

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

302-2435-04

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,
19 which has all the powers appertaining thereto, and which is
20 not to be a unit or entity of state government. The
21 Legislature determines, however, that public policy dictates
22 that the corporation operate in the most open and accessible
23 manner consistent with its public purpose. To this end, the
24 Legislature specifically declares that the corporation and its
25 boards and advisory committees or similar groups that it
26 creates are subject to the provisions of chapter 119, Florida
27 Statutes, relating to public records and those provisions of
28 chapter 286, Florida Statutes, relating to public meetings and
29 records.
30 (4) The corporation is the principal alternative
31 energy technology organization for the state and is to provide

1 leadership for research and development on the production of,
2 improvements in, or use of alternative energy technology in
3 Florida.

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

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

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

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

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

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

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

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

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

18 (8) The corporation must establish one or more
19 corporate offices, at least one of which must be located in
20 Leon County.

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

23 (a) A representative from the state energy program, as
24 authorized and governed by sections 377.701 and 377.703,
25 Florida Statutes, selected by the Governor.

26 (b) A representative from Enterprise Florida, Inc.,
27 selected by its board of directors.

28 (c) A representative from the Statewide Board of
29 Governors of the State University System, selected by the
30 members of that board.

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1 (d) A representative from the Florida investor-owned
2 electric utilities. The Governor shall select this member from
3 a list of four persons provided by these utilities.

4 (e) A representative from the Florida municipal
5 electric utilities and rural electric cooperative utilities.
6 The Governor shall select this representative from a list of
7 four persons provided by these utilities.

8 (f) A representative selected by the President of the
9 Senate who is a board member or executive officer of a
10 business that is located in Florida and that does not have any
11 business interests relating to energy who can provide guidance
12 as to locating and operating a business in this state.

13 (g) A representative selected by the Speaker of the
14 House of Representatives who is a board member or executive
15 officer of a business that is located in Florida and that does
16 not have any business interests relating to energy who can
17 provide guidance as to locating and operating a business in
18 this state.

19 (h) A representative selected by the Governor from an
20 environmental group who is informed about energy matters of
21 this state.

22 (10) Board members shall serve a term of 2 years,
23 except that members selected under paragraphs (9)(d), (e),
24 (f), and (g) shall serve an initial term of 3 years. Vacancies
25 on the board must be filled in the same manner as the original
26 appointment. Vacancies shall be filled for the remainder of
27 the unexpired term, where applicable.

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

30 (12) The board of directors must meet at least four
31 times each year, upon the call of the chairperson, or at the

1 request of a majority of the membership. A majority of the
2 total number of all directors constitutes a quorum. The board
3 of directors may take official action by a majority vote of
4 the members present at any meeting at which a quorum is
5 present.

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

10 (14) Each member of the corporation's board of
11 directors who is not otherwise required to file a financial
12 disclosure pursuant to Section 8, Article II of the State
13 Constitution or section 112.3144, Florida Statutes, must file
14 a disclosure of financial interests pursuant to section
15 112.3145, Florida Statutes.

16 (15) The corporation's board of directors must appoint
17 a corporate president, and establish and adjust the
18 president's compensation. The president is the chief
19 administrative and operational officer of the board of
20 directors and of the corporation, and directs and supervises
21 the administrative affairs of the board of directors and any
22 other boards of the corporation. The board of directors may
23 delegate to its president those powers and responsibilities it
24 deems appropriate, except for the appointment of a president.

25 (16) Distributions shall be made to the corporation
26 from the Florida Electric Energy Trust Fund under a contract
27 between the Public Service Commission and the corporation,
28 including any funding that is directed by the Legislature to
29 be paid to a specific recipient.

30 (17) The board of directors and its officers are
31 responsible for the prudent use of all public and private

1 funds and must ensure that the use of such funds is in
2 accordance with all applicable laws, bylaws, or contractual
3 requirements. No employee of the corporation may receive
4 compensation for employment which exceeds the salary paid to
5 the Governor, unless the board of directors and the employee
6 have executed a contract that prescribes specific, measurable
7 performance outcomes for the employee, the satisfaction of
8 which provides the basis for the award of incentive payments
9 that increase the employee's total compensation to a level
10 above the salary paid to the Governor.

11 (18) Under no circumstances may the credit of the
12 State of Florida be pledged on behalf of the corporation.

13 (19) If the corporation is dissolved or ceases to
14 exist, all moneys, records, data, and property held by the
15 corporation revert to the state. All records and data in a
16 computerized database must be returned in a form that is
17 compatible with the computerized database of the Public
18 Service Commission.

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

25 (21) By December 1 each year, the corporation must
26 submit an annual report to the Governor, the President of the
27 Senate, the Speaker of the House of Representatives, and the
28 chairman of the Statewide Board of Governors containing:

29 (a) A detailed description of the corporation's
30 activities and accomplishments.

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1 (b) An annual financial accounting of resources and
2 expenditures conducted by an independent certified public
3 accountant.

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

6 (d) Any recommendations the corporation has for action
7 by the Legislature or by the agencies of state, county, or
8 municipal governments to foster development or use of
9 alternative energy technology.

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

14 Section 3. The State Energy Program, as authorized and
15 governed by sections 20.18, 288.041, 377.601-377.608, 377.701,
16 and 377.703, Florida Statutes, is transferred by a type two
17 transfer, as defined in section 20.06(2), Florida Statutes,
18 from the Department of Community Affairs to the Department of
19 Environmental Protection. Notwithstanding section 20.06(2),
20 Florida Statutes, trust funds associated with this program
21 shall remain within the Department of Community Affairs.

22 Section 4. This act shall take effect upon becoming a
23 law.

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

Provides that powers of the nonprofit corporation are as provided in ch. 617, F.S.
Revises process for appointment of some board members.
Provides for staggered terms.
Provides that all property of corporation reverts to state upon dissolution.
Requires the corporation to act in the best interests of the state.