

By the Committee on Natural Resources and Senator Garcia

312-1797-01

1 A bill to be entitled
2 An act relating to water resources; amending s.
3 373.083, F.S.; authorizing water management
4 districts to solicit donations; amending s.
5 373.093, F.S.; authorizing water management
6 districts to lease certain personal property;
7 creating s. 373.608, F.S.; authorizing water
8 management districts to obtain and enforce
9 patents, copyrights, and trademarks; creating
10 s. 373.610, F.S.; allowing water management
11 districts to bar from future contracts
12 contractors who have defaulted in the past;
13 creating s. 373.611, F.S.; authorizing water
14 management districts to limit or alter damages
15 in certain vendor contracts; providing an
16 effective date.

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

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20 Section 1. Subsection (4) of section 373.083, Florida
21 Statutes, is amended to read:

22 373.083 General powers and duties of the governing
23 board.--In addition to other powers and duties allowed it by
24 law, the governing board is authorized to:

25 (4) Solicit and accept donations or grants of funds or
26 services from both public and private sources for the planning
27 and implementation of district undertakings and delegations,
28 including, but not limited to, projects, programs, works, and
29 studies.

30 Section 2. Subsection (4) is added to section 373.093,
31 Florida Statutes, to read:

1 373.093 Lease of lands or interest in land.--The
2 governing board of the district may lease any lands or
3 interest in land, including but not limited to oil and mineral
4 rights, to which the district has acquired title, or to which
5 it may hereafter acquire title in the following manner, as
6 long as the lease is consistent with the purposes for which
7 the lands or any interest in land was acquired:

8 (4) The governing board of the district may lease
9 existing communications towers and other similar structures
10 that the district owns or that it may hereafter acquire, for
11 the best price and terms obtainable, to be determined by the
12 board.

13 Section 3. Section 373.608, Florida Statutes, is
14 created to read:

15 373.608 Powers; patents, copyrights, and
16 trademarks.--Each district may, in its own name:

17 (1) Perform all things necessary to secure letters of
18 patent, copyrights, and trademarks on any work products and to
19 enforce its rights therein. Each district shall consider
20 contributions by district personnel in the development of
21 trademarks, copyrights, and patents and shall enter into
22 written contracts with such personnel in each trademark,
23 copyright, or patent.

24 (2) License, lease, assign, or otherwise give written
25 consent to any person, firm, or corporation for the
26 manufacture or use of such district work products on a royalty
27 basis or for such other consideration as the applicable
28 governing board considers proper.

29 (3) Take any action necessary, including legal action,
30 to protect such district work products against improper or
31 unlawful use or infringement.

1 (4) Enforce the collection of any sums due the
2 district for the manufacture or use of such district work
3 products by another party.

4 (5) Sell any of such district work products and
5 execute all instruments necessary to consummate such sale.

6 (6) Do all other acts necessary for the execution of
7 powers and duties conferred upon the districts in this
8 section, including adopting rules, as necessary, to administer
9 this section.

10 Section 4. Section 373.610, Florida Statutes, is
11 created to read:

12 373.610 Defaulting vendors and contractors.--The
13 district may suspend a contractor, on a temporary or permanent
14 basis, from doing work with the district if such contractor
15 has materially breached its contract with the district. The
16 district shall adopt rules to administer the provisions of
17 this section to specify the circumstances and conditions that
18 constitute a materially breached contract and conditions that
19 constitute the period for temporary or permanent suspension
20 and for reinstatement.

21 Section 5. Section 373.611, Florida Statutes, is
22 created to read:

23 373.611 Modification or limitation of remedy.--In
24 order to promote the cost-effective procurement of commodities
25 and contractual services by the water management districts, a
26 district may enter into contracts that limit or alter the
27 measure of damages recoverable from a vendor consistent with
28 s. 672.719.

29 Section 6. This act shall take effect upon becoming a
30 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2120

The CS deletes section 2, which would have authorized a WMD governing board to establish the term of certain permits, and section 7, which would have exempted WMDs from the Marketable Record Title Act.

The CS authorizes a WMD governing board to lease any communication towers it may acquire in the future; clarifies that patents, copyrights, and trademarks are for WMD work products; and simplifies provisions authorizing the suspension of a contractor that has materially breached a contract. It also provides direction to the WMDs in developing rules governing how and why contractors may be suspended and reinstated.