

By Representative Laurent

1 A bill to be entitled
2 An act relating to Polk County; repealing
3 chapter 14580, Laws of Florida, 1929, and
4 chapter 13899, Laws of Florida, 1929;
5 dissolving the Wahneta Drainage District and
6 providing for the disposition of its assets;
7 amending chapter 8378, Laws of Florida, 1919,
8 as amended; revising the law relating to the
9 Lake Region Lakes Management District;
10 authorizing said district to engage in certain
11 acts relating to drainage canals, lake level
12 management, and the operation of water
13 management structures; providing immunity from
14 liability for said district with respect to any
15 failure of such water management structures;
16 providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Chapter 14580, Laws of Florida, 1929, and
21 chapter 13899, Laws of Florida, 1929, are repealed and the
22 Wahneta Drainage District of Polk County, Florida, shall
23 become inactive upon this act becoming a law. If said
24 district owes any debt at the time it becomes inactive, any
25 property or assets of such district, or which belonged to such
26 district at such time, shall be subject to legal process for
27 payment of such debt. After the payment of all the debts of
28 said inactive district, but not later than ninety days after
29 this act becomes law, said district shall be dissolved and the
30 remainder of its property or assets shall escheat to Polk
31 County, Florida. If, however, it shall be necessary, in order

1 to pay any such debt, to levy any tax or taxes on the property
2 in the limits of said district, the same may be assessed and
3 levied by order of the Board of County Commissioners of Polk
4 County, Florida, and shall be assessed by the county property
5 appraiser and collected by the county tax collector.

6 Section 2. Section 1 of chapter 8378, Laws of Florida,
7 1919, as amended, is amended to read:

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

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

1 section twenty-six (26) said township and
2 range;
3
4 Thence east on section line to northeast corner
5 of northwest quarter of section twenty-five
6 (25), thence south with the half section line
7 to the center of section thirteen (13),
8 township 29 south, range 26 east;
9
10 Thence west on the half section line to the
11 southwest corner of the northwest quarter of
12 section line to the southwest corner of the
13 northwest quarter of section sixteen (16) said
14 township and range;
15
16 Thence north with section line to the northwest
17 corner of the southwest quarter of section four
18 (4), said township and range;
19
20 Thence west with the half section line to
21 center of section six (6) said township and
22 range;
23
24 Thence north with half section line to the
25 northwest corner of northeast quarter (NE 1/4)
26 of section thirty-one (31), township 28 south,
27 range 26 east;
28
29 Thence west with section line to southeast
30 corner of section twenty-five (25), township 28
31 south, range 25 east;

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

1 six and the northwest quarter of section
2 thirteen in township 29 south, range 26 east,
3 and the east half of sections twelve and
4 thirteen, and the southeast quarter of section
5 one in township 28 south, range 25 east.
6

7 Section 3. Paragraphs (c), (d) and (f) of subsection
8 (1) and subsection (2) of section 3 of chapter 8378, Laws of
9 Florida, 1919, as amended, are amended to read:

10 Section 3. General Powers and Authority.--

11 (1) The Board of Commissioners is authorized and
12 empowered:

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

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

31

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

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

21 Section 4. Section 18 of chapter 8378, Laws of
22 Florida, 1919, as amended, is amended to read:

23 Section 18. Rules Regulating District Property.--The
24 District shall have the right to make all such proper and
25 reasonable rules and regulations for the care, protection and
26 use of the boat canals and drainage canals, water control
27 structures, berms, locks, docks and other facilities and
28 property of the District, as may be prescribed by the Board of
29 Commissioners; and to charge and collect for the use of the
30 canals, structures,locks, docks and for other services and
31 facilities constructed and maintained or furnished and

1 rendered by the district, such reasonable fees, rates and
2 charges as shall, from time to time, be fixed and established
3 by said Board, and all funds so collected shall be deposited
4 into the treasury and used for any and all purposes of the
5 district. All rules and regulations of the district shall be
6 adopted pursuant to the procedures set forth in chapter 120,
7 Florida Statutes, the Administrative Procedure Act, as amended
8 from time to time. Notwithstanding the above, the district
9 shall make no rule or regulation which would require any
10 person to obtain the permission of the district or a permit
11 from the district prior to the performance of an otherwise
12 lawful act or an act which is otherwise regulated by other
13 federal, state or local agencies or governmental entities.

14 Section 5. Section 19 of chapter 8378, Laws of
15 Florida, 1919, as amended, is amended to read:

16 Section 19. Enforcement.--Whoever shall willfully
17 damage the quality of water by dumping trash, garbage, or
18 other pollutants, or by discharging or allowing the discharge
19 therein of any liquids or other matter that could lower the
20 quality of lake water or damage plant life or cause damage to
21 any canal, water control structure, lock, levee, jetty, berm,
22 dock or other works established or constructed under this act,
23 or property otherwise covered by this act, or who shall fill,
24 or obstruct the flow of water in, or the passage of boats
25 through, any drainage canal or boat canal, remove any stone or
26 earth or other material from any boat canal or drainage canal,
27 water control structure, berm, levee, locks, jetty, dock or
28 other works, without having first obtained permission in
29 writing from said Board to remove such materials, or who shall
30 willfully violate the reasonable rules and regulations
31 established by the Board of Commissioners, is guilty of a

1 misdemeanor of the second degree, punishable as provided in s.
2 775.082 or s. 775.083, Florida Statutes. This section shall
3 not apply to any properly authorized activities engaged in by
4 a governmental authority having jurisdiction. Neither shall
5 this section apply to any properly authorized activities
6 authorized by governmental authority having jurisdiction if
7 the activity does not affect a public canal, water control
8 structure, berm, dam, lock, or canal bank.

9 Section 6. Section 24 of chapter 8378, Laws of
10 Florida, 1919, as amended, is created to read:

11 Section 24. Immunity From Liability.--No action shall
12 be brought against the district, or any agents or employees of
13 the district, for the recovery of damages caused by the
14 partial or total failure of any water management structure,
15 dam, canal, levee, dock or other works upon the ground that
16 the district is liable by virtue of its control, operation or
17 regulation of such works, or measures taken to protect against
18 the failure of such works during an emergency.

19 Section 7. This act shall take effect upon becoming a
20 law.

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