

By the Committees on Natural Resources; Communication and Public Utilities; and Senator Bennett

312-2266-04

1 A bill to be entitled
2 An act relating to alternative energy; creating
3 the Florida Alternative Energy Technology
4 Center, Inc.; providing for the organization,
5 purpose, and duties of the center; providing an
6 appropriation; providing for the transfer of
7 the state energy program from the Department of
8 Community Affairs to the Department of
9 Environmental Protection; providing an
10 effective date.

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

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14 Section 1. Florida Alternative Energy Technology
15 Center; findings; creation; membership; organization; purpose;
16 duties; powers.--

17 (1) The Legislature finds that it is in the public
18 interest to promote, in this state, research on and use of
19 renewable energy resources, energy conservation, distributed
20 generation, advanced transmission methods, and pollution
21 control. Both Florida and the United States in general are
22 overly dependent upon fossil fuels. Renewable electric
23 resources and energy conservation have the potential to
24 decrease this dependency, minimize volatility of fuel cost,
25 and improve environmental conditions. Distributed generation
26 and enhancements to transmission of electricity have the
27 potential to make our supply of electricity more secure and
28 decrease the likelihood and severity of blackouts. Research in
29 this state on these subjects can make Florida a leader in new
30 and innovative technologies and encourage investment and
31 economic development within this state.

1 (2) As used in this section, the term:

2 (a) "Corporation" means the Florida Alternative Energy
3 Technology Center, Inc.

4 (b) "Alternative energy technology" includes, but is
5 not limited to: hydrogen fuel; fuel cells; distributed
6 generation; biodiesel and similar synthetic fuels;
7 thermo-depolymerization; biomass; agricultural products and
8 byproducts; municipal solid waste, including landfill
9 injection and landfill mining; landfill gas; solar thermal and
10 solar photovoltaic energy; ocean energy, including wave or
11 thermal; energy conservation, including appliance efficiency
12 standards; distributed generation; enhancements to
13 transmission of electricity, including advanced transmission
14 lines; and environmental standards.

15 (3) There is created a not-for-profit corporation, to
16 be known as the Florida Alternative Energy Technology Center,
17 Inc., which must be registered, incorporated, organized, and
18 operated in compliance with chapter 617, Florida Statutes, and
19 which is not to be a unit or entity of state government. The
20 Legislature determines, however, that public policy dictates
21 that the corporation operate in the most open and accessible
22 manner consistent with its public purpose. To this end, the
23 Legislature specifically declares that the corporation and its
24 boards and advisory committees or similar groups that it
25 creates are subject to the provisions of chapter 119, Florida
26 Statutes, relating to public records and those provisions of
27 chapter 286, Florida Statutes, relating to public meetings and
28 records.

29 (4) The corporation is the principal alternative
30 energy technology organization for the state and is to provide
31 leadership for research and development on the production of,

1 improvements in, or use of alternative energy technology in
2 Florida.

3 (5) In fulfilling this responsibility, the corporation
4 shall:

5 (a) Establish a unified approach to research,
6 development, and use of alternative energy technology, with
7 the cooperation of the Governor, the Legislature, the state
8 energy program, as authorized and governed by sections 377.701
9 and 377.703, Florida Statutes, the Statewide Board of
10 Governors of the State University System, the Public Service
11 Commission, and relevant businesses in the private sector.

12 (b) Assist the Florida universities and the private
13 sector in determining areas on which to focus research in
14 alternative energy technology and to assist in coordinating
15 research projects among the universities and relevant private
16 sector entities.

17 (c) Promote the state as a location for businesses
18 having operations related to alternative energy technologies
19 in cooperation with Enterprise Florida, Inc., and the state
20 energy program, as authorized and governed by sections 377.701
21 and 377.703, Florida Statutes.

22 (d) Assist universities, other state entities, and
23 private companies in raising funds from all available
24 resources including federal, state, local, and private for
25 research and development concerning alternative energy
26 technology and for projects that utilize alternative energy
27 technology in Florida.

28 (e) Collect and maintain information relating to:
29 funding sources (public and private), research conducted or
30 needed, and alternative energy technology businesses
31 considering operations in Florida.

1 (f) Make policy recommendations to the Legislature,
2 the Governor, and state agencies and subdivisions.

3 (6) In addition, the corporation may conduct research
4 on alternative energy technology when such research is not or
5 cannot be done by a state university. It may conduct this
6 research utilizing only corporate personnel and facilities or
7 in cooperation with one or more universities, one or more
8 private companies, or both.

9 (7) In performing these functions, the corporation
10 shall take all possible steps to ensure the maximum benefit to
11 the state. As part thereof, the corporation shall establish
12 strategic priorities, consistent with the findings of this
13 section, to guide funding allocations and ensure the best use
14 of available resources.

15 (8) The corporation must establish one or more
16 corporate offices, at least one of which must be located in
17 Leon County.

18 (9) The corporation shall be governed by a board of
19 directors consisting of the following members:

20 (a) A representative from the state energy program, as
21 authorized and governed by sections 377.701 and 377.703,
22 Florida Statutes.

23 (b) The President of Enterprise Florida, Inc.

24 (c) A representative from the Statewide Board of
25 Governors of the State University System, selected by the
26 members of that board.

27 (d) A representative selected by the Florida public
28 utilities, as that term is defined in section 366.02, Florida
29 Statutes. The term for this board member shall be 2 years,
30 with a new representative selected at the end of that time.
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1 (e) A representative selected by the Florida municipal
2 electric utilities and rural electric cooperatives. The term
3 for this board member shall be 2 years, with a new
4 representative selected at the end of that time.

5 (f) A representative selected by the President of the
6 Senate who is a board member or executive officer of a
7 business that is located in Florida and that does not have any
8 business interests relating to energy who can provide guidance
9 as to locating and operating a business in this state. The
10 term for this board member shall be 2 years, with a new
11 representative selected at the end of that time.

12 (g) A representative selected by the Speaker of the
13 House of Representatives who is a board member or executive
14 officer of a business that is located in Florida and that does
15 not have any business interests relating to energy who can
16 provide guidance as to locating and operating a business in
17 this state. The term for this board member shall be 2 years,
18 with a new representative selected at the end of that time.

19 (h) A representative selected by the Governor from an
20 environmental group who is informed about energy matters of
21 this state. The term for this board member shall be 2 years,
22 with a new representative selected at the end of that time.

23 (10) Vacancies on the board must be filled in the same
24 manner as the original appointment. Vacancies shall be filled
25 for the remainder of the unexpired term, where applicable.

26 (11) The board members must select a chairperson
27 biennially, upon appointment of all new members.

28 (12) The board of directors must meet at least four
29 times each year, upon the call of the chairperson, or at the
30 request of a majority of the membership. A majority of the
31 total number of all directors constitutes a quorum. The board

1 of directors may take official action by a majority vote of
2 the members present at any meeting at which a quorum is
3 present.

4 (13) Members of the board of directors serve without
5 compensation, but members, the president, and staff may be
6 reimbursed for all reasonable, necessary, and actual expenses,
7 as determined by the corporation's board of directors.

8 (14) Each member of the corporation's board of
9 directors who is not otherwise required to file a financial
10 disclosure pursuant to Section 8, Article II of the State
11 Constitution or section 112.3144, Florida Statutes, must file
12 a disclosure of financial interests pursuant to section
13 112.3145, Florida Statutes.

14 (15) The board of directors has the power to:

15 (a) Secure funding for programs and activities of the
16 corporation and its boards from federal, state, local, and
17 private sources and from fees charged for services and
18 published materials and solicit, receive, hold, invest, and
19 administer any grant, payment, or gift of funds or property
20 and make expenditures consistent with the powers granted to
21 it.

22 (b) Make and enter into contracts and other
23 instruments necessary or convenient for the exercise of its
24 powers and functions.

25 (c) Sue and be sued, and appear and defend in all
26 actions and proceedings, in its corporate name to the same
27 extent as a natural person.

28 (d) Adopt, use, and alter a common corporate seal for
29 the corporation and its boards.

30 (e) Elect or appoint such officers and agents as its
31 affairs require and allow them reasonable compensation.

1 (f) Adopt, amend, and repeal bylaws, not inconsistent
2 with the powers granted to it or the articles of
3 incorporation, for the administration of the affairs of the
4 corporation and the exercise of its corporate powers.

5 (g) Acquire, enjoy, use, and dispose of patents,
6 copyrights, and trademarks and any licenses, royalties, and
7 other rights or interests thereunder or therein.

8 (h) Do all acts and things necessary or convenient to
9 carry out the powers granted to it.

10 (i) Use the state seal, notwithstanding the provisions
11 of section 15.03, Florida Statutes, when appropriate, to
12 establish that the corporation is the principal alternative
13 energy technology organization for the state, and for other
14 standard corporate identity applications. Use of the state
15 seal is not to replace use of a corporate seal as provided in
16 this section.

17 (j) Invest any funds unspent at the end of the fiscal
18 year to maximize the use of those funds.

19 (k) Procure insurance or require bond against any loss
20 in connection with the property of the corporation and its
21 boards, in such amounts and from such insurers as is necessary
22 or desirable.

23 (l) Create and dissolve advisory committees, working
24 groups, task forces, or similar organizations, as necessary to
25 carry out the corporation's mission. Members of advisory
26 committees, working groups, task forces, or similar
27 organizations created by the corporation serve without
28 compensation, but may be reimbursed for reasonable, necessary,
29 and actual expenses, as determined by the corporation's board
30 of directors.

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1 (m) Solicit input from the public and organizations
2 concerned about energy in Florida as well as experts in the
3 field.

4 (16) The powers granted to the corporation are to be
5 liberally construed in order that it may aggressively pursue
6 its purpose of being the principal alternative energy
7 technology organization for the state.

8 (17) The corporation's board of directors must appoint
9 a corporate president, and establish and adjust the
10 president's compensation. The president is the chief
11 administrative and operational officer of the board of
12 directors and of the corporation, and directs and supervises
13 the administrative affairs of the board of directors and any
14 other boards of the corporation. The board of directors may
15 delegate to its president those powers and responsibilities it
16 deems appropriate, except for the appointment of a president.

17 (18) Distributions shall be made to the corporation
18 from the Florida Electric Energy Trust Fund under a contract
19 between the Public Service Commission and the corporation,
20 including any funding that is directed by the Legislature to
21 be paid to a specific recipient.

22 (19) The board of directors and its officers are
23 responsible for the prudent use of all public and private
24 funds and must ensure that the use of such funds is in
25 accordance with all applicable laws, bylaws, or contractual
26 requirements. No employee of the corporation may receive
27 compensation for employment which exceeds the salary paid to
28 the Governor, unless the board of directors and the employee
29 have executed a contract that prescribes specific, measurable
30 performance outcomes for the employee, the satisfaction of
31 which provides the basis for the award of incentive payments

1 that increase the employee's total compensation to a level
2 above the salary paid to the Governor.

3 (20) Under no circumstances may the credit of the
4 State of Florida be pledged on behalf of the corporation.

5 (21) In addition to any indemnification available
6 under chapter 617, Florida Statutes, the corporation may
7 indemnify, and purchase and maintain insurance on behalf of
8 its directors, officers, and employees and its boards against
9 any personal liability or accountability by reason of actions
10 taken while acting within the scope of their authority.

11 (22) By December 1 each year, the corporation must
12 submit an annual report to the Governor, the President of the
13 Senate, the Speaker of the House of Representatives, and the
14 chairman of the Statewide Board of Governors containing:

15 (a) A detailed description of the corporation's
16 activities and accomplishments.

17 (b) An annual financial accounting of resources and
18 expenditures conducted by an independent certified public
19 accountant.

20 (c) A statement of its strategic priorities and their
21 use in guiding resource allocations.

22 (d) Any recommendations the corporation has for action
23 by the Legislature or by the agencies of state, county, or
24 municipal governments to foster development or use of
25 alternative energy technology.

26 Section 2. There is appropriated from the General
27 Revenue Fund to the Office of the Governor \$500,000 to fund
28 the activities of the Florida Alternative Energy Technology
29 Center, Inc., for the fiscal year 2004-2005.

30 Section 3. The state energy program, as authorized and
31 governed by sections 377.701 and 377.703, Florida Statutes,

1 including all statutory powers, duties, functions, rules,
2 records, personnel, property, and unexpended balances of
3 appropriations, allocations, and other funds associated with
4 the program, is hereby transferred intact by a type two
5 transfer, as defined in section 20.06(2), Florida Statutes,
6 from the Department of Community Affairs to the Department of
7 Environmental Protection.

8 Section 4. This act shall take effect upon becoming a
9 law.

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 CS/SB 1316

14 The committee substitute requires the Center to establish
15 strategic priorities to guide funding allocations and ensure
the best use of available resources.

16 The board of directors membership is expanded to include a
17 representative selected by the Governor from an environmental
group who is informed about energy matters of the state.

18 The Center is required to solicit input from the public and
19 organizations concerned about energy in Florida as well as
experts in the field.

20 Distributions shall be made to the Center from the Florida
21 Electric Energy Trust Fund under a contract between the Public
Service Commission and the Center, including any funding that
22 is directed by the Legislature to be paid to a specific
recipient.

23 The Center's annual report must also include a statement of
24 its strategic priorities and their use in guiding resource
allocations.