

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

309-2537-04

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A bill to be entitled

An act relating to alternative energy; creating the Florida Alternative Energy Technology Center, Inc.; providing for the organization, purpose, and duties of the center; providing an effective date.

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

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

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

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

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

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

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

27 **(4) The corporation is the principal alternative**
28 **energy technology organization for the state and is to provide**
29 **leadership for research and development on the production of,**
30 **improvements in, or use of alternative energy technology in**
31 **Florida.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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 from the Florida investor-owned
28 electric utilities. The Governor shall select this member from
29 a list of four persons provided by these utilities.

30 (e) A representative from the Florida municipal
31 electric utilities and rural electric cooperative utilities.

1 The Governor shall select this representative from a list of
2 four persons provided by these utilities.

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

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

14 (h) A representative selected by the Governor from an
15 environmental group who is informed about energy matters of
16 this state.

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

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

25 (12) The board of directors must meet at least four
26 times each year, upon the call of the chairperson, or at the
27 request of a majority of the membership. A majority of the
28 total number of all directors constitutes a quorum. The board
29 of directors may take official action by a majority vote of
30 the members present at any meeting at which a quorum is
31 present.

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

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

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

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

25 (17) The board of directors and its officers are
26 responsible for the prudent use of all public and private
27 funds and must ensure that the use of such funds is in
28 accordance with all applicable laws, bylaws, or contractual
29 requirements. No employee of the corporation may receive
30 compensation for employment which exceeds the salary paid to
31 the Governor, unless the board of directors and the employee

1 have executed a contract that prescribes specific, measurable
2 performance outcomes for the employee, the satisfaction of
3 which provides the basis for the award of incentive payments
4 that increase the employee's total compensation to a level
5 above the salary paid to the Governor.

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

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

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

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

24 (a) A detailed description of the corporation's
25 activities and accomplishments.

26 (b) An annual financial accounting of resources and
27 expenditures conducted by an independent certified public
28 accountant.

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

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1 (d) Any recommendations the corporation has for action
2 by the Legislature or by the agencies of state, county, or
3 municipal governments to foster development or use of
4 alternative energy technology.

5 Section 2. This act shall take effect upon becoming a
6 law.

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

11 The committee substitute removes an appropriation of \$500,000
12 and deletes language providing for the transfer of the State
13 Energy Program from the Department of Community Affairs to the
14 Department of Environmental Protection.