

CHAPTER 2011-249

House Bill No. 741

An act relating to the Lake Worth Drainage District, Palm Beach County; amending chapter 2009-258, Laws of Florida; authorizing the district to develop and operate water supply sources and facilities and to enter into interlocal agreements with local governments and public and private utilities for such purpose; providing for issuance of notes and bonds; prohibiting the district from engaging in retail water sales; providing an effective date.

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

Section 1. Section 3 of section 3 of chapter 2009-258, Laws of Florida, is amended to read:

Section 3. Powers of district.—

(1) The district shall have the power to sue and be sued by its name in any court of law or in equity; to make contracts; to adopt and use a corporate seal and to alter the same at pleasure; to acquire by purchase, gift, or condemnation real and personal property, either or both, within or without the district, and to convey and dispose of such real and personal property, either or both, as may be necessary or convenient to carry out the purposes, or any of the purposes, of this act and chapter 298, Florida Statutes; to construct, operate, renovate, and maintain canals, ditches, drains, levees, and other works for drainage and irrigation purposes; to acquire, purchase, operate, and maintain pumps, plants, and pumping systems for drainage and irrigation purposes; to construct, operate, and maintain all types of irrigation works, machinery, and plants; to construct, improve, and maintain roadways and roads necessary and convenient for the exercise of the powers and duties, or any of the powers or duties, of the district or the supervisors thereof; to borrow money and issue negotiable or other bonds of the district as hereinafter provided; to borrow money from time to time and issue negotiable or other notes of the district therefor, bearing interest at a rate not exceeding the maximum rate allowed by general law for public bodies, agencies, and political subdivisions as provided in section 215.84, Florida Statutes, in anticipation of collection of taxes, levies, and assessments or revenues of the district, and to pledge or hypothecate such taxes, levies, assessments, and revenues to secure such bonds, notes, or obligations, and to sell, discount, negotiate, and dispose of the same; and to exercise all other powers necessary, convenient, or proper in connection with any of the powers or duties of the district stated in this act. The powers and duties of the district shall be exercised by and through a board of supervisors, which shall have the authority to employ engineers, attorneys, agents, employees, and representatives as the board may from time to time determine, and to fix their compensation and duties.

(2) The district is further authorized and empowered to develop, acquire, construct, operate, maintain, and finance water supply sources and facilities, including, but not limited to, sources defined pursuant to section 373.019(1), Florida Statutes, subject to all applicable federal, state, and local laws and regulations. The district may also enter into any contract or interlocal agreement with a local government or a public or private utility related to the aforementioned power.

(3) The district may borrow money and issue notes and bonds for the development, acquisition, construction, operation, finance, or maintenance of water supply sources or facilities. However, any notes or bonds shall be secured pursuant to the terms of any water supply or finance agreement with public or private entities. Such notes or bonds shall not be payable from any district revenue. All costs of the development, acquisition, construction, operation, finance, or maintenance of water supply sources or facilities shall be the obligation of the signatories to any water supply or finance agreements other than the district.

(4) The district may not engage in retail sales of public water supplies or otherwise act as a water utility.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 2, 2011.

Filed in Office Secretary of State June 2, 2011.