

By Senator Alexander

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1 A bill to be entitled
2 An act relating to the Florida Institute of Phosphate
3 Research; amending s. 378.101, F.S.; renaming the
4 Florida Institute of Phosphate Research as the Florida
5 Institute of Polytechnic and Phosphate Research;
6 revising provisions relating to the powers and duties
7 of the institute; authorizing the institute to secure
8 funding from public, private, foreign, and domestic
9 sources; requiring the deposit of certain proceeds
10 into the Phosphate Research Trust Fund; revising
11 provisions relating to the number and appointment of
12 members to the board of directors; amending s.
13 378.102, F.S.; conforming terminology; providing an
14 effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Section 378.101, Florida Statutes, is amended to
19 read:

20 378.101 Florida Institute of Polytechnic and Phosphate
21 Research.—

22 (1) The ~~There is created~~ a Florida Institute of Polytechnic
23 and Phosphate Research, an independent state research agency at
24 the University of South Florida Polytechnic, ~~which~~ is empowered:

25 (a) To promote the economic development of the state
26 through application and commercialization of research conducted
27 or caused to be conducted by the institute.

28 (b) To assist the University of South Florida in education,
29 research, commercialization, and business incubation activities.

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30 (c)~~(a)~~ To conduct or cause to be conducted such
31 environmental studies related to radiation and water supply and
32 consumption, or other environmental or health effects of
33 commercial and industrial activities, including phosphate mining
34 and reclamation, as may from time to time be deemed reasonably
35 necessary by the institute for the health, safety, and welfare
36 of the citizens of this state and particularly the citizens of
37 the regions where phosphate mining or processing occurs.

38 (d)~~(b)~~ To conduct or cause to be conducted studies a
39 ~~thorough and comprehensive study~~ of reclamation alternatives and
40 technologies in commercial and industrial activities, including
41 ~~the phosphate mining and or processing and industry, including~~
42 wetlands reclamation.

43 (e)~~(c)~~ To conduct or cause to be conducted a thorough and
44 comprehensive study of phosphatic clay and phosphogypsum
45 disposal and utilization as a part of phosphate mining and
46 processing, together with all environmental or land use related
47 thereto.

48 (f)~~(d)~~ To establish methods for better and more efficient
49 practices for commercial and industrial activities, including
50 phosphate ~~recovery~~ mining and processing, ~~in this state~~ as it
51 may determine most beneficial to the economy, environment, and
52 way of life of the citizens of the state.

53 (g)~~(e)~~ To enter into any mutually satisfactory contract
54 with any firm, institution, corporation, or governmental federal
55 ~~or state~~ agency, both domestic and foreign, as may be reasonably
56 required or desired in carrying out the research, ~~and studies,~~
57 and commercialization activities specified in this section
58 ~~herein authorized.~~

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59 (h) To maintain and expand a public library with special
60 collections related to its research activities.

61 (i)~~(f)~~ To make available to the public the results of its
62 research and commercialization activities ~~program~~ so that the
63 research efforts will result in the public being better informed
64 as to the effects of commercial and industrial activities,
65 including phosphate mining and processing ~~in the state.~~

66 (j) To educate the public about the science related to
67 topics and issues that are within its areas of expertise.

68 (k)~~(g)~~ To hold public hearings and consult with
69 representatives of the phosphate industry and other industries
70 related to institute research and all other interested parties;
71 to assign priorities for its research and studies; to make
72 public from time to time its intentions as to future research
73 and study; and to allocate its resources and personnel for such
74 research and studies as it may determine from time to time to be
75 in the public interest.

76 (l)~~(h)~~ To provide suitable and sufficient laboratory
77 facilities and equipment, making use insofar as practical of the
78 existing laboratory facilities and equipment of the State
79 University System and other facilities as may be available, for
80 carrying out the research activities specified in this section
81 ~~and studies herein authorized.~~

82 (m)~~(i)~~ To administer the Phosphate Research Trust Fund and
83 to expend funds therefrom for its administration and for
84 carrying out the phosphate research activities specified
85 ~~purposes set forth~~ in this section. The Phosphate Research Trust
86 Fund shall be subject to the service charge imposed pursuant to
87 chapter 215.

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88 (n) To secure funding from public, private, foreign, and
89 domestic sources for carrying out the research activities
90 specified in this section.

91 (o) To take actions necessary to promote the application
92 and commercialization of its technologies, knowledge, and
93 intellectual property; to provide consulting services; to
94 establish public-private partnerships; and to obtain equity
95 stakes in and foster the growth of business entities in the
96 development and commercialization of its technologies.

97 (2) The institute may develop work products relating to
98 research that ~~which~~ is subject to trademark, copyright, or
99 patent protection. Notwithstanding any law to the contrary, the
100 institute may:

101 (a) Secure patents, copyrights, or trademarks on any of its
102 work products and enforce its rights in such products. It shall
103 consider contributions by institute personnel, contractors, and
104 grantees in the development of such products and shall enter
105 into written agreements with them establishing the interests of
106 the respective parties in each patent, copyright, or trademark
107 it secures.

108 (b) License, lease, or assign, or otherwise give consent to
109 other persons for the manufacture or use of, work products it
110 develops and receive royalties or other consideration for such
111 use.

112 (c) Take any action necessary to protect its work products
113 from improper or unlawful use or infringement.

114 (d) Collect any sums due it for the manufacture or use by
115 any other person of such work products.

116 (e) Sell its interest in or rights to any work products it

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117 owns.

118 (f) Do all acts necessary to exercise its powers and
119 perform its duties. Any action taken by the institute in
120 securing or exploiting such patents, copyrights, or trademarks
121 shall, within 30 days, be reported in writing to the Department
122 of State. Any proceeds received by the institute under this
123 subsection for work products resulting from phosphate research
124 activities shall be deposited in the Phosphate Research Trust
125 Fund for use as provided by law.

126 (3) (a) The institute may establish policies necessary to
127 administer its research activities ~~programs~~ to ensure ~~assure~~
128 their efficiency and effectiveness and promote the application
129 and commercialization of its work products, producing the
130 maximum benefit to the economy, environment, and residents of
131 this state.

132 (b) Materials that ~~which~~ relate to methods of manufacture
133 or production, actual or potential trade secrets, patentable or
134 potentially patentable materials, business transactions, or
135 proprietary information pertaining to research conducted by or
136 on behalf of the institute shall be confidential and exempt from
137 the provisions of s. 119.07(1), except that the institute shall
138 disclose, upon request, the title and description of any
139 research project, the researchers' names, and the amount and
140 source of funding provided for such project.

141 (4) (a) The work of the ~~Florida~~ institute ~~of Phosphate~~
142 ~~Research~~ shall be directed by a seven-member ~~five-member~~ board
143 of directors appointed by the Governor. The board shall be
144 composed of two members ~~one member~~ from the faculty or
145 administration of universities ~~a university~~ within the State

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146 University System, at least one of whom is from the University
147 of South Florida Polytechnic, one member from a major economic
148 development group in this state, one member from a major
149 conservation group in this state, one member from state
150 government, and two members from the phosphate mining or
151 processing industry. The Governor shall make these appointments
152 on the basis of their ability to set priorities for ~~the~~
153 ~~phosphate~~ research and commercialization and otherwise give
154 direction to a professional, efficient, and broad ~~phosphate~~
155 research effort. In setting such priorities, emphasis shall be
156 given to applied research that ~~which~~ tends to solve real
157 problems ~~of the industry~~ in which the public has a substantial
158 interest.

159 (b) Members of the board of directors shall serve 3-year
160 terms, or serve until successors are appointed. A member of the
161 board of directors shall be eligible for reappointment.

162 (c) A vacancy occurring other than by expiration of a term
163 shall be filled by appropriate appointment for the remainder of
164 the unexpired term in the same manner as the original
165 appointment. However, no single vacancy in the board of
166 directors shall impair the right of the remaining members to
167 exercise the powers of the board of directors.

168 (d) The members of the board of directors shall select a
169 chair.

170 (e) The policies and decisions of the board shall be
171 implemented through an executive director chosen by the board on
172 the basis of professional competence, both scientific and
173 administrative.

174 (f) The board shall adopt rules necessary to carry out the

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175 duties and responsibilities of the institute.

176 Section 2. Subsection (1) and paragraph (b) of subsection
177 (2) of section 378.102, Florida Statutes, are amended to read:

178 378.102 Florida Institute of Polytechnic and Phosphate
179 Research; procurement of research services.-

180 (1) SHORT TITLE.-This section may be cited as the "Florida
181 Institute of Polytechnic and Phosphate Research Competitive
182 Negotiation Act."

183 (2) DEFINITIONS.-As used in this section, the term:

184 (b) "Institute" means the Florida Institute of Polytechnic
185 and Phosphate Research.

186 Section 3. This act shall take effect July 1, 2010.