

Senate Bill No. 2862

An act relating to the Lake Region Lakes Management District, Polk County; codifying, reenacting, and amending the district's special acts; specifying purpose and territorial boundaries of the district; providing for election of a board of commissioners; providing powers and duties of the board; providing oath of office; providing for filling of vacancies; providing for compensation of the board; providing for officers; providing for levy of ad valorem taxes by the district; specifying duties of county and state officers; providing for collection of taxes; authorizing the district to obtain loans with maturities of up to 5 years for purposes of paying other outstanding indebtedness, meeting extraordinary expenses, funding temporary budget deficits, or implementing the general powers and authority of the district board of commissioners; providing for issuance of revenue bonds, general obligation bonds, and other indebtedness; providing for refunding bonds; providing for planning; providing for certain disclosures and notices; providing for liability insurance; specifying use of tax receipts and bond proceeds; providing for a district manager; providing for rules regulating the use of district property; prohibiting certain discharges into waters or interference with waters; providing penalties; providing qualifications of electors; providing severability; providing for dissolution and amendment; limiting extra-territorial authority of the district; providing for immunity from liability; repealing chapters 8378 (1919), 23491 (1945), 31189 (1955), 65-2134, 84-517, 90-499, 97-344, and 2000-407, Laws of Florida, relating to the district; providing an effective date.

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

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

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

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

Section 1. Purpose and territorial boundaries.—That for the purpose of acquiring, constructing, operating, maintaining, and protecting a system of

boat canals, drainage canals; dams, locks, and other proper and necessary works in connection therewith, for the purpose of aiding in flood control, lake level management, and protecting, maintaining, and improving the water quality in the lakes and canals in conjunction with state, county, and city agencies, for the purpose of connecting the lakes within or adjacent to the boundaries hereinafter prescribed, and for moving waters out of such lakes, and for the purpose of promoting access to the lakes and the public convenience, utility, and welfare, the Lake Region Lakes Management District (the "district"), in Polk County has been created and established, and is hereby confirmed, as an independent special district, the territorial boundaries of which are as follows, to wit:

Beginning at the center of east line of section 2, or township twenty-eight (28) south, of range twenty-six (26) east; thence south with section line between section one (1) and two (2), eleven (11) and twelve (12), thirteen (13) and fourteen (14), twenty-three (23) and twenty-four (24), to the northeast corner of section twenty-six (26) said township and range; Thence east on section line to northeast corner of northwest quarter of section twenty-five (25), thence south with the half section line to the center of section thirteen (13), township 29 south, range 26 east; Thence west on the half section line to the southwest corner of the northwest quarter of section line to the southwest corner of the northwest quarter of section sixteen (16) said township and range; Thence north with section line to the northwest corner of the southwest quarter of section four (4), said township and range; Thence west with the half section line to center of section six (6) said township and range; Thence north with half section line to the northwest corner of northeast quarter (NE $\frac{1}{4}$) of section thirty-one (31), township 28 south, range 26 east; Thence west with section line to southeast corner of section twenty-five (25), township 28 south, range 25 east; Thence north with the section line to the northeast corner of section twenty-four (24), said township and range; Thence west to center of north line of section twenty-four (24); thence north with half section line to center of section one (1), township 28, range 25; Thence east with the half section line to the northeast corner of southeast quarter (SE $\frac{1}{4}$) of section two (2), township 28 south, range 26 east, the point of beginning; embracing within said district the following lands, viz: The south half of sections two, three, four, five and six and all of sections seven, eight, nine, ten, eleven, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-two, thirty-three, thirty-four, and thirty-five and the west half of sections twenty-five and thirty-six and the east half of section thirty-one in township 28 south, range 26 east and all of sections two, three, four, nine, ten and eleven, and the west half of sections one and twelve and the north half of sections five, fourteen, fifteen and sixteen and the northeast quarter of section six and the northwest quarter of section thirteen in township 29 south, range 26 east, and the east half of sections twelve and thirteen, and the southeast quarter of section one in township 28 south, range 25 east.

And:

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

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

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

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

Thence continue Westerly, along the south line of the North one-half of said Section 3, to the southeast corner of the north one-half of Section 4, Township 28 South, Range 26 East;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. Elections.—The governing body of the district shall consist of three commissioners who shall be qualified electors residing within said district and they shall be known and designated as the “Board of Commissioners of the Lake Region Lakes Management District.” The board of commissioners shall be the governing body of the district, whose duty, authority, and power shall be as provided in this act. Each present commissioner shall continue to hold office until his or her current term expires in 1990. For the purposes of qualification and running for office in 1990 and thereafter, commission seats shall be designated as seat 1, seat 2, and seat 3. Members elected to seats 1 and 3 at the 1990 general election shall hold office for a period of 4 years until the general election in 1994. The member elected to seat 2 shall hold office for a period of 2 years until the general election of 1992 whereupon the member elected for that seat in 1992 shall hold office for a period of 4 years. Thereafter, all commissioners shall hold office for terms of 4 years each. At the general election every 4 years, a successor shall be elected by the electors of the district. Members shall be elected in a

nonpartisan fashion with no political party affiliation shown on the ballot, and must receive a majority vote of those electors voting in the election. Election of members shall be held at the same time as the first primary election as provided by law. If no candidate receives a majority of the votes cast in such primary, a runoff election of the two candidates receiving the greatest number of votes will be held at the same time as the general election. Elected commissioners shall take office on the first Tuesday following the first Monday in January following their election.

Section 3. General powers and authority.—

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

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

(b) To adopt and alter an official seal.

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

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

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

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

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

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

(i) To sue and be sued.

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

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

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

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

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

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

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

Such appointee shall serve for the balance of the term until his or her successor is elected and qualifies.

Section 5. Compensation.—

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

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

Section 6. Organization.—As soon as possible after a newly elected commissioner takes office, the board of commissioners shall elect one of its members as chair, one as vice chair, and one as secretary/treasurer. Such officers shall serve for a term of 1 year and until their successors are elected and qualified. The secretary/treasurer of the district, prior to entering upon his or her duties as such officer, or any other officer or employee designated by the commission, shall execute a surety bond in an amount to be determined by the board of commissioners and conditioned upon the faithful performance of the duties of the office or employment, such bond to be signed by a surety company authorized to do business in Florida and approved by the board of commissioners, and thereafter filed with the Clerk of the Circuit Court of Polk County. A majority of the board shall constitute a quorum for the transaction of any business of the district. The board of commissioners may additionally designate, by resolution, such additional offices and officers, who need not be members of the board, as may be necessary or convenient. Only duly elected commissioners shall have the right to vote.

Section 7. Duties of board.—It shall be the duty of the board of commissioners to:

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

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

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

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

(5) Cooperate and provide information to Polk County, the City of Winter Haven, and other appropriate governmental agencies to assist them with

long-range comprehensive planning which would affect the lakes within the district.

(6) Otherwise manage the affairs of the district.

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

Section 8. Taxes.—

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

(2) The levy of said tax shall be made not later than the first day of September of each year by resolution of said board or a majority thereof duly entered at large upon its minutes. For the purpose of such levy the assessment roll made by the property appraiser for said county and as returned to the Comptroller of the state for each year shall be used; the value of the property of railroads, telegraphs, and telephone companies shall, as assessed for state and county purposes, be the basis upon which said levy shall be made. Said levy shall be certified in the name of said board by its chair and secretary/treasurer and under its corporate seal to the property appraiser and the Board of County Commissioners of Polk County, and to the Comptroller of the state, not later than the 15th day of September of each and every year. It shall be the duty of the board of county commissioners to order the property appraiser to assess, and the tax collector to collect the amount of tax levied upon the property within said district, at the rate of millage designated by the board of commissioners of said district.

(3) It shall be the duty of the county property appraiser to assess against the property within said district the taxes so levied and certified by said board of commissioners of said district, and to extend same upon the assessment roll in a column for that purpose, and said levy shall be included in the warrant of the property appraiser attached to the assessment roll of taxes for said Polk County each year. It shall be the duty of the Tax Collector of Polk County to collect such taxes so levied, and assessed in the manner and at the same time as state and county taxes are collected, and he or she shall

pay the same to the secretary/treasurer of the district within the time prescribed by law for the payment of state and county taxes.

(4) It shall be the duty of the Comptroller of the state to assess and levy on all the railroad lines and railroad property, telegraph lines and telegraph property, and telephone lines and telephone property, situated in said district, the amount of each such levy as in cases of state and county and other special district taxes, and to collect the said taxes thereon in the same manner as he or she is required by law to assess and collect taxes for state and county purposes and to remit the same to the secretary/treasurer of said district. All said taxes shall be held by said secretary/treasurer for the credit of said district, and shall be paid out by him or her as provided herein.

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

Section 10. Short-term borrowing.—The district at any time may obtain loans with maturities of up to 5 years, in such amounts and on such terms and conditions as the board of commissioners may approve, for the purposes of paying other outstanding indebtedness, meeting extraordinary expenses, funding temporary budget deficits, or implementing those items included under section 3, which loans shall bear such interest as the board of commissioners may determine in compliance with section 215.84, Florida Statutes, as amended from time to time, and may be payable from and secured by the full faith and credit of the district or a pledge of particular funds, revenues, taxes, and moneys available to the district. For such purposes, the district may issue negotiable notes, warrants, or other evidences of indebtedness to be payable at such times, to bear such interest as the board of commissioners may determine in compliance with section 215.84, Florida Statutes, as amended from time to time, and to be sold at such price or prices and on such terms as the board of commissioners may deem advisable. The prior approval of the electors residing in the district shall not be necessary to issue such short-term indebtedness, unless so required by the Constitution of the State of Florida.

Section 11. Bonds of the district.—

(1) The district shall have the power and is hereby authorized from time to time to issue revenue bonds, general obligation bonds, notes, or certificates of indebtedness (hereinafter “bonds”), in such principal amount as, in the opinion of the district, shall be necessary to provide sufficient moneys for achieving its purposes, including, without limitation, the cost of construction, reconstruction, improvement, extension, repair, and relocation of canals, locks, stormwater control and treatment facilities, and such other

improvements as may be deemed necessary or desirable for carrying out the purposes and objects of the district. As used herein, the word "costs" includes the cost of labor, materials, and equipment; the cost of all lands, property rights, easements, and franchises required; financing charges, interest, and debt service prior to, during, and for a reasonable period after construction; the cost of plans and specifications; services and estimates of costs and of revenues; costs of engineering and legal services; all expenses necessary or incident to determining the feasibility or practicability of such acquisitions or constructions; administrative expenses and rebate obligations, if any, payable to the United States Treasury; and such other expenses as may be necessary or incidental to the acquisition or construction or the financing herein authorized.

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

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

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

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

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

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

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

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

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

(10) Bonds issued pursuant to this act, including the refunding bonds authorized pursuant to section 12, are hereby made securities in which all public officers and public bodies of the state and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may

properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state is now or may hereafter be authorized by law.

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

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

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

Section 15. Liability insurance.—The board of commissioners may secure and keep in force in amounts they may determine, in companies duly authorized to do business in Florida, liability insurance covering vehicles, properties, premises, and legal liability. The board of commissioners, however, may purchase such insurance from companies not duly authorized to do business in Florida if equivalent insurance coverage is not available from companies duly authorized to do business in Florida.

Section 16. Application of taxes and investment of funds.—It shall be the duty of said board of commissioners out of the proceeds of the taxes levied, imposed, and collected by or pursuant to the provisions of this act, which moneys so far as necessary are hereby set apart for the purpose, to apply said moneys and pay the interest on said bonds as the same fall due, and at the maturity of said bonds of said moneys to pay the principal thereof. Any funds of the district, including, without limitation, bond proceeds, may

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

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

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

Section 19. Enforcement.—Whoever shall willfully damage the quality of water by dumping trash, garbage, or other pollutants or by discharge or allowing the discharge therein of any liquids or other matter that could lower the quality of lake water or damage plant life or cause damage to any canal, water control structure, lock, levy, jetty, berm, dock, or other works established or constructed under this act or property otherwise covered by this act, or who shall fill or obstruct the flow of water in or the passage of boats through any drainage canal or boat canal, remove any stone or earth or other material from any boat canal, drainage canal, water control structure, berm, levy, locks, jetty, dock, or other work, without having first obtained permission in writing from said board to remove such material, or who shall willfully violate the reasonable rules and regulations established by the board of commissioners, is guilty of a misdemeanor of the second degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes. This section shall not apply to any properly authorized activities

engaged in by a governmental authority having jurisdiction. Neither shall this section apply to any properly authorized activities authorized by a governmental authority having jurisdiction if the activity does not affect a public canal, water control structure, berm, dam, lock, or canal bank.

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

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

Section 22. Dissolution of district and amendment of charter.—The district may be dissolved only by special act of the Legislature or by special dissolution procedures established by general law. This act may be amended only by special act of the Legislature.

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

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

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

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

Approved by the Governor June 17, 2004.

Filed in Office Secretary of State June 17, 2004.