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A bill to be entitled
 An act relating to alternative energy; providing
 legislative findings; providing definitions; creating the
 Florida Alternative Energy Technology Center, Inc., as a
 not-for-profit corporation; requiring compliance with
 public meetings and records laws; providing for the
 organization, purpose, and duties of the center; providing
 for the membership on the board of directors of the
 center; requiring the disclosure of financial interests by
 board members; specifying the powers and duties of the
 board; requiring an annual report; providing an
 appropriation; providing an effective date.

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

Section 1. Florida Alternative Energy Technology Center, Inc.; 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 on fossil fuels to meet the energy needs of homes and businesses. Renewable energy resources and energy conservation resources have the potential to decrease this dependency, minimize volatility of fuel cost, and improve environmental conditions. Distributed energy resources and

29 enhancements to the transmission of electricity have the
30 potential to make our supply of electricity more secure and to
31 decrease the likelihood and severity of blackouts. Research in
32 this state on these subjects can make the state a leader in new
33 and innovative technologies and encourage investment and
34 economic development in this state.

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

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

38 (b) "Alternative energy technology" means energy
39 technologies that are undeveloped or less than established in
40 current markets. The term includes, but is not limited to,
41 hydrogen fuel; fuel cells; distributed generation; biodiesel and
42 similar synthetic fuels; thermo-depolymerization; biomass;
43 agricultural products and byproducts; municipal solid waste,
44 including landfill injection, landfill mining, and landfill gas;
45 solar thermal and solar photovoltaic energy; ocean energy,
46 including wave or thermal; energy conservation, including
47 building, equipment, and appliance efficiency technologies;
48 enhancements to the transmission of electricity, including
49 advanced transmission lines; and environmental standards.

50 (3) There is created a not-for-profit corporation, to be
51 known as the Florida Alternative Energy Technology Center, Inc.,
52 which must be registered, incorporated, organized, and operated
53 in compliance with chapter 617, Florida Statutes, and which is
54 not to be a unit or entity of state government. The Legislature
55 determines, however, that public policy dictates that the
56 corporation operate in the most open and accessible manner

57 consistent with its public purpose. To this end, the Legislature
58 specifically declares that the corporation and its board of
59 directors, and the task forces, advisory committees, and similar
60 working groups that the corporation creates, are subject to the
61 provisions of chapter 119, Florida Statutes, relating to public
62 records and the provisions of chapter 286, Florida Statutes,
63 relating to public meetings and records.

64 (4) The corporation is the principal alternative energy
65 technology organization for the state and shall provide
66 leadership for research, development, and deployment of
67 alternative energy technology in this state, including
68 production of, improvements in, and the use of such technology.
69 In fulfilling this responsibility, the corporation shall:

70 (a) Establish a unified approach to research, development,
71 and the deployment of alternative energy technology, with the
72 cooperation of the Governor, the Legislature, the Department of
73 Environmental Protection, the Statewide Board of Governors of
74 the State University System, the Public Service Commission, and
75 relevant private-sector entities. The approach established must
76 supplement and may not displace the energy initiatives of the
77 Department of Environmental Protection.

78 (b) Assist the state universities and the private sector
79 in determining the areas on which to focus research in
80 alternative energy technology and to assist in coordinating
81 research projects among the universities and relevant private-
82 sector entities.

83 (c) Assist the Department of Environmental Protection and
84 the private sector in determining the areas on which to focus

85 alternative-energy-technology development or deployment projects
86 and in coordinating such projects among relevant public and
87 private-sector entities.

88 (d) Promote the state as a location for businesses having
89 operations related to alternative energy technologies in
90 cooperation with Enterprise Florida, Inc., and the Department of
91 Environmental Protection.

92 (e) Assist universities, other state entities, and
93 private-sector entities in raising funds from all available
94 public or private-sector sources for projects concerning
95 research, development, or deployment of alternative energy
96 technology, including projects that involve the production of,
97 improvements in, or use of alternative energy technology in this
98 state.

99 (f) Collect and maintain information relating to sources
100 of funding for its work; alternative-energy-technology research,
101 development, or deployment projects that are or have been
102 conducted or that are needed; and alternative-energy-technology
103 businesses that are considering operations in this state.

104 (g) Make policy recommendations to the Legislature, the
105 Governor, and state agencies and subdivisions.

106 (5) The corporation may conduct projects concerning
107 research, development, or deployment of alternative energy
108 technology that are not or cannot be conducted by a state
109 university or the Department of Environmental Protection. The
110 corporation may conduct such projects using only its own
111 personnel and facilities, or in cooperation with one or more
112 universities, one or more private-sector entities, the

113 Department of Environmental Protection, or any combination of
 114 such potential cooperating entities.

115 (6) In performing its functions, the corporation shall
 116 take all possible steps to ensure the maximum benefit to the
 117 state. As part thereof, the corporation shall establish
 118 strategic priorities, consistent with the findings of this
 119 section, to guide funding allocations and ensure the best use of
 120 available resources.

121 (7) The corporation must establish one or more corporate
 122 offices, at least one of which must be located in Leon County.

123 (8) The corporation shall be governed by a board of
 124 directors consisting of the following members:

125 (a) A representative from the Department of Environmental
 126 Protection.

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

128 (c) A representative from the State Board of Education,
 129 selected by the members of that board.

130 (d) A representative selected by the Florida public
 131 utilities, as that term is defined in section 366.02, Florida
 132 Statutes. The term for this board member shall be 2 years, with
 133 a new representative selected at the end of that time.

134 (e) A representative selected by the Florida municipal
 135 electric utilities and rural electric cooperatives. The term for
 136 this board member shall be 2 years, with a new representative
 137 selected at the end of that time.

138 (f) A representative, selected by the President of the
 139 Senate, who is a board member or executive officer of a business
 140 that is located in this state, who has no business interests

141 relating to energy, and who can provide guidance as to locating
 142 and operating a business in this state. The term for this board
 143 member shall be 2 years, with a new representative selected at
 144 the end of that time.

145 (g) A representative, selected by the Speaker of the House
 146 of Representatives, who is a board member or executive officer
 147 of a business that is located in this state, who has no business
 148 interests relating to energy, and who can provide guidance as to
 149 locating and operating a business in this state. The term for
 150 this board member shall be 2 years, with a new representative
 151 selected at the end of that time.

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

157 (9) Vacancies on the board of directors of the corporation
 158 must be filled in the same manner as the original appointment.
 159 Vacancies shall be filled for the remainder of the unexpired
 160 term, where applicable.

161 (10) The members of the board of directors of the
 162 corporation must select a chairperson biennially, upon
 163 appointment of all new members.

164 (11) The board of directors of the corporation must meet
 165 at least four times each year, upon the call of the chairperson,
 166 or at the request of a majority of the membership. A majority of
 167 the total number of all directors constitutes a quorum. The
 168 board may take official action by a majority vote of the members

169 present at any meeting at which a quorum is present.

170 (12) Members of the board of directors of the corporation
 171 shall serve without compensation, but members, the president,
 172 and staff may be reimbursed for all reasonable, necessary, and
 173 actual expenses, as determined by the board.

174 (13) Each member of the board of directors of the
 175 corporation who is not otherwise required to file a financial
 176 disclosure pursuant to Section 8, Article II of the State
 177 Constitution or section 112.3144, Florida Statutes, must file a
 178 disclosure of financial interests pursuant to section 112.3145,
 179 Florida Statutes.

180 (14) The board of directors of the corporation may:

181 (a) Secure funding for programs and activities of the
 182 corporation and its boards from public and private-sector
 183 sources and from fees charged for services or published
 184 materials, and solicit, receive, hold, invest, and administer
 185 any grant, payment, or gift of funds or property and make
 186 expenditures consistent with the powers granted to it.

187 (b) Make and enter into contracts and other instruments
 188 necessary or convenient for the exercise of its powers and
 189 functions.

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

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

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

197 (f) Adopt, amend, and repeal bylaws, not inconsistent with
 198 the powers granted to it or the articles of incorporation, for
 199 the administration of the affairs of the corporation and the
 200 exercise of its corporate powers.

201 (g) Acquire, enjoy, use, and dispose of patents,
 202 copyrights, and trademarks and any licenses, royalties, and
 203 other rights or interests thereunder or therein.

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

206 (i) Use the state seal, notwithstanding the provisions of
 207 section 15.03, Florida Statutes, when appropriate, to establish
 208 that the corporation is the principal alternative energy
 209 technology organization for the state, and for other standard
 210 corporate identity applications. Use of the state seal may not
 211 replace use of a corporate seal as provided in this subsection.

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

214 (k) Procure insurance or require bond against any loss in
 215 connection with the property of the corporation and its board of
 216 directors or working groups, in such amounts and from such
 217 insurers as is necessary or desirable.

218 (l) Create and dissolve advisory committees, task forces,
 219 or similar working groups as necessary to carry out the
 220 corporation's mission. Members of such groups shall serve
 221 without compensation but may be reimbursed for reasonable,
 222 necessary, and actual expenses, as determined by the
 223 corporation's board of directors.

224 (m) Solicit input from the public, organizations concerned

225 about energy in this state, and experts in the field.

226 (15) The powers granted to the corporation shall be
227 liberally construed so that the corporation may aggressively
228 pursue its purpose of being the principal alternative energy
229 technology organization for the state.

230 (16) The corporation's board of directors must appoint a
231 corporate president and establish and adjust the president's
232 compensation. The president is the chief administrative and
233 operational officer of the board of directors and of the
234 corporation, and directs and supervises the administrative
235 affairs of the board and each working group created by the
236 board. The board of directors may delegate to its president
237 those powers and responsibilities it deems appropriate, except
238 for the appointment of a president.

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

244 (18) The board of directors and officers of the
245 corporation are responsible for the prudent use of all public
246 and private funds that the corporation controls and must ensure
247 that the use of such funds is in accordance with applicable
248 laws, bylaws, and contractual requirements. An employee of the
249 corporation may not receive compensation for employment which
250 exceeds the salary paid to the Governor, unless the board of
251 directors and the employee have executed a contract that
252 prescribes specific, measurable performance outcomes for the

253 employee, the satisfaction of which provides the basis for the
 254 award of incentive payments that increase the employee's total
 255 compensation to a level above the salary paid to the Governor.

256 (19) The credit of the State of Florida may not be pledged
 257 on behalf of the corporation.

258 (20) In addition to any indemnification available under
 259 chapter 617, Florida Statutes, the corporation may indemnify,
 260 and purchase and maintain insurance on behalf of, its directors,
 261 officers, employees, or working-group members against personal
 262 liability or accountability for actions taken within the scope
 263 of their employment or authority.

264 (21) By December 1 each year, the corporation must submit
 265 an annual report to the Governor, the President of the Senate,
 266 the Speaker of the House of Representatives, and the chairman of
 267 the State Board of Education containing:

268 (a) A detailed description of the corporation's activities
 269 and accomplishments for the year.

270 (b) An annual financial accounting of resources and
 271 expenditures prepared by an independent certified public
 272 accountant.

273 (c) A statement of the strategic priorities of the
 274 corporation and their use in guiding resource allocations.

275 (d) Any recommendations the corporation has for action by
 276 the Legislature or by the agencies of state, county, or
 277 municipal governments to foster research concerning, or
 278 development or deployment of, alternative energy technology.

279 Section 2. The sum of \$500,000 is appropriated from the
 280 General Revenue Fund to the Executive Office of the Governor for

HB 1603

2005

281 | the purpose of funding the activities of the Florida Alternative
282 | Energy Technology Center, Inc., for the 2005-2006 fiscal year.

283 | Section 3. This act shall take effect upon becoming a law.