The board of commissioners,

1 however, may purchase such insurance from companies not duly
2 authorized to do business in Florida if equivalent insurance
3 coverage is not available from companies duly authorized to do
4 business in Florida.

5 Section 16. Application of taxes and investment of
6 funds.--It shall be the duty of said board of commissioners
7 out of the proceeds of the taxes levied, imposed, and
8 collected by or pursuant to the provisions of this act, which
9 moneys so far as necessary are hereby set apart for the
10 purpose, to apply said moneys and pay the interest on said
11 bonds as the same fall due, and at the maturity of said bonds
12 of said moneys to pay the principal thereof. Any funds of the
13 district, including, without limitation, bond proceeds, may be
14 deposited in any bank or trust company organized under the
15 laws of the United States for the State of Florida and may be
16 invested and reinvested by the board in obligations authorized
17 by general law for the investment of public funds. Funds of
18 the district shall be disbursed only upon the warrant or order
19 of the board of commissioners signed by the
20 secretary/treasurer and countersigned by the chair of the
21 board.

22 Section 17. District manager.--All work done under the
23 provisions of this act and the general operations of the
24 district shall be carried on under the supervision of a
25 competent district manager to be employed by the board of
26 commissioners. The district manager may be employed pursuant
27 to an employment agreement or may serve at the pleasure of the
28 board, as the board may determine. Without limitation, the
29 district manager shall be responsible for the preparation of a
30 proposed annual budget to be approved by the board, for the
31 hiring and firing of regular employees of the district, for

1 reporting to the board of commissioners at their regular and
2 special meetings, and for implementing and enforcing policies
3 established by the board.

4 Section 18. Rules regulating district property.--The
5 district shall have the right to make all such proper and
6 reasonable rules and regulations for the care, protection, and
7 use of the boat canals and drainage canals, water control
8 structures, berms, locks, docks, and other facilities and
9 property of the district, as may be prescribed by the board of
10 commissioners; and to charge and collect for the use of the
11 canals, structures, locks, docks, and for other services and
12 facilities constructed and maintained or furnished and
13 rendered by the district, such reasonable fees, rates, and
14 charges as shall from time to time be fixed and established by
15 said board, and all funds so collected shall be deposited into
16 the treasury and used for any and all purposes of the
17 district. All rules and regulations of the district shall be
18 adopted pursuant to the procedures set forth in chapter 120,
19 Florida Statutes, the Administrative Procedure Act, as amended
20 from time to time. Notwithstanding the above, the district
21 shall make no rule or regulation that would require any person
22 to obtain the permission of the district or a permit from the
23 district prior to the performance of an otherwise lawful act
24 or an act that is otherwise regulated by other federal, state,
25 or local agencies or governmental entities.

26 Section 19. Enforcement.--Whoever shall willfully
27 damage the quality of water by dumping trash, garbage, or
28 other pollutants or by discharge or allowing the discharge
29 therein of any liquids or other matter that could lower the
30 quality of lake water or damage plant life or cause damage to
31 any canal, water control structure, lock, levy, jetty, berm,

1 dock, or other works established or constructed under this act
2 or property otherwise covered by this act, or who shall fill
3 or obstruct the flow of water in or the passage of boats
4 through any drainage canal or boat canal, remove any stone or
5 earth or other material from any boat canal, drainage canal,
6 water control structure, berm, levy, locks, jetty, dock, or
7 other work, without having first obtained permission in
8 writing from said board to remove such material, or who shall
9 willfully violate the reasonable rules and regulations
10 established by the board of commissioners, is guilty of a
11 misdemeanor of the second degree, punishable as provided in
12 section 775.082 or section 775.083, Florida Statutes. This
13 section shall not apply to any properly authorized activities
14 engaged in by a governmental authority having jurisdiction.
15 Neither shall this section apply to any properly authorized
16 activities authorized by a governmental authority having
17 jurisdiction if the activity does not affect a public canal,
18 water control structure, berm, dam, lock, or canal bank.

19 Section 20. Qualifications of an elector of the
20 district.--Electors, qualified pursuant to general laws of the
21 State of Florida, residing within said district, shall be
22 qualified electors at any election held under this act. Each
23 qualified elector shall be properly registered pursuant to the
24 procedures provided by general law and by Polk County.

25 Section 21. Invalidation and severability.--Any
26 section, portion, or clause of this act which for any reason
27 may be declared invalid may be severed therefrom, and the
28 remaining portions thereof shall be in remaining force and be
29 valid as if such clause, section, or invalid portion had not
30 been incorporated herein.

31

1 Section 22. Dissolution of district and amendment of
2 charter.--The district may be dissolved only by special act of
3 the Legislature or by special dissolution procedures
4 established by general law. This act may be amended only by
5 special act of the Legislature.

6 Section 23. Jurisdictional conflict.--No capital
7 improvement shall be constructed by the district outside the
8 territorial boundaries of the district as described in section
9 1, and no rule of the district shall be enforced outside said
10 territorial boundaries, without the formal concurrence of the
11 affected jurisdiction. In addition, nothing contained herein
12 shall be construed to exempt the district from securing any
13 permits, authorizations, or development approvals, including,
14 without limitation, zoning approvals, required by a
15 governmental entity having jurisdiction. The district shall
16 not have the authority to mandate the expenditure of funds by
17 any local government.

18 Section 24. Immunity from liability.--No action shall
19 be brought against the district, or any agents or employees of
20 the district, for the recovery of damages caused by the
21 partial or total failure of any water management structure,
22 dam, canal, levee, dock, or other works upon the ground that
23 the district is liable by virtue of its control, operation, or
24 regulation of such works, or measures taken to protect against
25 the failure of such works during an emergency.

26 Section 4. Chapters 8378 (1919), 23491 (1945), 31189
27 (1955), 65-2134, 84-517, 90-499, 97-344, and 2000-407, Laws of
28 Florida, are repealed. Such repeal does not affect the
29 prosecution of any cause of action that accrued before the
30 effective date of the repeal and does not affect rules,
31 policies, actions, decisions, contracts, agreements,

1 obligations, or properties of the district existing prior to
2 the effective date of this act. This act does not repeal,
3 abrogate, impair, or adversely affect the rights and remedies
4 of the holders of any obligations of the district issued
5 pursuant to the existing acts or any other applicable
6 provision of law.

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

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