

By Senator Bennett

21-465-05

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

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

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19 Section 1. Florida Alternative Energy Technology
20 Center, Inc.; findings; creation; membership; organization;
21 purpose; duties; powers.--

22 (1) The Legislature finds that it is in the public
23 interest to promote, in this state, research on and use of
24 renewable energy resources, energy conservation, distributed
25 generation, advanced transmission methods, and pollution
26 control. Both Florida and the United States in general are
27 overly dependent on fossil fuels to meet the energy needs of
28 homes and businesses. Renewable energy resources and energy
29 conservation resources have the potential to decrease this
30 dependency, minimize volatility of fuel cost, and improve
31 environmental conditions. Distributed energy resources and

1 enhancements to the transmission of electricity have the
2 potential to make our supply of electricity more secure and to
3 decrease the likelihood and severity of blackouts. Research in
4 this state on these subjects can make the state a leader in
5 new and innovative technologies and encourage investment and
6 economic development in this state.

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

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

10 (b) "Alternative energy technology" means energy
11 technologies that are undeveloped or less than established in
12 current markets. The term includes, but is not limited to,
13 hydrogen fuel; fuel cells; distributed generation; biodiesel
14 and similar synthetic fuels; thermo-depolymerization; biomass;
15 agricultural products and byproducts; municipal solid waste,
16 including landfill injection, landfill mining, and landfill
17 gas; solar thermal and solar photovoltaic energy; ocean
18 energy, including wave or thermal; energy conservation,
19 including building, equipment, and appliance efficiency
20 technologies; enhancements to the transmission of electricity,
21 including advanced transmission lines; and environmental
22 standards.

23 (3) There is created a not-for-profit corporation, to
24 be known as the Florida Alternative Energy Technology Center,
25 Inc., which must be registered, incorporated, organized, and
26 operated in compliance with chapter 617, Florida Statutes, and
27 which is not to be a unit or entity of state government. The
28 Legislature determines, however, that public policy dictates
29 that the corporation operate in the most open and accessible
30 manner consistent with its public purpose. To this end, the
31 Legislature specifically declares that the corporation and its

1 board of directors, and the task forces, advisory committees,
2 and similar working groups that the corporation creates, are
3 subject to the provisions of chapter 119, Florida Statutes,
4 relating to public records and the provisions of chapter 286,
5 Florida Statutes, relating to public meetings and records.

6 (4) The corporation is the principal alternative
7 energy technology organization for the state and shall provide
8 leadership for research, development, and deployment of
9 alternative energy technology in this state, including
10 production of, improvements in, and the use of such
11 technology. In fulfilling this responsibility, the corporation
12 shall:

13 (a) Establish a unified approach to research,
14 development, and the deployment of alternative energy
15 technology, with the cooperation of the Governor, the
16 Legislature, the Department of Environmental Protection, the
17 Statewide Board of Governors of the State University System,
18 the Public Service Commission, and relevant private-sector
19 entities. The approach established must supplement and may not
20 displace the energy initiatives of the Department of
21 Environmental Protection.

22 (b) Assist the state universities and the private
23 sector in determining the areas on which to focus research in
24 alternative energy technology and to assist in coordinating
25 research projects among the universities and relevant
26 private-sector entities.

27 (c) Assist the Department of Environmental Protection
28 and the private sector in determining the areas on which to
29 focus alternative-energy-technology development or deployment
30 projects and in coordinating such projects among relevant
31 public and private-sector entities.

1 (d) Promote the state as a location for businesses
2 having operations related to alternative energy technologies
3 in cooperation with Enterprise Florida, Inc., and the
4 Department of Environmental Protection.

5 (e) Assist universities, other state entities, and
6 private-sector entities in raising funds from all available
7 public or private-sector sources for projects concerning
8 research, development, or deployment of alternative energy
9 technology, including projects that involve the production of,
10 improvements in, or use of alternative energy technology in
11 this state.

12 (f) Collect and maintain information relating to
13 sources of funding for its work; alternative-energy-technology
14 research, development, or deployment projects that are or have
15 been conducted or that are needed; and
16 alternative-energy-technology businesses that are considering
17 operations in this state.

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

20 (5) The corporation may conduct projects concerning
21 research, development, or deployment of alternative energy
22 technology that are not or cannot be conducted by a state
23 university or the Department of Environmental Protection. The
24 corporation may conduct such projects using only its own
25 personnel and facilities, or in cooperation with one or more
26 universities, one or more private-sector entities, the
27 Department of Environmental Protection, or any combination of
28 such potential cooperating entities.

29 (6) In performing its functions, the corporation shall
30 take all possible steps to ensure the maximum benefit to the
31 state. As part thereof, the corporation shall establish

1 strategic priorities, consistent with the findings of this
2 section, to guide funding allocations and ensure the best use
3 of available resources.

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

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

9 (a) A representative from the Department of
10 Environmental Protection.

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

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

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

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

22 (f) A representative, selected by the President of the
23 Senate, who is a board member or executive officer of a
24 business that is located in this state, who has no business
25 interests relating to energy, and who can provide guidance as
26 to locating and operating a business in this state. The term
27 for this board member shall be 2 years, with a new
28 representative selected at the end of that time.

29 (g) A representative, selected by the Speaker of the
30 House of Representatives, who is a board member or executive
31 officer of a business that is located in this state, who has

1 no business interests relating to energy, and who can provide
2 guidance as to locating and operating a business in this
3 state. The term for this board member shall be 2 years, with a
4 new representative selected at the end of that time.

5 (h) A representative, selected by the Governor, who is
6 from an environmental group that is informed about energy
7 matters of this state. The term for this board member shall be
8 2 years, with a new representative selected at the end of that
9 time.

10 (9) Vacancies on the board of directors of the
11 corporation must be filled in the same manner as the original
12 appointment. Vacancies shall be filled for the remainder of
13 the unexpired term, where applicable.

14 (10) The members of the board of directors of the
15 corporation must select a chairperson biennially, upon
16 appointment of all new members.

17 (11) The board of directors of the corporation must
18 meet at least four times each year, upon the call of the
19 chairperson, or at the request of a majority of the
20 membership. A majority of the total number of all directors
21 constitutes a quorum. The board may take official action by a
22 majority vote of the members present at any meeting at which a
23 quorum is present.

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

28 (13) Each member of the board of directors of the
29 corporation who is not otherwise required to file a financial
30 disclosure pursuant to Section 8, Article II of the State
31 Constitution or section 112.3144, Florida Statutes, must file

1 a disclosure of financial interests pursuant to section
2 112.3145, Florida Statutes.

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

4 (a) Secure funding for programs and activities of the
5 corporation and its boards from public and private-sector
6 sources and from fees charged for services or published
7 materials, and solicit, receive, hold, invest, and administer
8 any grant, payment, or gift of funds or property and make
9 expenditures consistent with the powers granted to it.

10 (b) Make and enter into contracts and other
11 instruments necessary or convenient for the exercise of its
12 powers and functions.

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

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

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

20 (f) Adopt, amend, and repeal bylaws, not inconsistent
21 with the powers granted to it or the articles of
22 incorporation, for the administration of the affairs of the
23 corporation and the exercise of its corporate powers.

24 (g) Acquire, enjoy, use, and dispose of patents,
25 copyrights, and trademarks and any licenses, royalties, and
26 other rights or interests thereunder or therein.

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

29 (i) Use the state seal, notwithstanding the provisions
30 of section 15.03, Florida Statutes, when appropriate, to
31 establish that the corporation is the principal alternative

1 energy technology organization for the state, and for other
2 standard corporate identity applications. Use of the state
3 seal may not replace use of a corporate seal as provided in
4 this subsection.

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

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

11 (l) Create and dissolve advisory committees, task
12 forces, or similar working groups as necessary to carry out
13 the corporation's mission. Members of such groups shall serve
14 without compensation but may be reimbursed for reasonable,
15 necessary, and actual expenses, as determined by the
16 corporation's board of directors.

17 (m) Solicit input from the public, organizations
18 concerned about energy in this state, and experts in the
19 field.

20 (15) The powers granted to the corporation shall be
21 liberally construed so that the corporation may aggressively
22 pursue its purpose of being the principal alternative energy
23 technology organization for the state.

24 (16) The corporation's board of directors must appoint
25 a corporate president and establish and adjust the president's
26 compensation. The president is the chief administrative and
27 operational officer of the board of directors and of the
28 corporation, and directs and supervises the administrative
29 affairs of the board and each working group created by the
30 board. The board of directors may delegate to its president
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1 those powers and responsibilities it deems appropriate, except
2 for the appointment of a president.

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

8 (18) The board of directors and officers of the
9 corporation are responsible for the prudent use of all public
10 and private funds that the corporation controls and must
11 ensure that the use of such funds is in accordance with
12 applicable laws, bylaws, and contractual requirements. An
13 employee of the corporation may not receive compensation for
14 employment which exceeds the salary paid to the Governor,
15 unless the board of directors and the employee have executed a
16 contract that prescribes specific, measurable performance
17 outcomes for the employee, the satisfaction of which provides
18 the basis for the award of incentive payments that increase
19 the employee's total compensation to a level above the salary
20 paid to the Governor.

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

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

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

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

5 (b) An annual financial accounting of resources and
6 expenditures prepared by an independent certified public
7 accountant.

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

10 (d) Any recommendations the corporation has for action
11 by the Legislature or by the agencies of state, county, or
12 municipal governments to foster research concerning, or
13 development or deployment of, alternative energy technology.

14 Section 2. The sum of \$500,000 is appropriated from
15 the General Revenue Fund to the Executive Office of the
16 Governor for the purpose of funding the activities of the
17 Florida Alternative Energy Technology Center, Inc., for the
18 2005-2006 fiscal year.

19 Section 3. This act shall take effect upon becoming a
20 law.

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23 SENATE SUMMARY

24 Creates the Florida Alternative Energy Center, Inc.
25 Provides for the organization, purpose, and duties of the
26 center. Provides for membership of the board of
27 directors. Provides for disclosure of financial interests
28 of board members. Requires an annual report.
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