

CHAMBER ACTION

1 The Utilities & Telecommunications Committee recommends the  
2 following:

3  
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

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

18  
19 Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

43       (b) "Alternative energy technology" means energy  
44 technologies that are undeveloped or less than established in  
45 current markets. The term includes, but is not limited to,  
46 hydrogen fuel; fuel cells; distributed generation; biodiesel and  
47 similar synthetic fuels; thermo-depolymerization; biomass;  
48 agricultural products and byproducts; municipal solid waste,  
49 including landfill injection, landfill mining, and landfill gas;  
50 solar thermal and solar photovoltaic energy; ocean energy,  
51 including wave or thermal; energy conservation, including

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52 building, equipment, and appliance efficiency technologies;  
53 enhancements to the transmission of electricity, including  
54 advanced transmission lines; and environmental standards.

55 (3) There is created a not-for-profit corporation, to be  
56 known as the Florida Alternative Energy Technology Center, Inc.,  
57 which must be registered, incorporated, organized, and operated  
58 in compliance with chapter 617, Florida Statutes, and which is  
59 not to be a unit or entity of state government. The Legislature  
60 determines, however, that public policy dictates that the  
61 corporation operate in the most open and accessible manner  
62 consistent with its public purpose. To this end, the Legislature  
63 specifically declares that the corporation and its board of  
64 directors and the task forces, advisory committees, and similar  
65 working groups that the corporation creates are subject to the  
66 provisions of chapter 119, Florida Statutes, relating to public  
67 records and the provisions of chapter 286, Florida Statutes,  
68 relating to public meetings and records.

69 (4) The corporation is the principal alternative energy  
70 technology organization for the state and shall provide  
71 leadership for research, development, and deployment of  
72 alternative energy technology in this state, including  
73 production of, improvements in, and the use of such technology.  
74 In fulfilling this responsibility, the corporation shall:

75 (a) Establish a unified approach to research, development,  
76 and the deployment of alternative energy technology, with the  
77 cooperation of the Governor, the Legislature, the Department of  
78 Environmental Protection, the Statewide Board of Governors of  
79 the State University System, the Public Service Commission, and

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80 relevant private-sector entities. The approach established must  
81 supplement and not displace the energy initiatives of the  
82 Department of Environmental Protection.

83 (b) Assist the state universities and the private sector  
84 in determining the areas on which to focus research in  
85 alternative energy technology and to assist in coordinating  
86 research projects among the universities and relevant private-  
87 sector entities.

88 (c) Assist the Department of Environmental Protection and  
89 the private sector in determining the areas on which to focus  
90 alternative-energy-technology development or deployment projects  
91 and in coordinating such projects among relevant public and  
92 private-sector entities.

93 (d) Promote the state as a location for businesses having  
94 operations related to alternative energy technologies in  
95 cooperation with Enterprise Florida, Inc., and the Department of  
96 Environmental Protection.

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

104 (f) Collect and maintain information relating to sources  
105 of funding for its work; alternative-energy-technology research,  
106 development, or deployment projects that are or have been

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107 conducted or that are needed; and alternative-energy-technology  
108 businesses that are considering operations in this state.

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

111 (5) The corporation may conduct projects concerning  
112 research, development, or deployment of alternative energy  
113 technology that are not or cannot be conducted by a state  
114 university or the Department of Environmental Protection. The  
115 corporation may conduct such projects using only its own  
116 personnel and facilities, or in cooperation with one or more  
117 universities, one or more private-sector entities, the  
118 Department of Environmental Protection, or any combination of  
119 such potential cooperating entities.

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

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

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

130 (a) A representative from the Department of Environmental  
131 Protection.

132 (b) The President of Enterprise Florida, Inc., or his or  
133 her designee.

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

136 (d) A representative selected by the public utilities, as  
137 that term is defined in s. 366.02, Florida Statutes. The term  
138 for this board member shall be 2 years, with a new  
139 representative selected at the end of that time.

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

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

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

158 (h) A representative, selected by the Governor, who is  
159 from an environmental group that is informed about energy  
160 matters of this state. The term for this board member shall be 2

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161 years, with a new representative selected at the end of that  
162 time.

163 (9) Vacancies on the board of directors of the corporation  
164 must be filled in the same manner as the original appointment.  
165 Vacancies shall be filled for the remainder of the unexpired  
166 term, where applicable.

167 (10) The members of the board of directors of the  
168 corporation must select a chair biennially, upon appointment of  
169 all new members.

170 (11) The board of directors of the corporation must meet  
171 at least four times each year, upon the call of the chair, or at  
172 the request of a majority of the membership. A majority of the  
173 total number of all directors constitutes a quorum. The board  
174 may take official action by a majority vote of the members  
175 present at any meeting at which a quorum is present.

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

180 (13) Each member of the board of directors of the  
181 corporation who is not otherwise required to file a financial  
182 disclosure pursuant to Section 8, Article II of the State  
183 Constitution or s. 112.3144, Florida Statutes, must file a  
184 disclosure of financial interests pursuant to s. 112.3145,  
185 Florida Statutes.

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

187 (a) Secure funding for programs and activities of the  
188 corporation and its boards from public and private-sector

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189 sources and from fees charged for services or published  
190 materials, and solicit, receive, hold, invest, and administer  
191 any grant, payment, or gift of funds or property and make  
192 expenditures consistent with the powers granted to it.

193 (b) Make and enter into contracts and other instruments  
194 necessary or convenient for the exercise of its powers and  
195 functions.

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

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

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

203 (f) Adopt, amend, and repeal bylaws, not inconsistent with  
204 the powers granted to it or the articles of incorporation, for  
205 the administration of the affairs of the corporation and the  
206 exercise of its corporate powers.

207 (g) Acquire, enjoy, use, and dispose of patents,  
208 copyrights, and trademarks and any licenses, royalties, and  
209 other rights or interests thereunder or therein.

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

212 (i) Use the state seal, notwithstanding the provisions of  
213 s. 15.03, Florida Statutes, when appropriate, to establish that  
214 the corporation is the principal alternative energy technology  
215 organization for the state, and for other standard corporate

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216 identity applications. Use of the state seal may not replace use  
217 of a corporate seal as provided in this subsection.

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

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

224 (l) Create and dissolve advisory committees, task forces,  
225 or similar working groups as necessary to carry out the  
226 corporation's mission. Members of such groups shall serve  
227 without compensation but may be reimbursed for reasonable,  
228 necessary, and actual expenses, as determined by the  
229 corporation's board of directors.

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

232 (15) The powers granted to the corporation shall be  
233 liberally construed so that the corporation may aggressively  
234 pursue its purpose of being the principal alternative energy  
235 technology organization for the state.

236 (16) The corporation's board of directors must appoint a  
237 corporate president and establish and adjust the president's  
238 compensation. The president is the chief administrative and  
239 operational officer of the board of directors and of the  
240 corporation, and directs and supervises the administrative  
241 affairs of the board and each working group created by the  
242 board. The board of directors may delegate to its president

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243 those powers and responsibilities it deems appropriate, except  
244 for the appointment of a president.

245 (17) The board of directors and officers of the  
246 corporation are responsible for the prudent use of all public  
247 and private funds that the corporation controls and must ensure  
248 that the use of such funds is in accordance with applicable  
249 laws, bylaws, and contractual requirements. An employee of the  
250 corporation may not receive compensation for employment which  
251 exceeds the salary paid to the Governor, unless the board of  
252 directors and the employee have executed a contract that  
253 prescribes specific, measurable performance outcomes for the  
254 employee, the satisfaction of which provides the basis for the  
255 award of incentive payments that increase the employee's total  
256 compensation to a level above the salary paid to the Governor.

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

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

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

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

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

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

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

280        Section 2. The sum of \$500,000 is appropriated from the  
281 General Revenue Fund to the Executive Office of the Governor for  
282 the purpose of funding the activities of the Florida Alternative  
283 Energy Technology Center, Inc., for the 2006-2007 fiscal year.

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