

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

14
 15 Be It Enacted by the Legislature of the State of Florida:

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

19 378.101 Florida Institute of Polytechnic and Phosphate
 20 Research.--

21 (1) The ~~There is created a~~ Florida Institute of
 22 Polytechnic and Phosphate Research, an independent state
 23 research agency at the University of South Florida Polytechnic,
 24 ~~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
 29 education, research, commercialization, and business incubation
 30 activities.

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

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

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

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

54 (g)~~(e)~~ To enter into any mutually satisfactory contract
 55 with any firm, institution, corporation, or government ~~federal~~

56 ~~or state~~ agency, both domestic and foreign, as may be reasonably
 57 required or desired in carrying out the research, ~~and studies,~~
 58 and commercialization activities specified in this section
 59 ~~herein authorized.~~

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

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

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

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

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

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

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

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

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

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

109 (b) License, lease, or assign, or otherwise give consent
 110 to other persons for the manufacture or use of, work products it

111 develops and receive royalties or other consideration for such
 112 use.

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

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

117 (e) Sell its interest in or rights to any work products it
 118 owns.

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

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

133 (b) Materials that ~~which~~ relate to methods of manufacture
 134 or production, actual or potential trade secrets, patentable or
 135 potentially patentable materials, business transactions, or
 136 proprietary information pertaining to research conducted by or
 137 on behalf of the institute shall be confidential and exempt from
 138 the provisions of s. 119.07(1), except that the institute shall

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139 disclose, upon request, the title and description of any
140 research project, the researchers' names, and the amount and
141 source of funding provided for such project.

142 (4) (a) The work of the ~~Florida~~ ~~institute of Phosphate~~
143 ~~Research~~ shall be directed by a seven-member ~~five-member~~ board
144 of directors appointed by the Governor. The board shall be
145 composed of two members ~~one member~~ from the faculty or
146 administration of universities ~~a university~~ within the State
147 University System, at least one of whom is from the University
148 of South Florida Polytechnic, one member from a major economic
149 development group in this state, one member from a major
150 conservation group in this state, one member from state
151 government, and two members from the phosphate mining or
152 processing industry. The Governor shall make these appointments
153 on the basis of their ability to set priorities for ~~the~~
154 ~~phosphate~~ research and commercialization and otherwise give
155 direction to a professional, efficient, and broad ~~phosphate~~
156 research effort. In setting such priorities, emphasis shall be
157 given to applied research that ~~which~~ tends to solve real
158 problems ~~of the industry~~ in which the public has a substantial
159 interest.

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

163 (c) A vacancy occurring other than by expiration of a term
164 shall be filled by appropriate appointment for the remainder of
165 the unexpired term in the same manner as the original
166 appointment. However, no single vacancy in the board of

167 | directors shall impair the right of the remaining members to
 168 | exercise the powers of the board of directors.

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

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

175 | (f) The board shall adopt rules necessary to carry out the
 176 | duties and responsibilities of the institute.

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

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

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

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

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

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