

1  
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.

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.

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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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