

CHAMBER ACTION

1 The Local Government Council recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to Polk County; abolishing the Peace Creek  
7 Drainage District and transferring its powers, duties,  
8 functions, assets, and liabilities to the Lake Region  
9 Lakes Management District; amending the charter of the  
10 Lake Region Lakes Management District, as reenacted and  
11 amended by chapter 2004-393, Laws of Florida,; redefining  
12 the territorial boundaries of the district; clarifying  
13 eligibility to vote for members of the board of  
14 commissioners of the district; revising the authority of  
15 the district to perform certain works on the Peace Creek  
16 Canal; providing an effective date.

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

19  
20 Section 1. The Peace Creek Drainage District, a district  
21 existing under chapter 298, Florida Statutes, is abolished on  
22 July 1, 2005. Beginning on that date, the Board of Commissioners  
23 of the Lake Region Lakes Management District shall assume all

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24 | powers, authority, control, ownership, and duties formerly  
 25 | exercised by the Board of Supervisors of the Peace Creek  
 26 | Drainage District, and the Lake Region Lakes Management District  
 27 | shall succeed to all assets and liabilities of the Peace Creek  
 28 | Drainage District.

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

32 | Section 1. Purpose and territorial boundaries.--That for  
 33 | the purpose of acquiring, constructing, operating, maintaining,  
 34 | and protecting a system of boat canals, drainage canals; dams,  
 35 | locks, and other proper and necessary works in connection  
 36 | therewith, for the purpose of aiding in flood control, lake  
 37 | level management, and protecting, maintaining, and improving the  
 38 | water quality in the lakes and canals in conjunction with state,  
 39 | county, and city agencies, for the purpose of connecting the  
 40 | lakes within or adjacent to the boundaries hereinafter  
 41 | prescribed, and for moving waters out of such lakes, and for the  
 42 | purpose of promoting access to the lakes and the public  
 43 | convenience, utility, and welfare, the Lake Region Lakes  
 44 | Management District (the "district"), in Polk County has been  
 45 | created and established, and is hereby confirmed, as an  
 46 | independent special district.7 The territorial boundaries ~~of~~  
 47 | ~~which~~ are as follows, to wit:

48 |         (1) Beginning at the center of east line of  
 49 |         section 2, or township twenty-eight (28) south, of  
 50 |         range twenty-six (26) east; thence south with section  
 51 |         line between section one (1) and two (2), eleven (11)

52 | and twelve (12), thirteen (13) and fourteen (14),  
 53 | twenty-three (23) and twenty-four (24), to the  
 54 | northeast corner of section twenty-six (26) said  
 55 | township and range; Thence east on section line to  
 56 | northeast corner of northwest quarter of section  
 57 | twenty-five (25), thence south with the half section  
 58 | line to the center of section thirteen (13), township  
 59 | 29 south, range 26 east; Thence west on the half  
 60 | section line to the southwest corner of the northwest  
 61 | quarter of section line to the southwest corner of the  
 62 | northwest quarter of section sixteen (16) said  
 63 | township and range; Thence north with section line to  
 64 | the northwest corner of the southwest quarter of  
 65 | section four (4), said township and range; Thence west  
 66 | with the half section line to center of section six  
 67 | (6) said township and range; Thence north with half  
 68 | section line to the northwest corner of northeast  
 69 | quarter (NE 1/4) of section thirty-one (31), township  
 70 | 28 south, range 26 east; Thence west with section line  
 71 | to southeast corner of section twenty-five (25),  
 72 | township 28 south, range 25 east; Thence north with  
 73 | the section line to the northeast corner of section  
 74 | twenty-four (24), said township and range; Thence west  
 75 | to center of north line of section twenty-four (24);  
 76 | thence north with half section line to center of  
 77 | section one (1), township 28, range 25; Thence east  
 78 | with the half section line to the northeast corner of  
 79 | southeast quarter (SE 1/4) of section two (2),

80 township 28 south, range 26 east, the point of  
 81 beginning; embracing within said district the  
 82 following lands, viz; The south half of sections two,  
 83 three, four, five and six and all of sections seven,  
 84 eight, nine, ten, eleven, fourteen, fifteen, sixteen,  
 85 seventeen, eighteen, nineteen, twenty, twenty-one,  
 86 twenty-two, twenty-three, twenty-six, twenty-seven,  
 87 twenty-eight, twenty-nine, thirty, thirty-two, thirty-  
 88 three, thirty-four, and thirty-five and the west half  
 89 of sections twenty-five and thirty-six and the east  
 90 half of section thirty-one in township 28 south, range  
 91 26 east and all of sections two, three, four, nine,  
 92 ten and eleven, and the west half of sections one and  
 93 twelve and the north half of sections five, fourteen,  
 94 fifteen and sixteen and the northeast quarter of  
 95 section six and the northwest quarter of section  
 96 thirteen in township 29 south, range 26 east, and the  
 97 east half of sections twelve and thirteen, and the  
 98 southeast quarter of section one in township 28 south,  
 99 range 25 east.

100 And:

101 Beginning at the Northwest corner of Section 2,  
 102 Township 28 South, Range 26 East, Polk County,  
 103 Florida;  
 104 Run thence Easterly, along the north line thereof, to  
 105 the Northeast corner of the West one-half of the  
 106 Northeast quarter of said Section 2;

107 |       Thence Southerly, along said east line of the west  
 108 |       one-half of the Northeast quarter of said Section 2,  
 109 |       to the Southeast corner thereof;  
 110 |       Thence Westerly, along the south line of the west one-  
 111 |       half of the Northeast quarter and the south line of  
 112 |       the Northwest quarter of said Section 2, to the  
 113 |       Southeast corner of the north one-half of Section 3,  
 114 |       Township 28 South, Range 26 East;  
 115 |       Thence continue Westerly, along the south line of the  
 116 |       North one-half of said Section 3, to the southeast  
 117 |       corner of the north one-half of Section 4, Township 28  
 118 |       South, Range 26 East;  
 119 |       Thence continue Westerly, along the south line of the  
 120 |       north one-half of said Section 4, to the southeast  
 121 |       corner of the north one-half of Section 5, Township 28  
 122 |       South, Range 26 East;  
 123 |       Thence continue Westerly, along the south line of the  
 124 |       north one-half of said Section 5, to the southeast  
 125 |       corner of the north one-half of Section 6, Township 28  
 126 |       South, Range 26 East;  
 127 |       Thence continue Westerly, along the south line of the  
 128 |       north one-half of said Section 6, to the southeast  
 129 |       corner of the Northeast quarter of Section 1, Township  
 130 |       28 South, Range 25 East;  
 131 |       Thence continue Westerly, along the south line of the  
 132 |       Northeast quarter and the south line of the Northwest  
 133 |       quarter of said Section 1, to the southwest corner of

134 | the East one-half of the Northwest quarter of said  
 135 | Section 1;  
 136 | Thence Northerly, along the west line of the East one-  
 137 | half of the Northwest quarter of said Section 1, to  
 138 | the northwest corner thereof;  
 139 | Thence Easterly, along the north line of the East one-  
 140 | half of the Northwest quarter of said Section 1, to  
 141 | the southwest corner of the South one-half of the  
 142 | Southeast quarter of Section 36, Township 27 South,  
 143 | Range 25 East;  
 144 | Thence Northerly, along the west line of the South  
 145 | one-half of the Southeast quarter of said Section 36,  
 146 | to the northwest corner thereof;  
 147 | Thence Easterly, along the north line of the South  
 148 | one-half of the Southeast quarter of said Section 36,  
 149 | to the northeast corner thereof, also being a point on  
 150 | the westerly line of Section 31, Township 27 South,  
 151 | Range 26 East;  
 152 | Thence Northerly, along the west line of said Section  
 153 | 31, to the southwest corner of Section 30, Township 27  
 154 | South, Range 26 East;  
 155 | Thence continue Northerly, along the west line of said  
 156 | Section 30, to the southwest corner of Section 19,  
 157 | Township 27 South, Range 26 East;  
 158 | Thence continue Northerly, along the west line of said  
 159 | Section 19, to the northwest corner thereof;

160 Thence Easterly, along the north line of said Section  
 161 19, to the northwest corner of Section 20, Township 27  
 162 South, Range 26 East;  
 163 Thence continue Easterly, along the north line of said  
 164 Section 20, to the southwest corner of the Southeast  
 165 quarter of the Southeast quarter of Section 17,  
 166 Township 27 South, Range 26 East;  
 167 Thence Northerly, along the west line of the Southeast  
 168 quarter of the Southeast quarter of said Section 17,  
 169 to the northwest corner thereof;  
 170 Thence Easterly, along the north line of the Southeast  
 171 quarter of the Southeast quarter of said Section 17,  
 172 to the northeast corner thereof;  
 173 Thence Southerly, along the east line of the Southeast  
 174 quarter of the Southeast quarter of said Section 17,  
 175 to the Northwest corner of Section 21, Township 27  
 176 South, Range 26 East;  
 177 Thence Easterly, along the north line of said Section  
 178 21, to the northeast corner thereof;  
 179 Thence Southerly, along the east line of said Section  
 180 21, to the northwest corner of the Southwest quarter  
 181 of Section 22, Township 27 South, Range 26 East;  
 182 Thence Easterly, along the north line of the Southwest  
 183 quarter of said Section 22, to the northeast corner  
 184 thereof;  
 185 Thence Southerly, along the east line of the Southwest  
 186 quarter of said Section 22, to the southeast corner

187 |       thereof, also being a point on the north line of  
 188 |       Section 27, Township 27 South, Range 26 East;  
 189 |       Thence Easterly, along the north line of said Section  
 190 |       27, to the northeast corner thereof;  
 191 |       Thence Southerly, along the east line of said Section  
 192 |       27, to the northeast corner of Section 34, Township 27  
 193 |       South, Range 26 East;  
 194 |       Thence continue Southerly, along the east line of said  
 195 |       Section 34, to the southeast corner thereof and the  
 196 |       Point of Beginning.

197 |       (2) That part of Sections 25 and 26 lying south  
 198 |       of U.S. Hwy. 17-92, and Sections 35 and 36, all in  
 199 |       Township 27 South, Range 26 East;  
 200 |       and  
 201 |       That part of Section 30 lying south of U.S. Hwy. 17-  
 202 |       92, and Section 31, all in Township 27 South, Range 27  
 203 |       East;  
 204 |       and  
 205 |       Section 1, and the East one-half of the Northeast  
 206 |       quarter of Section 2, and Sections 12, 13, and 24, and  
 207 |       the East one-half of Section 25, and the West one-half  
 208 |       of Section 25 lying north of C.R. 542, and the East  
 209 |       one-half of Section 36, all in Township 28 South,  
 210 |       Range 26 East;  
 211 |       and  
 212 |       The West quarter of Section 4, and the West one-half  
 213 |       of the Northwest quarter of Section 9, and the West  
 214 |       one-half of Section 21, and Section 28 lying west of



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215 Alternate U.S. Hwy. 27 and lying north of C.R. 542,  
 216 and Section 33, less the Northeast quarter, and the  
 217 South one-half of Section 34, and all of Sections 5,  
 218 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32, all in  
 219 Township 28 South, Range 27 East;  
 220 and  
 221 The East one-half of Section 1, and the East one-half  
 222 of Section 12, and Section 13 less the Northwest  
 223 quarter, and the South one-half of Section 14, and the  
 224 South one-half of Section 15, and the South one-half  
 225 of Section 28, and the South one-half of Section 29,  
 226 and the South one-half of Section 30, and all of  
 227 Sections 22, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35,  
 228 and 36, all in Township 29 South, Range 26 East;  
 229 and  
 230 All of Sections 3, 4, 5, 6, 7, and 8, and the West  
 231 three-quarters of Section 9, and all of Sections 16,  
 232 17, 18, 19, 20, and 21, and Section 27 lying west of  
 233 U.S. Hwy. 27, and all of Sections 28, 29, 30, 31, 32,  
 234 and 33, and Section 34 lying west of U.S. Hwy. 27, all  
 235 in Township 29 South, Range 27 East;  
 236 and  
 237 The South one-half of Section 25, and the South one-  
 238 half of Section 26, and all of Sections 35 and 36, all  
 239 in Township 29 South, Range 25 East;  
 240 and  
 241 All of Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13,  
 242 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28,

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243 29, 34, and 35, all in Township 30 South, Range 26  
 244 East;  
 245 and  
 246 That part of Section 3 lying west of U.S. Hwy. 27, and  
 247 all of Sections 4, 5, 6, 7, 8, and 9, and that part of  
 248 Section 10 lying west of U.S. Hwy. 27, and that part  
 249 of Section 14 lying west of U.S. Hwy. 27, and all of  
 250 Sections 15, 16, 17, 18, 19, 20, 21, and 22, and that  
 251 part of Section 23 lying west of U.S. Hwy. 27, and  
 252 that part of Section 26 lying west of U.S. Hwy. 27,  
 253 and all of Sections 27, 28, 29, and 30, all in  
 254 Township 30 South, Range 27 East.

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

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

259 Section 2. Elections.--The governing body of the district  
 260 shall consist of three commissioners who must ~~shall~~ be qualified  
 261 electors residing within the ~~said~~ district, and they shall be  
 262 known and designated as the "Board of Commissioners of the Lake  
 263 Region Lakes Management District." The board of commissioners  
 264 shall be the governing body of the district, whose duty,  
 265 authority, and power shall be as provided in this act. Each  
 266 present commissioner shall continue to hold office until his or  
 267 her current term expires in 1990. For the purposes of  
 268 qualification and running for office in 1990 and thereafter,  
 269 commission seats shall be designated as seat 1, seat 2, and seat  
 270 3. Members elected to seats 1 and 3 at the 1990 general election

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271 shall hold office for a period of 4 years until the general  
 272 election in 1994. The member elected to seat 2 shall hold office  
 273 for a period of 2 years until the general election of 1992  
 274 whereupon the member elected for that seat in 1992 shall hold  
 275 office for a period of 4 years. Thereafter, all commissioners  
 276 shall hold office for terms of 4 years each. At the general  
 277 election every 4 years, a successor shall be elected by the  
 278 electors of the district as redefined in this act. Members shall  
 279 be elected in a nonpartisan fashion with no political party  
 280 affiliation shown on the ballot, and must receive a majority  
 281 vote of those electors voting in the election. Election of  
 282 members shall be held at the same time as the first primary  
 283 election as provided by law. If no candidate receives a majority  
 284 of the votes cast in such primary, a runoff election of the two  
 285 candidates receiving the greatest number of votes will be held  
 286 at the same time as the general election. Elected commissioners  
 287 shall take office on the first Tuesday following the first  
 288 Monday in January following their election.

289 Section 4. Paragraphs (d) and (e) of subsection (1) of  
 290 section 3 of the charter of the Lake Region Lakes Management  
 291 District, as reenacted and amended by section 3 of chapter 2004-  
 292 393, Laws of Florida, are amended to read:

293 Section 3. General powers and authority.--

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

296 (d) To beautify and maintain the rights-of-way, canal  
 297 banks and berms, lakes, public lake shores, and other property  
 298 of the district as may enhance the appearance thereof and be

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299 | beneficial to the property of the district. ~~To the extent this~~  
300 | ~~work takes place on property owned by private entities or other~~  
301 | ~~public agencies, the prior permissions of such entities or~~  
302 | ~~agencies shall be required.~~

303 | (e) To construct and maintain boat ramps, boat landings,  
304 | and launching basins and bases and any and all other works  
305 | necessary or proper for the purpose of maintaining or providing  
306 | access to the canals and lakes and any and all other property  
307 | and facilities of the district. However, the district shall not  
308 | construct any facilities that provide access to the Peace Creek  
309 | Canal other than those deemed necessary by the district for the  
310 | purpose of repairing, improving, operating, or maintaining said  
311 | canal.

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