

By Senator Posey

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1 A bill to be entitled
2 An act relating to the Florida Clean Energy Center, Inc.;
3 providing legislative findings; creating the Florida Clean
4 Energy Center, Inc.; applying specified laws concerning
5 public records and open meetings to the center; requiring
6 that the center be governed by a board of directors;
7 providing for membership on the board of directors;
8 requiring that the center establish, at minimum, an office
9 at the Kennedy Space Center; requiring that the center
10 provide leadership in certain areas concerning clean
11 energy; authorizing the center to develop and implement
12 programs or strategies concerning clean energy;
13 authorizing the center to invest certain public funds for
14 specified purposes; stating legislative intent to maximize
15 private-sector support for the operation of the center;
16 requiring that the center's board of directors annually
17 adopt a plan and budget; specifying various powers and
18 duties of the center's board of directors and the center;
19 authorizing the center to issue revenue bonds or bond
20 anticipation notes under specified conditions; providing
21 criteria concerning the bonds and notes; providing for
22 liberal construction; providing an appropriation;
23 providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Florida Clean Energy Center, Inc.--

28 (1) The Legislature finds that there is a critical need to
29 promote and accelerate the development of clean energy sources

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30 for this state. To stimulate necessary research and development,
31 it is essential to provide financial and other incentives to
32 qualified private and public entities. This may be best
33 accomplished by creating a state-of-the-art international
34 research center to be located at the Kennedy Space Center. This
35 center shall be constructed under the supervision of Brevard
36 County and managed and operated through a not-for-profit
37 corporation in coordination with the Florida Institute of
38 Technology and other public and private universities.

39 (2) (a) There is created a not-for-profit corporation, to be
40 known as the "Florida Clean Energy Center, Inc.," which shall be
41 registered, incorporated, organized, and operated in compliance
42 with chapter 617, Florida Statutes, and which is not a unit or
43 entity of state government. The Legislature determines, however,
44 that public policy requires that the Florida Clean Energy Center,
45 Inc., operate in the most open and accessible manner consistent
46 with its public purpose. To this end, the center and its boards
47 and advisory committees or similar groups are subject to chapters
48 119 and 286, Florida Statutes, except as specifically exempted.

49 (b) The Florida Clean Energy Center, Inc., shall be
50 governed by a board of directors whose members are the individual
51 County Commissioners of Brevard County, or the designees of
52 individual commissioners. The center shall establish one or more
53 corporate offices, one of which shall be located in Brevard
54 County at the Kennedy Space Center.

55 (3) Florida Clean Energy Center, Inc., shall provide
56 leadership in the development of clean energy in this state by
57 aggressively establishing a unified approach to the state's
58 efforts to meet the current crises concerning clean energy and by

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59 aggressively marketing this state as a probusiness location for
60 potential new investment in clean energy. In support of this
61 effort, the center may develop and implement specific programs or
62 strategies that address the creation, expansion, and retention of
63 businesses involved in clean energy and the recruitment of
64 worldwide businesses that promote clean alternative energy
65 solutions.

66 (4) (a) The public funds appropriated for the operation of
67 the Florida Clean Energy Center, Inc., may be invested in public-
68 private partnerships to enhance clean energy research, to
69 encourage investments in clean energy which create jobs, and to
70 create new employment opportunities for residents. This policy is
71 the Legislature's priority consideration when reviewing the
72 return on investment for the Florida Clean Energy Center, Inc.

73 (b) It is further the intent of the Legislature to maximize
74 private-sector support in operating the Florida Clean Energy
75 Center, Inc., as an endorsement of the center's value and as an
76 enhancement of the center's efforts.

77 (c) The board of directors of the Florida Clean Energy
78 Center, Inc., shall adopt for each upcoming fiscal year a plan
79 for securing private-sector support and an operating budget for
80 the center which specifies the intended uses of the state and
81 local funds invested in its operation.

82 (5) The board of directors of the Florida Clean Energy
83 Center, Inc., shall have the power and duty to:

84 (a) Construct a state-of-the-art facility for clean energy
85 research at the Kennedy Space Center. This center shall be
86 constructed under the supervision of Brevard County and managed
87 and operated by the center in coordination with the Florida

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88 Institute of Technology and other public and private
89 universities.

90 (b) Secure funding for the center's programs, activities,
91 and boards from federal, state, local, and private sources and
92 from fees charged for services.

93 (c) Solicit, receive, hold, invest, and administer any
94 grant, payment, or gift of funds or property. This includes, but
95 is not limited to, the receipt of tax increment financing from ad
96 valorem taxes imposed upon leaseholds of tenants at the center.

97 (d) Make expenditures consistent with the powers granted to
98 it.

99 (e) Make and enter into contracts and other instruments
100 necessary or convenient for the exercise of its powers and
101 functions. This includes, but is not limited to, entering into a
102 contract with the Florida Institute of Technology to plan,
103 operate, and manage the center in cooperation with the University
104 of Central Florida, Embry Riddle, and Florida Atlantic
105 University.

106 (f) Sue and be sued, and appear and defend in all actions
107 and proceedings in its corporate name to the same extent as a
108 natural person.

109 (g) Elect or appoint such officers and agents as its
110 affairs require and allow them reasonable compensation.

111 (h) Adopt, amend, and repeal bylaws, not inconsistent with
112 the powers granted to it or the articles of incorporation, for
113 the administration of the center's affairs and the exercise of
114 the center's corporate powers.

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115 (i) Acquire, enjoy, use, and dispose of patents,
116 copyrights, and trademarks and any licenses, royalties, and other
117 rights or interests thereunder or therein.

118 (j) Do all acts and things necessary or convenient to carry
119 out the powers granted to it.

120 (k) Carry forward any unexpended appropriations from the
121 state into succeeding fiscal years.

122 (l) Procure insurance or require bond against any loss in
123 connection with the property of the center or its boards in such
124 amounts and from such insurers as is necessary or desirable.

125 (m) Create and dissolve advisory committees, working
126 groups, task forces, or similar organizations as necessary to
127 carry out the center's mission. Members of any such organizations
128 created by the center or its board of directors shall serve
129 without compensation, but are entitled to reimbursement for
130 reasonable, necessary, and actual expenses, as determined by the
131 board.

132 (6) In addition to all other powers and authority not
133 explicitly prohibited by law, the center has the following powers
134 and duties:

135 (a) Enter into interlocal agreements under s. 163.01(7),
136 Florida Statutes, with public agencies of this state for the
137 exercise of any power, privilege, or authority consistent with
138 the purposes of this section.

139 (b) Issue from time to time revenue bonds, including, but
140 not limited to, bonds the interest on which is exempt from
141 federal income taxation, for the purpose of constructing,
142 operating, and improving the center, and exercise all powers in

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143 connection with the authorization, issuance, and sale of bonds,
144 subject to the provisions of s. 288.9606, Florida Statutes.

145 (c) Issue bond anticipation notes in connection with the
146 authorization, issuance, and sale of any such revenue bonds,
147 pursuant to the provisions of s. 288.9606, Florida Statutes.

148 (d) Disseminate information about itself and its
149 activities.

150 (e) Acquire, by purchase, lease, option, gift, grant,
151 bequest, devise, or otherwise, real property or personal property
152 for its administrative purposes, together with any improvements
153 thereon.

154 (f) Hold, improve, clear, or prepare for development any
155 such property.

156 (g) Mortgage, pledge, hypothecate, or otherwise encumber or
157 dispose of any real or personal property.

158 (h) Insure or provide for insurance of any real or personal
159 property or operations of the center or any private enterprise
160 against any risks or hazards, including the power to pay premiums
161 on any such insurance.

162 (i) Establish and fund a guaranty fund.

163 (j) Borrow money and apply for or accept advances, loans,
164 grants, contributions, and any other form of financial assistance
165 from the Federal Government, the state, a county, another public
166 body, or any other source, public or private, for the purposes of
167 this section. This includes giving such security as may be
168 required in connection with such borrowing, application, or
169 acceptance and entering into and carrying out contracts or
170 agreements in connection therewith. The center may include
171 conditions in a contract for financial assistance with the

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172 Federal Government for, or with respect to, any purposes under
173 this section if the conditions are required for compliance with a
174 federal law, not inconsistent with this section and deemed
175 reasonable by the county or municipality.

176 (k) Make or have all surveys and plans necessary to carry
177 out the purposes of this section. This includes adopting,
178 approving, modifying, or amending any such plan or survey and
179 contracting with any person, public or private, in making and
180 implementing any such plan or survey.

181 (l) Develop, test, and report methods and techniques and
182 carry out demonstrations and other activities to promote any
183 purpose of this section.

184 (m) Make expenditures necessary to carry out the purposes
185 of this section.

186 (7) (a) From time to time, when authorized by its board of
187 directors, the Center for Clean Energy, Inc., may in its
188 corporate capacity issue revenue bonds or other evidence of
189 indebtedness that a public agency has the power to issue in order
190 to finance the undertaking of any purpose of this section,
191 including, without limiting the generality thereof, the payment
192 of principal and interest upon any advances for surveys and plans
193 or preliminary loans, and may issue refunding bonds for the
194 payment or retirement of bonds previously issued. The security
195 for such revenue bonds or refunding bonds may be based upon such
196 revenues as are legally available. In anticipation of the sale of
197 such revenue bonds, the center may issue bond anticipation notes
198 and may renew such notes from time to time; however, the maximum
199 maturity of any such note, including renewals thereof, may not
200 exceed 5 years following the date of issuance of the original

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201 note. Any such anticipation note or renewal shall be paid from
202 any revenues of the corporation available therefor and not
203 otherwise pledged or from the proceeds of sale of the revenue
204 bonds that were issued in anticipation of such proceeds. Any
205 bond, note, or other form of indebtedness issued pursuant to this
206 section shall mature no later than the end of the 30th fiscal
207 year after the fiscal year in which the bond, note, or other form
208 of indebtedness was issued.

209 (b) Bonds issued under this subsection do not constitute an
210 indebtedness within the meaning of any constitutional or
211 statutory debt limitation or restriction and are not subject to
212 any other law or charter relating to the authorization, issuance,
213 or sale of bonds.

214 (c) Bonds issued under this subsection are declared to be
215 for an essential public and governmental purpose.

216 (d) The interest on bonds issued under this subsection and
217 the interest or income earned on such interest is exempt from
218 income taxes of the United States and all taxes.

219 (8) The Legislature intends that the powers of the center
220 created by this section be liberally construed to achieve the
221 purposes and goals of the section.

222 Section 2. The sum of \$50 million is appropriated from the
223 General Revenue Fund to the Clean Energy Center, Inc., for the
224 purpose of paying for the plans, design, and construction of the
225 Clean Energy Center. This sum is inclusive of any other grant or
226 award of a contract by a state agency under an existing program
227 to the center for this purpose.

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