

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

13

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

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16           Section 1. Florida Alternative Energy Technology Center,  
 17 Inc.; findings; creation; membership; organization; purpose;  
 18 duties; powers.--

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

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

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

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

48 (b) "Corporation" means the Florida Alternative Energy  
49 Technology Center, Inc.

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 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 Board of Governors of the State  
74 University System, the Public Service Commission, and relevant  
75 private-sector entities. The approach established must  
76 supplement and 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. The corporation shall establish strategic priorities,  
118 consistent with the findings of this section, to guide funding  
119 allocations and ensure the best use of available resources.

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

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

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

126 (b) The President of Enterprise Florida, Inc., or his or  
127 her designee.

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 public utilities, as  
131 defined in s. 366.02, Florida Statutes. The term for this board  
132 member shall be 2 years, with a new representative selected at  
133 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

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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 shall 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 chair biennially, upon appointment of  
163 all new members.

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

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169 the members 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 s. 112.3144, Florida Statutes, must file a  
178 disclosure of financial interests pursuant to s. 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 s. 15.03, Florida Statutes, when appropriate, to establish that  
208 the corporation is the principal alternative energy technology  
209 organization for the state, and for other standard corporate  
210 identity applications. Use of the state seal may not replace use  
211 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



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

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

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

259       (20) By December 1 of each year, the corporation must  
 260 submit an annual report to the Governor, the President of the  
 261 Senate, the Speaker of the House of Representatives, and the  
 262 chair of the State Board of Education containing:

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

265       (b) An annual financial accounting of resources and  
 266 expenditures prepared by an independent certified public  
 267 accountant.

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

270       (d) Any recommendations the corporation has for action by  
 271 the Legislature or by the agencies of state, county, or  
 272 municipal governments to foster research concerning, or  
 273 development or deployment of, alternative energy technology.

274       Section 2. The sum of \$500,000 is appropriated from the  
 275 General Revenue Fund to the Executive Office of the Governor for  
 276 the purpose of funding the activities of the Florida Alternative  
 277 Energy Technology Center, Inc., for the 2007-2008 fiscal year.

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