

By the Committees on Judiciary, Natural Resources and Senator Garcia

308-1940-01

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A bill to be entitled  
An act relating to water resources; amending s.  
373.083, F.S.; authorizing water management  
districts to solicit donations; amending s.  
373.093, F.S.; authorizing water management  
districts to lease certain personal property;  
creating s. 373.608, F.S.; authorizing water  
management districts to obtain and enforce  
patents, copyrights, and trademarks; creating  
s. 373.610, F.S.; allowing water management  
districts to bar from future contracts  
contractors who have defaulted in the past;  
creating s. 373.611, F.S.; authorizing water  
management districts to limit or alter damages  
in certain vendor contracts; providing an  
effective date.

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

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

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

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

Section 2. Subsection (4) is added to section 373.093, 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 shall suspend a contractor, on a temporary or  
14 permanent basis, from doing work with the district if such  
15 contractor has materially breached its contract with the  
16 district. The district shall adopt rules to administer the  
17 provisions of this section to specify the circumstances and  
18 conditions that constitute a materially breached contract and  
19 conditions that constitute the period for temporary or  
20 permanent suspension 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  
CS/SB 2120

Mandates (in lieu of authorizes) the water management district  
to suspend a contractor, on a temporary or permanent basis,  
from doing work with the district if there is a finding of a  
material breach of contract.