

By Senator Alexander

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A bill to be entitled

An act relating to Polk County; abolishing the Peace Creek Drainage District and transferring its powers, duties, functions, assets, and liabilities to the Lake Region Lakes Management District; amending s. 1 of the charter of the Lake Region Lakes Management District, as amended; redefining the territorial boundaries of the district; amending s. 2 of the charter of the Lake Region Lakes Management District, as amended; clarifying eligibility to vote for members of the board of commissioners of the district; amending s. 3 of the charter of the Lake Region Lakes Management District, as amended; prohibiting the board of commissioners of the district from taking specified actions with respect to canals and waterways within areas of the district; providing an effective date.

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

Section 1. The Peace Creek Drainage District is abolished on July 1, 2005. Beginning on that date, the Board of Commissioners of the Lake Region Lakes Management District shall assume all powers and duties formerly exercised by the Board of Supervisors of the Peace Creek Drainage District, and the Lake Region Lakes Management District shall succeed to all assets and liabilities of the Peace Creek Drainage District.

1 Section 2. Section 1 of the charter of the Lake Region
2 Lakes Management District, as reenacted and amended by section
3 3 of chapter 2004-393, Laws of Florida, is amended to read:

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

19 (1) The territorial boundaries ~~of which~~ are as
20 follows, to wit:

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

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

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

19
20 And:

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

25
26 Run thence Easterly, along the north line
27 thereof, to the Northeast corner of the West
28 one-half of the Northeast quarter of said
29 Section 2;
30
31

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

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

6
7 Thence Northerly, along the west line of the
8 East one-half of the Northwest quarter of said
9 Section 1, to the northwest corner thereof;

10
11 Thence Easterly, along the north line of the
12 East one-half of the Northwest quarter of said
13 Section 1, to the southwest corner of the South
14 one-half of the Southeast quarter of Section
15 36, Township 27 South, Range 25 East;

16
17 Thence Northerly, along the west line of the
18 South one-half of the Southeast quarter of said
19 Section 36, to the northwest corner thereof;

20
21 Thence Easterly, along the north line of the
22 South one-half of the Southeast quarter of said
23 Section 36, to the northeast corner thereof,
24 also being a point on the westerly line of
25 Section 31, Township 27 South, Range 26 East;

26
27 Thence Northerly, along the west line of said
28 Section 31, to the southwest corner of Section
29 30, Township 27 South, Range 26 East;

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

4
5 Thence continue Northerly, along the west line
6 of said Section 19, to the northwest corner
7 thereof;

8
9 Thence Easterly, along the north line of said
10 Section 19, to the northwest corner of Section
11 20, Township 27 South, Range 26 East;

12
13 Thence continue Easterly, along the north line
14 of said Section 20, to the southwest corner of
15 the Southeast quarter of the Southeast quarter
16 of Section 17, Township 27 South, Range 26
17 East;

18
19 Thence Northerly, along the west line of the
20 Southeast quarter of the Southeast quarter of
21 said Section 17, to the northwest corner
22 thereof;

23
24 Thence Easterly, along the north line of the
25 Southeast quarter of the Southeast quarter of
26 said Section 17, to the northeast corner
27 thereof;

28
29 Thence Southerly, along the east line of the
30 Southeast quarter of the Southeast quarter of
31

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

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2 (2) That part of Sections 25 and 26 lying
3 south of U.S. Hwy. 17-92, and Sections 35 and
4 36, all in Township 27 South, Range 26 East;
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6 and
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8 That part of Section 30 lying south of U.S.
9 Hwy. 17-92, and Section 31, all in Township 27
10 South, Range 27 East;
11
12 and
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14 Section 1, and the East one-half of the
15 Northeast quarter of Section 2, and Sections
16 12, 13, and 24, and the East one-half of
17 Section 25, and the West one-half of Section 25
18 lying north of C.R. 542, and the East one-half
19 of Section 36, all in Township 28 South, Range
20 26 East;
21
22 and
23
24 The West quarter of Section 4, and the West
25 one-half of the Northwest quarter of Section 9,
26 and the West one-half of Section 21, and
27 Section 28 lying west of Alternate U.S. Hwy. 27
28 and lying north of C.R. 542, and Section 33,
29 less the Northeast quarter, and the South
30 one-half of Section 34, and all of Sections 5,
31

1 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32,
2 all in Township 28 South, Range 27 East;
3
4 and
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6 The East one-half of Section 1, and the East
7 one-half of Section 12, and Section 13 less the
8 Northwest quarter, and the South one-half of
9 Section 14, and the South one-half of Section
10 15, and the South one-half of Section 28, and
11 the South one-half of Section 29, and the South
12 one-half of Section 30, and all of Sections 22,
13 23, 24, 25, 26, 27, 31, 32, 33, 34, 35, and 36,
14 all in Township 29 South, Range 26 East;
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16 and
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18 All of Sections 3, 4, 5, 6, 7, and 8, and the
19 West three-quarters of Section 9, and all of
20 Sections 16, 17, 18, 19, 20, and 21, and
21 Section 27 lying west of U.S. Hwy. 27, and all
22 of Sections 28, 29, 30, 31, 32, and 33, and
23 Section 34 lying west of U.S Hwy. 27, all in
24 Township 29 South, Range 27 East;
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26 and
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28 The South one-half of Section 25, and the South
29 one-half of Section 26, and all of Sections 35
30 and 36, all in Township 29 South, Range 25
31 East;

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and

All of Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 34, and 35, all in Township 30 South, Range 26 East;

and

That part of Section 3 lying west of U.S. Hwy. 27, and all of Sections 4, 5, 6, 7, 8, and 9, and that part of Section 10 lying west of U.S. Hwy. 27, and that part of Section 14 lying west of U.S. Hwy. 27, and all of Sections 15, 16, 17, 18, 19, 20, 21, and 22, and that part of Section 23 lying west of U.S. Hwy. 27, and that part of Section 26 lying west of U.S. Hwy. 27, and all of Sections 27, 28, 29, and 30, all in Township 30 South, Range 27 East.

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

Section 3. Section 2 of the charter of the Lake Region Lakes Management District, as reenacted and amended by section 3 of chapter 2004-393, Laws of Florida, is amended to read:

Section 2. Elections.--The governing body of the district shall consist of three commissioners, who must ~~shall~~ be qualified electors residing within the said ~~the~~ district, and they shall be known and designated as the "Board of

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

28 Section 4. Subsection (3) is added to section 3 of the
29 charter of the Lake Region Lakes Management District, as
30 reenacted and amended by section 3 of chapter 2004-393, Laws
31 of Florida, to read:

1 Section 3. General powers and authority.--

2 (3) Notwithstanding subsection (2), the board of
3 commissioners may not construct a canal or other navigable
4 waterway, nor may it take any action to improve, maintain, or
5 repair any existing canal or other navigable waterway, when
6 the result of such action would be to create public access to
7 lands within that area of the district described in section
8 1(2) of this charter if such access did not exist on the
9 effective date of this act.

10 Section 5. This act shall take effect July 1, 2005.

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