

By Senator Garcia

39-1237-01

1 A bill to be entitled
2 An act relating to the efficient administration
3 of government; amending s. 373.083, F.S.;
4 authorizing water management districts to
5 solicit donations; amending s. 373.085, F.S.;
6 authorizing water management districts to limit
7 permit durations; amending s. 373.093, F.S.;
8 authorizing water management districts to lease
9 certain personal property; creating s. 373.608,
10 F.S.; authorizing water management districts to
11 obtain and enforce patents, copyrights, and
12 trademarks; creating s. 373.610, F.S.; allowing
13 water management districts to bar from future
14 contracts contractors who have defaulted in the
15 past; creating s. 373.611, F.S.; authorizing
16 water management districts to limit or alter
17 damages in certain vendor contracts; amending
18 s. 712.04, F.S.; excluding property of water
19 management districts from operation of the
20 Marketable Record Title Act; providing an
21 effective date.

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23 Be It Enacted by the Legislature of the State of Florida:
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25 Section 1. Subsection (4) of section 373.083, Florida
26 Statutes, is amended to read:

27 373.083 General powers and duties of the governing
28 board.--In addition to other powers and duties allowed it by
29 law, the governing board is authorized to:

30 (4) Accept or solicit donations or grants of funds or
31 services from both public and private sources for the planning

1 and implementation of district undertakings and delegations,
2 including, but not limited to, projects, programs, works, and
3 studies.

4 Section 2. Subsection (1) of section 373.085, Florida
5 Statutes, is amended to read:

6 373.085 Use of works or land by other districts or
7 private persons.--

8 (1) The governing board has authority to prescribe the
9 manner in which local works provided by other districts or by
10 private persons will connect with and make use of the works or
11 land of the district, to issue permits therefor and establish
12 the length of time for the permits, and to cancel the permits
13 for noncompliance with the conditions thereof or for other
14 cause. It is unlawful to connect with or make use of the
15 works or land of the district without consent in writing from
16 its governing board, and the board has authority to prevent
17 or, if done, estop or terminate the same. The use of the works
18 or land of the district for access is governed by this section
19 and is not subject to the provisions of s. 704.01. However,
20 any land or works of the district which have historically been
21 used for public access to the ocean by means of the North New
22 River Canal and its tributaries may not be closed for this
23 purpose unless the district can demonstrate that significant
24 harm to the resource would result from such public use.

25 Section 3. Subsection (4) is added to section 373.093,
26 Florida Statutes, to read:

27 373.093 Lease of lands or interest in land.--The
28 governing board of the district may lease any lands or
29 interest in land, including but not limited to oil and mineral
30 rights, to which the district has acquired title, or to which
31 it may hereafter acquire title in the following manner, as

1 long as the lease is consistent with the purposes for which
2 the lands or any interest in land was acquired:

3 (4) The governing board of the district may lease
4 existing communications towers and other similar structures
5 that the district owns for the best price and terms
6 obtainable, to be determined by the board.

7 Section 4. Section 373.608, Florida Statutes, is
8 created to read:

9 373.608 Powers; patents, copyrights, and
10 trademarks.--Each district may, in its own name:

11 (1) Perform all things necessary to secure letters of
12 patent, copyrights, and trademarks on any work products and to
13 enforce its rights therein. Each district shall consider
14 contributions by district personnel in the development of
15 trademarks, copyrights, and patents and shall enter into
16 written contracts with such personnel in each trademark,
17 copyright, or patent.

18 (2) License, lease, assign, or otherwise give written
19 consent to any person, firm, or corporation for the
20 manufacture or use thereof on a royalty basis or for such
21 other consideration as the applicable governing board
22 considers proper.

23 (3) Take any action necessary, including legal action,
24 to protect the patents, copyrights, and trademarks against
25 improper or unlawful use or infringement.

26 (4) Enforce the collection of any sums due the
27 district for the manufacture or use thereof by another party.

28 (5) Sell any of the patents, copyrights, and
29 trademarks and execute all instruments necessary to consummate
30 such sale.

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1 (6) Do other acts necessary for the execution of
2 powers and duties conferred upon the districts in this
3 section, including adopting rules to administer this section.

4 Section 5. Section 373.610, Florida Statutes, is
5 created to read:

6 373.610 Defaulting vendors and contractors.--The
7 district may suspend a contractor from doing work with the
8 district when the contractor has materially breached its
9 contract with the district. The district shall provide written
10 notice to the defaulting contractor and afford the contractor
11 a minimum period of 10 days to correct its deficiency. If a
12 contractor does not correct its deficiency within the required
13 time, the district may find the contractor in default and
14 suspend the contractor from doing business with the district.
15 Contractors must be afforded the right to petition for an
16 administrative hearing under s. 120.57 on the district's
17 intended decision to suspend a contractor from doing business
18 with the district. The district shall adopt rules to
19 administer this section.

20 Section 6. Section 373.611, Florida Statutes, is
21 created to read:

22 373.611 Modification or limitation of remedy.--In
23 order to promote the cost-effective procurement of commodities
24 and contractual services by the water management districts, a
25 district may enter into contracts to limit or alter the
26 measure of damages recoverable from a vendor consistent with
27 s. 672.719.

28 Section 7. Section 712.04, Florida Statutes, is
29 amended to read:

30 712.04 Interests extinguished by marketable record
31 title.--Subject to the matters stated in s. 712.03, such

1 marketable record title shall be free and clear of all
2 estates, interests, claims, or charges whatsoever, the
3 existence of which depends upon any act, title transaction,
4 event or omission that occurred prior to the effective date of
5 the root of title. All such estates, interests, claims, or
6 charges, however denominated, whether such estates, interests,
7 claims, or charges are or appear to be held or asserted by a
8 person sui juris or under a disability, whether such person is
9 within or without the state, whether such person is natural or
10 corporate, or is private or governmental, are hereby declared
11 to be null and void, except that this chapter shall not be
12 deemed to affect any right, title, or interest of the United
13 States, Florida, or any of its officers, boards, commissions,
14 water management districts, or other agencies ~~reserved in the~~
15 ~~patent or deed by which the United States, Florida, or any of~~
16 ~~its agencies parted with title.~~

17 Section 8. This act shall take effect upon becoming a
18 law.

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21 SENATE SUMMARY

22 Authorizes water management districts to solicit
23 donations, limit the duration of permits, lease specified
24 personal property, obtain and enforce patents,
25 copyrights, and trademarks, bar certain contractors from
26 doing business with the district, and limit or alter
27 contract damages. Excludes property of water management
28 districts from operation of the Marketable Record Title
29 Act.
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